



# Public Document Pack

## Melksham Town Council

Town Hall, Melksham, Wiltshire, SN12 6ES

Tel: (01225) 704187

Town Clerk and RFO Linda Roberts BA(Hons) PGCAP, FHEA,  
FLSCC

To: Councillor S Rabey (Chair)  
Councillor J Oatley (Vice-Chair)  
Councillor P Alford  
Councillor P Aves  
Councillor G Cooke  
Councillor G Ellis  
Councillor Stokes  
Councillor J Westbrook

23 January 2024

Dear Councillors

In accordance with the Local Government Act (LGA) 1972, Sch 12, paras 10 (2)(b) you are invited to attend the **Economic Development and Planning Committee** meeting of Melksham Town Council. The meeting will be held at the Town Hall on **Tuesday 30th January 2024** commencing at **7.00 pm**.

A period of public participation will take place in accordance with Standing Order 3(e) prior to the formal opening of the meeting. The Press and Public are welcome to attend this meeting in person, alternatively the public and press may join the meeting via Zoom.

In accordance with the Council's commitment to being open and transparent; all Town Council meetings are recorded and broadcast live. The right to do so was established under the Openness of Local Government Bodies Regulations.

Yours sincerely

Mrs L A Roberts BA(Hons), PGCAP, FHEA, FSLCC  
Town Clerk and RFO

**Melksham Town Council**  
**Economic Development and Planning Committee**  
**Tuesday 30 January 2024**  
**At 7.00 pm at the Town Hall**

**Public Participation** – To receive questions from members of the public.

*In the exercise of Council functions. Members are reminded that the Council has a general duty to consider Crime & Disorder, Health & Safety, Human Rights and the need to conserve biodiversity. The Council also has a duty to tackle discrimination, provide equality of opportunity for all and foster good relations in the course of developing policies and delivery services under the public sector Equality Duty and Equality 2010.*

**Virtual Meeting Access:**

Please follow the joining instructions below for the virtual Zoom meeting

<https://us02web.zoom.us/j/83669876198?pwd=WlAvY1ZsYVNyUIM3VktgajFvOHhtdz09>

**Join Zoom Meeting**

**Meeting ID:** 836 6987 6198      **Passcode:** 481965

**Participants will be directly let in the meeting by clicking on the above link. There is no waiting room**

**AGENDA**

**1. Apologises**

To receive apologies for absence

**2. Declarations of Interest**

To receive any Declarations of Interest in respect of items on this agenda as required by the Code of Conduct adopted by the Council.

*Members are reminded that, in accordance with the Council's Code of Conduct, they are required to declare any disclosable pecuniary interest or other registrable interests which have not already been declared in the Council's Register of Interests. Members may however, also decide, in the interests of clarity and transparency, to declare at this point in the meeting, any such disclosable pecuniary interests which they have already declared on the Register, as well as any other registrable or other interests.*

**3. Minutes (Pages 1 - 4)**

To approve the Minutes of the Economic Development and Planning Committee meeting held on 9 January 2024.

**4. Presentation from Melksham Lions**

To receive a presentation on a plan to reopen the well in the Market Place as a Wishing Well.

**5. Planning Considerations**

Members to note that when responding to planning applications consideration should be given to the Melksham Joint Neighbourhood Plan, the Wiltshire Core Strategy and the National Planning Policy Framework (NPPF).

**6. Planning Applications**

To comment on the following planning applications

**6.1 PL/2023/10718**

[PL/2023/10718](#) - Householder Application

Address: 35A Barnwell Road, Melksham, SN12 7DG

Proposal: Proposed single storey rear extension.

Respond By 26-01-2024

**6.2 PL/2023/11135**

[PL/2023/11135](#) - Householder Application

Address: 18 Crescent Road, Melksham, SN12 7EU

Proposal: Retrospective application for the existing addition of garden outbuilding.

Respond By 08-02-2024

**6.3 PL/2024/00327**

[PL/2024/00327](#) - Householder Application

Address: 78 Sandridge Road, Melksham, SN12 7BS

Proposal: A single storey side structure for car parking and workshop and part single storey side, part two storey rear extension.

Respond By 13-02-2024

**6.4 PL/2023/11188**

[PL/2023/11188](#) - Outline Planning Permission

Address: Land at Blackmore Farm, Sandridge Common, Melksham, SN12 7QS Proposal: Demolition of agricultural buildings and development of up to 500 dwellings; up to 5,000 square metres of employment (class E(g)(i)) & class E(g)(ii)); land for primary school (class F1); land for mixed-use hub (class E / class F); open space; provision of access infrastructure from Sandridge Common (A3102);

and provision of all associated infrastructure necessary to facilitate the development of the site (Outline application relating to access)  
Respond By 26-02-2024

This application is close to the border of MTC and MWPC, within MWPC.

## **7. Planning Decisions**

To note the following planning decisions

### **7.1 PL/2023/09269**

[PL/2023/09269](#) - Works to a Listed Building

Address: The Roundhouse, Prince of Wales Gardens, Church Street, Melksham, Wilts

Proposal: Urgent pointing work and stabilisation to maintain the historic appearance and integrity

Decision Date: 04-01-2024 Decision: Approve with Conditions

MTC Decision: Support

### **7.2 PL/2023/10184**

[PL/2023/10184](#) - Householder Application

Address: 7 Marjoram Close, Melksham, SN12 6YU

Proposal: Single storey extension to rear elevation

Decision Date: 09-01-2024 Decision: Approve with Conditions

MTC Decision: Unable to make decision as plans were unclear.

### **7.3 PL/2023/10357**

[PL/2023/10357](#) - Proposed Works to Trees in a Conservation Area

Address: 4B PLACE ROAD, MELKSHAM, SN12 6JN

Proposal: T1- Sycamore tree - Fell - Out grown it location, over shading garden , and also quite significant signs of decay on trunk.

Decision Date: 10-01-2024 Decision: No Objection

MTC Decision: Support.

## **8. Local Cycling and Walking Plan (LCWIP) for Melksham (Pages 5 - 16)**

This matter has been referred back to this committee from Full Council.

## **9. Local Highways and Footpath Improvement Group (LHFIG) Issues**

### **9.1 Footbridge Westbury View-Primrose Drive (Pages 17 - 18)**

## **10. A350 Signal Refurbishment (Pages 19 - 20)**

To note.

## **11. Revised NPPF Briefing Note (Pages 21 - 28)**

To note.

**12. Neighbourhood Plan**

To receive a verbal update from councillors on the JMNP Steering Committee.

**13. Sparkle Team and Parish Steward**

To consider jobs to be undertaken by the Sparkle Team and Parish Steward.

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## Melksham Town Council

### Minutes of the Economic Development and Planning Committee meeting held on Tuesday 9th January 2024

#### PRESENT:

Councillor P Alford  
Councillor P Aves  
Councillor Stokes  
Councillor J Westbrook

#### IN ATTENDANCE:

**OFFICERS:** Andrew Meacham Committee Clerk

**PUBLIC PARTICIPATION:** One member of the public was present virtually.

#### **606/23 Appointment of Chair for the meeting**

It was proposed by Councillor Westbrook, seconded by Councillor Alford and  
**UNANIMOUSLY RESOLVED** to appoint Councillor Aves as Chair of the meeting.

#### **607/23 Apologises**

Apologies were received from Councillor Rabey and Councillor Ellis.

#### **608/23 Declarations of Interest**

There were no declarations of interest.

#### **609/23 Minutes**

The minutes of 5 December 2023, having previously been circulated, were approved as a correct record and signed by Councillor Aves.

#### **610/23 Planning Applications**

#### **611/23 PL/2023/10357**

Councillor Aves asked if the committee could request a replacement be planted.  
Councillor Alford pointed out that the trunk would need to be dug out and the tree was next to a fence.

It was proposed by Councillor Aves, seconded by Councillor Alford and **UNANIMOUSLY RESOLVED** to support the application.

**612/23 PL/2023/10184**

Councillors noted that plans were not clear.

It was proposed by Councillor Alford, seconded by Councillor Stokes and **UNANIMOUSLY RESOLVED** to reply that the committee was unable to support or oppose due to unclear documents

**613/23 PL/2023/10730**

It was proposed by Councillor Aves, seconded by Councillor Stokes and **UNANIMOUSLY RESOLVED** to support the application.

**614/23 PL/2023/10488**

Councillor Stokes felt the pathway was needed and noted that Councillor Sankey was very supportive. She referenced the Biodiversity, Ecological and Arboricultural reports and issues with wildlife. Could something such as hedging be put in place to prevent people straying from the path. Lighting and CCTV should also be considered.

Councillor Westbrook supported Councillor Stokes comments and particularly stressed the need for CCTV.

Councillor Alford felt that lighting may have an adverse effect on bats and fencing would limit wildlife access across the pathway.

Councillor Aves was pleased that the pathway was being proposed. She noted that hedging would require maintenance and that lighting could be installed that had minimal effect on wildlife.

Councillor Alford noted that the route was already used by school children and he believed that the wider area has been allocated in the local development plan.

It was proposed by Councillor Aves, seconded by Councillor Alford and **UNANIMOUSLY RESOLVED** to support the application but be mindful of biodiversity and wider development of the site.

**615/23 Planning Decisions**

**616/23 PL/2023/07608**

The decision was noted.

**617/23 PL/2023/08688**

The decision was noted.



**618/23 PL/2023/00065**

The decision was noted.

**619/23 PL/2023/05351**

The decision was noted.

**620/23 PL/2023/09560**

The decision was noted.

**621/23 PL/2023/05180**

The decision was noted.

**622/23 PL/2023/08930**

The decision was noted.

**623/23 PL/2023/09789**

The decision was noted.

**624/23 PL/2023/09715**

The decision was noted.

**625/23 Notice of Planning Decision Appeal**

The decision was noted.

**626/23 Notice of A350 Resurfacing Work**

Noted.

**627/23 Sparkle Team and Parish Steward**

Members asked for the wet and slippery leaves at Crown House and down Lowbourne to be cleared.

**628/23 Comments from Councillor Alford**

Councillor Alford confirmed that, contrary to his earlier belief, the site around the footpath had not been allocated for development.

Councillor Alford referenced the changes in National Planning Policy Framework. Local Authorities with Local Plan through consultation and into Regulation 19, which Wiltshire Council has, have to demonstrate 4 year land supply rather than 5 year. Key Strategic Policies around settlement boundaries are back in play. Would therefore expect to see large scale applications being refused. Wiltshire Council Planning Officers will be looking to revisit applications that have been approved by Strategic Planning Committees but have not had the 106 agreements signed off.

Councillor Alford also raised the Avon Factory site auction which is set for February. Does Melksham Council have a view on future development and discussions with a future owner. Councillor Aves felt this was covered by the Joint Neighbourhood Plan. It was agreed that with the Cooper site, the Assembly Hall/Blue Pool and other sites there were exciting opportunities to shape the future Melksham.

Meeting Closed at: 7.40 pm

**Signed:** .....

**Dated:**

## **Extract from draft MWPC Full Council minutes 4th December re LCWIP**

319/23 Local Cycling and Walking Plans (LCWIPs) for Calne and Melksham. To consider providing a response to the consultation which closes on 22 December.

Members made the following comments:

- It was noted Bowerhill is included within the Melksham Town Key Focus Map but should be considered separately, also Berryfield is split in half, with half in the Town and half not and should also be considered as a separate area or referred to as Melksham Town, Bowerhill & Berryfield on the legend.
- Priority route MW10: A365 to Gymnastic School. It was suggested no one walks from the A365 to the gym but might walk from the town to the gym. The shortest route is along the secondary route MW12, (which is not included on the legend) and is the safest route and set back from the road and avoids the HGVs on the A365 diverted from Seend.
- What is the definition of Melksham Development sites?

It was noted there is a significant tract of land hatched red on the map indicating Melksham Development Sites to the rear of Melksham Oak School northwards, which also appeared to include Oakfield Stadium land. Parish Council are only aware of the following development sites in this area:

- PL/2023/01949: Blackmore Farm (650 dwellings)
- PL/2023/0710: Snarlton Farm (up to 300 dwellings)
- Proposed site allocations in the draft Local Plan known as Land off Bath Road Policy 19 for 135 dwellings and Land east of Melksham Policy 18 for 425 dwellings

The map also does not include the following development sites, which have been approved:

- PL/2022/00808: Land West of Semington Road (50 dwellings)
- PL/2022/08155: Land West of Semington Road (53 dwellings)
- 20/01938/OUT: Land at Semington Road (144 dwellings) (Known as Buckley Gardens)

There is a need to extend the footpath along Semington Road from Bowood View to the pedestrian access off of Semington Road to the new Berryfield Village Hall.

Resolved: To forward the above comments to Wiltshire Council in response to the consultation and to give delegated powers to the Clerk to also provide any additional comments, once she has had an opportunity to review proposals and highlight any amendments/omissions.

## **Vaughan Thomson, Place's comments:**

### In Principle

It is good WC are progressing this and the reasoning behind it is robust.

There is broad conformity with JMNP Policy 11.

It is also good that Melksham is in an earlier phase alongside the draft JMNP2 as it can link policies to it and be in a smaller pack in seeking investment. Although I note there are further stages in developing the network and feasibility before any funding.

### Engagement

What prior engagement has supported the proposals?

I believe you have made suggestions.

### What outreach is WC doing?

There is insufficient time to make well-considered comments.

### JMNP1

How aligned are the proposals to JMNP1 Policy 11 (active travel) and network figure 8?

This is the adopted policy evidence base and should be the starting point.

I've not had time to do the comparison.

Routes could do more to integrate with the GBI network. Ref Policy 12. Fig 9. (I think the same might be said for JMNP1 figs 8&9)

Has Priority for People produced anything?

### Local Plan

Growth areas are inaccurately shown on the plans.

Some connectivity future proofed into north east extensions. But all highway based.

Connections with Melksham Oak School appear inadequate to surrounding communities given likelihood of high walking and cycling need/opportunity.

### WC Design Guide

WDG Chapter 8, Movement, provides guidance for new developments which can take over for extension networks and detailing.

### General

It is a physical highway based proposal. Best practice suggests this should be part of a wider approach. See this Scottish Govt guidance review eg.

**MWPC Clerk's comments on 16th October, following very brief briefing (just the map) at the Area Board internal meeting. Quick presentation from Atkins, and Kingsley Hampton, Wiltshire Council**

1. Please see below and attached for the issue we have and the route proposed, for children in particular coming from new Semington Road developments to the proposed school at Pathfinder in Bowerhill and Melksham Oak Secondary school.
2. Please see email attached on the Stage 4 safety audit of the Hilperton to Melksham route, and when it just stops at Longford Road without a safe onward journey to the town centre – again map attached, called “other issues” – the email says its being raised as future project for the Sustainable Travel team.
3. Priority for People is a Melksham Town Council project, with their survey results on the dedicated website <https://www.priorityforpeople.org/>
4. The proposed route for a new pedestrian/cycle way to the rear of Melksham Oak was not on any of the maps.
5. The following planning application was refused by Wiltshire Council and at appeal next week, and yet was on your strategic sites map, it was not allocated in the draft Local Plan (this is land south of Western Way PL/2022/08504) this needs updating as was approved at appeal

In addition, the Melksham Neighbourhood Plan (adopted July 2021) has been reviewed and has gone out for formal consultation starting today, of particular interest is its revised Policy 11: Sustainable Transport and Active Travel on page 76 of the plan [www.melkshamneighbourhoodplan.org](http://www.melkshamneighbourhoodplan.org) I have attached its updated Green and Blue Infrastructure Evidence Report which might be useful as just updated.

Thanks for keeping the parish council informed, we look forward to contributing to the consultation. Presumably the comments we submitted to the LCWIP in September 22, along with other stakeholders have been fed into this?

With kind regards,

Teresa

**Extract from Minutes of the Highways & Streetscene Committee on 26th September 2022:**

180/22 Cycling & Walking Infrastructure

a) Wiltshire Council Local Cycling and Walking Infrastructure Plan. To consider response to consultation (consultation ends on 26 September) <https://www.wiltshire.gov.uk/transport-town-cycle-networks>

The Clerk explained there were various questions which needed a response within the consultation. The final document would be useful in providing evidence to developers of a need for particular types of infrastructure and therefore it was important to make sure any local requests/projects were included within the document.

Q4: Are any key routes missing where there is likely to be high potential for walking to a railway station outside the market town.

On looking through the report it was noted it did not mention the following routes:

- The long-held ambition to install a cut through from Foundry Close to the Railway Station.
- Access to Melksham Oak School from the new development (Hunters Wood/The Acorns).

Q5: Are there any routes missing

The Clerk explained the canal tow path from Melksham to Lacock was not included despite the Wilts & Berks Canal Trust stating they planned to construct a pedestrian/cycleway route which had already been costed, prior to the canal being built.

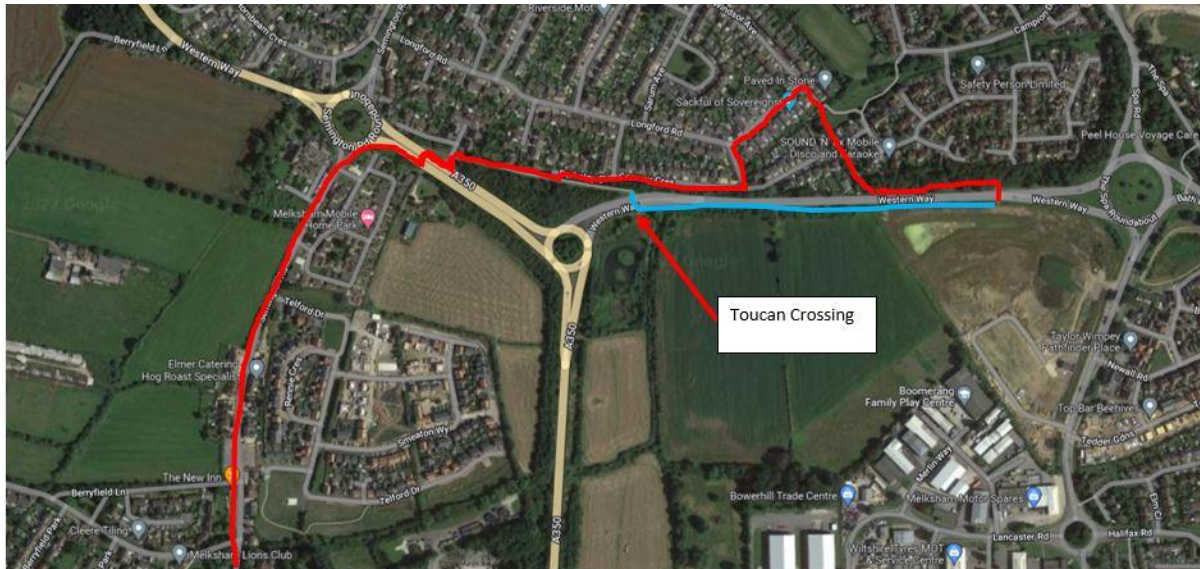
The Clerk explained she had noted the Kennet & Avon Canal Trust were looking at improving the whole route along the Kennet & Avon Canal for cyclists and pedestrians. It was noted there were areas within the Melksham area, which were virtually impassable.

Given the deadline was today, it was:

Resolved: to respond to the consultation to highlight the following routes are missing from the consultation:

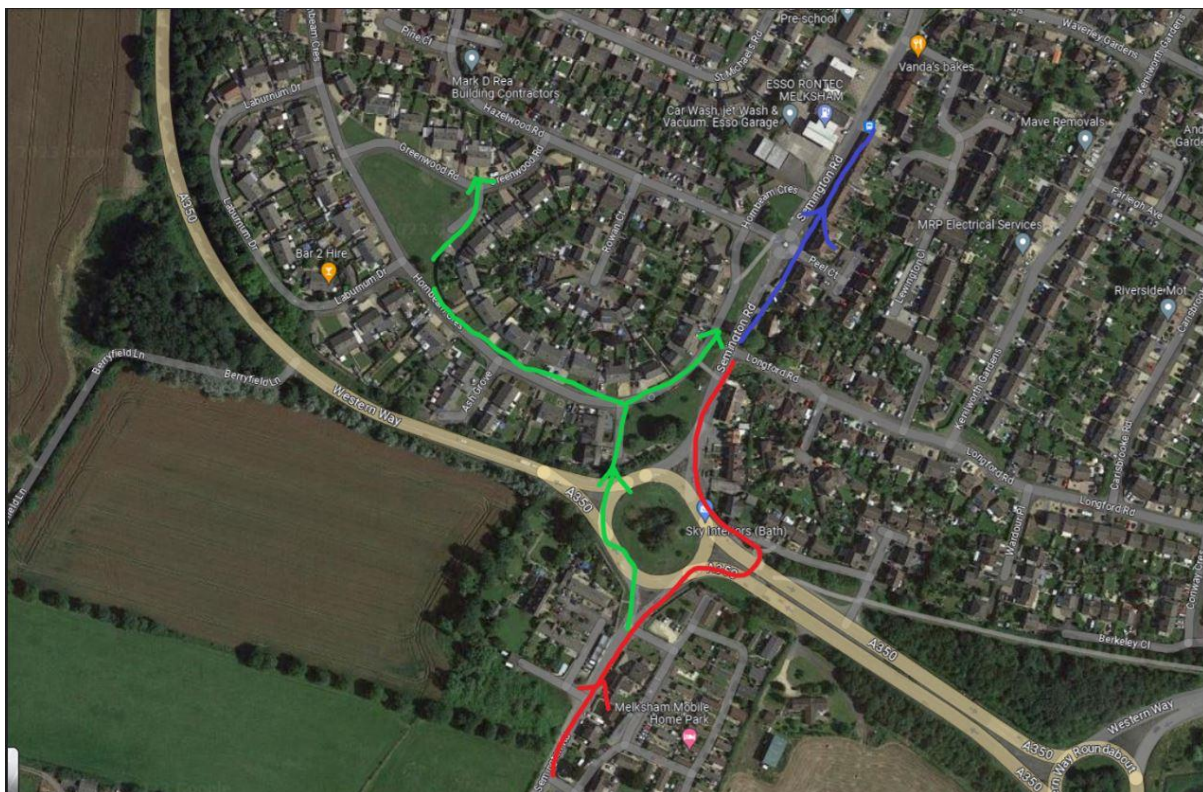
- A cut through from Foundry Close to the Railway Station.
- Access to Melksham Oak School from the new development (Hunters Wood/The Acorns).
- Wilts & Berks Canal tow path/pedestrian/cycleway from Melksham to Lacock.

And to welcome the improvements along the Kennet & Avon Canal.



**Walking route for those children coming from development (144 dwellings) East of Semington Road (PL/2022/02749) to access proposed new school at Pathfinder Place in RED.**

**Request for Section 106 Funding to be used to provide Toucan Crossing and create footpath along Western Way to proposed Pathfinder Place School in BLUE**



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Email from Teresa Strange, Clerk of Melksham Without Parish Council, received Monday 15 January 2024

Hi Andrew

I think you have taken the basis for MWPC's LCWIP consultation response as an agenda item for MTC's Full Council meeting on Monday 22nd Jan.

The parish council are going to look at this one too tonight, and are likely to add it, and its actually in Melksham Town.

You may wish to add to your MTC agenda pack?

Kind regards, Teresa

Subject: Footpath between Western Way and Burnet Close

Dear Allan

The development that is known as Pathfinder Place, by Taylor Wimpey, at Bowerhill (land south of Western Way) in Melksham Without has been completed and occupied now (213 dwellings).

In the s106 (extract attached) is funding for improving the pedestrian and cycle access from Western Way to the town via Burnet Close. This is already a well trod route for residents, especially pupils accessing Melksham Oak school who are walking through the new development and using the new pedestrian crossing further down the A365 at Newall Road. In addition it avoids the circuitous route via the current road works on the main Spa Roundabout that have been taking many months, and are very overdue. The winter conditions are making it almost unusable at present, as its just a muddy track and not surfaced (see attached).

Can you please let us know when the upgrade to the footpath will be put in place, we are yet to see any plans for it (albeit the actual bit to be improved is in Melksham Town and not Melksham Without) or heard anything on it from your team. We note that the s106 funding was received by Wiltshire Council in April 2020, nearly 4 years ago and so members are keen to see this now put in place as the housing is now all occupied. (See below for confirmation of funding paid).

On a wider note, we also want to understand what triggers/mechanisms there are at Wiltshire Council for this to be put in place? Should we be requesting via LHFIG who draw down from the s106 funding, or is this something that your team routinely picks up? This is not the first "pedestrian and cycle improvements" that have been funded by s106 for the parish that we have struggled to get implemented, and only with the intervention and assistance of our Wiltshire Councillors. Perhaps you could explain the process so we know how to work with it?

We look forward to hearing from you.











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# Agenda Item 9.1

## Highways Improvement Request Form

### Contact Details

<b>Name:</b>	Dee Atkinson / Mike Sankey	<b>Date:</b>	21/01/2024
<b>Address:</b>			
<b>Telephone No:</b>			
<b>Email Address:</b>			

### Issue Details

<b>Location of Issue:</b>	Footbridge Westbury view-Primrose drive
<b>Community Area:</b>	Melksham <input type="button" value="v"/>
<b>Parish or Town Council:</b>	Melksham
<b>Nature of Issue:</b> (Max 600 characters)	
The issue concerns a footbridge which crosses Clackers brook. The surface is often slippery, even when cleared of wet leaves. In freezing conditions the surface is very slippery and treacherous with a number of residents reporting slips and falls recently. This despite the fact that the bridge deck has recently been cleaned and cleared of wet leaves.	
<b>How long has it been an issue?</b>	ongoing
<b>What would you like done to resolve this issue?</b> (Max 600 characters)	
Would like to see a high friction non slip surface dressing applied to the footway	
<b>Have you been in touch with your local Wiltshire Councillor?</b> (Yes/No)	Yes <input type="button" value="v"/>

***This form needs to be completed and e-mailed or sent to your local Town or Parish Council.  
Town and Parish contact details are available via the link below:***

<https://cms.wiltshire.gov.uk/mgParishCouncilDetails.aspx>

<b>Town or Parish Council Comments:</b> (To be completed by Town or Parish Council only - Max 600 characters)

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**RESIDENTS NEWSLETTER**  
**FORTHCOMING TRAFFIC SIGNALS AND PEDESTRIAN CROSSING**  
**REFURBISHMENT, A350 BEANACRE ROAD, MELKSHAM**

**BACKGROUND**

Wiltshire Council in its role as Highway Authority is responsible for an extensive stock of Traffic Signal installations across its highway network. The authority has a comprehensive traffic signal refurbishment programme of works to upgrade and improve existing infrastructure that is reaching the end of its design life span. The A350 Melksham Beanacre Road/Foundry Close traffic signal and pedestrian crossing junction adjacent to Aldi and McDonalds has been identified as a site that has reached the end of its design life and is a priority for refurbishment. As part of the major maintenance resurfacing programme this section of the A350 is scheduled for resurfacing works during March 2024, therefore it is considered completing this refurbishment in advance of the surfacing works will be beneficial for efficient network management.

**WHAT DOES THE SCHEME INCLUDE?**

The scheme will see the refurbishment of the existing traffic signals and pedestrian crossing infrastructure at this junction, to include increasing the extent of the refuge islands to improve pedestrian facilities and upgrading of the crossing equipment to PUFFIN technology. A location plan is shown overleaf. Carriageway surfacing will follow these works.

**WHEN WILL THE WORKS COMMENCE AND HOW LONG WILL THEY TAKE?**

Construction work is programmed to commence on **Monday 12<sup>th</sup> February 2024** and is anticipated to take approximately three weeks to complete. Traffic management will be in place during the works, consisting of temporary multiway traffic signals along with minor diversion routes to accommodate the requirement to implement temporary no right turn movements in and out of Foundry Close for the duration of the works. There will also be a suspension to the time limited parking bays on the east side of the A350 in advance of the junction.

Wiltshire Council would like to take this opportunity to thank you for your patience and co-operation whilst these very worthwhile works are carried out.

**WHO CAN I CONTACT FOR FURTHER INFORMATION?**

During normal working hours

Contact : Kate Davey 0300 456 0100 or [integrated.transport@wiltshire.gov.uk](mailto:integrated.transport@wiltshire.gov.uk)  
Wiltshire Council Customer Care on: 0300 456 0100.

Outside of Normal working hours (Emergencies only) Refer to site information boards.



# Revised National Planning Policy Framework

## Briefing Note 24-01

**Service:** Planning  
**Further Enquiries to:** Nic Thomas, Director of Planning  
**Date Circulated:** 16 January 2024  
**E-mail:** [nic.thomas@wiltshire.gov.uk](mailto:nic.thomas@wiltshire.gov.uk)

### Introduction

On 19 December 2023 the government issued a revised National Planning Policy Framework (NPPF), as well as a number of other policy guidance documents. This new NPPF (subject to a further minor revision on 20 December 2023) proposes some key changes that immediately impact upon the council's statutory planning function.

While this note focuses on changes relating to Housing Land Supply, there have been lots of other changes introduced within the new NPPF. Planning Resource has summarised the changes into 30 key points (structured according to whether the changes originally proposed are being taken forward). These 30 changes are attached as an Appendix to this document.

### Housing Land Supply

For housing supply and delivery, the revised NPPF contains two important new paragraphs which are relevant to planning decision making in Wiltshire (parts relevant to this note are highlighted in bold text):

77. *In all other circumstances, local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide either a minimum of five years' worth of housing, **or a minimum of four years' worth of housing if the provisions in paragraph 226 apply.** The supply should be demonstrated against either the housing requirement set out in adopted strategic policies, or against the local housing need where the strategic policies are more than five years old. Where there has been significant under delivery of housing over the previous three years, the supply of specific deliverable sites should in addition include a buffer of 20% (moved forward from later in the plan period). National planning guidance provides further information on calculating the housing land supply, including the circumstances in which past shortfalls or over-supply can be addressed.*
226. *From the date of publication of this revision of the Framework, for decision-making purposes only, **certain local planning authorities will only be required to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of four years' worth of housing** (with a buffer, if applicable, as set out in paragraph 77) against the housing requirement set out in adopted strategic policies, or against local housing need where the strategic policies are more than five years old, instead of a minimum of five years as set out in paragraph 77 of this Framework. This*



*policy applies to those authorities which have an emerging local plan that has either been submitted for examination or has reached Regulation 18 or Regulation 19 (Town and Country Planning (Local Planning) (England) Regulations 2012) stage, including both a policies map and proposed allocations towards meeting housing need. This provision does not apply to authorities who are not required to demonstrate a housing land supply, as set out in paragraph 76. These arrangements will apply for a period of two years from the publication date of this revision of the Framework.*

For the purposes of the revised NPPF, Wiltshire Council is a 'paragraph 77 authority'; and, because Wiltshire Council has an emerging local plan that has reached an advanced stage, it is now 'only' required to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of **four years'** worth of housing, rather than five years.

The council's most recent Housing Land Supply Statement (published May 2023) sets out the number of years' supply against our local housing need - 4.60 years. It is likely that this figure is a little higher than 4.6 years because the NPPF has removed the need to apply a 'buffer' to authorities that 'deliver' housing sites. As these figures exceed the four-year threshold, the planning balance is now 'level' rather than 'tilted'. In other words, the changes to the NPPF mean that there is now a lower threshold in place for being able to justify the refusal of planning applications. Pragmatically, this means that fewer 'speculative' residential planning applications are likely to be granted, until such time as the council's housing land supply dips below four years.

### **Neighbourhood Plans**

An additional change to the NPPF is paragraph 14. This relates to situations where planning applications for housing are being determined in areas that have neighbourhood plans in place (less than five years old) and where those neighbourhood plans contain policies and allocations to meet that area's housing requirement. Where this situation applies, the 'tilted' balance will not apply, meaning that speculative housing planning applications are less likely to be recommended for approval where there is conflict with the neighbourhood plan.

### **Impact on Current (Undetermined) Planning Applications**

All undetermined planning applications must have regard to any new 'material planning considerations' before decisions are made. The changes to the NPPF, relating to housing land supply, is a material planning consideration that must be taken into account.

In some situations, this will mean that planning applications that have already been considered by committee, but where decisions have not yet been issued (such as where a S106 agreement is required) will need to be reported back to committee. In that situation, Members will be asked to consider the changes set out in the new NPPF and any implications that this might have to the original decision to grant planning permission.

Decisions about if and when specific planning applications will be reported back to committee will be made on a case-by-case basis.

### **Impact on Current (Undetermined) Planning Appeals**

Some planning applications are subject to live planning appeals. Again, the changes to the NPPF will be a material consideration that an Inspector will need to take into account before a decision is made. The council will be submitting comments to the Planning Inspector on the impact of the new NPPF on each planning application that is subject to an undetermined appeal. The appellant is also likely to be invited to provide comments on their appeal.

## **Other Matters**

While the changes to the NPPF in respect of housing land supply are broadly welcome, there are a number of issues that need to be borne in mind:

- Developers whose planning applications are at appeal are likely to want to challenge the council's four-year housing land supply figure. While the council will robustly defend its position, any successful challenge could impact on the council's published figure.
- The changes to rules relating to the four-year housing land supply are time-limited (maximum of two years). It is therefore very important that the council gains the support of local communities to secure the adoption of its new Local Plan as soon as possible as this will provide a much longer period of 'protection'.
- The council's housing land supply figure can only be retained during the two-year period if suitable planning applications for housing development continue to be granted. If the council refuses too many planning applications, housing supply will drop to below four years and the 'tilted' balance in favour of approval will once again apply.
- While the responsibility for maintaining a housing land supply rests with the council, the evidence that underpins whether sites can be relied upon for delivery rests with developers. The council's powers to encourage developers to bring forward sites are limited.
- The changes introduced by the new NPPF have not been tested through appeals or in the courts. Some of the wording is not as clear as it could be and may therefore be open to interpretation and challenge.

## Appendix

### Extract from 'Planning Resource' Published Article (21 December 2023) "30 things you need to know about the new NPPF"

Planning Resource' analysis of the 30 things to know about the new NPPF:

#### Points where the NPPF differs significantly from what was proposed in December 2022

**1 In a change to the proposed text, the NPPF makes clear that local authorities are not required to review their green belt boundaries during plan-making, but does not explicitly link this issue to housing supply.**

In December last year the government proposed that authorities would not need to review their green belts, even if meeting housing need would be impossible without such a review. However, while the new text in paragraph 145 continues to make clear there is "no requirement for Green Belt boundaries to be reviewed or changed", it does not explicitly state that this trumps meeting housing need. It also adds that councils can still choose to review boundaries "where exceptional circumstances" justify it.

**2 In a change to the proposed text, the NPPF drops suggested changes to paragraph 11 which would have meant that the need to avoid development seen as "uncharacteristically dense" for an area would have outweighed the requirement for authorities to meet local housing need.**

Instead, the government has inserted new paragraph 130, setting out the objective to protect the character of local areas. This states that significant uplifts in the average density of residential development may be inappropriate if the resulting built form would be "wholly out of character with the existing area". The consultation response makes clear the proposal applies to plan-making only, and any resulting policies should be evidenced by local design codes.

**3 In a change to the proposed text, the government has dropped plans to allow councils to be able to take past over-delivery of housing into account when assessing housing need as part of plan-making.**

The consultation draft had suggested that in authorities where the number of granted permissions exceeded the provision made in the existing plan, that surplus may have been deducted from what needed to be provided in the new plan. However, the government's consultation response said it had received "little support for accounting for past 'over-delivery'".

**4 In a change to the proposed text, the department has ditched proposals to water down the test of soundness required for local plans to be adopted.**

The consultation draft had proposed that plans would no longer be required to be 'justified', and instead simply have to meet need 'so far as possible', taking into account other policies in the NPPF. The majority of consultees opposed the suggestion and the government said in its response that "as a result, we have decided not to proceed with the change". However, it said that it was still committed to streamlining evidential requirements for plan-making.

**5 In an addition to the proposed text, the new NPPF includes a new clause in paragraph 70 instructing authorities to support small sites to come forward.**

The new text says councils should use policies and decisions to support small sites for community-led housing and self-build and custom build housing, and makes a new reference to permissions in principle as a way to enable this.

**6 In a change to the proposed text, the NPPF includes a change effectively dropping the previously existing “entry-level exception sites policy” and replacing it, in paragraph 73, with an exception site policy for community-led housing.**

The NPPF says authorities should support the development of exception sites for “community-led development” on sites that would not otherwise be suitable as rural exception sites.

**7 In a change to the proposed text, the NPPF includes a new definition of ‘community-led development’ in the glossary contained within Annex 2 of the Framework.**

The definition states that community-led developments must be instigated and taken forward by a not for-profit organisation set up and run primarily for the purpose of meeting the housing needs of its members.

Points where the NPPF has been taken forward largely or entirely as proposed in 2022

**8 Authorities with an up-to-date local plan will no longer need to continually show a deliverable five-year housing land supply.**

In this case, ‘up-to-date’ means where the housing requirement as set out in strategic policies is less than five years old, the document says. The proposal takes effect from the date of publication of the revised National Planning Policy Framework.

**9 Councils will no longer have to provide five-year housing land supply buffers of 5 per cent or 10 per cent.**

Standard additional ‘buffers’ of five and ten per cent - in certain cases – which local authorities have to apply to their five-year housing land supply calculation, have been scrapped. However, in a change to what was consulted upon last year, the 20 per cent buffer which can be applied consequent of failure to hit targets under the Housing Delivery Test, will still apply.

**10 Local planning authorities can include historic oversupply in their five-year housing land supply calculations.**

The Framework has been amended to include a reference to the “circumstances in which past shortfalls or over-supply can be addressed”. The government’s consultation response said the department will produce additional planning practice guidance in due course to offer further clarification on how this can be done.

**11 Some authorities with emerging local plans will benefit from a reduced housing land supply requirement.**

For the purposes of decision-making, where emerging local plans have been submitted for examination or where they have been subject to a Regulation 18 or 19 consultation which included both a policies map and proposed allocations towards meeting housing need, those authorities will only have to demonstrate a four-year housing land supply requirement.

**12 Protection against development that conflicts with neighbourhood plans has been extended to older such plans.**

The NPPF previously said that the adverse impact of allowing development that conflicts with the Neighbourhood Plan is likely to outweigh the benefits, but not if that plan is more than two years old. The government has now extended that protection to plans that are up to five years old. It has also removed tests which had meant local planning authorities needed to demonstrate a minimum housing land supply and have delivered a minimum amount in the Housing Delivery Test in order that Neighbourhood Plans benefited from the protection.

**13 The new NPPF confirms that the standard method for calculating housing need is an “advisory starting point” for local authorities in generating housing numbers.**

The government’s consultation response makes clear this simply confirms explicitly in national policy the existing status as set out in guidance. The response also confirms the department plans to review the implications for the standard method of new household

projections data based on the 2021 Census, but said these are now not due to be published until 2025.

**14 More explicit indications are given of the types of local characteristics which may justify the use of an alternative method of assessing housing need.**

The new NPPF says “exceptional circumstances, including relating to the particular demographic characteristics of an area” may justify an alternative approach to assessing housing need other than the standard method. It adds a footnote with an example of “islands with no land bridge that have a significant proportion of elderly residents.”

**15 The NPPF retains the uplift of 35 per cent to the assessed housing need for the 20 largest towns and cities in England.**

The NPPF has been amended to state that the uplift should be accommodated within those cities and urban centres themselves, except where there are voluntary cross boundary redistribution agreements in place. Neither the NPPF nor the government’s consultation response gives any further detail on the alignment test which is due to replace the Duty to Co-operate between authorities.

**16 Authorities will be expected to take particular care to ensure that they meet need for retirement housing, housing-with-care and care homes.**

The government added a specific expectation to new paragraph 63 in the NPPF.

**17 Authorities will be encouraged to use planning conditions to require clear details of a scheme’s design and materials.**

The document now says in new paragraph 140 that relevant planning conditions should refer to “clear and accurate plans and drawings which provide visual clarity about the design of the development”, and which are “clear about the approved use of materials” to make enforcement easier. The new NPPF also includes a number of other smaller changes, as previously proposed, designed to embed the government’s “beauty” agenda.

**18 The section promoting mansard roof extensions stays in the final version.**

The government has stuck with proposals designed to promote mansard roof extensions, despite criticisms the plans were too locally specific to be put in a national policy document. The NPPF says authorities “should also allow mansard roof extensions on suitable properties” where they harmonise with the original building.

**19 The availability of land for food production should be considered when allocating agricultural land for development.**

A new footnote to paragraph 181 states that when agricultural land must be used, poorer quality land should be preferred over higher quality land. It states: “The availability of agricultural land used for food production should be considered, alongside the other policies in this Framework, when deciding what sites are most appropriate for development.”

**20 The NPPF is amended with a new paragraph 164 to give “significant weight” to the importance of energy efficiency through adaptation of buildings.**

The NPPF says that where the proposals would affect conservation areas, listed buildings or other relevant designated heritage assets, local planning authorities should also apply relevant policies.

**21 The starting point for creating National Development Management Policies (NDMPs) will be existing national policy on development management.**

The government’s consultation response said it had heard concerns from consultees that the creation of an NDMP could prevent authorities including a given topic in their plan. However it said it will remain possible for locally-produced policies to address matters of particular local importance, provided that they are not inconsistent with or repeat NDMP policy.



## Points where the government plans to bring forward consultation proposals at a later date

### **22 In a change to the proposed NPPF text, the new framework does not proceed with reforms which would have meant that evidence of sufficient deliverable permissions would have saved councils from Housing Delivery Test sanctions.**

However, the government says it still backs the idea. The original consultation had suggested 'switching off' the application of 'the presumption in favour of sustainable development' as a consequence of under-delivery against the Housing Delivery Test, for those authorities which had delivered more than 115 per cent of required permissions. The consultation response this week said there was no consensus from respondents as to how the policy should work, and the complexity of the policy meant it was not being taken forward at this time. But it added that "the government will continue to consider ways in which this approach could be introduced in a future policy update."

### **23 Past "irresponsible planning behaviour" by applicants could in future be taken into account when applications are being determined.**

The government consulted upon different options of sanctions for developers that persistently breach planning controls or fail to "deliver their legal commitments to the community". However, its consultation response showed consultees were split over the way forward, and it said it will now merely "consider these [responses] carefully in any future policy development" but didn't commit to anything further.

### **24 Government to push ahead with measures designed to speed up build out of sites, but only after further consultation.**

Last year, the government had proposed three interventions, namely: that data will be published on developers of sites over a certain size who fail to build out according to their commitments; that developers will be required to explain how they propose to increase the diversity of housing tenures to maximise a scheme's absorption rate; and that delivery will become a material consideration in planning applications. This week in its consultation response, the government said it wanted to take all three proposals forward, but that they would be subject to "full consultation on them and related issues of build-out".

### **25 The government will continue to consider the proposal that planning for provision of social rent homes be given higher priority in the NPPF.**

The consultation response said consultees views "will be used to inform policy development as we consider this proposal further as part of any future updates to the Framework."

### **26 Government to explore how small-scale interventions for nature can be promoted in any future updates to the National Planning Policy Framework.**

The original consultation had said the government was looking to clamp down on the use of artificial grass by developers in new development and the 'gaming of biodiversity net gain rules'. However the response included no specific policies which are to be worked up.

### **27 The possibility of embedding a broad form of carbon assessment in planning policy will be explored in a future review of national planning policy.**

The original consultation had said the department was interested in whether effective and proportionate ways of deploying a broad carbon assessment existed and, if so, what they should measure. However, this week's response said: "we intend to review national planning policy in due course to make sure it contributes to climate change mitigation as fully as possible."

### **28 Plans to review policy for climate change adaptation and flood-risk management are also delayed.**

The consultation response said the government intended to review national planning policy "in due course" to make sure it contributes to climate change adaptation as fully as possible, and that responses will be used "to inform any future consultation on the National Planning Policy Framework."

Points from the 2022 consultation which have already been answered or responded to

**29 Proposed changes to the NPPF text around onshore wind power schemes to enable sites that have not been designated in the local plan to be approved have already been confirmed.**

The government in September published changes to the NPPF that responded to the specific proposals contained in the December 2022 consultation designed to unblock the planning system for onshore wind project applications.

**30 The intended timeline for changes and transitional arrangements for the move to the new local plan system had already been confirmed this summer.**

The department proposed transitional arrangements for the new local plan system set out under the Levelling Up and Regeneration Act in its consultation last year, and has already said how it intends to proceed. In July it said the latest date for plan-makers to submit local plans, minerals and waste plans, and spatial development strategies for examination under the current system will be 30 June 2025, with these plans needing to be adopted by 31 December 2026. This same document also said the department will have in place the regulations, policy and guidance to enable the submission of new plans by autumn 2024.