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

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

To: Councillor G Ellis (Chair)

Councillor G Cooke (Vice-Chair)

Councillor P Aves Councillor S Crundell Councillor C Goodhind Councillor J Oatley Councillor S Rabey

6 February 2023

Dear Councillors

In accordance with the Local Government Act (LGA) 1972, Sch 12, paras 10 (2)(b) you are invited to attend the **Economic Development and Planning Committee** meeting of Melksham Town Council. The meeting will be held at the Town Hall on **Monday 13th February 2023** commencing at **7.00 pm**.

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

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

Yours sincerely

Mrs L A Roberts BA(Hons), PGCAP, FHEA, FSLCC

Town Clerk and RFO

Melksham Town Council Economic Development and Planning Committee Monday 13 February 2023 At 7.00 pm at the Town Hall

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

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

Virtual Meeting Access:

Please follow the joining instructions below for the virtual Zoom meeting

https://us02web.zoom.us/j/89178140104?pwd=N2hVR3dPN3FITmRlaTBQRk5MaEJOQT09

Join Zoom Meeting

Meeting ID: 891 7814 0104 Passcode: 532665

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

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. Minutes (Pages 1 - 4)

To approve the Minutes of the Economic Development and Planning Committee meeting held on 9 January 2023.

4. Planning Considerations

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

5. Planning Applications

To comment on the following planning applications:

PL/2022/09803	EBENEZER CHAPEL, UNION STREET, MELKSHAM, SN12 7PR
	Removal of internal timber lobby and installation of new glazed
	timber double doors.

Consultation Deadline: 2 February 2023 – extension requested

PL/2023/00065 ANGELICA AVENUE, MELKSHAM, SN12 6QJ

New access road

Consultation Deadline: 3 February 2023 – extension requested

PL/2022/09851 PADDOCK VIEW, 6 FARMHOUSE COURT, MELKSHAM, SN12 6FG
Retrospective permission sought for external works to form tiled

terrace with associated steps, water feature, external fireplace with chimney, kitchen area, additional planting to hedge. Erection of outbuilding for ancillary use as gym with associated hot tub

with pergola

Consultation Deadline: 3 February 2023 – extension requested

PL/2021/11498 FORMER COUNTRYWIDE STORE SITE, BRADFORD ROAD,

MELKSHAM, SN12 8LQ

Erection of 1 No. commercial building (Builder's Merchant) and

associated access, landscaping and drainage works

Consultation Deadline: 14 February 2023

At their meeting on 10 January 2022, the Economic Development and Planning Committee supported the application making the following comments:

- the Town Council recognised this as a brownfield site development, noting the 25% increase in peak flow through the river Avon projected by Defra.
- the Town Council sought confirmation that flood alleviation and drainage mitigation would be put into place.

- the development should be subject to a suitable landscaping plan and
- the developer should be encouraged to increase the number of electric car charging points, as per the Neighbourhood Planning Policy 4.

PL/2023/00559 64 LOWBOURNE, MELKSHAM, SN12 7ED

Proposed detached garage & ancillary accommodation

outbuilding.

Consultation Deadline: 22 February 2023

PL/2023/00599 57 KING STREET, MELKSHAM, SN12 6HE

Proposed two semi-detached dwellings **Consultation Deadline**: 24 February 2023

PL/2023/00691 LAND REAR OF 39 WOODROW ROAD, MELKSHAM, SN12 7AY

Erection of new dwelling

Consultation Deadline: 28 February 2023

<u>PL/2023/00456</u> 100 DUNCH LANE, MELKSHAM, SN12 8DX

Single storey rear extension

Consultation Deadline: 27 February 2023

6. Planning Decisions

To note the following planning decisions:

PL/2022/08636 12 WOODSTOCK GARDENS, MELKSHAM, SN12 6AN

Two storey side and rear extension, front porch extension and loft

conversion.

Decision: Approve with conditions

MTC decision: Support

PI/2022/09518 THE GRAPES INN, BANK STREET, MELKSHAM, SN12 6LE

T1 – Section fell conifer tree to as close to ground level as possible. T2 – Section fell elder tree to as close to ground level as possible.

Decision: No objection **MTC decision:** No objection

PL/2022/08914 1 BURNT COTTAGES, BEANACRE ROAD, MELKSHAM, SN12 7PT

Access and parking area to frontage.

To Note: whilst part of the application site is within the Town boundary, the majority of the application site is in Melksham Without. Melksham Without Parish Council will be considering the application at their Planning meeting on 19 December 2022.

Email: towncouncil@melksham-tc.gov.uk Web: www.melksham-tc.gov.uk Facebook: facebook.com/melksham.town

Decision: Approve with conditions

MTC decision: No objection

PL/2022/09017 46 FOREST ROAD, MELKSHAM, SN12 7AB

Amendment to approved planning PL/2022/03626 to include an

additional bedroom and en-suite to loft. **Decision:** Approve with conditions

MTC decision: No objection

PL/2022/08197 8 ROWAN COURT, MELKSHAM, SN12 6HS

Proposed replacement of concrete profile roof tiles with grey/

anthracite concrete slay effect tile. **Decision:** Approve with conditions

MTC decision: No objection

PL/2022/08706 5A and B HIGH STREET, MELKSHAM, SN12 6JR

Internal alterations to form two additional residential units

Decision: Withdrawn by applicant **MTC decision:** No objection

PL/2022/07738 16 BREAM CLOSE, MELKSHAM, SN12 7JX

Conservatory to side of property with a grey polycarbonate roof.

Decision: Approve with conditions

MTC decision: No objection

PL/2022/09007 2 ROPE WALK, MELKSHAM, SN12 7PW

Install black log burner flue to front elevation.

Decision: Approve with conditions

MTC decision: No objection

PL/2023/00038 MELKSHAM HUB, STATION APPROACH, MELKSHAM, SN12 8BN

Install pre-fabricated cabin to provide additional internal café space for Melksham Hub Café, and associated site alterations.

Decision: Approve with conditions

MTC decision: The consultation deadline was 2 February 2023. An extension was requested from Wiltshire Council but not actioned

and a decision has been made by Wiltshire Council.

7. Local Highways and Footpath Improvement Group (LHFIG) Issues (Pages 5 - 6)

To consider the Local Highways and Footpath Improvement request form attached.

8. Local Highways and Footpaths Improvement Group (LHFIG) Proposed footpath to rear of Melksham Oak School

To note that, per planning application 14/10461/OUT, construction by Wiltshire Council of the lit footpath from the east of Melksham Phase 2 housing development to the rear

of Melksham Oak Community School is to be funded from the S106 contribution of £100,631 and that it has been intimated by Wiltshire Council that there may be a shortfall in funding which will have to be met from other sources.

To reiterate to Wiltshire Council, Melksham Town Council's support for the project.

9. Neighbourhood Plan

To receive a verbal update following the informal consultation event.

10. Proposed revisions to the National Planning Policy Framework (NPPF) (Pages 7 - 30)

To consider the proposed revisions to the NPPF and decide on the Town Council's response to the consultation.

11. Wiltshire Council Briefing Note re use of Council owned land for environmental mitigation (Pages 31 - 34)

To receive the Briefing Note from Wiltshire Council and note the process proposed to enable town and parish councils to plant trees on Wiltshire Council land.

12. Sparkle Team and Parish Steward (Pages 35 - 36)

To note the email received from Wiltshire Council regarding the disbanding of the Sparkle Team and their replacement by the MyWilts reporting system.

To note that the Parish Steward will be engaged on pot hole repairs until the end of the financial year.

Agenda Item 3

Melksham Town Council

Minutes of the Economic Development and Planning Committee meeting held on Monday 9th January 2023

PRESENT: Councillor G Ellis (Chair)

Councillor G Cooke (Vice-Chair)

Councillor P Aves Councillor S Crundell Councillor C Goodhind Councillor S Rabey

IN ATTENDANCE: Councillor S Mortimer

OFFICERS: Linda Roberts Town Clerk

Patsy Clover Deputy Town Clerk

PUBLIC PARTICIPATION: Three members of the public were present virtually.

338/22 Apologies

Apologies were received from Councillor Oatley.

339/22 Declarations of Interest

There were no declarations of interest. However, Councillor Goodhind mentioned that planning application PL/2022/09709 related to a property adjacent to his.

340/22 Minutes

The minutes of 12 December 2022, having previously been circulated, were approved as a correct record and signed by Councillor Ellis.

341/22 Planning Considerations

342/22 Planning Applications

The Council had **no objection** to the following planning applications:

PI/2022/09518 THE GRAPES INN, BANK STREET, MELKSHAM, SN12 6LE

T1 – Section fell conifer tree to as close to ground level as

possible. T2 – Section fell elder tree to as close to ground level as

possible.

Consultation Deadline: 6 January 2023 – extension requested

PL/2022/09523 1 MARTIGNY ROAD, MELKSHAM, SN12 7PG
Conversion of a 2 storey dwelling into 2 flats
Consultation Deadline: 13 January 2023

PL/2022/08706 5A & B HIGH STREET, MELKSHAM, SN12 6JR

Internal alterations to form 2 extra unit addresses

Consultation Deadline: 13 January 2023

PL/2022/09709 67 SEMINGTON ROAD, MELKSHAM, SN12 6DG

Proposed single storey rear extension **Consultation Deadline:** 18 January 2023

PL/2022/09797 21 ADDISON ROAD, MELKSHAM, SN12 8DP

2 storey side extension following demolition of existing

outbuilding with cosmetic alterations to existing conservatory

Consultation Deadline: 25 January 2023

343/22 Planning Decisions

Members noted the following planning decisions:

PL/2022/06527 64 KENILWORTH GARDENS, MELKSHAM, SN12 6AP

Proposed single storey front & rear extensions plus a two storey

side extension to a dwelling.

Decision: Approve with conditions **MTC Response:** No objection

PL/2022/07711 40 ADDISON ROAD, MELKSHAM, SN12 8DR

Proposed Ancillary Accommodation Outbuilding.

Decision: Approve with conditions

MTC Response: No objection

PL/2022/08235 30 SAVERNAKE AVENUE, MELKSHAM, SN12 7HB

Single storey side extension to provide a garage and kitchen

extension.

Decision: Approve with conditions

MTC Response: No objection

PL/2022/08343 43 CHURCHILL AVENUE, MELKSHAM, SN12 7JN

Proposed First Floor Rear Extension & Front Porch

Decision: Approve with conditions **MTC Response:** No objection

PL/2022/07919 10 FIELDSVIEW, MELKSHAM, SN12 8FF

Certificate of lawfulness for change of use from class C3(a) Dwellinghouse to C4 House in Multiple Occupation for up to six persons to establish if it's considered Permitted Development.

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Decision: Approve

MTC Response: No consultation for certificates of lawfulness

<u>PL/2022/08535</u> 32 CHURCH WALK, MELKSHAM, SN12 6LY

2 x Yew trees - reduce to form hedge. Robinia tree - reduce

canopy by 25%. Apple tree – prune.

Decision: No objection

MTC Response: No objection

PL/2022/06967 4 UNION STREET, MELKSHAM, SN12 7PR

Proposed external and internal repairs to renovate dwelling, to include: repairs to chimney and roof structure; rebuild apex of

end gable wall; replace timber front door; renew

services/electrics.

Decision: Approve with conditions **MTC Response:** No objection

PL/2022/06070 61 SPA ROAD, MELKSHAM, SN12 7NU

The installation of an Electric Vehicle Charging Hub with

associated infrastructure, boundary wall and hedgerow, lighting,

CCTV and signage at 61 Spa Road, Melksham.

Decision: Approve with conditions **MTC Response:** No objection

<u>PL/2022/08370</u> 39 CRAYBOURNE ROAD, MELKSHAM, SN12 7DJ

Proposed 4 bedroom new dwelling in land adjoining

Decision: Approve with conditions

MTC Response: No objection with conditions

344/22 Local Highways and Footpath Improvement Group (LHFIG) Issues

Numerous solutions were identified by members to the problem of vehicular access to Melksham Community Campus from King Street and the Market Place.

It was proposed by Councillor S Crundell, seconded by Councillor Rabey and

UNANIMOUSLY RESOLVED to:

- consult the Wiltshire Council Highways Officer regarding improved signage including:
 - a 'No Left Turn' sign outside Baileys Employment Agency
 - a 'No access to Crown House or Melksham Community Campus' at the entry to the access to the taxi rank
- consult the Wiltshire Council Highways Officer regarding traffic calming measures
- consult Melksham Community Campus regarding improved signage for traffic exiting the campus site.

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345/22 Neighbourhood Plan

The Committee received a verbal update from the Town Clerk and members of the Neighbourhood Plan Steering Group regarding the public consultation on Neighbourhood Plan #2 which was due to begin in February 2023.

346/22 Sparkle Team and Parish Steward

Works to be added to the Sparkle Team and Parish Steward's Schedules of Works were as follows:

- Lowbourne to Ruskin Avenue leaves on pavements
- Murray Walk litter under bridges
- Lowbourne litter in Clackers Brook

Meeting Closed at: 8.05 pm		
Signed:	Dated:	

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Agenda Item 7 <u>Highways Improvement Request Form</u>

Contact Details

Name:				Date:	
Address:					
Telephone	No:				
Email Addr	ess:				
Issue Detail	<u>s</u>				
Location of	f Issue:				
Community	y Area:				
Parish or T	own Cou	ncil:			
Nature of Is	SSUE: (Max	600 characters)			
		n an issue?			
What would	d you like	done to resolve th	his issue? (Max 600 ch	naracters)	
Have you been in touch with your local Wiltshire Councillor? (Yes/No)					
This form	This form needs to be completed and e-mailed or sent to your local Town or Parish Council.				

Town and Parish contact details are available via the link below:

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

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





Planning

BRIEFING

Levelling-up and Regeneration Bill: reforms to national planning policy

(published 22 December 2022)

On 22 December 2022, the Government opened a new consultation on national planning policy as part of the Levelling Up Bill that is currently progressing through Parliament.

The primary focus of the consultation is revisions to the National Planning Policy Framework (NPPF) with a promise of National Development Management Policies to follow in Spring 2023.

The full consultation can be found following this link: <u>Levelling-up and Regeneration Bill:</u> reforms to national planning policy - GOV.UK (www.gov.uk)

Consultation closes on 2 March 2023.

This briefing note has been prepared to provide some context for Local Councils on how the proposed changes to the NPPF may affect them so that they will be better informed should they wish to respond to the consultation.

Most of the NPPF text remains unchanged but where changes have been proposed, they are shown in the following table alongside comments by Andrea Pellegram.

Propo	osed revised paragraph NPPF 2022	How this might affect Local Councils
1.	The National Planning Policy Framework sets out the Government's planning policies for England and how these should be applied¹. It provides a framework within which locally-prepared plans can provide for sufficient housing and other development in a sustainable manner.can be produced. Preparing and maintaining up-to-date plans should be seen as a priority in meeting this objective.	This indicates that housing delivery is still a priority and that local plans should be updated (every 5 years – only 40% of Local Plans in England are currently up to date). The government is keeping its commitment to provide 300,000 new homes per annum by the mid-2020s. We are very far short of that currently.
7.	The purpose of the planning system is to contribute to the achievement of sustainable development, including the provision of homes and other forms of development, including supporting infrastructure in a sustainable manner. At a very high level, the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs ⁴ . At a similarly high level, members of the United Nations – including the United Kingdom – have agreed to pursue the 17 Global Goals for Sustainable Development in the period to 2030. These address social progress, economic well-being and environmental protection ⁵ .	This is an attempt to get development to provide more of its own infrastructure. The promised national development management policies might provide more detail on this.

11. Plans and decisions should apply a presumption in favour of sustainable development.

For **plan-making** this means that:

- a) all plans should promote a sustainable pattern of development that seeks to: meet the development needs of their area; align growth and infrastructure; improve the environment; mitigate climate change (including by making effective use of land in urban areas) and adapt to its effects;
- b) strategic policies should, as a minimum, provide for objectively assessed needs for housing and other uses, as well as any needs that cannot be met within neighbouring areas⁶, unless:
 - i. the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for restricting the overall scale, type or distribution of development in the plan area⁷; or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole. such adverse impacts may include situations where meeting need in full would mean building at densities significantly out of character with the existing area8; or
 - iii. there is clear evidence of past over-delivery, in terms of the number of homes permitted compared to the housing requirement in the existing plan; in which case this over-delivery may be deducted from the provision required in the new plan.

This is a major departure from the existing policy position. In some areas, it is becoming increasingly difficult for local planning authorities (LPAs) to find suitable land for housing given constraints such as flooding, green belt, conservation areas, national designations such as SSSIs and SACs, etc. This new clause is allowing for a significant increase in "exceptions" where a LPA can argue that it cannot meet its identified housing need.

The reference is specifically to "densities" so Neighbourhood Development Plans (NDPs) would do well to contain design policies on density and how this relates to character.

The reference to over-delivery now allows LPAs that had significant levels of building at the early part of the plan period to be taken into account in the latter part of the plan period, thus strengthening the position of the plan and weakening the case for speculative housing development.

⁸ Taking into account any design guides or codes which form part of the development plan for the area, or which are adopted as supplementary planning guidance.

- 14. In situations where the presumption (at paragraph 11d) applies to applications involving the provision of housing, the adverse impact of allowing development conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits, provided all-of-the following apply¹⁰:
 - a) the neighbourhood plan became part of the development plan two-five years less before the date on which the decision is made; and
 - b) the neighbourhood plan contains policies and allocations to meet its identified housing requirement;.
 - c) the local planning authority has at least a three year supply of deliverable housing sites (against its five year housing supply requirement, including the appropriate buffer as set out in paragraph 74); and
 - d) the local planning authority's housing delivery was at least 45% of that required 11 over the previous three years.

This is a major concession to NDPs that contain site allocations and provides them with much better protections against speculative development. The provisions now provide for 5 years of protection (like local plans) and there is no minimum of housing land supply (meaning it will apply no matter how poor the local plan's performance is).

This is a clear and compelling justification for NDPs to allocate land for housing.

⁹ This includes, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer, as set out in paragraph 74and-its the relevant housing requirement set out in strategic policies is more than five years old, unless these strategic policies have been reviewed and found not to require updating); or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years (unless permissions for housing in excess of 115% of the requirement over the same period have been granted, as set out in footnote 49].

Footnote 9 is the revised definition of "out of date policies". This now allows for a plan to be "in date" where the Local Plan is less than 5 years old. Furthermore, Local Plans can be reviewed and if no change is required, they are still considered to be "in date". In addition, it allows the past performance to be judged on permissions rather than completions. This takes away the applicant's ability to land bank and

¹⁰ Transitional arrangements are set out in Annex 1.

¹¹ Assessed against the Housing Delivery Test, from November 2018 onwards.

		manipulate a situation where non-delivered permissions could force a Local Plan to be out of date.
20.	Strategic policies should set out an overall strategy for the pattern, scale and design quality of places, (to ensure outcomes support beauty and placemaking), and make sufficient provision ¹⁴ for:	Design is given greater weight in the planning balance here.
Exa 35.	Local plans and spatial development strategies are examined to assess whether they have been prepared in accordance with legal and procedural requirements, and whether they are sound. Plans are 'sound' if they are: a) Positively prepared – providing a strategy which, as a minimum, seeks to meet the area's objectively assessed needs so far as possible, taking into account the policies in this Framework ²² ; and is informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where it is practical to do so and is consistent with achieving sustainable development; b) Justified – an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence; e)b) _Effective – deliverable over the plan period, and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground; and	This is another major departure. The text now states that objectively assessed needs should be met "so far as possible" which allows some room for LPA's to argue that a sound plan can, under certain circumstances, not fully meet its objectively assessed needs. The government's supporting text indicates that detailed challenges to the LPA's evidence at Local Plan Inquiries is causing delay. In response, the requirement for plans to be "justified" is being removed. It does not appear that the requirement for NDP policies to be justified has been affected.
	d)c) Consistent with national policy – enabling the delivery of sustainable development in accordance with the policies in this Framework and other statements of national planning policy, where relevant.	

60.	To support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay. The overall aim should be to meet as much housing need as possible with an appropriate mix of housing types to meet the needs of communities.	
61.	To determine the minimum number of homes needed, strategic policies should be informed by a local housing need assessment, conducted using the standard method in national planning guidance. The outcome of the standard method is an advisory starting-point for establishing a housing requirement for the area (see paragraph 67 below). There may be — unless exceptional circumstances relating to the particular characteristics of an authority which justify an alternative approach to assessing housing need; in which case the alternative used which should also reflects current and future demographic trends and market signals. In addition to the local housing need figure, any needs that cannot be met within neighbouring areas should also be taken into account in establishing the amount of housing to be planned for ²⁹ .	The standard method is being retained but it is now a starting point rather than an absolute target. "Exceptional circumstances" will need to be provided by the LPA to justify why lower provision is being made but this is not possible at present so this is a significant relaxation. The supporting text also clarifies that the standard method will no longer rely upon the 2014 housing projections but will be rebased on the 2021 census which will be available next year.
61.6	62. The Standard Method incorporates an uplift for those urban local authorities in the top 20 most populated cities and urban centres. This uplift should be accommodated within those cities and urban centres themselves unless it would conflict with the policies in this Framework and legal obligations ³⁰ .	Development is being directed to larger cities.

62.63. Within this context_of establishing need, the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies (including, but not limited to,: those who require affordable housing,: families with children,: older people including for retirement housing, housing-with-care and care homes;, students,: people with disabilities,: service families,: travellers 1, 32; people who rent their homes and people wishing to commission or build their own homes 3).

The requirement to specifically consider housing for older people reflects that the population in England is aging and that more of this type of property will be required in the future.

²⁹ Transitional arrangements are set out in Annex 1.

The prioritisation of brownfield sites already exists in the 2021 NPPF but it is hoped that this will provide greater support. However, since brownfield sites are less profitable to develop than greenfield sites, they will continue to be developers' less favoured option. The intention of this might be to densify urban area and reduce pressure on greenfield sites. It is unclear in the face of the continued requirement for development proposals to be viable to deliver, whether this wording is strong enough to protect greenfield sites.

³⁰ In doing so, brownfield and other under-utilised urban sites should be prioritised, and on these sites density should be optimised to promote the most efficient use of land, something which can be informed by masterplans and design codes. This is to ensure that homes are built in the right places, to make the most of existing infrastructure, and to allow people to live near the services they rely on, making travel patterns more sustainable.

³² Planning Policy for Traveller Sites sets out how travellers' housing needs should be assessed for those covered by the definition in Annex 1 of that document.

³³ Under section 1 of the Self Build and Custom Housebuilding Act 2015, local authorities are required to keep a register of those seeking to acquire serviced plots in the area for their own self-build and custom house building. They are also subject to duties under sections 2 and 2A of the Act to have regard to this and to give enough suitable development permissions to meet the identified demand. Self and custom-build properties could provide market or affordable housing.

66.67. Strategic policy-making authorities should establish a housing requirement figure for their whole area, which shows the extent to which their identified housing need (and any needs that cannot be met within neighbouring areas) can be met over the plan period. The requirement may be higher than the identified housing need, if it includes provision for neighbouring areas, or reflects growth ambitions linked to economic development or infrastructure investment. Within this overall requirement, strategic policies should also set out a housing requirement for designated neighbourhood areas which reflects the overall strategy for the pattern and scale of development and any relevant allocations³⁷. Once the strategic policies have been adopted, these figures should not need re-testing at the neighbourhood plan

This allows LPAs to set a higher housing requirement than what would result from the standard method.

- 74.75. Strategic policies should include a trajectory illustrating the expected rate of housing delivery over the plan period, and all plans should consider whether it is appropriate to set out the anticipated rate of development for specific sites. Local planning authorities should monitor their deliverable land supply against their housing requirement as set out in adopted strategic policies⁴³. When the housing requirement set out in strategic policies becomes more than five years old⁴⁴, local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategic policies⁴⁵, or against their local housing need (taking into account any previous under or over-supply as set out in planning practice guidance) where the strategic policies are more than five years old⁴⁶. The supply of specific deliverable sites should in addition include a buffer (moved forward from later in the plan period) of:

 a) 5% to ensure choice and competition in the market for land; or
 - b) 10% where the local planning authority wishes to demonstrate a five year supply of deliverable sites through an annual position statement or recently adopted plan⁴⁷, to account for any fluctuations in the market during that year; or
 - c) 20% where there has been significant under delivery of housing over the previous three years, to improve the prospect of achieving the planned supply⁴⁸.

This is another major departure. Most importantly, the buffers (where LPA's are required to provide even more housing land if they are not already delivering sufficiently against their requirement) have been removed. This means that LPA's, even where they are performing poorly against their requirement, do not need to identify additional housing land.

LPAs are still required to monitor their housing land supply against requirement but this does not come out of date unless the plan is more than 5 years old.

This means that many areas that currently have no 5 year housing land supply but do have an adopted plan less than 5 years old would no longer be subject to speculative development.

However, where a Local Plan is more than 5 years old, and there is no 5 year housing land supply, the normal provisions of para. 11 apply and speculative housing development can be expected.

75.76. A five year supply of deliverable housing sites, with the appropriate buffer, can be demonstrated where it has been established in a recently adopted plan, or in an subsequent annual position statement which:	This clarifies the requirement for an annual monitoring statement.
43 For the avoidance of doubt, a five year supply of deliverable sites for travellers – as defined in Annex 1 to Planning Policy for Traveller Sites – should be assessed separately, in line with the policy in that document. 44 Unless these strategic policies have been reviewed and found not to require updating. Where local housing need is used as the basis for assessing whether a five year supply of specific deliverable sites exists, it should be calculated using the standard method set out in national planning guidance. 45 For the avoidance of doubt, a five year supply of deliverable sites for travellers – as defined in Annex 1 to Planning Policy for Traveller Sites – should be assessed separately, in line with the policy in that document. 46 Unless these strategic policies have been reviewed and found not to require updating. Where local housing need is used as the basis for assessing whether a five year supply of specific deliverable sites exists, it should be calculated using the standard method set out in national planning guidance. 47 For the purposes of paragraphs 74b and 75 a plan adopted between 1 May and 31 October will be considered 'recently adopted' until 31 October of the following year; and a plan adopted between 1 November and 30 April will be considered recently adopted until 31 October in the same year. 48 This will be measured against the Housing Delivery Test, where this indicates that delivery was below 85% of the housing requirement.	Footnotes 47 and 48 are now deleted which were key to the previous interpretation of "out of date" policies.

 To maintain the supply of housing, local planning authorities should monitor progress in building out sites which have permission. Where the Housing Delivery Test indicates that delivery has fallen below 95% of the local planning authority's housing requirement over the previous three years, the following policy consequences should apply: a) where delivery falls below 95% of the requirement over the previous three years, the authority should prepare an action plan in line with national planning guidance, to assess the causes of under-delivery and identify actions to increase delivery in future years; b) where delivery falls below 75% of the requirement over the previous three 	Poorly performing LPAs are still required to produce action plans to boost delivery to required levels. Clause 77b will only apply where the plan is more than 5 years old.
years, the presumption in favour of sustainable development applies, as set out in footnote 9 of this Framework ⁴⁹ , in addition to the requirement for an action plan.	
76.78. The Housing Delivery Test consequences set out above will apply the day following the annual publication of the Housing Delivery Test results by DLUHC.	This will also rely upon the 2021 census.
78.80. In rural areas, planning policies and decisions should be responsive to local circumstances and support housing developments that reflect local needs. including development proposals from community-led housing groups. Local planning authorities should support opportunities to bring forward rural exception sites that will provide affordable housing to meet identified local needs, and consider whether allowing some market housing on these sites would help to facilitate this.	This boosts opportunities for local housing groups which might be of interest to neighbourhood planners.

⁴⁹ The presumption is, however, not to be applied if permissions have been granted for homes in excess of 115% of the authority's housing requirement over the applicable Housing Delivery Test monitoring period. 22	This footnote allows that if an LPA has actually had 115% of its requirement over the plan period (of 5 years) rather than the current looking back for 3 years. It allows for fluctuations in the 5 year plan period where there may be "peaks" of high housing delivery but other "troughs" in activities to be levelled out.
 92.94. Planning policies and decisions should aim to achieve healthy, inclusive and safe places and beautiful buildings which: a) promote social interaction, including opportunities for meetings between people who might not otherwise come into contact with each other – for example through mixed-use developments, strong neighbourhood centres, street layouts that allow for easy pedestrian and cycle connections within and between neighbourhoods, and active street frontages; 	This emphasises the importance of good design.
 are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion – for example through the use of <u>beautiful</u> <u>attractive</u>, well-designed, clear and legible pedestrian and cycle routes, and high quality public space, which encourage the active and continual use of public areas; and 	
c) enable and support healthy lifestyles, especially where this would address identified local health and well-being needs – for example through the provision of safe and accessible green infrastructure, sports facilities, local shops, access to healthier food, allotments and layouts that encourage walking and cycling.	

120.122. Planning policies and decisions should:

- a) encourage multiple benefits from both urban and rural land, including through
 mixed use schemes and taking opportunities to achieve net environmental gains
 such as developments that would enable new habitat creation or improve
 public access to the countryside;
- b) recognise that some undeveloped land can perform many functions, such as for wildlife, recreation, flood risk mitigation, cooling/shading, carbon storage or food production;
- c) give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, and support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land:
- d) promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively (for example converting space above shops, and building on or above service yards, car parks, lock-ups and railway infrastructure)⁵⁶; and
- e) support opportunities to use the airspace above existing residential and commercial premises for new homes. In particular, they should allow upward extensions where the development would be consistent with the prevailing height and form of neighbouring properties and the overall street scene, is well-designed (including complying with any local design policies and standards), and can maintain safe access and egress for occupiers. They should also allow mansard roof extensions where their external appearance harmonises with the original building, including extensions to terraces where one or more of the terraced houses already has a mansard. Where there was a tradition of mansard construction locally at the time of the building's construction, the extension should emulate it with respect to external appearance. A condition of simultaneous development should not be imposed on an application for multiple mansard extensions unless there is an exceptional justification.

This reference to mansard roofs is, presumably, more important in urban areas where upward development of individual buildings requires mansard roofs. This is explained in more detail in the supporting text.

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	133. Local planning authorities should ensure that they have access to, and make appropriate use of, tools and processes for assessing and improving the design of development. The primary means of doing so should be through the preparation and use of local design codes, in line with the National Model Design Code. For assessing proposals there is a range of tools These includinge workshops to engage the local community, design advice and review arrangements, and	The preparation of local design codes (by the LPA) is promoted. However, where possible, neighbourhood plans should also contain design codes.
	135.137. Local planning authorities should ensure that relevant planning conditions refer to clear and accurate plans and drawings which provide visual clarity about the design of the development, and are clear about the approved use of materials where appropriate, to make enforcement easier. They should also seek to ensure that the quality of approved development is not materially diminished between permission and completion, as a result of changes being made to the permitted scheme (for example through changes to approved details such as the materials used).	This will result in more precise planning applications with clearer design. Enforcement opportunities are enhanced.
	140.142. Once established, Green Belt boundaries should only be altered where exceptional circumstances are fully evidenced and justified, through the preparation or updating of plans. Green Belt boundaries are not required to be reviewed and altered if this would be the only means of meeting the objectively assessed need for housing over the plan period. Strategic policies should establish the need for any changes to Green Belt boundaries, having regard to their intended permanence in the long term, so they can endure beyond the plan period. Where a need for changes to Green Belt boundaries has been established through strategic policies, detailed amendments to those boundaries may be made through non-strategic policies, including neighbourhood plans.	Another significant departure which, presumably, is a response to the many LPA's that needed to reduce the size of their Green Belts (usually in the face of very strong objections from the community) because it was the only development land available. This now renews protection of Green Belts and gives greater planning weight to Green Belts than to the provision of housing – this is a reverse of the current position (in plan-making).

155. 157. To help increase the use and supply of renewable and low carbon energy and heat, plans should:

a) provide a positive strategy for energy from these sources, that maximises the
potential for suitable development, <u>and their future re-powering and</u>
<u>maintenance</u>, while ensuring that adverse impacts are addressed satisfactorily
(including cumulative landscape and visual impacts);

This allows for a positive planning response to energy generation that is nearing the end of its life and needs to be replaced/modified.

458-160. When determining planning applications⁶² for renewable and low carbon development, local planning authorities should:

- a) not require applicants to demonstrate the overall need for renewable or low carbon energy, and recognise that even small-scale projects provide a valuable contribution to significant cutting greenhouse gas emissions;
- b) approve the application if its impacts are (or can be made) acceptable⁶³. Once suitable areas for renewable and low carbon energy have been identified in plans, local planning authorities should expect subsequent applications for commercial scale projects outside these areas to demonstrate that the proposed location meets the criteria used in identifying suitable areas; and
- c) approve an application for the repowering and life-extension of existing renewables sites, where its impacts are or can be made acceptable. The impacts of repowered and life-extended sites should be considered for the purposes of this policy from the baseline existing on the site.

This appears to give priority to existing renewable energy sites: "planning authorities should approve an application for the repowering of existing renewable sites."

⁶² Wind energy development involving one or more turbines can be granted through Local Development Orders, Neighbourhood Development Orders and Community Right to Build Orders, if it can be demonstrated that the planning impacts identified by the affected local community have been appropriately addressed and the proposal has community support.

⁶³ Except for applications for the repowering of existing wind turbines, a proposed wind energy development involving one or more turbines should not be considered acceptable unless it is in an area identified as suitable for wind energy development in either the development plan, or a supplementary planning document identifies an area as suitable for wind energy development (where the development plan includes policy on supporting renewable energy); and, following consultation it can be demonstrated that the planning impacts identified by the affected local community have been fully satisfactorily addressed and the proposal has their backing community support.

Footnote 62 allows communities to grant themselves planning permission for wind turbines – the NDOs and CRTBOs both go through a referendum like a neighbourhood plan.

Also, a proposal now needs to "satisfactorily" address community concerns where before it was required to "fully" address them. Again, this could be significant.

161. To support energy efficiency improvements, significant weight should be given to the need to support energy efficiency improvements through the adaptation of existing buildings, particularly large non-domestic buildings, to improve their energy performance (including through installation of heat pumps and solar panels where these do not already benefit from permitted development rights). Proposals affecting conservation areas and listed buildings should also take into account the policies set out in chapter 16 of this Framework.

This gives "significant weight" to energy efficiency in existing development which is already in the NPPF but not specifically referred to this strongly. Many neighbourhood planners are frustrated because they cannot require zero carbon or energy efficient development (exceeding Building Regulation requirements) but this seems to allow some support to strong neighbourhood plan policies.

What is not clear is how energy efficiency in listed buildings and conservation areas should be addressed. Note that there is NO change to the NPPF policies on the historic environment to allow for any relaxation.

quality land should be preferred to those of a higher quality. The availability of agricultural land used for food production should be considered, alongside the other policies in this Framework, when deciding what sites are most appropriate for development.	This clause seems to discourage the use of best and most versatile agricultural land for housing allocations. However, this protection already exists so it is unclear how this changes matters.
225. For the purposes of the tests of soundness in paragraph 35 and the policy on renewable and low carbon energy and heat in plans in paragraph 156, these policies apply only to plans that have not reached Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012 (pre-submission) stage, or that reach this stage within three months, of the publication of this version. For Spatial Development Strategies, this applies to plans that have not reached consultation under section 335(2) of the Greater London Authority Act 1999, or are within three months of reaching this stage. For all other plans, the policy contained in the corresponding paragraph in the National Planning Policy Framework published in July 2021 will apply.	Transitional arrangements.
226. From the date of publication of this revision of the NPPF, for the purposes of changes to paragraph 61, for decision-taking, where emerging local plans have been submitted for examination or where they have been subject to a Regulation 18 or Regulation 19 (Town and Country Planning (Local Planning) (England) Regulations 2012) consultation which included both a policies map and proposed allocations towards meeting housing need, and the housing requirement as set out	Transitional arrangements.

in strategic policies has become more than five years old in the extant plan, local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of four years' worth of housing against their local housing need instead of a minimum of five years as set out in paragraph 75 of this document. These arrangements will apply for a period of two years from the publication date of this version.	
224. The Housing Delivery Test will apply the day following publication of the results, at which point they supersede previously published results. Until new Housing Delivery Test results are published, the previously published result should be used. For the purpose of footnote 8 in this Framework, delivery of housing which was substantially below the housing requirement means where the Housing Delivery Test results:	Deletion of previous transitional arrangements.
 a) for years 2016/17 to 2018/19 (Housing Delivery Test: 2019 Measurement, published 13 February 2020), indicated that delivery was below 45% of housing required over the previous three years; b) for years 2017/18 to 2019/20 (Housing Delivery Test: 2020 Measurement, published 19 January 2021), and in subsequent years indicate that delivery was below 75% of housing required over the previous three years. 	
Community-led developments: Community-led developments are those that are driven by non-profit organisations that are owned by and accountable to their community members. The community group or organisation owns, manages or stewards the homes	New definition of community led housing.

and other assets in a manner of their choosing, and this may be done through a mutually supported arrangement with a Registered Provider that owns the freehold or leasehold for the property. The benefits to the specified community are clearly defined and legally protected in perpetuity.	
Housing Delivery Test: Measures net homes delivered and the number of homes granted permission in a local authority area against the homes required, using national statistics and local authority data. The Secretary of State will publish the Housing Delivery Test results for each local authority in England every Novembereach winter.	This shows a change to the housing delivery test allowing for permissions to be taken into account.

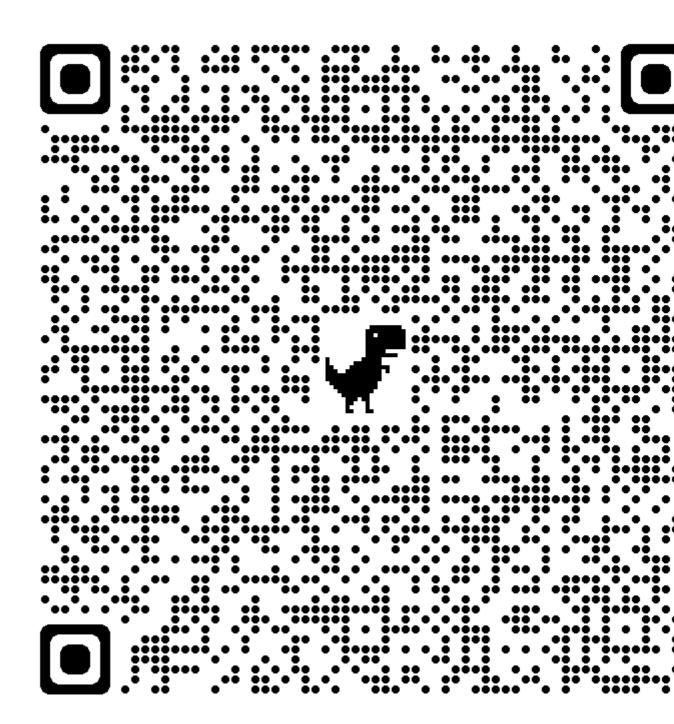
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Economic Development & Planning Committee 13 February 2023

Please see bullet points of the proposed changes to the NPPF under consultation.

- make clear how housing figures should be derived and applied so that communities can respond to local circumstances;
- address issues in the operation of the housing delivery and land supply tests;
- tackle problems of slow build out;
- encourage local planning authorities to support the role of community-led groups in delivering affordable housing on exception sites;
- set clearer expectations around planning for older peoples' housing;
- promote more beautiful homes, including through gentle density;
- make sure that food security considerations are factored into planning decisions that affect farm land;
- and enable new methods for demonstrating local support for onshore wind development.







Use of council-owned land for environmental mitigation Briefing Note No. 23-01

Service : Estates & Development

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Date Prepared: 05/09/2022

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EXECUTIVE SUMMARY

The council, in its capacity as landowner, is considering the best way to make use of its land to assist with environmental mitigation, help deliver the goals of the Green and Blue Infrastructure Strategy and support the objectives of the Climate Strategy and two initiatives have been drawn up:

- 1. **Environmental Mitigation Land Review** A review of green spaces and rural estate to determine opportunities to make improvements, including pilot schemes
- 2. **Town and Parish Improvements on Wiltshire Council Land** A process to enable town and parish councils to plant trees on Wiltshire Council land

This Briefing Note sets out some basic details of each proposal and actions being taken by officers to progress them.

There are a range of projects already in progress elsewhere in the council that Members are likely to be aware of. These include the:

- Zero Emission Council House Build Programme
- Housing Energy Efficiency Programme
- Carbon reduction programme
- Trowbridge Bat Mitigation project To mitigate recreational pressures from new developments around Trowbridge through the creation of Suitable Alternative Natural Greenspace (SANG) and the loss of bat habitat through woodland and hedgerow planting funded by developer contributions.
- Maintenance of amenity space reviews

The briefing note introduces further measures to assist with environmental improvements through the use of land owned by the council.

Firstly, the council is undertaking a council-wide review of land to consider alternate uses with a supporting Asset Management Framework. Secondly, it will look to enable town and parishes to plant trees on Wiltshire Council land, where appropriate along with any necessary conditions.



1. Environmental Mitigation Land Review

The council has a large land holding: rural estate land of circa 1900 hectares and public open space and amenity land of circa 400 hectares. This could provide significant opportunities to undertake environmental improvements enhancements that attract new funding that could in turn reduce maintenance and management costs. Existing amenity uses and other future opportunities need to be considered at the same time to ensure the maximum benefits are secured from these natural capital assets.

With the council having to meet best consideration / value legislation, as a landowner it must factor in a financial return from any initiatives to cover costs of implementation and management. The aim of the review is to create a place in the wider market to sell credits or generate income that covers the costs of implementation / management into the long term. The review will identify self-financing opportunities and avoid projects that could become a revenue burden for the council.

The possible opportunities include:

- Nitrogen and Phosphorus mitigation to offset new developments in protected areas.
- Biodiversity net gain for:
 - Woodland
 - Wetland
 - Grassland
 - Hedgerows
 - o Rivers
- Nature-based solutions for:
 - o Carbon offsetting / carbon capture / carbon sequestration
 - Water management drought and flood improvements
- Green energy production
 - Solar energy generation
 - o Bio-mass fuel growth
 - Wind energy generation
 - o Battery storage, independent of other energy generation
- Nature Based Air Quality Improvement and Climate mitigation
 - Tree planting to improve air quality, provide shade and reduce urban heating during summer months.

Not all opportunities will be self-financing, and the staged approach, which will consider resource requirements and priority, are likely to reduce the number of feasible opportunities significantly.

For each of these initiatives the council has established the technical implementation requirements, as follows:

- Description of Environmental Initiative A brief scoping description
- Qualifying Features Relevant issues with minimum or essential requirements
- Ideal Land Allocation Details of the size or features of land that would be needed.
- Funding Outline funding opportunities income generation, invest to save or grant funding options.
- Alignment to council objectives non-monetised benefits e.g., improved mental and physical health
- Community engagement summary of the role the community may play in delivering and managing any schemes, including funding



In addition to looking at initiatives in isolation, the opportunity to have multiple benefits (stacking) will be explored. An example may be undertaking a bio-diversity net gain scheme but also being able to benefit from the carbon capture and conservation grazing.

Implementation initiatives on council land will follow these stages:

- Stage 1 Develop a set of mitigation initiatives, including drafting an Asset Management Framework
 - **Progress** Ethos Environmental Planning have been engaged with establishing the initiatives. The Framework was presented to and approved by Cabinet on
 - 13 December 2022. This included the definitions necessary to allow for stage 2 to start.
- Stage 2 Determine which mitigation initiatives may be possible on council land, with a corresponding long list of sites.
 - **Progress** Ethos Environmental Planning have been engaged to carry out a map-based review and have provided this long-list.
- Stage 3 Develop a shortlist of sites, through internal review, for inclusion in the mitigation framework, including alignment to council objectives (non-monetised benefits). This will factor in any existing use, availability of land, alternate opportunities, and financial impacts. It is anticipated this will be concluded by the end of 2022/23.
- **Stage 4** Develop business cases for selected sites. This will include stakeholder engagement and consultation.
- Stage 5 Deliver mitigation initiatives

Pilot Schemes

The council will be exploring a number of pilot schemes to help inform Stages 4 and 5 of implementation. These will test a number of the initiatives proposed in order to improve understanding of the role of stakeholders (including community groups) in the development and management of the initiatives and determine the process to sell any credits generated.

The pilots will have stakeholder engagement throughout their development, including local elected members, town or parish councils and local community groups. The council will be assisted by external support from a technical perspective.

The aim is to establish proposals by the end of April 2023, with implementation to follow.

Engagement

The development of this review includes a number of internal departments, including climate, grounds maintenance, estates, FM and natural environment and will take a collaborative approach to implementation and management.

There will be external engagement at various stages as it is recognised that community and town/parish involvement is key to making schemes a success.



2. Town and Parish improvements on Wiltshire Council land

There is a growing desire for town and parish councils, and community groups, to be involved in environmental enhancements that support biodiversity, and the council will be exploring opportunities for their participation through a range of initiatives and strategies. This ranges from tree planting through community gardens to wildflower planting.

In many cases their ability to do so is limited by the land they either own or are in control of. With the extent of Wiltshire Council's land, there is a role for it as landowner to enable third parties to carry out improvements that help deliver a range of wider national and local objectives.

To ensure there is longevity to proposals, the relevant town or parish council will be involved in the discussions. Any applications for use of Wiltshire Council land will only be accepted from town or parish councils, ensuring any community group would have their respective council's support and buy-in.

The council will create an application process for town and parish councils to apply to use Wiltshire Council land, followed by an internal review. Approvals will be documented either through transfer of land to parish councils, where appropriate, or the grant of licences for future maintenance.

Those agreements will include terms for the town or parish maintenance and factor in an ability for Wiltshire Council to make use of carbon capture, on a proportional basis, through enabling its land to be used.

Engagement with town and parish clerks will be undertaken before formal implementation of the proposal.

Agenda Item 12

Changes to sparkle Visits

The new Streetscene contract is due to start shortly which means a reorganisation of roles and tasks. These changes mean that the works identified by Town and Parish Councils will no longer be on a list for a scheduled visit but will instead be prioritised and completed at the earliest opportunity.

All you need to do is raise reports via the MyWilts app (MyWilts online reporting - Wiltshire Council) and these works will be passed to the appropriate team based on your geographical location.

The improved MyWilts system will provide you with a reference number upon submission of your report and, provided you have created a log in id with a valid email address, will email real time updates on the progress of your report to completion.

The types of works that can be undertaken by these teams has not changed.

These changes have been implemented to ensure the resources are maximised and works are focused in those areas most requiring it. Thank you for your continued support working with the Streetscene team and I hope these changes are welcome.

The new way of working will be implemented from WC Monday 30th January. In the meantime, if you have any questions please do not hesitate to contact your Streetscene Technician (who you would normally liaise with regarding sparkle visits).

Kindest Regards Fee

Fiona Waind Streetscene Engineer Highway Operations



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http://www.wiltshire.gov.uk/mywiltshire-online-reporting

