



# Public Document Pack

## Melksham Town Council

Town Hall, Melksham, Wiltshire, SN12 6ES  
Tel: (01225) 704187

Town Clerk Tracy Predeth BA(Hons) MPA, FLSCC

To:

Councillor T Price (Town Mayor)  
Councillor S Rabey (Deputy Town Mayor)  
Councillor P Alford  
Councillor P Aves  
Councillor G Cooke  
Councillor J Crundell  
Councillor S Crundell  
Councillor G Ellis  
Councillor A Griffin  
Councillor J Hubbard  
Councillor J Oatley  
Councillor C Stokes  
Councillor A Westbrook  
Councillor J Westbrook

27 January 2025

Dear Councillors

In accordance with the Local Government Act (LGA) 1972, Sch 12, paras 10 (2)(b) you are summoned to attend the **Full Council Special Meeting** of the Melksham Town Council. The meeting will be held at the Town Hall on **Monday 3rd February 2025** commencing at **6.30 pm**.

The Press and Public are welcome to attend this meeting.

Yours sincerely

Mrs T Predeth BA(Hons), MPA, FSLCC  
Town Clerk and RFO



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**Melksham Town Council  
Full Council**

**Monday 3 February 2025  
At 6.30 pm at the Town Hall**

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

[Join Zoom Meeting](#)

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

**AGENDA**

**1. Apologies**

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. Joint Melksham Neighbourhood Plan (Pages 1 - 40)**

To ratify the comments approved by the JMNP Steering Group at the meeting of Wednesday 29<sup>th</sup> January 2025.

[Link to Regulation 16 comments](#)

**4. Confidential Session**

Members are requested to make the following resolution in accordance with the Public Bodies (Admission to Meetings) Act 1960.

In view of the sensitive nature of the business to be transacted, it is advisable in the public interest that the public and press be excluded, and they are instructed to withdraw

**5. Staffing Matters**

To agree a confidential staffing matter.

## **Draft Joint Melksham Neighbourhood Plan 2 2020–2038 (submission September 2024)**

### **Wiltshire Council comments on the Regulation 16 consultation**

This response sets out Wiltshire Council's comments on the draft Joint Melksham Neighbourhood Plan 2 (JMNP2), which has been formally submitted to Wiltshire Council.

Wiltshire Council is fully supportive of neighbourhood planning and has welcomed the opportunity to engage with Melksham Town Council and Melksham Without Parish Council on the neighbourhood planning process throughout preparation of their draft Plan. Officers recognise the significant work undertaken to produce the document and the extent of consultation and community engagement that has gone into the production of their draft Plan. Advice and comments have been offered by Wiltshire Council through ongoing dialogue throughout the process. The draft JMNP2 addresses a broad scope of issues that are of importance to the local community.

The current Melksham neighbourhood area was designated on 8<sup>th</sup> November 2017. Two pre-submission consultations (on different draft versions) were undertaken by Melksham Town Council and Melksham Without Parish Council as the Qualifying Bodies (QB) in accordance with Regulation 14 of the Neighbourhood Planning (General) Regulations 2012 (as amended) – the first consultation ran from 16<sup>th</sup> October 2023 to 3<sup>rd</sup> December 2023 and the second from 20<sup>th</sup> June 2024 to 15<sup>th</sup> August 2024. Wiltshire Council provided their formal comments on both consultations to the QB.

This Regulation 16 consultation gives a further opportunity for Wiltshire Council to provide comments with the intention of ensuring that the draft JMNP2 is in general conformity with strategic policies of Wiltshire's development plan, meets the Basic Conditions, and provides a user-friendly document that will assist decision takers in the making of planning decisions in the Melksham and Melksham Without neighbourhood area.

### **Submission of the draft JMNP2**

On the 19<sup>th</sup> November 2024, Wiltshire Council, as the local planning authority, considered the submitted draft JMNP2 and were satisfied that it complied with the relevant provisions of Schedule A2 of the Planning and Compulsory Purchase Act 2004.

Wiltshire Council deemed that the modifications contained in the draft plan to which it relates are so significant or substantial as to change the nature of the neighbourhood plan which the draft plan would replace. As that is the position, Wiltshire Council must consider the plan under the provisions of Schedule 4B of the Town and Country Planning Act 1990 (as amended) that applied to the original neighbourhood plan.

Wiltshire Council is satisfied that it complies with all the relevant statutory requirements set out in Regulation 15 of the Neighbourhood Plan (General) Regulations 2012 (as amended). The submitted draft JMNP2 is accompanied by inter alia: a Basic Conditions Statement, a Consultation Statement, a Modification Statement, a Strategic Environmental Assessment (SEA) and a Habitats Regulations Assessment (HRA) screening opinion.

Wiltshire Council formally consulted (Regulation 16) on the draft JMNP2 between 27<sup>th</sup> November 2024 and 22<sup>nd</sup> January 2025.

The comments that follow are made in the interests of ensuring that the submitted draft JMNP2 is in general conformity with the strategic policies of the adopted Wiltshire Core Strategy (WCS) and can be used effectively in determining planning applications within the Melksham and Melksham Without designated neighbourhood area.

## Strategic Environmental Assessment (SEA) and Habitats Regulations Assessment (HRA)

Wiltshire Council's SEA screening opinion of August 2022 (Appendix 1) concluded that the proposals within the draft JMNP2 were likely to have significant environmental effects and that an SEA is required. An SEA Report was submitted to Wiltshire Council at Regulation 15 stage alongside the draft Plan.

Wiltshire Council's HRA screening opinion of December 2024 (Appendix 2) concluded that the JMNP2 will not result in a likely significant effect on any European sites or their qualifying features either alone or in combination with other plans and projects. Therefore, it has not been necessary for the Plan to be subject to an appropriate assessment under the Conservation of Habitats and Species (Amendment) Regulations 2017 (as amended).

## Policy context

The policy context for the draft JMNP2 is as follows:

- *Wiltshire Council's development plan*
  - Wiltshire Core Strategy 2006-2026 (WCS) - adopted January 2015
  - West Wiltshire District Plan 1<sup>st</sup> Alteration 2004 (WWDP) – saved policies as set out in Appendix D of the WCS
  - Wiltshire Housing Site Allocations Plan (WHSAP) – adopted February 2020
- *Wiltshire Council's emerging components of the development plan*
  - Wiltshire Local Plan 2020-2038 – submitted to the Secretary of State for Housing, Communities and Local Government for independent examination on 28th November 2024
  - Wiltshire Gypsies and Travellers DPD Pre-Submission Draft 2024-2038
- *Other relevant policy considerations*
  - National Planning Policy Framework (NPPF) – updated December 2024, however this NP will be examined under the NPPF December 2023 version.
  - Planning Practice Guidance (PPG)

## Status of the emerging Wiltshire Local Plan

The draft JMNP2 has been prepared alongside the review of the Wiltshire Core Strategy – the Wiltshire Local Plan (WLP) – which will cover a new plan period of 2020-2038. The draft WLP was submitted to the Secretary of State for Housing, Communities and Local Government for independent examination on 28th November 2024 but has not yet been subject to public examination. The draft WLP therefore holds limited weight at this time but provides a picture of the anticipated direction of travel for strategic planning in Wiltshire beyond the WCS plan period. The reasoning and evidence informing the emerging draft WLP is of relevance to the examination of the JMNP2.

## General comments on the draft JMNP2

A number of comments that follow are repetitions of points that were raised by Wiltshire Council during the first Regulation 14 pre-submission consultation because those points have not resulted in amendments to the Plan and consequently there are still outstanding objections.

The below comments represent a collective response from Wiltshire Council specialist officers and are presented in the order that topics appear in the draft JMNP2 for ease of reference.

Wiltshire Council acknowledges that the draft JMNP2 plan period is the same as the plan period of the emerging WLP from 2020 to 2038. The draft neighbourhood plan has been prepared to reflect the

policy context of the existing adopted WCS and is likely to be examined against those policies. However, the draft neighbourhood plan still refers to draft policies in the emerging Local Plan. It is recommended that all references to specific policies in the emerging Local Plan are removed as there is no guarantee that these policies will be adopted in their current form or with their current policy numbers and therefore the draft Plan would include incorrect references. It is our opinion that it would be unwise at this stage for the draft Plan to cite policies from the emerging Local Plan.

The table below sets out Wiltshire Council's response to the submitted draft JMNP2. The views of specialist officers of the Council have been incorporated herewith. Where amendments to text are suggested, these are shown as ~~deletions~~ and **new text**.

Draft JMNP2 reference	Wiltshire Council comments
References to NPPF paragraphs throughout the Plan	Check consistency of NPPF referencing throughout the Plan. There are several instances where incorrect paragraph numbers are quoted. As this Plan was submitted to the local planning authority at Regulation 15 prior to 12 <sup>th</sup> March 2025, the NPPF version dated December 2023 will apply.
References to emerging Wiltshire Local Plan throughout the Plan	Where referencing the Wiltshire Local Plan or Local Plan policies, please ensure to use the term ' <i>emerging</i> ' to make clear that these are not adopted policies. Local Plan policy numbers may change during the course of the Local Plan examination and the neighbourhood plan is likely to be examined against Wiltshire Core Strategy policies (depending on when the neighbourhood plan examination takes place).
Paragraph 2.5.2 – final sentence	For clarity, officers suggest the final sentence is amended as follows: ' <i>Together the <b>emerging</b> overall housing requirement...</i> '
Figure 4	Figure 4 would benefit from being updated to reflect the current position e.g. recent planning permissions such as PL/2022/08155 for 53 dwellings to the west of Melksham.
Policy 1	Since the Reg 14 consultation on the draft Plan the government issued its WMS ' <i>Planning – Local Energy Efficiency Standards Update</i> ' in December 2023. Officers do not see any issue with the policy considering this because criterion a) does not require any particular standard. However, the group should be conscious of the WMS while it continues to be relevant.
Policy 1 – criterion g	Officers suggest the text ' <i>where possible</i> ' is deleted from this requirement.
Policy 2	Officers are disappointed to see the removal of support for energy storage facilities. The group's approach previously was positive and set criteria to manage proposals. Storage is key to balancing the intermittent energy supply with renewables and is critical to the UK's net zero obligation enshrined in the Climate change act 2008 (2050 Target Amendment) Order 2019. Officers would welcome reinsertion of the previous Reg 14 text.
Policy 2 – criterion 4	Officers suggest the text ' <i>where possible</i> ' is deleted from this requirement.
Green Infrastructure / Blue/Green Infrastructure	Throughout the draft neighbourhood plan there are references to Green Infrastructure / Blue/Green Infrastructure. It should be noted that these are not just landscape / biodiversity features and should be holistically planned in conjunction with the flood risk assessment / drainage strategy in order to manage surface water runoff across a site. Given the biodiversity



	drivers in the emerging Local Plan, officers would be expecting to see high-quality Blue/Green SuDS solutions implemented throughout a site, and not just minimal SuDS interventions which are designed to fit limited space available.
Policy 3 – criterion 3	For clarity, officers suggest this is amended as follows: ‘...and <b>a</b> surface water drainage strategy...’
Policy 4	The policy takes a proportionate approach to addressing the inequality emerging with EV charging in new housing layouts; a matter compounded by Part S building regulations and the exemptions within that document.
Policy 4	It is suggested that in the second paragraph of the policy, ‘ <i>where possible</i> ’ should be deleted as it makes the second half of the paragraph pointless.
Policy 6 and supporting text	Officers note that amendments have been made to this policy – picking up Reg 14 comments previously made about needing to align/echo more with the emerging Wiltshire Local Plan Policy 76. Also, flexibility has been incorporated into Policy 6 in order to take account of changing demonstrable need and policy procedures over future years. Officers have also noted the updated information regarding site allocations of land for housing.
Policy 6 – criterion 2	For clarity officers suggest this criterion is amended as follows: ‘Housing outside settlement boundaries will be managed in accordance with the adopted Development Plan ( <del>Neighbourhood Plan and Local Plan</del> ) or allocated for development in this Plan or the adopted <del>Wiltshire Local Plan</del> , and will also be expected to meet evidenced local housing need.’
Policies 7.1-7.5 – requirement for healthcare contributions	It is noted that the site allocation policies all make reference to making contributions towards healthcare capacity which is assumed to be provision of infrastructure. In the absence of a fully fleshed out mechanism/multiplier or explanation, officers can see this being a problematic requirement which will require consideration by the examiner as to whether this remains a policy requirement.
Policy 7.1	<p>The plan’s recognition of the importance of securing the comprehensive regeneration of this complex and important riverside site and the ongoing dialogue with Wiltshire Council is welcomed.</p> <p>Policy 7.1 and supporting text acknowledges the significant issues relating to this site – the most significant of which are the location of the majority of the site within flood zones 2 and 3 and significant land contamination from industrial processes on the site, as well as historic assets.</p>
Policy 7.1 – criterion 5	This should be amended to say ‘...in accordance with JMNP2 Policies <b>Policy</b> 17’.
Policy 7.1 – criterion 7	Officers suggest that this criterion emphasises active entrance front face of buildings along or set back from each site boundary.
Policy 7.1 – criterion 9	In order to future proof this Plan should ‘Building for a Healthy Life’ be revised, officers would suggest amending as follows: ‘...Buildings for a Healthy Life (Homes England), <b>or any subsequent revision.</b> ’ This addition should also be considered in other parts of the Plan where specific guidance/publications are referenced.
Policy 7.1 – criterion 10	Officers note that the supporting text around climate change has now been included as policy at point 10. This is supported. However, it’s important that both mitigation and adaptation occur, it’s not an ‘and/or’ option. Reference back to Policies 1 and 2 is welcomed. Reference



	to other points as part of that is a bit confusing though and might leave developers and decision-takers unclear on what is required. Suggested replacement wording as follows:  "10. Address climate change through mitigation and adaptation and contribute to Wiltshire Council's carbon neutrality ambitions for the county. Accord with JMNP2 Policies 1 and 2 including significant use of low-carbon and renewable energy technologies, re-use of the existing built fabric and application of the energy hierarchy."
Policy 7.1 – criterion 14	Officers suggest that this criterion includes a requirement for a well-connected public pedestrian/cycle route along the length of the riverside site boundary.
Figure 6	Officers recommend that this plan shows the anticipated developable area for housing development given that the majority of the site is in Flood Zone 3 and therefore not developable for housing.
Paragraph 4.8.34	Plan is missing paragraph 4.8.34 – paragraph numbers jump from 4.8.33 to 4.8.35.
Policy 7.2 – criterion 10	As per Policy 7.1, officers suggest alternative wording for criterion 10 as follows:  '10. Address climate change through mitigation and adaptation and contribute to Wiltshire Council's carbon neutrality ambitions for the county. Accord with JMNP2 Policies 1 and 2 including significant use of low-carbon and renewable energy technologies, re-use of the existing built fabric and application of the energy hierarchy.'
Policy 7.3 – criterion 2	This criterion lists JMNP2 policies 12, 14, 17 and 18, whereas the same point within policies 7.1 and 7.2 only list policy 17. Suggest amendments made to ensure consistency.
Policy 7.3 - criterion 7	As per other site allocation policies, officers suggest alternative wording for criterion 7 as follows:  '7. Address climate change through mitigation and adaptation and contribute to Wiltshire Council's carbon neutrality ambitions for the county. Accord with JMNP2 Policies 1 and 2 including significant use of low-carbon and renewable energy technologies, re-use of the existing built fabric and application of the energy hierarchy.'
Policy 7.4	Officers consider that this policy is now more acceptable than previous iterations which included an unjustified quantum of residential development. The policy now simply commits to re-use/regeneration and reserves judgement on the type of use or quantum of development, as requested by the conservation officer.  Criterion 9 – officers suggest this is amended as follows: ' <b><u>With regard to any residential development which may be proposed, provides</u></b> provide a high standard of residential amenity...'
Policy 7.4 – criterion 18	As stated in the second Reg 14 draft Plan, the neighbourhood plan makes it clear that the proposed housing sites in Whitley will need to contribute to local infrastructure, including education. However, Wiltshire Council will not be able to spend these contributions expanding the nearby Shaw C of E Primary School and would instead need to use the funding towards a new primary school in Melksham, which will not be within 2 miles of these proposed developments. This is somewhat unusual; officers would always normally look to expand the local school however that is not an option in this instance.
Policy 7.4 – criterion 10	As per other site allocation policies, officers suggest alternative wording for criterion 10 as follows:

	'10. Address climate change through mitigation and adaptation and contribute to Wiltshire Council's carbon neutrality ambitions for the county. Accord with JMNP2 Policies 1 and 2 including significant use of low-carbon and renewable energy technologies, re-use of the existing built fabric and application of the energy hierarchy.'
Paragraph 4.8.43	This should be amended with the word 'residential' being omitted as follows: '...and limited <del>residential</del> development of the farmyard part of the site...'
Policy 7.5 – criterion 10	As per other site allocation policies, officers suggest alternative wording for criterion 10 as follows:  '10. Address climate change through mitigation and adaptation and contribute to Wiltshire Council's carbon neutrality ambitions for the county. Accord with JMNP2 Policies 1 and 2 including significant use of low-carbon and renewable energy technologies, re-use of the existing built fabric and application of the energy hierarchy.'
Policy 7.5 – criterion 19	As stated in the second Reg 14 draft Plan, the neighbourhood plan makes it clear that the proposed housing sites in Whitley will need to contribute to local infrastructure, including education. However, Wiltshire Council will not be able to spend these contributions expanding the nearby Shaw C of E Primary School and would instead need to use the funding towards a new primary school in Melksham, which will not be within 2 miles of these proposed developments. This is somewhat unusual; officers would always normally look to expand the local school however that is not an option in this instance.
Paragraph 4.8.48	This paragraph refers to '1 hectare of buffer landscape and open space'. Officers recommend this is included within Policy 7.5 requirements.
Policy 9 – criterion e	Criterion e refers to 'Commercial Area' but this is not shown on Figure 10 and should be included.
Policy 9 – criterion f	For clarity, officers suggest criterion f is amended as follows: 'planning applications for development or change of use of ground floor frontages within the defined town centre primary shopping area (see figure 10) <del>where they</del> retain or enhance...'
Policy 9	Officers suggest this policy could include a requirement for development to be in accordance with the Melksham Design Guide and Codes (2023) and Wiltshire Design Guide (2024) as it is included in other policies such as the site allocation policies.
Paragraph 4.10.6	For clarity, officers suggest this is amended as follows: ' <b>Emerging Local Plan</b> Policy <del>63</del> <b>65</b> (existing Employment Land) seeks ongoing retention of...'
Figure 11	It is suggested that this figure includes the link at the end of Locking Close which is a very important link to the bridleway down to the Canal (the bridleway is outside of the parish boundary, but the Locking Close link is within the parish).
Info box 'Public Transport' – page 79	With the withdrawal of TransWilts from the café and associated car parking, the current statement may need to be adjusted. It should also be considered that the potential for expansion of EV chargers or indeed the current use of the facilities including the Masterplan aspirations are less firm than previously considered.
Figure 12	Officers suggest the title does not have 'and Blue' in brackets. Title should be ' <i>Diagrammatic Illustration of the Potential for Green and Blue Infrastructure</i> '.
Policy 13	This policy should make it clear that if any development were to come forward within the 2km lesser horseshoe core area in the south eastern most extent of the NP area it would need to

	comply with the Conservation of Habitats and Species Regulations 2017, as amended, through compliance with the Bat SAC Planning Guidance for Wiltshire 2015 (or latest iteration) and that a project level Habitat Regulations Assessment (HRA) may be required.
Paragraph 4.13.3	It refers to '...except for small sites, are required to deliver at least 10% Biodiversity Net Gain (BNG). BNG will be required for small sites from April 2024.' All sites, except the exemptions, are now required to provide BNG so this paragraph is out-of-date and there is no need to specify the commencement date for small sites which has now passed.
Paragraph 4.13.5	This refers to the current version of the biodiversity metric 4.0 whereas policy 13 refers to the use of the latest version. It is recommended that the paragraph is amended to just refer to the latest version as it is likely to be out of date quite quickly.
Paragraph 4.13.6	Bee bricks, bird and bat boxes and hedgehog holes in rear garden fences also cannot be included in the BNG calculation, not just swift bricks. Paragraph should be amended to clarify this.
Figure 14c	This plan shows a 'forthcoming new primary school'. This new school does have planning consent, but we are not intending to start building it at this stage. Officers are hoping to secure an alternative site through one of the larger local plan developments. Therefore, officers would prefer the wording to say, ' <i>potential new primary school site</i> '.
Policy 16	It is suggested that Cromwell Oak Field, adjacent to Melksham Oak Community School, is designated as a Local Green Space. It is also suggested that the green space opposite Tesco Express and The Pilot pub in Bowerhill could be designated as Local Green Space.
Local Green Space no. 47 listed on page 95	Officers request that LGS no. 47 ' <i>Dog Walking Area to the Rear of The Spa</i> ' is renamed as ' <i>Woolmore Farm Fields</i> ' as this is the name of this Wiltshire Council Countryside Site. Dog Walking Area rather does it a disservice as it may become a Local Nature Reserve in the future.
Policy 19	<p>The Green Wedge policy includes extensive areas of land next to defined settlement boundaries. This is a restrictive policy that could undermine the ability to bring forward appropriate sustainable land uses on the edge of settlements over the plan period. For example, the emerging Local Plan allows for new community facilities (Policy 81) and employment development (Policy 64) adjacent to settlement boundaries.</p> <p>The proposed Green Wedges include land adjacent to Hampton Business Park Principal Employment Area – the '<i>Berryfield and Semington</i>' Green Wedge. WCS Core Policy 34 '<i>Additional employment land</i>' allows for additional employment land to come forward adjacent to settlement boundaries to help retain or expand businesses. There is currently a shortage of land to meet the needs of local employers and as such these policies could restrict the sustainable expansion of established employment areas. As such there is particular concern about this area. This proposed Green Wedge also includes the headquarters and heliport of the Wiltshire and Bath Air Ambulance charity and these proposals could thwart any possible future expansion plans of this organisation.</p>
Policy 20	This policy references the adopted Melksham Design Guide and Codes (AECOM, 2023), which together with this draft neighbourhood plan will comprehensively, at this level, assist developers. It will provide a tool in consultation on design matters at a site-specific level, and which the broad wording in the Wiltshire Core Strategy Core Policy 57 and its update in the draft Local Plan will sit alongside.
Policy 20	Since the pre-submission Reg 14 consultation stage, Wiltshire Council has adopted its Wiltshire Design Guide – this should be referenced in the second paragraph of the policy.

	Suggested change – ‘In addition to having regard to the National Design Guide and Wiltshire Council design policy <u>the Wiltshire Design Guide</u> , development proposals must.....’
Supporting text to Policy 20	<p>Officers reiterate our previous comments at the pre-submission Reg 14 consultation stage which seek additional supporting text as follows:</p> <p>‘Sustainable construction shall be considered to represent high quality design depending on the detail of the proposal and the sensitivity of the site. It is acknowledged that meeting the challenge of mitigating and adapting to climate change will necessitate new and innovative approaches to the layout, design and orientation of development as providing a well-designed place.’</p>
Priority Statement 1: Transport Infrastructure – Bypass	<p>This is a potentially hugely significant issue in terms of climate change and the environmental implications of providing a by-pass need to be assessed and weighed with any evidence around the economic and social dimensions of such a project. Given that the Plan acknowledges that priority statements are beyond the scope of a neighbourhood plan, officers would suggest some additional wording:</p> <p>‘The potential Melksham bypass and its impacts in terms of climate change need to be assessed (e.g. a whole life carbon assessment in accordance with RICS whole life carbon assessment (WLCA) standard, 2<sup>nd</sup> edition) as part of a holistic assessment that weighs equally the environmental, social and economic dimensions of such a scheme. Any proposal would need to be accompanied by a package of measures to take all opportunities for significant enhancement to sustainable transport, including new walking, cycling and public transport routes and interchanges aligned with other strategies, such as works around Melksham train station.’</p>
<b>Melksham Design Guidelines and Codes - Wiltshire Council comments</b>	
<p>Wiltshire Council are supportive of this document. It references/ provides catch to the National Model Design Code Part 2 and Building for a Healthy Life.</p> <p>2.4 Character Areas – The difficulty with referencing mid /late 20<sup>th</sup> c housing estates and 21<sup>st</sup> c estates (page 39) is that they can be seen as setting a low benchmark i.e. poor layout features and character (less).</p> <p>Page 48 - ‘<i>reference the particular built and landscape character in new design</i>’ – why is that worthy in late 20<sup>th</sup> c 21<sup>st</sup> c volume housebuilder standard model housing estates? This is where other documents referenced i.e. Wiltshire Design Guide and Building for a Healthy Life etc try to help raise the quality.</p>	

## **Appendix 1**

### **Strategic Environmental Assessment Screening Opinion (Wiltshire Council, August 2022)**

#### **1. Introduction**

- 1.1 This document provides a screening determination of the need to carry out a Strategic Environmental Assessment (SEA) of the Draft Joint Melksham Neighbourhood Plan (hereafter 'Draft JMNP').
- 1.2 Wiltshire Council, as the 'Responsible Authority'<sup>1</sup> under the SEA Regulations<sup>2</sup>, is responsible for undertaking this screening process. It will determine if the Draft JMNP is likely to have significant environmental effects, and hence whether SEA is required.
- 1.3 This process has been carried out in accordance with the requirements of European Directive 2001/42/EC<sup>3</sup>, often known as the Strategic Environmental Assessment (SEA) Directive, which has been transposed into English law by the SEA Regulations.

#### **2. Legislative requirements**

- 2.1 The Localism Act 2011 requires neighbourhood plans to comply with EU legislation. The screening procedure outlined in this report meets the requirements of the SEA Directive and Regulations, as introduced in Section 1 of this document.
- 2.2 Regulation 5 of the SEA Regulations requires an environmental assessment of plans which:
  1. *are prepared for agriculture, forestry, fisheries, energy, industry, transport, waste management, water management, telecommunications, tourism, town and country planning or land use (Regulation 5, para. (2)(a), and which set the framework for future development consent of projects listed in Annex I or II to Council Directive 85/337/EEC (EIA Directive) on the assessment of the effects of certain public and private projects on the environment (Reg. 5, para. (2)(b)*
  2. *in view of the likely effect on sites, have been determined to require an assessment pursuant to Article 6 or 7 of the Habitats Directive (92/43/EEC) (Reg. 5, para. (3)*
  3. *set the framework for future development consent of projects (Reg. 5, para. (4)(b)*
  4. *are determined to be likely to have significant environmental effects as determined under regulation 9(1) (Reg. 5, para. (4)(c)*

An environmental assessment need not be carried out for:

- a) *plans which determine the use of a small area at local level (Regulation 5, para. (6)(a); or*
- b) *plans which are a minor modification to a plan or programme (Regulation 5, para. (6)(b) unless it has been determined under regulation 9(1) that the plan is likely to have significant environmental effects.*

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<sup>1</sup> The organisation which adopts the neighbourhood plan (this is described in Wiltshire Council's guide *Neighbourhood planning – a guide for Wiltshire's parish and town councils* (June 2012) as 'makes the plan').

<sup>2</sup> The Environmental Assessment of Plans and Programmes Regulations 2004

<sup>3</sup> European Directive 2001/42/EC "on the assessment of the effects of certain plans and programmes on the environment"

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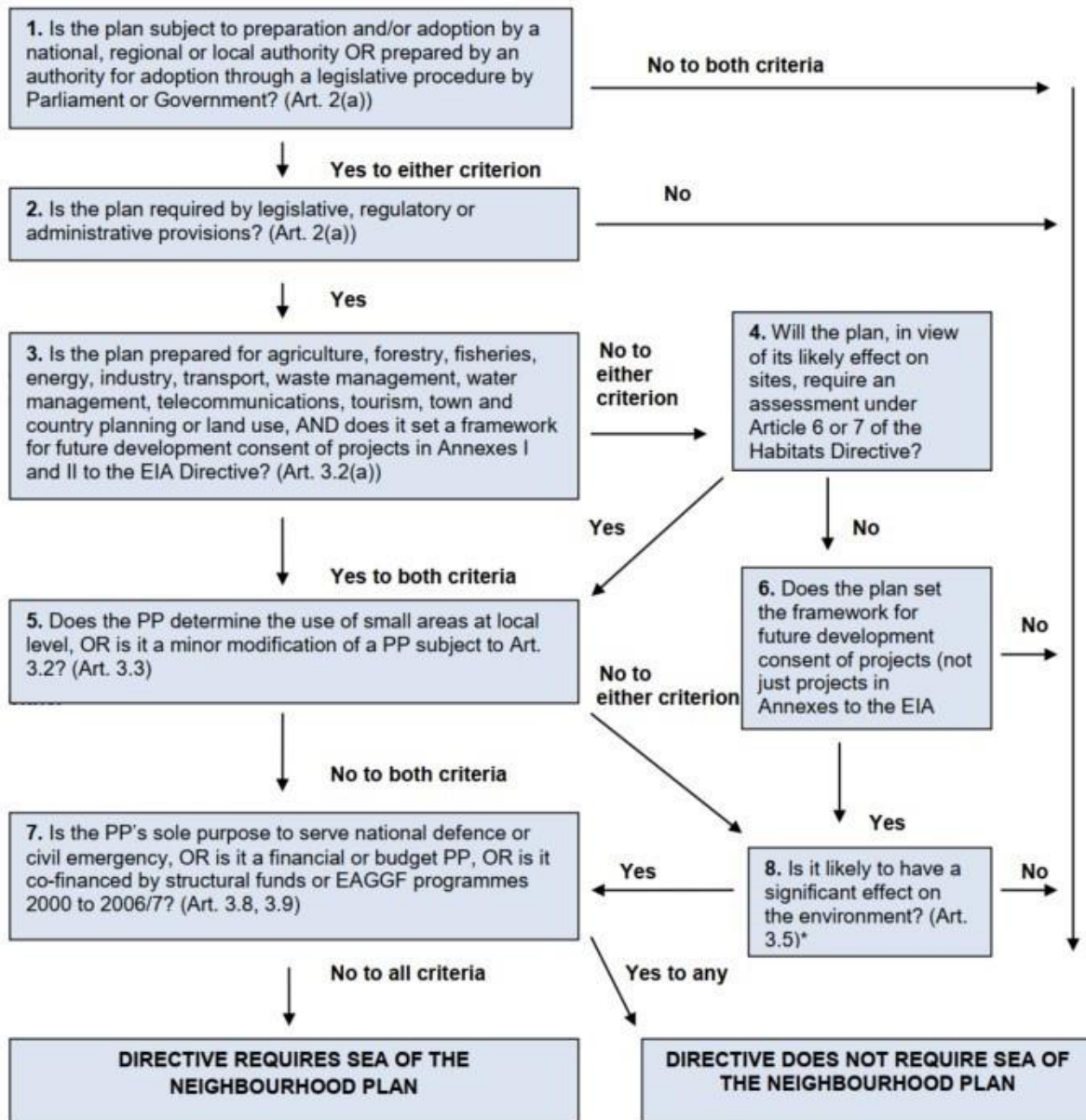
<sup>1</sup> The organisation which adopts the neighbourhood plan (this is described in Wiltshire Council's guide *Neighbourhood planning – a guide for Wiltshire's parish and town councils* (June 2012) as 'makes the plan').

<sup>2</sup> The Environmental Assessment of Plans and Programmes Regulations 2004

<sup>3</sup> European Directive 2001/42/EC "on the assessment of the effects of certain plans and programmes on the environment"



2.3 The diagram below shows the SEA Directive's requirements and its application to neighbourhood plans:

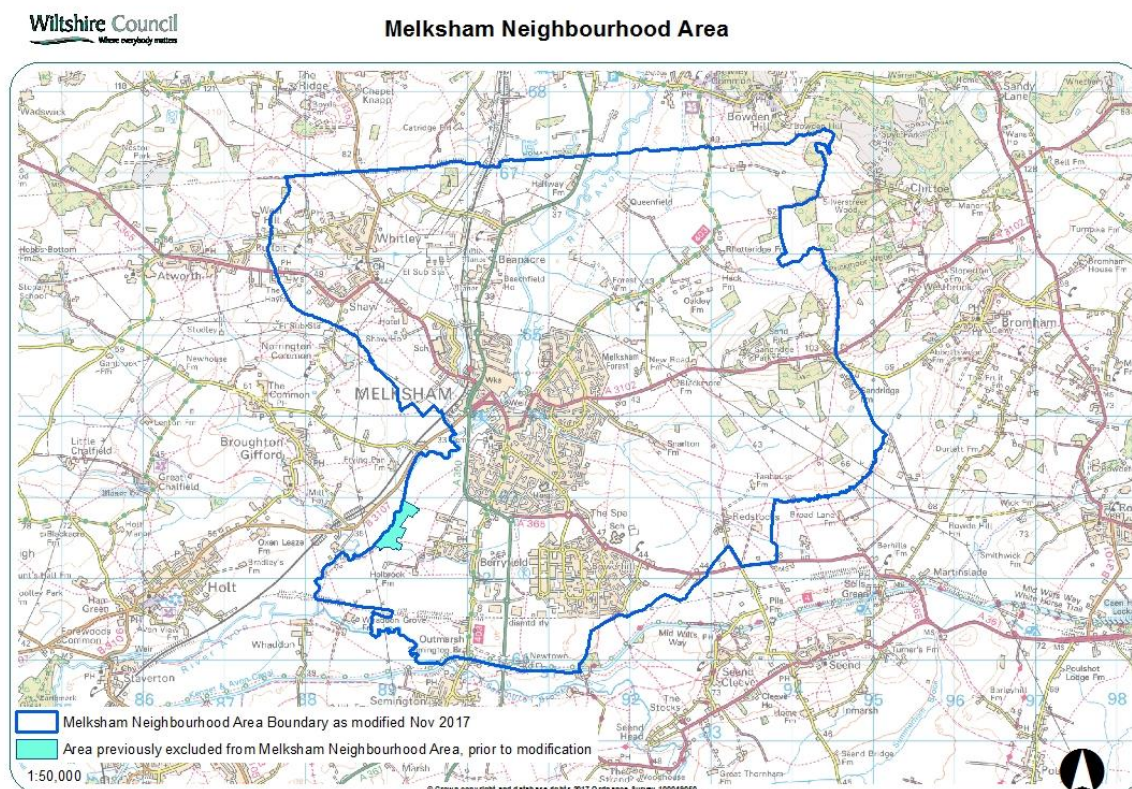


\* Plans falling in this category (No.8) will be screened by Wiltshire Council to determine if they are likely to have significant environmental effects. This determination will be made on a case-by-case basis for neighbourhood plans coming forward in Wiltshire.

NB This diagram is intended as a guide to the criteria for application of the Directive to neighbourhood plans. It has no legal status.

### 3. The Draft Joint Melksham Neighbourhood Plan

- 3.1 The parishes of Melksham Town and Melksham Without are preparing a neighbourhood plan under the provisions of the Localism Act 2011.
- 3.2 The designation of the Melksham Neighbourhood Area was made on 8<sup>th</sup> November 2017 (see map of area below). For the designation notice see <http://www.wiltshire.gov.uk/planning-neighbourhood-latest-news>



- 3.3 This screening decision is based on an email received by Wiltshire Council from the clerk of Melksham Without Parish Council, requesting that an SEA screening is undertaken. The email sets out the latest position with the Draft JMNP and includes a description of the JMNP review scope and the likely evidence, policy and potential land allocation or designations agreed by the Steering Group. The email is accompanied by a list of 89 potential development sites which are being considered for possible allocation in the Plan. The email states *'it is likely that the neighbourhood plan review will consider allocation of land for between 150 to 250 homes.'*
- 3.4 There is no draft Plan at this early stage, but the steering group are requesting an SEA screening opinion now so that if it is considered that an SEA will be required, AECOM consultants can get started with the SEA.
- 3.5 As it is not known at this stage which sites will be allocated in the neighbourhood plan, this SEA screening assumes that any of the sites could be allocated and takes a precautionary approach on that basis.



## **4. SEA Screening assessment**

4.1 Wiltshire Council, as the 'Responsible Authority', considers that the draft JMNP2 falls within the scope of the SEA Regulations on the basis that it is a plan that:

**a)** is subject to preparation or adoption by an authority at national, regional or local level (Regulation 2);

**b)** is prepared for town and country planning or land use and it is a plan that sets the framework for future development consent of projects generally (Regulation 5); and

**c)** will apply to a wider area other than a small area at local level and is not a minor modification to an existing plan or programme (Regulation 5).

4.2 A determination under Regulation 9 is therefore required as to whether the draft JMNP2 is likely to have significant effects on the environment.

4.3 The screening requirements set out in Regulation 9 and Schedule 1 of the SEA Regulations includes two sets of characteristics for determining the likely significance of effects on the environment. These relate to i) the characteristics of the draft JMNP2 and ii) the characteristics of the effects and of the area likely to be affected by the draft JMNP2. In making a determination, Wiltshire Council will take into account the criteria specified in Schedule I of the Regulations which are follows:

### **1. The characteristics of the plans and programmes, having regard in particular to:**

**(a)** the degree to which the plan or programme sets a framework for projects and other activities, either with regard to the location, nature, size and operating conditions or by allocating resources;

**(b)** the degree to which the plan or programme influences other plans and programmes including those in a hierarchy;

**(c)** the relevance of the plan or programme for the integration of environmental considerations in particular with a view to promoting sustainable development;

**(d)** environmental problems relevant to the plan or programme; and

**(e)** the relevance of the plan or programme for the implementation of Community legislation on the environment (for example, plans and programmes linked to waste management or water protection).

### **2. Characteristics of the effects and of the area likely to be affected, having regard, in particular, to:**

**(a)** the probability, duration, frequency and reversibility of the effects;

**(b)** the cumulative nature of the effects;

**(c)** the transboundary nature of the effects;

**(d)** the risks to human health or the environment (for example, due to accidents);

**(e)** the magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected);

**(f)** the value and vulnerability of the area likely to be affected due to—

**(i)** special natural characteristics or cultural heritage;

- (ii) exceeded environmental quality standards or limit values; or
- (iii) intensive land-use; and

(g) the effects on areas or landscapes which have a recognised national, Community or international protection status.

The screening assessment of the draft JMNP2 is set out below:

Criteria (Schedule 1 SEA Regs.)	Significant environmental effects likely?	Justification and evidence
<b>1. The characteristics of plans, having regard, in particular, to:</b>		
(a) the degree to which the plan sets a framework for projects and other activities, either with regards to the location, nature, size and operating conditions or by allocating resources	No	The neighbourhood plan will cover the two parish areas only. Whilst the draft Plan will set a framework for projects at the parish level, it will not set a framework for a significant degree of projects or other activities.
(b) the degree to which the plan influences other plans and programmes including those in a hierarchy	No	The draft JMNP is being produced by the local community to influence development at the local parish level. The draft JMNP will not have a significant influence on other plans and programmes or those in a hierarchy. All neighbourhood plans must be in general conformity with the strategic policies contained in the development plan for the area, contribute to the achievement of sustainable development and have regard to national policies.
(c) the relevance of the plan for the integration of environmental considerations, in particular with a view to promoting sustainable development	No	The draft JMNP will be a land-use plan that promotes sustainable development, in general conformity with the Local Plan and national planning guidance. It will not be a Plan specifically relating to the integration of environmental considerations.
(d) environmental problems relevant to the plan	No	There are no known specific environmental problems relevant to this Plan.
(e) the relevance of the plan for the implementation of Community legislation on the environment (for example, plans and programmes linked to waste management or water protection)	No	The neighbourhood plan is not relevant as a plan for implementing community legislation.
<b>2. Characteristics of the effects and of the area likely to be affected, having regard, in particular, to:</b>		
(a) the probability, duration, frequency and reversibility of the effects	Yes	The information supplied states that the draft JMNP <i>'is exploring the potential to identify further site allocations with capacity to make a meaningful contribution to the identified community area housing requirement...it is likely that the neighbourhood plan review will consider allocation of land for between 150 to 250 homes.'</i> A schedule showing 89 potential development sites is attached. It is not known which sites will be allocated or for how many dwellings. The neighbourhood plan may exceed the figures stated. So a precautionary approach is taken to the likelihood of significance of effects. There is the potential for significant effects on landscapes, biodiversity, flood risk, on designated and undesignated heritage assets and their settings and on various other areas of environmental importance. For this reason, it is considered likely that site allocations alone will have significant environmental effects.

(b) the cumulative nature of the effects	No	No specific cumulative effects of the proposals are considered likely.
(c) the transboundary nature of the effects	No	No transboundary effects with other EU countries are considered likely to be significant.
(d) the risks to human health or the environment (for example, due to accidents)	No	There are no significant environmental effects considered likely to risk human health or the environment.
(e) the magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected)	No	The Draft JMNP covers two parishes only. Significant environmental effects due to the geographic size of the area and population size are not considered likely.
(f) the value and vulnerability of the area likely to be affected due to— (i) special natural Characteristics or Cultural heritage; (ii) exceeded environmental quality standards or limit values; or (iii) intensive land-use;	Yes	See 2a above. The draft JMNP is considered unlikely to have significant environmental effects due to exceeded environmental quality standards or limit values or intensive land-use.
(g) the effects on areas or landscapes which have a recognised national, Community or international protection status.	Yes	See 2a above.

## 5. SEA Screening decision

- 5.1 Regulation 9 of the SEA Regulations requires that the responsible authority (Wiltshire Council) shall determine whether or not a plan is likely to have significant environmental effects. The responsible authority shall —
- (a) take into account the criteria specified in Schedule 1 to these Regulations; and
  - (b) consult the consultation bodies (Historic England, Natural England, Environment Agency).
- 5.2 Where the responsible authority determines that the plan is unlikely to have significant environmental effects (and, accordingly, does not require an environmental assessment), it shall prepare a statement of its reasons for the determination.
- 5.3 Wiltshire Council considers that the draft JMNP2 **is likely to have significant environmental effects** and accordingly **a Strategic Environmental Assessment is required**. This decision is made for the following reason:

Reason 1: The information supplied states that the draft JMNP *'is exploring the potential to identify further site allocations with capacity to make a meaningful contribution to the identified community area housing requirement...it is likely that the neighbourhood plan review will consider allocation of land for between 150 to 250 homes.'* A schedule showing 89 potential development sites is attached. It is not known which sites will be allocated or for how many dwellings. The neighbourhood plan may exceed the figures stated. So, a precautionary approach is taken to the likelihood of significance of effects. There is the potential for significant effects on landscapes, biodiversity, flood risk, on designated and undesignated heritage assets and their settings and on various other areas of environmental importance. For this reason, it is considered likely that site allocations alone will have the potential to have significant environmental effects.

- 5.4 This SEA screening has been undertaken taking into account information supplied in June 2022 which gives details of potential policy areas and sites which may potentially be allocated for housing in the neighbourhood plan. It is possible that the draft neighbourhood plan may allocate other sites and if this is the case then a revised SEA screening may need to be undertaken. In this instance, the Qualifying Body should request a revised SEA screening assessment from Wiltshire Council.

## 6. Consultation on SEA screening decision

- 6.1 This screening decision has been sent to Natural England, Environment Agency and Historic England, requesting comments within a 5-week period, ending on 2nd August 2022.
- 6.2 Comments were received from all three bodies, who agreed with the decision that an SEA is required for this Plan.

### Comments received from consultation bodies

#### Historic England

[REDACTED]

[REDACTED]

[REDACTED]

**Subject:** Joint Melksham Neighbourhood Plan - SEA screening consultation - formal response

**Date:** Tue 02/08/2022 22:55

[REDACTED]

Thank you for inviting us to comment on the Strategic Environmental Assessment (SEA) screening document for the Joint Melksham Neighbourhood Plan. Given the large number of potential sites that may be allocated for housing development, I concur with your opinion that a full SEA exercise would be required.

As far as I am aware, this is our first engagement with the Joint Melksham Neighbourhood Plan. Therefore, I would like to take this opportunity to share our standard guidance with the steering group. We would strongly recommend the use of our respective guidance on SEAs, Setting of Heritage Assets, Site Allocations, Local Listing, and Neighbourhood Planning, to help ensure that the Plan can demonstrate an appropriate degree of conformity with overarching policy for the protection and enhancement of the historic environment as set out in the Local Plan and NPPF.

Our guidance can be found at:

<https://historicengland.org.uk/images-books/publications/sustainability-appraisal-and-strategic-environmental-assessment-advice-note-8/heag036-sustainability-appraisal-strategic-environmental-assessment>

<https://historicengland.org.uk/images-books/publications/gpa3-setting-of-heritage-assets/heag180-gpa3-setting-heritage-assets/>

<https://historicengland.org.uk/images-books/publications/historic-environment-and-site-allocations-in-local-plans/heag074-he-and-site-allocation-local-plans/>

<https://historicengland.org.uk/images-books/publications/neighbourhood-planning-and-the-historic-environment/neighbourhood-planning-and-the-historic-environment-historic-england-advice-note-11/>

<https://historicengland.org.uk/images-books/publications/local-heritage-listing-advice-note-7/heag301-local-heritage-listing/>

I have also attached some documents that the steering group may find useful.

We have no further comments at this time; however, we look forward to having the opportunity to comment further on the emerging Neighbourhood Plan at the Regulation 14 stage, or before.

We wish the steering group well with their ongoing work.

Kind Regards,

[REDACTED]

[REDACTED]

**Environment Agency**

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

**SEA screening consultation - Joint Melksham Neighbourhood Plan**

Thank you for consulting us on the above screening decision and my apologies for missing the deadline. We agree with the conclusion that the plan is likely to have a significant environmental

effect.

The plan has potential sites to be allocated for growth that are in areas at increased risk of flooding, specifically in flood zones 2 and 3. Any allocations therefore will need to pass the Sequential Test.

In addition, the plan may impact on biodiversity and water quality of the River Avon and numerous tributaries in the plan area which are also designated as main rivers.

We encourage plan makers to seek ways in which their neighbourhood plan can improve the local environment. For your information, together with Natural England, English Heritage and Forestry Commission we have published joint guidance on neighbourhood planning, which sets out sources of environmental information and ideas on incorporating the environment into plans. This is available at: <https://neighbourhoodplanning.org/toolkits-and-guidance/consider-environment-neighbourhood-plans/>

If you have any queries regarding our response, please get in touch at [swx.sp@environment-agency.gov.uk](mailto:swx.sp@environment-agency.gov.uk)

Yours sincerely,

[Redacted signature]

**Natural England**

[Redacted signature block]

On behalf of Natural England, I can confirm we concur with the screening decision made by Wiltshire Council, namely: the Draft JMNP **is likely to have significant environmental effects**  
Regards,

[Redacted signature block]



## **Appendix 2**

### **HRA Screening Opinion (Wiltshire Council, December 2024)**

#### **JOINT MELKSHAM NEIGHBOURHOOD PLAN 2 HABITATS REGULATIONS ASSESSMENT (HRA)**

##### **1. Introduction**

1.1 This Habitats Regulations Assessment (HRA) relates to the modified Joint Melksham Neighbourhood Plan 2020 – 2038: Submission Plan September 2024, hereafter referred to as the NP which was submitted to Wiltshire Council in November 2024. This HRA has been undertaken to inform a Regulation 16 consultation response from Wiltshire Council to the NP. The Joint Melksham NP was made in 2021 and is being re-screened under the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019<sup>4</sup>, hereafter referred to as the Habitats Regulations, due to new and revised policies and the requirement for the qualifying body to consult the local planning authority on the proposed modifications to the NP. The housing site allocations in Policies 7.1-7.5 have increased the total number of houses allocated in the NP from 18 in the made plan to approximately 415.

1.2 The HRA has been carried out to comply with Regulation 105 of the Habitats Regulations, hereafter referred to as the Habitats Regulations. Under these Regulations, a competent authority must consider whether a relevant plan is likely to have a significant effect on any European sites (formally also referred to as Natura 2000 sites and now known as the national site network<sup>5</sup>) before deciding to give any consent, permission or other authorisation. If the screening exercise demonstrates significant effects are likely, whether or not these are addressed through mitigation measures<sup>6</sup>, the competent authority must undertake an appropriate assessment to examine the effects of the plan on the conservation objectives of the European sites in question, consult the appropriate nature conservation body and have regard to its representations. Both the screening and any subsequent AA must consider the impacts of the plan alone and in combination with other plans or projects.

1.3 It is usually the case that a plan of this nature does not go into the detailed aspects of development proposals and therefore the full effects of potential development cannot be accurately assessed at the plan making stage. Those details will typically be identified through a planning application which would be subject to further, more detailed HRA. The principle that a HRA need only consider the effects of a proposal or policy in as much detail as is specified by the plan was explained by Advocate General Kokott in a judgement brought against the UK government in 2005:

*“Many details are regularly not settled until the time of the final permission. It would also hardly be proper to require a greater level of detail in preceding plans or the abolition of multi-stage planning and approval procedures so that the assessment of implications can be concentrated on one point in the procedure. Rather, adverse effects on areas of conservation must be assessed at every relevant stage of the procedure to the extent possible on the basis of the*

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<sup>4</sup> On 1<sup>st</sup> January 2021 the Conservation of Habitats and Species Regulations 2017 were amended by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019. Most of these changes involved transferring functions from the European Commission to the appropriate authorities in England and Wales. All other processes or terms in the 2017 Regulations remain unchanged and existing guidance is still relevant. The obligations of a competent authority in the 2017 Regulations for the protection of sites or species do not change [Changes to the Habitats Regulations 2017 - GOV.UK](https://www.gov.uk/government/publications/changes-to-the-habitats-regulations-2017) ([www.gov.uk](https://www.gov.uk))

<sup>5</sup> Due to the Conservation of Habitats and Species Regulations 2017 (as amended) being amended by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019 on 1<sup>st</sup> January 2021.

<sup>6</sup> Court of Justice of the European Union, Case C 323/17 “People Over Wind”/P. Sweetman v Coillte Teoranta

*precision of the plan. This assessment is to be updated with increasing specificity in subsequent stages of the procedure.”<sup>7</sup>*

1.4 Where appropriate assessment is undertaken, the competent authority may go on to authorise the plan or project provided that it will not adversely affect the integrity of any European sites. Where an **adverse effect on the integrity (AEoI)** of any European sites cannot be ruled out, and where there are no alternative solutions, the plan can only be authorised and proceed if there are **imperative reasons of over-riding public interest (IROPI)** and if the necessary compensatory measures can be secured.

1.5 Wiltshire Council has conducted the following HRA as competent authority for the Joint Melksham NP 2. Where risks to European sites are identified, changes are recommended to remove or reduce the risks, and these should be incorporated into the NP before it is made. Likewise, if the policies or planning context change after the HRA is completed, the HRA process must be repeated before the final plan is considered by a referendum and adopted.

## **2. Screening Methodology**

2.1 Each element of the plan has been categorised against screening criteria developed by Natural England (NE) to provide a clear audit trail for the screening assessment.

2.2 The screening criteria used are as follows:

- Category A1: The policy will not itself lead to development e.g. because it relates to design or other qualitative criteria for development.
- Category A2: The policy is intended to protect the natural environment.
- Category A3: The policy is intended to conserve or enhance the natural, built or historic environment.
- Category A4: The policy would positively steer development away from European sites and associated sensitive areas.
- Category A5: The policy would have no effect because no development could occur through the policy itself, the development being implemented through later policies in the same plan, which are more specific and therefore more appropriate to assess for their effects on European sites and associated sensitive areas.
- Category B: No significant effect.
- Category C: Likely significant effect alone; and
- Category D: Likely significant effects in combination.

2.3 The effect of each policy has been considered both individually and in combination with other plans and projects (see Table 1 below). Where potential for likely significant effects have been identified, an appropriate assessment is undertaken in subsequent sections.

## **3. Higher Level HRAs**

### **Wiltshire Core Strategy**

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<sup>7</sup> Commission of the European Communities v UK and NI, opinion of Advocate General KoKott, 9 June 2005, Case C-6/04

3.1 The Wiltshire Core Strategy HRA (October 2009, February 2012<sup>8</sup>, March 2013<sup>9</sup>, February 2014<sup>10</sup> and April 2014<sup>11</sup>) identified general parameters to determine the likelihood of potential impacts on European sites. The following potential impact pathways and associated parameters were identified and assessed for the European sites stipulated below.

- *Recreation – European sites within 5km of the plan area, or where the New Forest Special Protection Area (SPA)/Special Area of Conservation (SAC) is within 13.8km (extended to 15km where HRA indicates this is necessary) of the plan area or where Salisbury Plain SPA/SAC is within 15km of the plan area (it should be noted that the relevant parameter for the latter has since been revised on the basis of data obtained by means of visitor surveys and is now 6.4km):*
  - Salisbury Plain SPA / SAC
  - River Avon SAC
  - New Forest SAC / SPA
  - Bath and Bradford on Avon Bats SAC (added post adoption of WCS)
  - North Meadow and Clattinger Farm SAC (added post adoption of WCS)
- *Hydrology / Hydrogeology - Sites that fall wholly or partly within the Wessex Water Resource Zone may be susceptible to impact:*
  - Salisbury Plain SAC / SPA
  - Bath and Bradford on Avon Bats SAC
  - Pewsey Downs SAC
  - North Meadow and Clattinger Farm SAC
  - River Avon SAC
  - River Lambourn SAC
  - Kennet & Lambourn Floodplain SAC
- *Air Pollution / Nitrogen Deposition – European sites within 200m of a main road*
  - Porton Down SPA
  - Salisbury Plain SAC / SPA
  - Solent and Southampton Water SPA
  - North Meadow and Clattinger Farm SAC
  - River Avon SAC
  - Rodborough Common SAC
  - Cotswolds Beechwoods SAC
- *Physical Damage / Interruption of Flight Lines / Disturbance*
  - Bath and Bradford on Avon Bats SAC
  - Porton Down SPA
  - Chilmark Quarries SAC (added post adoption of WCS)

<sup>8</sup> Wiltshire Core Strategy Submission Draft – Assessment under the Habitats Regulations, Wiltshire Council, February 2012

<sup>9</sup> Wiltshire Core Strategy – Assessment under the Habitats Regulations, Wiltshire Council, March 2013

<sup>10</sup> Update to the Wiltshire Core Strategy Habitats Regulations Assessment, February 2014 (Exam/89)

<sup>11</sup> Wiltshire Core Strategy Updated Habitats Regulations Assessment, April 2014

- Mottisfont Bats SAC (added post adoption of WCS)

## **Wiltshire Housing Site Allocations Plan**

3.2 Since the WCS was adopted, the Council published a pre-submission draft of the Wiltshire Housing Site Allocations Plan (WHSAP) together with a HRA dated 21 June 2017. A schedule of proposed changes was considered by Cabinet supported by an Addendum to the HRA dated May 2018. A further schedule of changes and an Addendum to the HRA incorporating minor factual changes were published in September 2018 for public consultation. Subsequently, the WHSAP (Council Version, February 2020) was adopted by Full Council on 25<sup>th</sup> February 2020, and this was accompanied by the final WHSAP Assessment under the Habitats Regulations (Wiltshire Council, February 2020).

3.3 The screening criteria for the adopted WHSAP and final HRA were modified for some European sites from those used for the Core Strategy subsequent to the acquisition of results from new surveys, and in light of advice from NE. This includes the zone of influence around the Salisbury Plain SPA used to screen for likely significant effects as a result of recreational pressure being revised from 15km to 6.4km on the basis of data obtained by means of visitor surveys.

3.4 Furthermore, since the Core Strategy was adopted, NE has advised Wiltshire Council of its concerns regarding the growing number of visitors to the North Meadow and Clattinger Farm SAC in recent years which has led to an increase in trampling. NE has advised that this is particularly evident at North Meadow (which is also a National Nature Reserve (NNR)) during April and May when visitors come to see the Snake's-head fritillaries in flower. NE considers that the increase in recreational pressure upon the SAC is primarily as a result of increases in the local population, and that major new housing developments within a short travel distance of North Meadow are likely to add to the existing visitor pressure and trampling effects.

3.5 The North Meadow and Clattinger Farm SAC Interim Recreation Mitigation Strategy 2023 – 2028 (May 2023) sets out the mitigation strategy for the North Meadow element of the SAC with regards to new residential and tourism accommodation developments within the identified Zol. The Clattinger Farm element of the SAC is not subject to the strategy. The strategy sets out two Zol, an Inner Zone of 0km - 4.2km and an Outer Zone of 4.2km – 9.4km. The Inner Zone represents the area within which 75% of local year round users (e.g. dog walkers) originate. The Outer Zone represents the area within which 75% of those people who visit to view the Snake's-head fritillaries during the main flowering season originate<sup>12</sup>. Mitigation will be achieved through financial contributions to Strategic Access Management Monitoring (SAMM), Infrastructure Mitigation Projects (IMP) and/or Suitable Alternative Natural Greenspace (SANGs). Developments of over 50 units within the Inner Zone will be expected to provide their own SANG unless a financial contribution to the IMP/SANG project system can be robustly justified. The strategy is an interim approach and will be reviewed within 5 years following further monitoring and surveys.

3.6 Potential recreational impacts on the New Forest SPA/SAC were initially identified by the HRA to the South Wiltshire Core Strategy which was adopted in 2012. The HRA identified an 8km Zol around the SPA/SAC. Core Policy 50 of the WCS addressed the New Forests mitigation requirements, identifying the need for a New Forest Mitigation Strategy. Since the WCS was adopted, the council has joined a partnership of local authorities seeking to develop a strategic approach to mitigation including the extent of the zone of influence and how to fairly reflect

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<sup>12</sup> North Meadow and Clattinger Farm SAC Interim Recreation Mitigation Strategy 2023 – 2028. Cotswold District Council, Swindon Borough Council and Wiltshire Council in partnership with Natural England. May 2023

different visit rates within it. This evidence informed the preparation of an Interim Recreation Mitigation Strategy by Wiltshire Council.

3.7 The WCS adopted the 8km zone of influence, however, as discussed in the latest iteration of the council's strategy, from 1st September 2021, this was revised to 13.8km, and may be extended to include applications within 15km, where demonstrated to be necessary through a bespoke appropriate assessment.

3.8 At a Cabinet meeting on the 7<sup>th</sup> May 2024, a revised mitigation approach with regards to recreational impacts on the New Forest SPA/SAC was agreed for all new residential and tourism developments within the Zols around the SPA/SAC. This revised approach maintains the 13.8km and 15km Zols and came into effect immediately. The revised Recreation Mitigation Strategy document will be published on the Council's website shortly.

3.9 The revised approach requires developers to provide a contribution of £600 per dwelling/unit towards Strategic Access Management and Monitoring (SAMM) for all new residential and tourism developments within the Zols, including those coming forward under permitted development. Residential developments of 50 or more dwellings on greenfield or brownfield sites would also be required to provide an area of Suitable Alternative Natural Greenspace (SANG).

3.10 The details of the revised approach are set out in the Cabinet paper dated 7<sup>th</sup> May and can be found here: [Cabinet paper 7th May - Revised New Forest Mitigation Strategy](#).

3.11 Since the WCS was adopted and on the advice of NE, any plan or project that will lead to development within the catchment of the River Avon SAC must be phosphorus neutral and be subject to appropriate assessment which concludes no adverse effect on the SAC alone or in-combination with other plans or projects in order to be authorised.

## **Emerging Evidence and Advice from Natural England Subsequent to Adoption of WHSAP**

3.12 Similarly, it came to light in spring 2020 that any plan or project that will lead to development within the catchment of the River Test must be nitrogen neutral as the Test drains into the Solent and this region is protected by a number of European and international designations including the Solent Maritime SAC, Chichester and Langstone Harbours SPA, Portsmouth Harbour SPA and Solent and Southampton Water SPA and Ramsar site. In 2018 and 2019 NE undertook a number of condition assessments of the features of these designated sites around the Solent. These assessments identified that high levels of nitrogen and phosphorus are entering this water environment and that there is sound evidence that nitrogen in particular is causing eutrophication at the aforementioned designated sites and that the resulting excessive growth of green algae and plants, which reduces oxygen and light levels, is leading to negative effects on the special features for which the European sites are designated. These nutrient inputs currently mostly come either from agricultural sources or from wastewater from existing housing and other development. These findings were published by NE in June 2020 in *Advice on Achieving Nutrient Neutrality for New Development in the Solent Region*. This advice also stipulates that:

*"There is uncertainty as to whether new growth will further deteriorate designated sites. This issue has been subject to detailed work commissioned by local planning authorities (LPAs) in association with Natural England, Environment Agency and water companies. This strategic work, which updates early studies, is on-going. Until this work is complete, the uncertainty remains and the potential for future housing developments across the Solent region to exacerbate these impacts creates a risk to their potential future conservation status.*

*One way to address this uncertainty is for new development to achieve nutrient neutrality. Nutrient neutrality is a means of ensuring that development does not add to existing nutrient*

*burdens and this provides certainty that the whole of the scheme is deliverable in line with the requirements of the Conservation of Habitats and Species Regulations 2017 (as amended).*

*This report sets out a practical methodology to calculating how nutrient neutrality can be achieved. This methodology is based on best available scientific knowledge, and will be subject to revision as further evidence is obtained. It is our advice to local planning authorities to take a precautionary approach in line with existing legislation and case-law when addressing uncertainty and calculating nutrient budgets."*

3.13 In accordance with NE's advice, any plan or project which will lead to development within the catchment of the River Test cannot be approved unless nitrogen neutrality has been demonstrated via quantitative means, and an appropriate assessment conducted by the competent authority has concluded beyond reasonable scientific doubt that there would be no adverse effects on the integrity of any of the Solent region European sites.

3.14 In 2022 the River Lambourn SAC and the Somerset Levels and Moors Ramsar site were identified by NE as being in unfavourable condition due to excessive phosphorus inputs. A very small area of both of these sites are located within Wiltshire. Any overnight accommodation development within the catchment of the SAC or Ramsar site are now required to demonstrate phosphorous neutrality and be subject to an appropriate assessment which concludes no adverse effect on the SAC or Ramsar site alone or in-combination with other plans or projects in order to be authorised.

## **Screening of the Joint Melksham NP 2 Area**

### *Recreation*

3.15 In relation to Salisbury Plain, the SAC habitat features were screened out of appropriate assessment for the Core Strategy on the advice of Natural England. The Salisbury Plain SPA can also be screened out of appropriate assessment with respect of this NP as the plan area lies beyond the 6.4km zone around the SPA within which the majority (75%) of visitors to the Plain are expected to live. This is based on the data collated by means of a visitor survey commissioned by the Council in 2015.

3.16 Recreational pressure on the River Avon SAC is recognised to occur in limited circumstances predominately where significant development lies in close proximity to the SAC, and this will not occur as a result of this NP as the plan area lies over 20km from the SAC at the closest point.

3.17 The NP area lies well beyond the 13.8km radius around the New Forest SAC/SPA within which the majority (75%) of day visitors to the New Forest originate<sup>13</sup>, therefore appropriate assessment with regards to the potential for likely significant effects on the New Forest SAC/SPA has been screened out.

3.18 The south-easternmost section of the NP area is located within the 2km core area around a lesser horseshoe core roost functionally linked to the Bath and Bradford on Avon Bats SAC. The roost is located within a private building, therefore residential development supported by the NP would not cause recreational pressures on this individual roost and the Bath and Bradford on Avon Bats SAC has been screened out of appropriate assessment with regards to recreational impacts.

3.19 The NP area is located approximately 21.5km from the 4.6 - 9.4km outer recreational zone of influence (Zoi) around the North Meadow and Clattinger Farm SAC therefore appropriate assessment with regards to the potential for likely significant effects on the North Meadow and Clattinger Farm SAC has been screened out.

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<sup>13</sup> Wiltshire Core Strategy Updated Habitats Regulations Assessment, April 2014

### *Hydrology / Hydrogeology*

3.20 In terms of hydrology/hydrogeology, Melksham is located within the catchment of the Bristol Avon, rather than the Hampshire Avon, and as such there is no potential for a likely significant effect on the River Avon SAC as a result of the NP.

3.21 There have been no water resource issues identified for the Bath and Bradford on Avon Bats SAC which is the only SAC from the above list to lie fully within the Bristol Avon catchment. Furthermore, the Bristol Avon has not been identified as a cause of water resource issues for the Salisbury Plain SAC/SPA.

### *Air Pollution / Nitrogen Deposition*

3.22 The Wiltshire Core Strategy HRA identified that increased traffic would lead to potential effects through an increase in atmospheric pollution and nitrogen deposition upon a range of European sites within 200m of a main road. Such effects were considered to be very small and difficult to predict at the strategic level<sup>14</sup>. Although the NP allocates approximately 415 dwellings, none of the allocated sites lie within 200m or close proximity of any of the European sites listed above, as such, it is concluded that the NP will not result in significant effects on any European sites as a result of nitrogen or particulate matter deposition.

### *Physical Damage / Interruption of Flight Lines / Disturbance*

3.23 In terms of the potential to cause physical damage to features which provide habitat for bats, such as breeding, roosting and foraging habitat, and the potential to interrupt or fragment bat flight lines, or to cause disturbance to such features, it is deemed that the NP area is too remote to have implications for bats at the Chilmark Quarries SAC or the Mottisfont Bats SAC. However, the south-easternmost section of the NP area falls within the 2km core area around a lesser horseshoe bat core roost functionally linked to the Bath and Bradford on Avon Bats SAC. As it stands, the NP does not put forward any proposals for development within this area and as such appropriate assessment is not triggered. Nonetheless, if any proposals for development within the core area were to come forward, appropriate assessment under the Habitats Regulations at the planning application stage may be required.

3.24 The NP area is located approximately 13.7km from Salisbury Plain SPA and 23.6km from Porton Down SPA. Therefore, it is considered that the plan area and the allocated sites are sufficiently distant from the two SPAs and known functionally linked habitat, for any development within the NP area to cause direct physical damage to, or fragmentation of, breeding and foraging habitat for the Annex I species stone-curlew. The plan area and allocated sites are also considered too remote for development within the plan area to result in anthropogenic disturbance or visual stimuli that could have an adverse effect on stone-curlew breeding at either SPA.

## **4. Screening of Policies in Joint Melksham Neighbourhood Plan 2 2020 – 2038: Submission Plan September 2024**

4.1 The Joint Melksham NP 2 Submission Plan comprises 21 policies, with Policy 7 split into 5 parts; these are detailed and assessed in Table 1 below.

4.2 There are five policies within the NP that would lead directly to development, Policies 7.1 – 7.5, and they allocate five sites within the NP area for residential development of approximately 415

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<sup>14</sup> Update to the Wiltshire Core Strategy Habitats Regulations Assessment, February 2014 (Exam/89)



dwellings and a 70-bed care home. It is deemed that development at these allocated sites would not result in likely significant effects on any European sites, either alone or in-combination with other plans or projects. Furthermore, it is considered that none of the other policies within the NP would lead directly to development, nor would they result in a likely significant effect on any European sites, either alone or in-combination with other plans or projects. This is due to the nature, scope and scale of the proposals set out in the NP, and on account of the distance of the NP area from any European sites and the absence of a potential pathway for effect.

**TABLE 1: Habitats Regulations Assessment Screening of the Joint Melksham Neighbourhood Plan 2 2020 – 2038 Submission Plan  
September 2024**

A / B (Green) – Screened out

C / D (Red) – Screened in

Policy	Screening Category	Policy Summary and Assessment under Habitats Regulations	Comments and recommendations
Policy 1: Sustainable Design and Construction	A1	<p>This policy stipulates that within the constraints of scale and viability, proposals are expected to demonstrate how the impacts of climate change are mitigated and adapted to. The policy then sets out criteria to reduce carbon emissions, including the submission of a Sustainable Energy Strategy for all new development schemes, embedding the Energy Hierarchy within the design of buildings, the use of appropriate sustainability assessment tools such as BREEAM and CEEQUAL and the retention of existing buildings where possible and retrofitting measures to improve the energy performance of the existing building.</p> <p>The policy will not result in development itself but instead aims to steer and positively influence development to use low/zero carbon design and sustainable construction techniques, and to be resilient to climate change. The policy will not result in a likely significant effect upon any European sites. Details of any development that comes forward would be considered at the planning application stage to ensure it aligns with this policy and that there will be acceptability with respect of other Development Plan policies and the National Planning Policy Framework 2019 (NPPF).</p>	
Policy 2: Local Renewable and Low Carbon Energy and Associated Infrastructure	B	<p>This policy supports proposals for renewable energy, low carbon energy generation projects/developments and associated infrastructure including Battery Energy Storage Systems (BESS) where they meet the criteria set out in the policy including the proposal will not result in an adverse impact on the local environment and the proposal does not have an unacceptable impact on a feature of heritage, natural or biodiversity importance.</p> <p>The policy goes on to state that schemes where the energy produced can be used on or near the generation site/where energy storage is incorporated will be supported and that the reuse of existing buildings or structures or the use of brownfield sites should be utilised in preference to greenfield sites.</p> <p>The policy itself will not lead directly to development, but it lends support to renewable and low carbon energy production projects. The policy will not result in a likely significant effect upon any European sites. Details of any development that comes forward would be considered at the planning application stage to ensure it aligns with this policy and that there will be acceptability with respect of other Development Plan policies and the NPPF.</p>	

Policy	Screening Category	Policy Summary and Assessment under Habitats Regulations	Comments and recommendations
Policy 3: Flood Risk and Natural Flood Management	A1	<p>This policy sets out that natural flood management works to conserve and enhance the ecological flood storage value of the water environment, including watercourse corridors and catchments, will be supported. This policy seeks to ensure that where developments are located in areas with known surface water flooding issues, appropriate mitigation and construction methods are used, including where appropriate contributions to wider catchment projects. All developments will be required to demonstrate how flood risk is managed and should include measures to reduce the amount of rainwater run off and the incorporation of SuDs as part of the Natural Flood Management approach and wider Green and Blue Infrastructure networking.</p> <p>The policy itself will not lead to development, but instead sets out requirements for any forthcoming development proposals. The policy will not result in a likely significant effect upon any European sites. Details of any development that comes forward would be considered at the planning application stage to ensure it aligns with this policy and that there will be acceptability with respect of other Development Plan policies and the NPPF.</p>	
Policy 4: Ultra Low Emission Vehicle Charging	A1	<p>This policy requires all development proposals to provide charging for low emission vehicles in accordance with Wiltshire Council standards as relevant. The policy supports proposals where the layout and parking arrangements are designed to provide charging for low emissions vehicles regardless of the size or tenure of the home. Where planning permission is required for infrastructure on existing streets proposals will be supported subject to detailed considerations.</p> <p>The policy will not result in development itself but instead aims to steer and positively influence development. Furthermore, the policy will not result in a likely significant effect upon any European sites. Details of any development that comes forward would be considered at the planning application stage to ensure it aligns with this policy, and other Development Plan policies and the NPPF.</p>	
Policy 5: Community Engagement	B	<p>This policy encourages applications to demonstrate early, proactive, proportionate and effective engagement with the community in line with National Planning Policy. This pre-application community engagement is expected for reserved matters applications as well as outline and full applications. The policy goes on to state that <i>'Potential applicants are therefore encouraged to follow the approach set out in the Melksham Community Engagement Protocol and the Wiltshire Council Statement of Community Involvement.'</i></p> <p>The policy will not itself lead to development and will not result in a likely significant effect upon any European sites. Details of any development that comes forward would be considered at the planning application stage to ensure acceptability with respect of other Development Plan policies and the NPPF.</p>	
Policy 6: Housing in	A1	This policy lends support for sustainable housing development within the settlement boundaries of the NP area. Housing outside of the settlement boundaries will be managed in accordance with the adopted	

Policy	Screening Category	Policy Summary and Assessment under Habitats Regulations	Comments and recommendations
Defined Settlements		<p>Development Plan or allocated in the NP or the adopted Wiltshire Local Plan. This housing will be expected to meet evidenced local housing need.</p> <p>New houses will be supported where proposals have demonstrated how housing types and tenures have responded positively to meeting local needs. The policy goes on to list 6 criteria which new development should demonstrate, including:</p> <ul style="list-style-type: none"> <li>• Delivering rented and owner-occupied homes in a tenure blind mix, design and layout;</li> <li>• Increasing the supply of affordable homes;</li> <li>• Meeting the needs of an increasing local population of older people and those living with disabilities.</li> </ul> <p>The policy will not directly lead to development, but it does set out criteria that sustainable housing developments should meet in order to be acceptable within the NP area. The policy itself will not result in a likely significant effect upon any European sites, however it should be noted that the south-easternmost section of the NP area falls within the 2km lesser horseshoe bat core area around a core roost functionally linked to the Bath and Bradford on Avon Bats SAC. As such, if any proposals for housing development within this area were to come forward, appropriate assessment under the Habitats Regulations at the planning application stage may be required. Moreover, details of any development that comes forward would be considered at the planning application stage to ensure acceptability with respect of other Development Plan policies and the NPPF.</p>	
Policy 7.1: Land at Cooper Tires Factory Site	B	<p>This policy allocates the Land at the former Cooper Tires Factory site for:</p> <p><i>a. approximately 100 dwellings to include affordable housing subject to viability to be provided within the JMNP2 period to 2038. Further housing will be supported in principle in the context of a comprehensive masterplan for the site and addressing key policies and constraints, including flood risk.</i></p> <p><i>b. other uses, including employment, community, leisure, retail and cultural uses where they contribute to creating a sustainable neighbourhood, are consistent with other adopted policies, scheme viability and the delivery strategy.</i></p> <p><i>c. new accessible walking and wheeling routes, including riverside public realm,</i></p> <p><i>d. flood mitigation infrastructure.</i></p> <p>The policy seeks to ensure that a single comprehensive masterplan, phasing and delivery strategy for the development must be prepared and approved by the LPA as part of or in advance of any planning application on the site. Planning applications must therefore be in accordance with the approved masterplan.</p> <p>The policy goes on to set out requirements for any development proposals for the site, set out under the following headings:</p>	

Policy	Screening Category	Policy Summary and Assessment under Habitats Regulations	Comments and recommendations
		<ul style="list-style-type: none"> <li>• Heritage;</li> <li>• Landscape, Green and Blue Infrastructure and Biodiversity;</li> <li>• Design;</li> <li>• Flood Risk;</li> <li>• Access and Movement;</li> <li>• Wilts &amp; Berks Canal Link Project;</li> <li>• Infrastructure.</li> </ul> <p>The development of the site allocated in this policy will not result in a likely significant effect upon any European sites. The details of any proposal for development of the site at the Cooper Tires Factory will need to be considered at the planning application stage to ensure acceptability with respect of other Development Plan policies including Core Policy 50 (Biodiversity and Geodiversity) of the Wiltshire Core Strategy (Adopted January 2015), and the NPPF.</p>	
Policy 7.2: Land at the Former Melksham Library Site	B	<p>This policy allocates land at the former Melksham Library site and Lowbourne House and adjacent public car park for a development of approximately 50 specialist dwellings for older people including affordable housing or to purchase through shared ownership via a registered social provider.</p> <p>The policy goes on to set out requirements for any development proposals for the site, set out under the following headings:</p> <ul style="list-style-type: none"> <li>• Heritage;</li> <li>• Landscape, Green and Blue Infrastructure and Biodiversity;</li> <li>• Design;</li> <li>• Flood Risk;</li> <li>• Access and Movement;</li> <li>• Infrastructure.</li> </ul> <p>The development of the site allocated in this policy will not result in a likely significant effect upon any European sites. The details of any proposal for development of the site at the Former Melksham Library Site will need to be considered at the planning application stage to ensure acceptability with respect of other Development Plan policies including Core Policy 50 (Biodiversity and Geodiversity) of the Wiltshire Core Strategy (Adopted January 2015), and the NPPF.</p>	
Policy 7.3: Land South of Western	B	<p>This policy allocates land south of Western Way, Bowerhill for the development of up to 210 dwellings (class C3) including affordable housing and a 70-bed residential care home (class C2). The policy requires any</p>	

Policy	Screening Category	Policy Summary and Assessment under Habitats Regulations	Comments and recommendations
Way Bowerhill		<p>detailed application to be in accordance with a single comprehensive masterplan, phasing and delivery strategy for the development of the site that has been approved by the LPA.</p> <p>The policy goes on to set out requirements for any development proposals for the site, set out under the following headings:</p> <ul style="list-style-type: none"> <li>• Landscape, Green and Blue Infrastructure and Biodiversity;</li> <li>• Design;</li> <li>• Flood Risk;</li> <li>• Access and Movement;</li> <li>• Infrastructure.</li> </ul> <p>The development of the site allocated in this policy will not result in a likely significant effect upon any European sites. The details of any proposal for development of the site at the Former Melksham Library Site will need to be considered at the planning application stage to ensure acceptability with respect of other Development Plan policies including Core Policy 50 (Biodiversity and Geodiversity) of the Wiltshire Core Strategy (Adopted January 2015), and the NPPF.</p>	
Policy 7.4: Land at Whitley Farm, Whitley	B	<p>This policy allocates land at Whitley Farm, Whitley for the redevelopment of redundant modern agricultural buildings and barns and the conservation and re-use of the Grade II listed Whitley Farm barn.</p> <p>The policy goes on to set out requirements for any development proposals for the site, set out under the following headings:</p> <ul style="list-style-type: none"> <li>• Heritage;</li> <li>• Landscape, Green and Blue Infrastructure and Biodiversity;</li> <li>• Design;</li> <li>• Flood Risk;</li> <li>• Access and Movement;</li> <li>• Infrastructure.</li> </ul> <p>The development of the site allocated in this policy will not result in a likely significant effect upon any European sites. The details of any proposal for development of the site at Whitley Farm will need to be considered at the planning application stage to ensure acceptability with respect of other Development Plan policies including Core Policy 50 (Biodiversity and Geodiversity) of the Wiltshire Core Strategy (Adopted January 2015), and the NPPF.</p>	

Policy	Screening Category	Policy Summary and Assessment under Habitats Regulations	Comments and recommendations
Policy 7.5: Allocation of Land at Middle Farm, Corsham Road, Whitley	B	<p>This policy allocates land at Middle Farm for the development of approximately 55 dwellings including affordable and accessible housing and bungalows. The policy requires a single comprehensive masterplan, phasing and delivery strategy to be developed and agreed with the LPA in advance of a planning application being submitted for the site. This must take account of Policy 7.1 and the principles shown within the concept plan.</p> <p>The policy goes on to set out requirements for any development proposals for the site, set out under the following headings:</p> <ul style="list-style-type: none"> <li>• Heritage;</li> <li>• Landscape, Green and Blue Infrastructure and Biodiversity;</li> <li>• Design;</li> <li>• Flood Risk;</li> <li>• Access and Movement;</li> <li>• Infrastructure.</li> </ul> <p>The development of the site allocated in this policy will not result in a likely significant effect upon any European sites. The details of any proposal for development of the site at Middle Farm will need to be considered at the planning application stage to ensure acceptability with respect of other Development Plan policies including Core Policy 50 (Biodiversity and Geodiversity) of the Wiltshire Core Strategy (Adopted January 2015), and the NPPF.</p>	
Policy 8: Infrastructure Phasing and Priorities	B	<p>This policy stipulates: <i>'To ensure the sustainability of housing development, proposals must consider, assess and address their necessary infrastructure requirements and, in so far as they relate to matters within the Applicant's control, plan any related programmes of work in coordination with the housing to ensure that infrastructure keeps pace with the needs of the community. Infrastructure requirements, in proportion to their scale and in accordance with prevailing Wiltshire policies, will be delivered through the Community Infrastructure Levy, planning conditions and section 106 agreements.'</i></p> <p>The policy will not itself lead to development and will not result in a likely significant effect upon any European sites. Details of any development that comes forward would be considered at the planning application stage to ensure acceptability with respect of other Development Plan policies and the NPPF.</p>	
Policy 9: Town Centre	B	<p>This policy specifies that proposals within the town centre and primary shopping area will be supported where they meet the 7 criteria set out in the policy.</p>	



Policy	Screening Category	Policy Summary and Assessment under Habitats Regulations	Comments and recommendations
		<p>The policy goes on to state that ‘<i>Development proposals for Main Town Centre Uses outside of the defined town centre will be required to demonstrate that there are no suitable and viable sites or buildings within the defined town centre.</i>’</p> <p>The policy will not itself lead to development and will not result in a likely significant effect upon any European sites. Details of any development that comes forward would be considered at the planning application stage to ensure acceptability with respect of other Development Plan policies and the NPPF.</p>	
Policy 10: Employment Sites	B	<p>This policy supports proposals for the retention, intensification and reuse of previously developed employment land where they will provide space for start-up and small businesses, bringing a range of new employment opportunities. The policy will also require proposals to generate the same number, or more, permanent full time equivalent jobs as the existing or former use.</p> <p>The policy itself will not lead to development and will not result in a likely significant effect upon any European sites. Details of any development that comes forward would be considered at the planning application stage to ensure acceptability with respect of other Development Plan policies and the NPPF.</p>	
Policy 11: Sustainable Transport and Active Travel	B	<p>This policy seeks to ensure that all developments are planned in accordance with the Sustainable Transport Hierarchy, including the provision for ultra-low emission vehicles. It specifies: ‘<i>Applications for major development must demonstrate through an effective Travel Plan how sustainable transport modes are maximised and that safe and suitable movement can be achieved for all people.</i>’</p> <p>In addition, the policy stipulates that further improvements to the accessibility and quality of the links between the wider town and Melksham Railway Station will be supported, as will improvements to the quality of the public realm around the station.</p> <p>The policy itself will not lead to development and will not result in a likely significant effect upon any European sites. Details of any development that comes forward would be considered at the planning application stage to ensure acceptability with respect of other Development Plan policies and the NPPF.</p>	
Policy 12: Green and Blue Infrastructure	A1/A3	<p>This policy seeks to encourage development to create new Green and Blue Infrastructure (GBI) and/or enhance the GBI provision within the NP area. The policy stipulates:</p> <p><i>‘1. Development that will result in the creation of new Green and Blue Infrastructure (GBI) and/or contribute to the protection, management, enhancement and connectivity of existing GBI will be supported; the potential for GBI within the Neighbourhood Area is illustrated diagrammatically in Figure 12.</i></p> <p><i>2. Proposals for major developments must:</i></p> <p><i>a. identify the existing GBI within and around the development site, and</i></p>	

Policy	Screening Category	Policy Summary and Assessment under Habitats Regulations	Comments and recommendations
		<p><i>b. demonstrate how GBI has been incorporated into the proposal, and</i>  <i>c. assess and address how the proposal will benefit the function and connectivity of GBI through the site and beyond.'</i></p> <p>The policy will not result in development itself but instead sets out criteria that development must meet with the objective of protecting and enhancing the GBI network within the NP area. Furthermore, the policy will not result in a likely significant effect upon any European sites. Details of any development that comes forward would be considered at the planning application stage to ensure acceptability with respect of other Development Plan policies including Core Policy 50 (Biodiversity and Geodiversity), 51 (Landscape) and 52 (Green Infrastructure) of the Wiltshire Core Strategy and the NPPF.</p>	
Policy 13: Biodiversity	A1/A3	<p>This policy requires proposals for development, including field based solar farms, to <i>'deliver at least a 10% improvement (or higher percentages in accordance with national or adopted Wiltshire Development Plan standards as relevant) in "biodiversity value" and should deliver within and where appropriate beyond the site, tangible benefits for biodiversity, including specific attention for protected species.</i></p> <p>The policy supports developments which achieve higher than the 10% minimum required by statutory BNG and requires developments to use the latest version of the Biodiversity Metric.</p> <p>The policy goes on to state: <i>Protection and enhancement of statutory and non-statutory nature conservation sites (as shown on Figure 13) is a priority for the Neighbourhood Area and development proposals must demonstrate sensitive responses to these sites where necessary, such as accommodating a buffer zone.'</i></p> <p>The policy will not result in development itself but instead sets out criteria that development must meet with the objective of enhancing ecological networks and providing net gains for biodiversity within the NP area. The policy will not result in a likely significant effect upon any European sites and details of any development that comes forward would be considered at the planning application stage to ensure acceptability with respect of other Development Plan policies including Core Policy 50 (Biodiversity and Geodiversity), 51 (Landscape) and 52 (Green Infrastructure) of the Wiltshire Core Strategy and the NPPF.</p>	
Policy 14: Open Spaces	A1	<p>This policy sets out that new development that will result in the whole or partial loss of existing open space, apart from those designated as Local Green Spaces, must demonstrate:</p> <p><i>'a. from an assessment of open space provision, using the quantity and access standards for open space as set out by Wiltshire Council, that there is a surplus in the catchment area of open space beyond that required to meet both current and forecast need, and full consideration has been given to all functions that the open space performs; or</i></p>	

Policy	Screening Category	Policy Summary and Assessment under Habitats Regulations	Comments and recommendations
		<p><i>b. that a replacement open space (or enhancement of the remainder of the existing site) provides a net benefit to the community in terms of the quantity, quality and accessibility of the open space including by walking and cycling.'</i></p> <p>The policy itself will not lead to development and will not result in a likely significant effect any European sites. Details of any development that comes forward would be considered at the planning application stage to ensure acceptability with respect of other Development Plan policies including Core Policies 50 (Biodiversity and Geodiversity), 51 (Landscape) and 52 (Green Infrastructure) of the Wiltshire Core Strategy and the NPPF.</p>	
Policy 15: Community Facilities	A1/A3	<p>This policy stipulates: <i>'1. Development proposals that involve the loss, in whole or part, of a community facility (as identified in Figure 14a, b &amp; c, and detailed in the Community Facilities Report) must demonstrate that:</i></p> <p><i>a. adequate alternative provision exists or will be provided in an equally accessible or more accessible location, including by walking and cycling, within the catchment area of the facility; or</i></p> <p><i>b. it would not be economically viable, feasible or practicable to retain the building or site for use as a community facility; redevelopment for non-community use will only be considered as a last resort and where all other options have been exhausted.</i></p> <p><i>2. Proposals for new community facilities in the Plan area will be supported where the applicant can demonstrate the need and benefits of the proposed facility, or where replacement or enhanced facilities are proposed as mitigation against the loss of any community facilities within the Plan area.</i></p> <p><i>3. New or replacement community facilities should be located where there is a choice of travel options and should be accessible to all members of the community.'</i></p> <p>This policy seeks to retain existing community facilities and to ensure that proposals for new development are accompanied by details of provision for new community facilities where there will be a need. The policy will not itself lead to development and will not result in a likely significant effect upon any European sites. Details of any development that comes forward would be considered at the planning application stage to ensure acceptability with respect of other Development Plan policies and the NPPF.</p>	
Policy 16: Designation of Local Green Spaces	A1 / A2	<p>This policy designates the Local Green Spaces shown on Figure 15 of the NP. The policy states that the spaces will be protected from inappropriate development in a manner consistent with the protection of land within the Green Belt. These spaces will be protected from built development except in very special circumstances and where the proposal enhances the existing use of the space and does not conflict with the reasons for designation that make it special to the community</p>	

Policy	Screening Category	Policy Summary and Assessment under Habitats Regulations	Comments and recommendations
		<p>The main objective of this policy is to designate and protect Local Green Spaces and not to support development. The south-easternmost section of the NP area falls within the 2km lesser horseshoe bat core area around a core roost functionally linked to the Bath and Bradford on Avon Bats SAC and there are four Local Green Spaces designated within the core area. It is considered, based on the main objective of this policy, i.e. to designate and protect Local Green Spaces, that it would be too onerous to take this policy forward to appropriate assessment as the policy would only support development on these Local Green Spaces in 'very special circumstances'. Therefore, it is not considered that this policy would lead to likely significant effects on the Bath and Bradford on Avon Bats SAC. If proposals for development on designated Local Green Spaces within the core area were to come forward, appropriate assessment under the Habitats Regulations at the planning application stage may be required. Moreover, details of any development that comes forward would be considered at the planning application stage to ensure acceptability with respect of other Development Plan policies and the NPPF.</p>	
Policy 17: Trees and Hedgerows	A2	<p>This policy sets out that development will be supported where proposals ensure that there will be no loss or deterioration of ancient woodlands, and ancient or veteran trees unless the need for, and benefits of, the development in that location clearly outweigh the loss.</p> <p>The policy also specifies that to be supported, development proposals should ensure that there is no damage to or loss of trees of good arboricultural and amenity value. It states: <i>'Existing trees and hedgerows on development sites should be retained where possible and incorporated as placemaking features in new development. Where there is an unavoidable loss of trees on site, the number and type of replacement trees should be informed by the quality and size of trees lost. Integration of existing hedgerows into private curtilage must be avoided where possible.'</i></p> <p>The policy also states that new tree planting in development proposals and throughout the built and natural environments of the NP area will be supported in principle. The policy seeks to encourage development proposals on sites outside of the town centre and greater than 0.5ha to demonstrate an increase in tree canopy cover of at least 8%. This should be delivered through the retention of existing trees and the establishment of new trees, and where this is not possible other green infrastructure features such as green roofs should be provided.</p> <p>The policy aims to protect ancient woodland, veteran trees and hedgerows and to promote tree planting, although it does detail expectations if development were to be permitted and there were to be an unavoidable loss of trees as a result. The policy will not itself lead to development and will not result in a likely significant effect upon any European sites. Details of any development that comes forward would be considered at the planning application stage to ensure acceptability with respect of other Development Plan policies including</p>	

Policy	Screening Category	Policy Summary and Assessment under Habitats Regulations	Comments and recommendations
		Core Policy 50 (Biodiversity and Geodiversity), 51 (Landscape) and 52 (Green Infrastructure) of the Wiltshire Core Strategy and the NPPF.	
Policy 18: Landscape Character	A1	<p>This policy stipulates that development will be expected to:</p> <p><i>a. integrate natural features such as trees, hedgerows and the local river systems that contribute to both the landscape character and setting of the development;</i></p> <p><i>b. demonstrate that the whole scheme, including hard landscape and planting proposals, draws on local landscape characteristics and features through reference to relevant existing landscape and historic landscape assessments, supplemented by any additional site specific assessments; and,</i></p> <p><i>c. respond sensitively to the transition between settlement edge and countryside and maintain the separate identity of settlements, and</i></p> <p><i>d. conserve or enhance the character, openness, tranquillity and amenity of the open countryside.'</i></p> <p>The policy will not itself lead to development and will not result in a likely significant effect upon any European sites. Details of any development that comes forward would be considered at the planning application stage to ensure acceptability with respect of other Development Plan policies including Core Policy 50 (Biodiversity and Geodiversity), 51 (Landscape) and 52 (Green Infrastructure) of the Wiltshire Core Strategy and the NPPF.</p>	
Policy 19: Green Wedges		<p>This policy states that the green wedges mapped on Figure 17 are identified in order to:</p> <p><i>a. provide long-term protection against coalescence;</i></p> <p><i>b. protect the setting and separate identity of settlements; and</i></p> <p><i>c. retain the existing settlement pattern by maintaining the openness of land.</i></p> <p>The policy sets out that proposals for development in a Green Wedge will only be supported where they meet the criteria in the policy including where they minimise and mitigate urbanising effects such as artificial lighting and retain and where possible add screening trees and hedgerows.</p> <p>The policy seeks to protect identified green wedges within the NP area and only supports development of green wedges where it is specific employment development where no other suitable alternative sites are available. The policy will not therefore directly lead to development. The policy will not result in a likely significant effect upon any European sites. Details of any development that comes forward would be considered at the planning application stage to ensure acceptability with respect of other Development Plan policies including Core Policy 50 (Biodiversity and Geodiversity), 51 (Landscape) and 52 (Green Infrastructure) of the Wiltshire Core Strategy and the NPPF.</p>	
Policy 20: Locally	A1	This policy stipulates that development that will contribute positively to the conservation, enhancement and extension of Melksham and Melksham Without's quality and local distinctiveness will be supported. It requires that proposals for development must demonstrate how they have been informed by the adopted	

Policy	Screening Category	Policy Summary and Assessment under Habitats Regulations	Comments and recommendations
Distinctive, High Quality Design		<p>Melksham Design Guidelines and Codes (2023) and therefore how they have responded positively to the history and character of the area in which the site is located.</p> <p>Lastly, it requires proposals for major development to demonstrate through a Design and Access Statement how the proposed development layout, density, access proposals and building design approach complement and extend the positive characteristics of Melksham and Melksham Without's settlements and landscape, both historic and topographic.</p> <p>The policy itself will not lead to development but aims to steer and positively influence the design and quality of any new development coming forward. The policy will not result in a likely significant effect upon any European sites. Details of any development that comes forward would be considered at the planning application stage to ensure acceptability with respect of other Development Plan policies including Core Policy 57 (Ensuring High Quality Design and Place Shaping) and 58 (Ensuring the Conservation of the Historic Environment) of the Wiltshire Core Strategy and the NPPF.</p>	
Policy 21: Local Heritage	A1/A3	<p>This policy specifies that proposals for development within the Melksham Conservation Area must demonstrate how they preserve or enhance the setting, characteristics and special qualities that make up the architectural and historic character. It also requires that development proposals in other areas of local heritage importance, including archaeological importance, and buildings or structures identified as non-designated heritage assets, should demonstrate that appropriate consideration has been given to the five criteria stipulated in the policy.</p> <p>The policy itself will not lead to development but aims to protect the historic environment and stipulates criteria to be met for any new development within the Melksham Conservation Area. The policy will not result in a likely significant effect upon any European sites. Details of any development that comes forward would be considered at the planning application stage to ensure acceptability with respect of other Development Plan policies including Core Policy 57 (Ensuring High Quality Design and Place Shaping) and 58 (Ensuring the Conservation of the Historic Environment) of the Wiltshire Core Strategy and the NPPF.</p>	

## 5. Conclusion

5.1 The HRA screening exercise presented in this document has concluded that the Joint Melksham Neighbourhood Plan 2 2020 – 2038 Submission Plan September 2024 will not result in a likely significant effect on any European sites or their qualifying features either alone or in-combination with other plans and projects. Therefore, it has not been necessary for the NP to be subject to an appropriate assessment under the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019.

5.2 It should be noted that if any changes are made to the NP or the policies contained therein, it will be necessary for the amended plan to be subject to a repeat HRA screening exercise before it can be 'made' especially if a policy were to come forward that allocated or supported development within the 2km core area in the south eastern extent of the NP area which is associated with the lesser horseshoe core roost which is functionally linked to the Bath and Bradford on Avon Bats SAC.

Prepared by Wiltshire Council, 17th December 2024

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