

Date of Meeting	22 nd February 2024
Application Number	PL/2021/04663
Site Address	Poulton Mill, Poulton Hill, Marlborough, Wilts, SN8 2LN
Proposal	Change of Use from Agricultural to Equine Clinic with associated buildings, access and landscaping improvements.
Applicant	Drs Andre Buthe & Christiana Ober
Town/Parish Council	Marlborough Town Council and Mildenhall (Minal) Parish Council
Ward	Marlborough East ED (Cllr Caroline Thomas)
Type of application	Full Planning Permission
Case Officer	David Millinship

Reason for the application being considered by Committee:

This application was 'called-in' by Cllr Thomas for the following reasons:

- Impact on National Landscape (formally AONB);
- Change of use and scale of development;
- Access with poor visibility;
- Significant Parish Council opposition.

1. Purpose of Report

The purpose of the report is to assess the merits of the proposal against the policies of the development plan and other material considerations and to consider the recommendation that the application be approved.

2. Report Summary

The key issues for consideration are:

- Principle of development;
- Landscape and visual impact (including design);
- Highways impact;
- Environmental and ecological impacts;
- Impact on neighbour amenity.

3. Site Description

The application site comprises approximately 3.25ha of mixed-use land directly to the north-east of the market town of Marlborough. The south-western intervening boundary of the site is shared with a row of domestic properties that form the urban edge of Marlborough (mostly those located at Tin Pit). Open countryside extends to the north and east.

The site area includes a Scheduled Ancient Monument - the Dam of King's Fishpond; Historic England (HE) list entry no. 1005644. The dam forms an earthwork at the northern tip of the site area. The official list states that the dam survives well and is particularly important because it has both early and royal documentary evidence relating to it. There is also a grade II* listed dwelling (known as Poulton House) approximately 60 metres to the north-east of the site.

The site includes a number of existing buildings and installations set around domestic gardens and horse training areas. The main building at Poulton Mill is now a dwelling set within the eastern edge of the site. A former barn located adjacent to the house is used as an office. Prior to the applicant occupying the site, the barn had been converted into a chiropractor's office (likely used for a period of over ten years prior to the current site occupation). A stable building is located to the north-west (adjacent to the SAM) and an all-weather outdoor horse exercise area is located within the western area. The River Og bisects the site towards the southern half with the land to the south being unmanaged grassland.

The land to the north of the river has been within a mixed-use as domestic land and equine clinic for a period of 7 years (the equine clinic use being sought as a retrospective change of use as part of this application). Prior to 2017, the site had an established use mixed use (domestic land and equestrian use (the keeping of horses)). The LPA attempted to limit the equestrian use through an earlier planning permission for the existing stables (ref: K/58630/F), by imposing a condition to limit the use to be private/domestic only and not a commercial livery. However, the permission for the outdoor exercise area (including the land to the west of the main dwelling - ref: K/59425/F) included no such restriction.

The main existing vehicular access is from the public highway at Poulton Hill, via a single-track rural road that runs to the north of the site leading to a private access road serving a number of (mainly domestic) properties that comprise the rural hamlet of Poulton. There is a gated vehicular access (field access) to the land to the south of the river. However, it appears to have been out of use for some time and is overgrown.

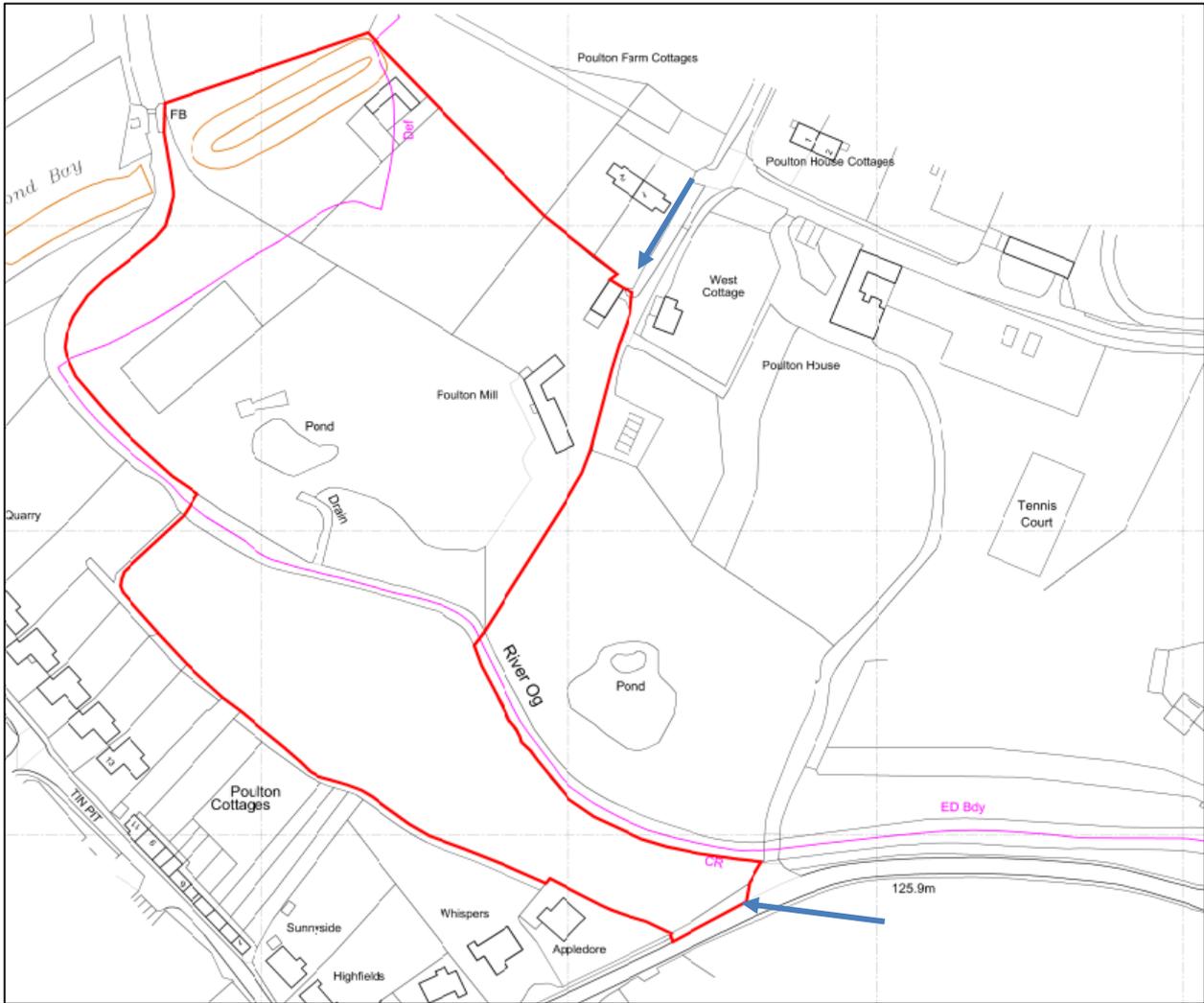


Figure 1: Site Location with marked access points

4. Planning History

The following planning history is specific to the application site:

K/58630/F	Retention of stable block and associated hardstanding	Approve with conditions (11/06/2008)
K/59425/F	Retention of manege and gazebo	Approve with conditions (03/11/2008)
K/51181/F	Erection of roof over decking area	Approve with Conditions (16/12/2004)
K/39547	Relocate conservatory, erection of single storey extension comprising of bathroom, dressing room and log store.	Approve with conditions (26/07/2000)

5. The Proposal

The proposed development involves both the change of use of the land and operational development (building work). The southern area of the land (that to the south of the River Og) is proposed to be changed into an equine orthopaedic clinic use, along with the erection of a multi-purpose barn to accommodate stables, feed, machinery, general storage and an indoor exercise area. The barn would measure approximately 50 metres by 20 metres with an eaves height of 3.9 metres and a ridge height of 6.9 metres. The base level of the barn would be excavated into the existing slope of the land to create a level base with external parking areas; the land being lowered by approximately 1.8 metres at the highest (northern) point.

The application seeks retrospective planning permission for the change of use of the land to the north of the river to a mixed-use of equine clinic and domestic land and the erection of a stable building to be occupied by 6no. horses, located within the north-eastern area of the site (adjacent to the existing stables). It is proposed to be a suitable distance from the larger barn building, such that there would be an essential isolation facility for those horses that must be kept a safe distance apart from other horses. The new stables would measure approximately 11 metres by 17 metres, with an eaves height of 2.7 metres and a ridge height of 5.9 metres.

Both buildings would feature cedar clad walls (the barn with a brick plinth), grey profiled metal sheeting roof coverings and timber doors, windows and other joinery. Rooflights for the barn would be translucent panels with low outward light transmittance. The stable roof would have a central raised section lined with high-level windows in lieu of rooflights.

The proposal also includes the creation of a new site access from the public highway at Poulton Hill leading into the land to the south of the river. An internal site access road would run to the north of the proposed barn, leading to a new bridge over the river, to provide access to the northern area of the site (the existing dwelling, stables and horse exercising areas). The new access would remove the requirement for users of the site to rely on the narrow private access lane that leads into the northern area of the site (to the dwelling at Poulton Mill).

A planting scheme is also proposed, including the removal of poor-quality self-seeded trees and their replacement with native riparian species within areas adjacent to the river and the creation of wildflower grassland and enhanced riparian habitat adjacent to the river and surrounding an existing pond.



Figure 2: Site layout and proposed landscape enhancement. The proposed **barn** in red and stables in **blue**.

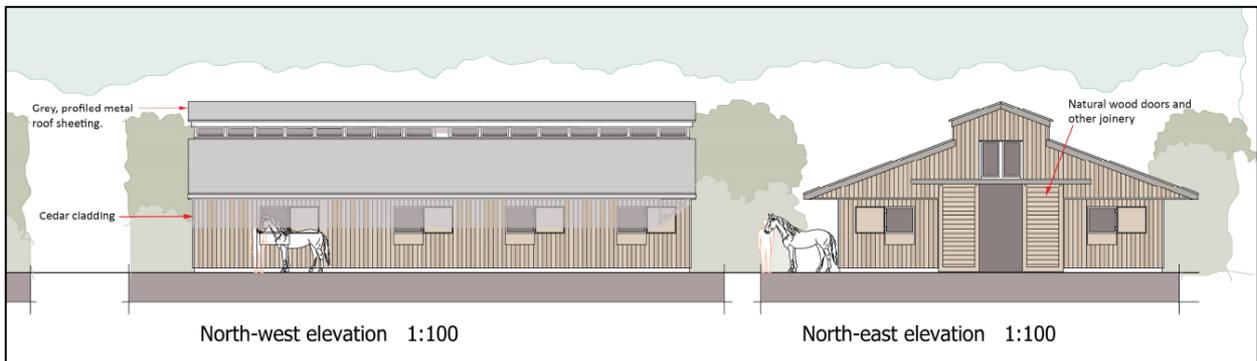


Figure 3: Stable elevations.

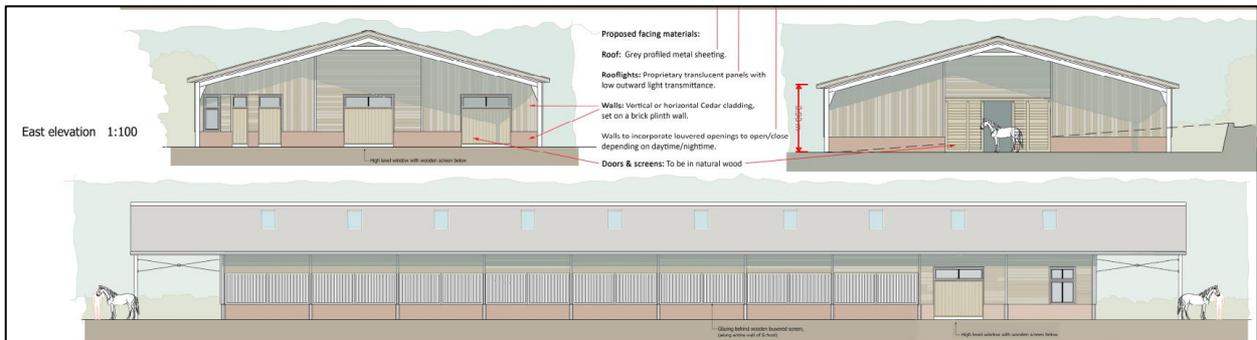


Figure 4: Barn elevations.

6. Planning Policy

National Context:

National Planning Policy Framework 2019 (NPPF).

Planning Practice Guidance (guidance on the policies contained within the NPPF).

Local Context:

Wiltshire Core Strategy (WCS) – Adopted January 2015.

- Core Policy 1 – Settlement Strategy;
- Core Policy 2 – Delivery Strategy;
- Core Policy 14 – Spatial Strategy for the Marlborough Community Area;
- Core Policy 34 – Additional employment land;
- Core Policy 50 – Biodiversity and Geodiversity;
- Core Policy 51 – Landscape;
- Core Policy 57 – Ensuring high quality design and place shaping;
- Core Policy 58 – Ensuring the Conservation of the Historic Environment;
- Core Policy 60 – Sustainable Transport;
- Core Policy 61 - Transport and Development;
- Core Policy 64 – Demand Management;
- Core Policy 67 – Flood Risk.

Marlborough Area Neighbourhood Plan (MANP) – made in March 2023.

- MARL14 – Protecting Local Heritage Assets;
- MARL15 – Protecting and Improving Green Infrastructure;
- MARL17 – Conserving the Scenic Beauty of the AONB;
- MARL18 – Achieving Dark Skies.

7. Consultations

Action for River Kennet - Objection

The site lies immediately upstream from the Kennet SSSI and the river is already under pressure from drinking water abstraction and pollution from agriculture, urbanisation, habitat loss and sewage discharges. This development will increase the risk of all those pressures.

Archaeology (Wiltshire Council) - Objection

The footprints of both the new stables and the barn, along with the proposed new access roads, should be archaeologically evaluated prior to the determination of this application. This evaluation should take the form of trial trenching within the footprints of the proposed new buildings and along the routes of the new access roads. Once this evaluation has been completed and a report prepared on the results, advice can be given as to whether any archaeology encountered presents an overriding constraint to development, or whether the impact of the proposed development upon the archaeological resource can be mitigated via further investigative works.

Conservation (Wiltshire Council) – No objection

There is no impact on the designated heritage asset(s).

CPRE

The application would cause serious and substantial harm to the AONB in all aspects, including, but not exclusively:

- Environment;
- Pollution issues of the countryside and their disturbances on life in general as per:
 - Light pollution from the Barn, Stables, Ménage Flood lighting, vehicle lights etc,
 - Noise pollution from vehicle movements, and Air pollution from vehicles, dung and muck-out;
- Highways safety;
- Ecological; and
- Heritage assets.

Furthermore, the business aspects are not justified, and none of the applicants' supporting evidence demonstrates that the development would provide any environmental benefits whatsoever.

Drainage Consultant – No objection

Subject to a condition to ensure full surface water drainage details are agreed and implemented.

Ecology (Wiltshire Council) – No objection

Subject to conditions to secure full details of a construction management plan, landscape and environment management plan, details of manure disposal and external lighting restrictions.

Environment Agency – No objection

Subject to conditions to secure compliance with FRA and proposed mitigation measures.

Historic England – No objection

There was initial concern that harm to a Scheduled Monument of national significance known as Dam of King's Fishpond (National Heritage List Entry 1005644) could occur.

Following the submission of an updated desk-based assessment and the relocation of the stables near the Dam, HE has confirmed that the principal concerns regarding the proposal have been addressed. There will still be some degree of harm to the significance of the setting of the monument and this should be weighed against the improved management of the monument within the proposal as per Paragraph 202 of the NPPF.

HE has advised that the improved management of the monument, and the requirement to check with HE regarding its implementation, should be added as a condition to any consent.

Landscape (Wiltshire Council) – No objection**Local Highway Authority (Wiltshire Council) – No objection**

Subject to a condition to ensure the site access is constructed and maintained in accordance with the most recently submitted plans.

Marlborough Town Council – No Objection

Initially offered support for the proposal. However, upon further review, an objection was submitted on grounds that it lacked information relating to environmental protection and potential adverse impact on nature conservation.

Following the submission of additional details, the objection was removed subject to the officer's satisfaction that heritage assets, the landscape and environment, and the historic setting will be protected as described in comments already raised by other consultees.

Mildenhall (Minal) Parish Council – Objection

Objections have been summarised by the case officer as follows:

- Overdevelopment of the site and irrecoverable damage to the character of the AONB;
- Harm to highway safety, lack of parking and access is in an unacceptable location, additional traffic (HGVs and Horseboxes) will cause harm to the safety of the highway;
- The land is at risk of flooding;
- Water pollution from manure and ground disturbance (land formerly used as a tip);
- Harm to residential amenities of neighbouring dwellings;
- Excess lighting leading to harm to ecology, AONB and neighbouring amenities;
- Lack of employment opportunities due to specialised nature of the business;
- The fact that the business has been established retrospectively is no grounds for Wiltshire Council to grant the proposal.

Natural England – No objection

No objection in principle but comments with regards to the scope of bat survey work were noted.

Public Protection (Wiltshire Council) – No objection

Conditions to secure details of external machinery/plant, bedding/manure storage/disposal and provision of EV charging points for visitors.

Thames Water – No objection

There is capacity for the public sewer to accept wastewater from the development. Surface Water disposal must follow sequential approach in line with LLFA recommendations.

Wiltshire Wildlife Trust – Objection

The intensification of use along an important part of this valuable green corridor is not appropriate and we ask this application is refused.

8. Publicity

The application has been advertised by way of writing directly to adjoining landowners and relevant consultees, display of a site notice and publication of a press notice.

137 letters of representation have been received in response to the public consultations for the application; 115 in objection (from 61 households), 19 (plus an additional petition with 8 signatures) in support and 2 neutral. The full comments can be read on the council's website.

For ease of reference, the material considerations relating to the current proposal are summarised as follows:

Objections:

Principle:

- There is no social or economic advantage to the local community or Marlborough;
- No viability information has been submitted and other less sensitive sites should be considered for the proposed use first;
- The proposal would cause harm to designated heritage assets and would not provide public benefits to outweigh the harm;
- the Application Site is currently being used in breach of planning control;
- previous permission for an equestrian building was restricted by a condition (no commercial use);
- Another vet's care clinic is a 'nice to have', but not essential at the Poulton Mill area. There are already two of the country's best horse medical facilities within 40 minutes of Marlborough, in Newbury and Lambourn.

Landscape/visual and heritage:

- The proposed barn is too large and will be widely visible causing harm to the National Landscape (AONB);
- The proposed building materials are not sympathetic to the location or nearby residential area, alternatives (such as green roofs) would be better;
- Submission of a third-party landscape report (commissioned by the owners of Poulton House) concludes that the Applicant's LVIA has down-played the effects of the development, failing to acknowledge the scale of the 50+ metre long, 20 metre wide, 6.8m high, "barn" structure to the south of the River Og as well as the impact of the new access on the National Landscape;
- The land should be kept open and undeveloped along the river corridor;
- The new buildings would cause harm to the settings of the Scheduled Ancient Monument (SAM) and the grade ii* listed Poulton House;
- The applicant has failed to properly assess the visual impact of the development on the nearby designated heritage assets;
- A third-party commissioned heritage report has concluded the setting of Poulton House extends beyond its landscaped gardens into the application site which would be harmed by the proposed buildings;
- Light pollution from external and internal lighting and roof lights;
- Applicant's submitted landscaping information is inaccurate;

Environmental and ecological impacts:

- Lack of manure/waste management plan, manure currently being heaped close to the SAM;
- The cumulative impact of development at the site, including the proposed barn is detrimental to wildlife in the area, particularly bats and birds that will forage along the river corridor;
- Detrimental impact on the nearby water courses including River Og (a County Wildlife Site) that feeds into the River Kennett Site of Specific Scientific Interest (SSSI);
- Light pollution from external lighting, roof lights and louvred walls affecting protected species that rely on the darkness of the river corridor;
- Proposed replacement planting is not sufficient to compensate for the impacts;
- There has been no contamination investigation or proposals to mitigate against contaminants that could be released during ground disturbing works, particularly the potential problem of nutrient rich surface run-off from the site entering the River Og, within a few metres of its junction with the River Kennet SSSI;
- Traffic to/from the proposed Equine Development will be adding to pollution in the Marlborough Air Quality Management Area (AQMA);
- The application is lacking sufficient detail to demonstrate how it will impact upon the various species of wildlife within the site.

Highways impact:

- The access is not suitable for the scale of the proposed facilities or the larger commercial vehicles associated with the intended use and the information submitted does not match the estimated movements to/from the proposed development;
- Commercial traffic through Marlborough has increased in association with the use of the site causing issues at St. Martins and Herd St;
- Visibility splays will cross third-party owned land and permission has not been given for them to be laid out/maintained;
- Vehicle speeds in the vicinity of the site are much higher than the speed limit so proposed visibility splays are insufficient;
- Larger vehicles turning in the highway at the point of the southern access will obstruct traffic and cause harm to highway safety;
- Increasing larger vehicle movements in the area will be harmful to pedestrians using the substandard footways that access into Marlborough from the location of the site;
- Vehicles could still use the private access road to the north (much more heavily than currently) and the application does not state that this access route will be abandoned given a new access will be created;
- A third-party commissioned highways report has been submitted (by the owner's of Poulton House), it concludes the proposed access would be unsafe given the location, vehicle speeds and likely increase in traffic movements to and from the site;
- HGV traffic using the road as it passes through Mildenhall will exacerbate the problems caused by the narrowness of the carriageway in the centre of the village.

Residential amenities:

- Concerns over noise (from operations and commercial traffic), odour, light pollution and overbearing impact of the proposed barn;
- Loss of privacy to properties backing into the southern area of the site (dwellings at Tin Pit);
- The proposal would change the character of a residential street into a 'business park setting'.

Support:

- The equine industry continues to expand in the area, and the Marlborough area now has so many top-tier competitors training and living in the area, as well as many horse owners that ride for pleasure. All would benefit hugely from the modern equipment and practices provided by this clinic;
- Currently, owners of horses and other equestrian businesses (including Olympic teams) located in the Marlborough area have to travel out-of-county to access treatments other than basic procedures (that can be carried out during home visits). A local facility will reduce travel;
- This is a business of both national and international importance, it will bring people to the area, create income for local shops, hotels and restaurants and is a perfect fit for the area;
- The development and its landscaping will enhance the wildlife corridor along the River Og to the benefit of the AONB and local ecology;
- The buildings are of a good design and in keeping with the character of the open countryside;
- The development will provide opportunities for employment in the equestrian sector that is already established along the Kennett valley and Marlborough area;
- Due to the nature of the clinic use, it is not expected that noise or odour would be a problem (as may occur with other types of commercial use) nor would excessive traffic be generated.

9. Planning Considerations

Principle of Development

The proposal involves both operational development and a change of use of the site to a mixed-use including an equine sports medical clinic business. The LPA accepts that the land to the north of the River Og has been within a mixed-use as both domestic land and an equine clinic use for a period of 6-7 years.

In terms of the change of use the NPPF encourages LPAs to support:

- a) the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed, beautiful new buildings;*
- b) the development and diversification of agricultural and other land-based rural businesses;*

The NPPF supports the broad principle of all types of business in rural areas. The equestrian clinic is considered to be an employment generating use that is appropriate to a rural area. However, the NPPF is concerned with the design of new buildings (this is considered in greater detail further into the report) and given the sensitive location of the site with nearby heritage assets and within a National Landscape (formally AONB) the LPA must be satisfied the buildings are well-designed and preserve the character of the site and its surroundings.

In local policy terms, Core Policy 34 of the WCS states that:

Outside the Principal Settlements, Market Towns and Local Service Centres, developments will be supported that:

- i. are adjacent to these settlements and seek to retain or expand businesses currently located within or adjacent to the settlements; or*
- ii. support sustainable farming and food production through allowing development required to adapt to modern agricultural practices and diversification; or*
- iii. are for new and existing rural based businesses within or adjacent to Large and Small Villages; or*

iv. are considered essential to the wider strategic interest of the economic development of Wiltshire, as determined by the council.

The site is located close to, but not within, the built-up area of the market town of Marlborough. The town boundary is considered to skirt the south-western intervening boundary of the site. As stated above, it is accepted that the existing equine clinic is already in use on the land to the north of the river. The proposal, therefore, essentially seeks to both retain the existing business use and to extend this use into the land to the south of the river, as well as providing enhancements to the business use within the established site. This is broadly considered to be supported by CP34(i).

As well as CP34, CP14 of the WCS sets out the spatial strategy for the Marlborough Area. CP14 does not comprehensively address development outside of settlements (or equestrian development specifically) but, it does set out a broad set of criteria that all development within the area should be considered against (para. 5.78 of the WCS). Of relevance to this application are the following considerations:

- *the town currently has a narrow but strong economic base, catering for predominately local business needs. However, it is overshadowed by its proximity to Swindon, but is too far away to benefit from spin-off activity. Due to its strong economic base and lack of current employment land supply, evidence identifies that there is likely to be some demand for new employment space. There is a need to ensure that a balance of employment and housing opportunities is achieved into the longer term;*
- *all development within the Community Area will need to conserve the designated landscape of the North Wessex Downs Area of Outstanding Natural Beauty and its setting, and where possible enhance its locally distinctive characteristics;*
- *several sites of nature conservation importance lie in close proximity to the town, particularly Savernake Forest SSSI, River Kennet SSSI / CWS and Marlborough Railway Tunnel. Development will protect and, where possible, enhance the ecological value of these features;*
- *survey is required of the potential impacts of development on protected bats (including roosting, foraging grounds and commuting routes) associated with the Savernake Forest bat roosts and other species. The hibernation roost of Annex II bats in the disused railway tunnel will be protected. Development must avoid adverse impacts on protected species and designated local wildlife habitats and features.*

The Marlborough Area Neighbourhood Plan (MANP) is silent on the matter of equestrian development or other forms of development outside of the built-up areas (other than in relation to general design, landscape and heritage protection). The MANP seeks to protect and enhance the town centre as the main economic base in the town (retail and services). The proposal would not conflict with this aim and may provide some additional support to the businesses within the town centre due to the location and linked trips (although this would be marginal).

Policy MARL16 sets out a number of valued community open spaces that the MANP seeks to protect. Included in these spaces are the "Dam of King's Fishpond" (the SAM partly within the application site) and "Tin Pit, land to the River Og". In the final version of the 'made' MANP, the application site is excluded from the open space area boundary (that protected by the policy MARL16). It is of note that an earlier version of the MANP included the land adjacent to the river and the part of the SAM within the application site as an area of community open space. This was corrected with only the western bank of the SAM and publicly accessible land to the north defined as a protected space (inset map 2 of the MANP). As such, there is no conflict with the broad principle of the proposal or the policies of the MANP.

The site includes a Scheduled Ancient Monument (SAM) and is close to a grade II* listed building so, for the development to be considered to be acceptable, the LPA must be satisfied that no harm to the designated heritage assets would occur (or that any 'less than substantial harm' identified is outweighed by the public benefits of the scheme – in line with NPPF para. 208). As the land is bisected by the River Og (that feeds into the Kennet SSSI) there is also a higher degree of ecological sensitivity.

It is of note that the prior planning permission for the existing stables sought to restrict the use (to private/domestic only) due to concerns over additional traffic generation and impact on neighbouring amenities that may arise should a commercial livery use commence. Third-party comments have noted this condition and suggest that planning permission should not be granted on principle, due to the prior attempt of the LPA to limit the use of the stables (not the wider land or the outdoor exercise area that do not feature restrictive conditions). However, the prior considerations of the LPA were for the use of a stables accessed via the existing private lane (with any traffic having to pass several neighbouring dwellings enroute from the public highway).

The current proposal seeks to address these previously perceived problems by enhancing the existing southern access to create a new, independent site access with bridge over the River Og (the technical assessment of which is included in the Transport and Highways section of the report below). As such, whilst there may have been some limitation to the use of the existing stables in the past, it is considered the broad principle of the current development must be assessed on its merits as a materially different development proposal.

Subject to compliance with ecology, heritage, landscape and transport policies, the development sought by this application is considered to be supported in broad principle by the NPPF and Core Policy 34(i) of the WCS.

Transport and Highways

Paragraph 114 of the NPPF states that, when considering applications for development, LPAs should consider that:

- a) appropriate opportunities to promote sustainable transport modes can be – or have been taken up, given the type of development and its location;*
- b) safe and suitable access to the site can be achieved for all users;*
- c) the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code; and*
- d) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.*

Para. 115 goes on to state that planning applications should only be refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Core Policies 60 and 61 of the WCS seek to help reduce the need to travel particularly by private car, and support and encourage the sustainable, safe and efficient movement of people and goods within and through Wiltshire. Core Policy 64 seeks to ensure that new development provides sufficient parking, limited to a maximum standard (except for disabled parking spaces) to further encourage use of sustainable modes of transport.

As mentioned above, the use of the existing stables (although not the outdoor exercise area or wider land to the west of the dwelling) was restricted on grounds that any increase in traffic movements associated with commercial activity may give rise to material impacts on the local highway network that would need to be reassessed by the LPA. It is expected that the current proposal, to retain and expand on the equine clinic use, would give rise to increased traffic to and from the site (particularly at the improved southern access point – that has likely only been in infrequent use for maintenance of the land).

The applicant's submission confirms that larger vehicles visiting the site would likely be increased, but smaller vehicle movements would be reduced, as there would be less reliance on staff having to make multiple 'home' visits to meet clients since horses would be able to be resident at the site to receive multiple treatments. Reliance on the use of the rural roads (and private lane) to the north of the site could be problematic, particularly for the larger vehicles (3.5 tonne horse transporters – 'Sprinter' van sized vehicles). So, improving the southern access point to allow it to be used as a main access to the whole site is considered to be the favourable option.

In broad terms, the creation of a single independent site access (not reliant on the use of private roads) is a benefit of the proposal and would provide mitigation against any harm to highway safety (and residential amenities) that could arise along the existing access route. A suitably worded planning condition can ensure that all commercial traffic is directed to the site via the new access (it would be unreasonable to also require domestic access to the dwelling to have to use the new access but, in all probability, all traffic to the site would use the new access rather than the existing situation).

The Local Highway Authority (LHA) has assessed the applicant's submission and offered no 'in principle' objection to the increase to traffic movements within the local highway network or creation of an independent site access directly onto Poulton Hill. They initially raised some concerns over the ability for the new access to be provided with sufficient visibility splays. Following some discussion, a revised site access was subsequently submitted, demonstrating that 59 metre splays can be secured (within adopted highway land) in both directions along Poulton Hill. The LHA has considered these to be satisfactory (calculated at the upper end of the *Manual for Streets* – for vehicles travelling at 37mph). It is also considered the splays fall across what is dedicated highway and as such any cosmetic changes (e.g. the cutting back of vegetation) can be granted permission by the LHA. No further concerns have been raised provided that planning conditions secure implementation of the visibility splays.

The access is proposed to be gated, with the gates (if installed) shown to be set approximately 15 metres into the site. This would allow for even the larger type of horse transporter (lesser used 10 metre long vehicles) to be able to turn into the site and leave the public highway should the gates be closed. A condition can ensure that no other gates are permitted to be installed in any other location within 15 metres of Poulton Hill in order to prevent the need for vehicles to wait in the highway when turning right into the site, protecting the free flow of traffic in the vicinity.

A general benefit of providing a site access closer to the built-up area of Marlborough (as well as reducing traffic through narrow roads) is that a much safer route for those walking or cycling to the site would be provided. Currently, from the built-up area of Marlborough (approximately 50m to the east of Tin Pit) anyone walking/cycling to the site would need to navigate between 750-850 metres of rural roads with no dedicated footway. Whilst it would be the case that many users of the site would be likely to be travelling via motor vehicles (horse transporters), staff and visitors to the site (not required to be transporting horses) would have a better option to travel a much safer route by more sustainable modes of transport.

There have been some concerns raised about the increase in traffic through Marlborough but the numbers reasonably expected to be generated are low and no measurable material impact is expected to occur (over and above the existing situation).

Additional conditions can secure details and implementation of cycle storage and EV charging bays for staff/visitors to ensure the development further promotes sustainable modes of transport.

Third-party comments

Third-party objections to the scheme have included the submission of a Transport Assessment (commissioned by a neighbour of the site). The third-party assessment concluded that the proposed access would be sub-standard with insufficient visibility splays relative to the traffic speeds of the road. Following review of the third-party report the LHA requested that the (originally proposed) 43m splays were increased to 59m in line with *Manual for Streets* guidance to reflect vehicle speeds being higher than the posted speed limit.

The applicant has subsequently been able to demonstrate visibility splays sufficient for vehicles travelling at 37mph (calculated at the upper limit of the *Manual for Streets* guidance). The proposed access would be approximately 70-80 metres within the 30mph zone, which is national speed limit beyond. It would also be situated on the outside radii of a curve meaning that it would be more visible to users of the public highway (than if the road were straight). The LHA has noted that the existing access to Poulton House (located to the east) has lower visibility than the proposed commercial access.

The LHA has considered the third-party submissions (and report) and concludes that the revised visibility splays (59m by 2.4m) are acceptable given the location, frequency and nature of the traffic that would be associated with the development. The LHA are also satisfied that, whilst a small area of the visibility splays may cross third-party owned land, the splays would all be within the adopted public highway so can be maintained to be free of any obstructions. As such, there is no objection to the proposal on highway grounds.

Landscape impacts

The site is within the North Wessex Downs National Landscape (NWD) where the NPPF places great weight on conserving and enhancing the landscape and scenic beauty of these areas. WCS policy 51 notes that development within the NWD should take into account the aims of the management plan for the area as well as being informed by and sympathetic to the distinctive character areas identified in the relevant Landscape Character Assessment(s). The NDP takes a consistent approach to the WCS with emphasis on protecting the dark skies of the NWD as well as its overall landscape character.

However, the local and national policy framework is not a restriction to development and there are areas within the NWD where development can be supported if it is compatible with the landscape character and land-use of the area. The area of the NWD between Marlborough and Hungerford (Lambourn being of note) supports a range of rural businesses with a notable number being within equestrian uses (several third-party letters of support for the development have been submitted by owners/operators and customers of equestrian businesses in the wider area). The NWD Management Plan confirms that:

Owners of horses have an important role to play in maintaining the natural beauty of the North Wessex Downs. How horses are cared for and the developments associated with keeping and training horses can have a significant impact on the character and quality of the AONB landscape...

...The Lambourn area and other racing yards in the AONB make a significant contribution to the local economy. Core horse racing businesses employ an equivalent of 1,370 full-time staff (just over 20% of employment in the agriculture and entertainment sectors in the AONB). A survey has identified 103 businesses within the area directly involved and a further 49 businesses associated with the racing industry in 2007. The horse racing industry contributes £16-38 million per annum of direct gross value added (GVA) to the local economy.

In addition to the businesses centred around racing and other forms of competition (including national eventing teams that train the area throughout the year) the Management Plan confirms a high level of horse ownership and riding in the NWD, noting that it is evident that the network of bridleways and routes linked to The Ridgeway National Trail is popular and well-used. Given the encouragement of the Management Plan to support equestrian businesses (and the contribution they make to the rural economy) it is considered in broad terms that the change of use of the land in question is acceptable.

The Kennet Landscape Character Assessment confirms the site is within the Kennet Valley landscape area, predominantly within the sub-area referred to as "Open valley floor pasture with weak structure". Key sensitivities of this area are:

- *the whole area has an essentially tranquil, intimate and pastoral character within which only small-scale, sensitively-designed development, associated with existing built form, could be successfully accommodated without adverse landscape impacts...*
- *areas of woodland or enclosed farmland with an intact hedgerow structure along the valley sides are visually contained. In landscape and visual terms small-scale essential development which must be located in the countryside potentially could be accommodated in such areas, where they did not adversely affect the attractive, rural and unspoilt character of the river corridor.*

The LCA recommends the characteristics of this area are strengthened where possible. Opportunities for enhancement (relevant to this site) are set out as follows:

- *retain and manage areas of valley floor permanent pasture, wet grassland and meadows, including riparian vegetation, and discourage further ploughing and field enlargement;*
- *in more open floodplain areas, introduce new tree planting along watercourses and in lines and groups within the valley floor, using typical riparian species such as willow and alder;*
- *retain the tranquil, intimate and unspoilt qualities of the river corridor and improve landscape structure and land management on the fringes of settlements and along main roads, to mitigate adverse impacts on river corridor landscapes.*

Both the northern and southern areas of the site (either side of the river) are enclosed by hedgerows and small woodland areas populated by, mainly self-seeded, trees and plants of non-riparian species. The land also sits within the river valley with the land sloping upwards to both the north and south. Due to the dense screening and site topography, the site is not a prominent visual feature within the local landscape but has greater ecological and economic value to the NWD. The proposed land-use must be accommodated within the countryside and, due to the visually enclosed nature of the site, it is accepted that some form of development can be supported. The proposed replacement planting (with riparian species) would also be a general enhancement to the site in line with the aims of both the NWD Management Plan and the LCA.

The smaller of the two proposed buildings would be set adjacent to an existing building within the north-western area of the site. It would be relatively well-screened by existing mature hedgerow and areas of woodland within and surrounding the site. The scale, form and use of materials would result in a building that would fit well into the rural surroundings and it is not considered there would be any conflict with the aims of the NPPF, WCS or NDP in terms of landscape policies.

The larger of the two buildings would be set on a lower ground level than the proposed stables but, would be a much larger structure more akin to an large agricultural barn. Again, the scale, form and use of materials would result in a building that would be distinctively rural in character. The proposed barn also involves the regrading of the sloped site to lower the finished floor level of the building (rather than raise it) onto a flat foundation. The alteration to the site levels would further reduce the visual prominence of the new building. Combined with the additional tree planting proposed and the overall, rural character of the barn it is considered that any glimpsed views of the building would not cause harm to the NWD landscape.

The proximity of the site to the built-up area of Marlborough is also considered to be a positive in terms of offering some mitigation against wider landscape impacts. Whilst views of the site are somewhat limited (due to woodland and topography), the most available views (over middle distance) are likely to be from the land to the north or short distance from mostly private properties within Marlborough to the west. Views from the north would take in the new barn within the context of the larger built-up area so it would not be seen as an isolated new structure within the countryside. In any case, both of the new buildings are considered to be of distinctively rural character and would conserve the NWD National Landscape.

Planning conditions can be used to secure full details and implementation of the site landscaping, including maintenance to ensure the planting is established and sufficiently managed into the future. Additional conditions can ensure the buildings are constructed using the materials

proposed and that no external lighting is permitted to be installed, without details first being agreed by the LPA.

Overall, it is considered the site is capable of supporting the proposed use and adequate mitigation exists due to the location in proximity to a built-up area, existing and enhanced site screening and the topography of the wider area to support the new buildings without harm being caused to the landscape character of the NWD in the locality. Subject to the recommended conditions, the development would comply with the aims of WCS policy 50, NDP policies MARL15, 17 & 18 and the planning policy advice of the NPPF.

Protection of Agricultural Land

The NPPF states that LPAs should recognise the economic and other benefits of the best and most versatile agricultural land. Natural England maps suggest the land is a mixture of poor (ALC-4) to good-to-moderate quality agricultural land (ALC-3). However, due to the land being split by the River Og and including an area of floodplain (adjacent to it) the potential for the land to be farmed in any significant capacity is considered to be reasonably low. The use of the land as an equine clinic will also provide greater economic benefits than an agricultural use, taking into account the size of the site and potential for it to be farmed. As such, the loss of the site as agricultural land is considered to be acceptable in this case.

Heritage impacts

The site features a Scheduled Ancient Monument (SAM), the Dam of King's Fishpond, an earthwork structure that Historic England have stated survives well and is particularly important because it has both early and royal documentary evidence relating to it. There is also a grade II* listed dwelling, Poulton House, located approximately 50 metres to the east of the development site boundary (around 100 metres from the proposed stables and 15-17 metres north of the proposed barn). Poulton House was constructed in 1706 for William Liddard and extended early-mid C19.

Scheduled Ancient Monument – Dam of King's Fishpond

The fishpond was constructed in 1204 and is recorded in the Pipe Roll of King John in 1206. The pond would have produced fish for the Royal Manor of Marlborough although it is unknown how long the fishpond would have served this purpose. The SAM was first designated in 1953 and consists of two lengths of flat topped linear bank with a central breach (made by the River Og). The western section is approximately 95 metres long, the eastern (within the application site) 67 metres long with the bank up to 20 metres wide and from 2.8 metres up to 4 metres high. Where the breach has been made by the river, a modern weir and small bridge have been inserted.

Significance of the Dam

The significance of any heritage asset can be derived from a number of overlapping factors. Understanding the nature of the significance is important to understanding the need for and best means of conservation. For example, a modern building of high architectural interest will have quite different sensitivities from an archaeological site where the interest arises from the possibility of gaining new understanding of the past.¹

The NPPF states that:

In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance.

Although approximately 2000 examples are recorded nationally, this is thought to be only a small proportion of those in existence in medieval times. Despite being relatively common, fishponds are important for their associations with other classes of medieval monument and in providing evidence of site economy. Due to the evidence linked to the SAM, its history (in terms of date of

¹ Historic Environment Good Practice Advice in Planning: 2 - *Managing Significance in Decision-Taking in the Historic Environment* (Historic England July 2015).

origin, purpose for construction and function) is relatively well understood. It survives well as an earthwork but, any ancillary buildings or other such structures dating to the time of its origin, including the pond the Dam would have supported, have long since been removed from the SAM and adjacent land.

It is possible that artifacts associated with the use of the SAM and historic water management system could be encountered during ground disturbing works on nearby land (noted that in the wider area Roman archaeology has been discovered – see below). However, given the age of the SAM and what is already known about it, such artifacts would be unlikely to contribute to the significance (over and above the existing situation). As such, the LPA considers the designated heritage asset has a high level of historic interest, that contributes predominantly to its significance, with archaeological interest contributing to a lesser degree.

The proposal does not include any works within the SAM boundary with development encroaching to within approximately 25 metres of the SAM at the closest point. The land between the SAM and physical development is either open field (and would be maintained as such) or is occupied by the existing stables building. Overall, officers are satisfied that no direct harm to the remaining physical features of the SAM would occur and its historic and archaeological interest would be maintained.

Another common contributor to the significance of a heritage asset can be its setting. The setting of a heritage asset is defined within the glossary of the NPPF as:

The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral.

In this case, the SAM is experienced within a setting that is mainly rural in character, but due to the modern encroachment of Marlborough from the west has lost some of its association with other earthworks thought to be of similar origin dates (linked to the Royal Estate - The Mount with the Marlborough College site for example). However, the SAM has its link to the river intact but, with the absence of any pond is now set within a mainly rural landscape enclosed by mature hedgerows and trees. As stated within the landscape section above, the proposed development is not considered to cause harm to the character of the wider NWD National Landscape and, subject to certain conditions, would retain a broadly rural character of the site. The association of the SAM with the river would not be altered and it is broadly considered the contribution of the wider SAM setting to its significance would not be harmed.

Historic England raised initial concerns over the impact of the proposal on the setting of the SAM as well as potential impact upon archaeological deposits. A revision to the proposed location of the stables resulted in the removal of HE's objection with regard to the setting of the SAM (although some harm is still expected to occur). Currently, the SAM is unmanaged and the initial proposal did not suggest any active management of the SAM to mitigate against potential harm arising from the impact on the setting. Historic England have reviewed subsequent details proposing a management scheme for the SAM and adjacent land and have since removed any concerns over the development subject to a condition to secure full details and implementation of the SAM management.

Grade II* Listed Poulton House

Poulton House is stated to have been constructed in 1706 for William Liddard. The list description extensively mentions both external and internal features of interest and states that Poulton House is a particular attractive example of an early C18th house, "which if it contained a more complete interior might have qualified for listing at grade I". Whilst there is no mention of the setting of building it is considered it also contributes to the historic and architectural interest of the building (although to a lesser degree).

The house is set within an extensive area of landscaped grounds that appears to have been maintained in a domestic use in association with the occupation of the house. There has been modern development within the grounds including the construction of both a swimming pool and

tennis court. Despite this, the wider plot has retained some historic features and has been maintained in a formal garden appearance. The surrounding gardens are considered to contribute to the historic interest of the house but, to a lesser degree than the building itself.

The development site at Poulton Mill is substantially screened from the formal gardens surrounding Poulton House. There has also been modern development of agricultural buildings on land to the east and north. As such, officers consider the land beyond the landscaped grounds directly associated with Poulton House contributes very little to its significance in terms of a wider setting other than being mainly retained within a rural character. As officers are satisfied that the proposed development at Poulton Mill will not substantially alter the distinctively rural character of the site it is considered the wider setting of the grade II* listed building at Poulton House will be preserved.

A third-party Heritage Report has been submitted to attempt to demonstrate that the construction of the new buildings (with emphasis on the new barn on the southern part of the site) will be harmful to the setting of the listed dwelling and therefore damage its significance. Officers have reviewed the report and disagree with its findings. The wider rural land surrounding the listed dwelling is not considered to contribute to the significance of the heritage asset other than framing its landscaped grounds within an area of open countryside. This relationship would not be substantially changed as significant screening would be maintained between the landscaped gardens and wider landscape (and in any case the development would maintain a rural character surrounding the dwelling's formal gardens). The council's Conservation Officer has reviewed the proposal and third-party comments and offers no objection on heritage grounds. Historic England have also considered the impact of the proposal on the setting of Poulton House (as a grade ii* listed building HE were consulted) and have raised no overall objection.

Archaeology

As stated above, the historic use of the SAM as well understood and no works would take place directly within the SAM boundary that could impact upon its archaeology. Ground disturbing works within the wider land could encounter artifacts contemporary to the SAM or later land use, but these would be unlikely to add to the overall historic significance of the SAM or wider understanding of the historic use(s) of the site. However, within the wider Tin Pit area there has been past instances of Roman archaeology being encountered. Further discovery of additional Roman archaeology could add to the understanding of how the Romans may have used the site and surrounding area.

The County Archaeologist has highlighted the potential for archaeology of some importance to be encountered (particularly during ground works to construct the barn on the southern land). It has been recommended that further on-site investigations should take place prior to determination of the application in order to reveal whether Roman remains could be present. However, the applicant is resistant to such works prior to determination (predominantly for reasons of viability) and has suggested a pre-commencement condition could be used. A Desk Based Assessment (DBA) has been submitted that concludes that archaeology may be encountered, but is unlikely to be of any great significance. Also, the DBA notes that works associated with a late-C20th conifer plantation (likely including land clearance and ground disturbance) would have been likely to have impacted upon any stray finds that could have been encountered had the land been unused.

In this case, with regards to the applicant's DBA and its expected low level of risk associated with finding Archaeology of National Significance, it is considered acceptable to use a pre-commencement condition to secure further investigation of the site and details of an on-site watching brief prior commencement of the ground works associated with the barn building. Using a pre-commencement condition for the barn would also enable the construction of the new stables and, potentially, the new site road and bridge over the river (the road could be laid as a no-dig construction – details for this can be secured by additional conditions).

Ecology

The River Og that runs through the site is a County Wildlife Site and is hydrologically linked to the River Kennet SSSI (approx. 300m south-east of the site). The grassland in the southern part of the site, has been highlighted within the application documents as semi-improved (SI) species

rich and this suggests the grassland has some botanical value. The Tree Survey, Arboricultural Impact Assessment and Tree Constraints Plan states that 25 trees/groups are due to be removed (replaced as part of the environmental enhancement plan). The council's Ecologist initially raised concerns over the loss of the SI grassland (without compensation) and potential for the existing trees to be able to support roosting bats. Information over manure management was also requested (with the Env. Agency also requesting some information relating to manure management).

The applicant subsequently submitted details to demonstrate that the trees proposed to be removed had negligible potential to support bats and a net gain in biodiversity will be delivered within the site (with no need for off-site enhancements). The enhancements proposed are as follows:

- *The south section of the site will have 0.6ha of tall ruderal removed alongside 0.6ha of semi-improved neutral grassland for the construction of the proposed barn and pathway leading from the river to the southeast corner of the site. An area of 0.2ha of woodland will also be removed to facilitate the construction of the new entrance. A 1.5ha area of a grassland will be enhanced from poor quality to moderate quality neutral grassland. The remaining area of the south section can also be enhanced to wildflower grassland.*
- *The area of amenity grassland on the northern section of the site will be split by the development by 0.3ha of pathway leading to the east and to the south. 2.5ha of amenity grassland will be retained and 1.4ha of the amenity grassland on the west section (west of the proposed pathway) will be enhanced from modified grassland to neutral grassland with a wildflower mix.*
- *The creation of the stables in the northwest section of the site will be constructed within the proposed pathway development and will not affect the biodiversity of the current habitats in that section.*
- *The ornamental pond on site will be enhanced to a priority habitat with the planting of native marginal species such as water mint (*Mentha aquatica*) and purple loosestrife (*Lythrum salicaria*).*
- *The sections of hedgerows on the northern and eastern boundary will be retained on the site and maintained. The proposed plans include the enhancement of the line of trees against the River Og with a native species rich hedgerow. The proposed plans also include the creation of a 0.6km native species rich hedgerow around the boundaries of the south section of the site.*

In order to ensure the ecological enhancement of the site is secured long term the Ecologist has requested details of a Landscape and Ecology Management Plan (LEMP) that can be secured by condition along with the implementation of the landscape enhancement planting. A Construction and Environmental Management Plan (CEMP) is also requested to ensure details of the avoidance, mitigation and protective measures to be implemented before and during the construction phase are agreed prior to commencement. A condition to restrict any external lighting unless details are first agreed is also considered to be reasonable and necessary.

Natural England have also reviewed the proposal and initially questioned whether the development could impact upon the bat population at Savernake Bat Tunnel, particularly if the trees proposed to be removed provide habitat for roosting and foraging. However, following confirmation that the trees are of very low quality (for bats) and that significant enhancements would be made to the river corridor no further concerns were raised. The details to be agreed as part of the CEMP provide sufficient opportunity to ensure that protected species and the important wildlife corridor of the river are protected during construction.

Lastly, basic details of a manure management plan have been submitted. Manure would be cleared from the fields and stored away from the river on impermeable surfaces. Both the council's Ecologist and Env. Agency are satisfied that full details of a manure management plan can be secured and agreed by a suitably worded condition.

Overall, the proposal demonstrates an overall net gain in biodiversity can be delivered with mitigation able to be secured against pollution that may arise from the construction phase and operations. Subject to the recommended conditions, the development therefore complies with the aims of Core Policies 50 and 51 of the WCS and policy MARL14 of the MANP.

Flood Risk and Drainage

The site includes areas of flood zone 2 and 3 but the majority of the land and the locations of the proposed new buildings would be within flood zone 1. The proposed bridge over the River Og and parts of the associated access roads would be within the highest risk flood zones. The development was submitted with a Flood Risk Assessment (FRA) confirming the above and the Environment Agency (EA) has raised no dispute with the works proposed within flood zone 1 (where the NPPF states the majority of development should occur). The FRA has also confirmed that the sequential test is passed as the developed areas would be within flood zone 1 (the EA has confirmed this).

However, the Environment Agency (EA) raised several concerns over the adequacy of the data used to inform the original FRA as well as the design of the originally submitted scheme. The initially proposed site layout included two new crossings over the River Og. The EA did not find there was justification for the two crossings along with associated access roads within the floodplain. The data used to inform the original FRA was also questioned.

A number of revisions to the FRA and proposed site layout have been submitted for review by the EA. An early revision of the site layout removed the second river crossing and reduced the amount of proposed access road within the floodplain. This was a welcome amendment. However, the flood modelling data used to assess the design flood level (the expected level of flood water) remained of concern as well as the potential for some of the floodplain storage to be lost. A later review of the flood modelling data demonstrated that it can be relied upon to calculate a design flood level for the site. Furthermore, the application has acceptably demonstrated that the bridge design would not lead to any material loss of the floodplain storage.

Subject to the revised design and additional assessment the EA has withdrawn their initial objection subject to a condition to ensure the bridge is constructed to the proposed specifications.

Groundwater flooding

The River Og is predominantly fed by groundwater, the flooding from the river is essentially groundwater flooding. Wiltshire County Council SFRA (2019) Groundwater Flood Risk Map identifies the majority of the Poulton Mill property to be at medium risk of groundwater flooding, where levels are 0.5m to 5m below the ground surface, with the exception of the area through which the River Og directly flows, which is at high risk of groundwater flooding. The Wiltshire County Council SFRA (2019) does not identify Marlborough as an area with historic incidences of groundwater flooding. Although the applicants FRA confirms a borehole sunk on proposed stable site encountered groundwater at 0.4m, no water was recorded in the borehole at the land south-west of the river, which was monitored through December 2020 to February 2021. Therefore, although the groundwater flood risk at parts of the site is high, the risk at the development locations is accepted as being low.

Foul and surface water drainage

Thames Water have confirmed the public sewer in the vicinity of the site is capable of accommodating the foul waste from the development so there is no concern with regards to a foul connection into the public sewer being agreed (subject to an adoption agreement between the applicant and TW to be agreed outside of planning controls).

The site is crossed by a high-risk surface water flooding area (unsurprisingly following the River Og corridor, mainly encompassing land to the north of the river). The adjacent land is predominantly greenfield and permeable and in all likelihood drains directly into the river (or via ground infiltration). The creation of impermeable areas within and adjacent to the river would increase the risk of flooding across the site and downstream, if no mitigation is secured. Core Policy 67 encourages all new development to include measures to reduce the rate of rainwater run-off and improve rainwater infiltration to soil and ground through use of sustainable urban

drainage systems (SuDS) unless site or environmental conditions make these measures unsuitable.

The FRA has included some assessment of ground conditions suggesting infiltration SuDS could be used in conjunction with surface-based SuDS features to restrict flows into the river and groundwater. Later revisions of the FRA have set out a broad drainage strategy using grass swales to manage infiltration rate along with permeable surfaces for roads. However, the council's Drainage advisor has some concerns over the testing methods used as they do not appear to comply with BRE 365 (soakaway design guidance). The LPA also seeks a betterment over greenfield run-off rates (which is currently not confirmed by the proposed details). Whilst there is some concern over the submitted details, no in principle objection has been made and the Drainage advisor has asked for a condition to ensure a suitable drainage strategy, designed to the correct standards demonstrating a 20% betterment to the greenfield run-off rate, is agreed by the LPA and implemented.

Overall, subject to a suitably worded condition to secure surface water drainage details the proposal is considered to be able to comply with the aims of Core Policy 67 and the planning policy advice of the NPPF.

Residential amenity

The proposal involves development within close proximity to the boundaries of several domestic properties. Particularly, the proposed barn would be situated within approximately 8 metres of the rear boundaries of domestic plots serving a number of dwellings located at Tin Pit (at the closest point). The majority of the plots serving the dwellings at Tin Pit are long, with separation distances to the nearest dwellings ranging between 37 to over 50 metres. A scheme of tree planting is also proposed along the southern site boundary that would soften, but not entirely eradicate views of the new building from the neighbouring properties.

Whilst there is no dispute that the barn would be visible within the outlook of a number of neighbouring dwellings it is not considered it would be experienced as an overbearing addition. Nor would it cause any noticeable loss of light to neighbouring living spaces or the most private and usable areas of neighbouring gardens. Third-party comments have raised concerns over loss of privacy due to the design incorporating louvred openings facing towards neighbouring properties. It is not considered any material overlooking would be created due to the proposed planting along the site boundary, lower level of the building (in relation to the majority of the neighbouring dwellings) and significant separation distances. Outside areas adjacent to the barn would be similarly screened and located sufficient distances from neighbouring properties.

Taking into account the above, it is accepted that residential amenities of the majority of properties located at Tin Pit (those backing into the site) would be preserved with no unacceptable impact arising from the proposed barn building. Similarly, the proposed stables would be located a sufficient distance from the nearest neighbouring residential properties and would be broadly screened by existing trees/woodland surrounding the site.

The proposed southern access (upgraded to serve as the main access for the commercial traffic) would run adjacent to a neighbouring dwelling known as Appledore. The existing field access is not within regular use and it is expected there would be some additional noise and disturbance to the occupiers of Appledore due to the increased traffic at the access point and along the internal access road (that runs approx. 5m from Appledore's northern garden boundary. Additional planting is proposed to be implemented between the proposed access road and intervening boundary but, it is expected that vehicles will be audible and would be visible from upper floor windows. It is considered that some harm to the residential amenities of Appledore would occur. However, as vehicle movements would not be excessive and that Appledore is already located adjacent to a relatively busy public highway it is not considered the harm that would arise would be severe or unacceptable.

Third-party representations have raised concerns over 24hr use of the site and southern access point. The applicant has confirmed that, as an orthopaedic clinic, they do not offer emergency medicine so do not work outside of daytime hours and 24hr callouts are not undertaken. The services offered generally involve the assessment and treatment of horses within a quiet

environment with client visits pre-arranged. The new building would enable modern diagnostics and treatments to be undertaken within a quiet, controlled environment (likely producing less noise and vehicle movements than other types of equestrian use).

A suitable worded condition can ensure that the site is only operated as an equine clinic, in order to prevent any potential intensification of the site use that could occur should a commercial livery or riding school be established.

Noise and odour control

Operations associated with the equestrian clinic use do have the potential to generate additional noise and odour. The council's Public Protection Team has raised some concern over potential noise from plant and machinery and have asked for full details to be secured by a condition. There is a particular concern the possibility of external plant being installed along the southern elevation of the proposed barn (that facing the rear boundaries of the properties at Tin Pit). It is considered this potential issue can be controlled by a suitably worded condition. Noise from general day-to-day operations is not expected to be excessive and (due to the nature of the intended use) should be kept to a minimum to ensure the treatments are effective and a very high standard of animal welfare is maintained.

As stated above, there are some concerns over pollution from animal waste/manure leaching into permeable areas of the site (and into the rivers Og and Kennett). In addition, there could be increased odour and presence of flies particularly around areas where manure would be stored/disposed of. The condition requiring details of pollution control (for animal waste/manure) can also agree details of odour and fly control measures.

Subject to the recommended conditions, the development is considered to be able to provide sufficient mitigation against adverse impacts that could be caused to neighbouring residential amenities and no unacceptable conflict with the aims of Core Policy 57 of the WCS or the planning policy advice of the NPPF would arise.

Economic development considerations

As stated above, the proposal is considered to support the retention and expansion of an employment generating use in proximity to Marlborough. The use is considered to be appropriate to the location outside of the settlement boundary and would not conflict with the viability of other employment land within the market town (being a specialist equestrian business). The economy of the wider area is supported by a number of equestrian businesses (as defined within the AONB Management plan quoted above) and the proposed use would provide a facility that would lend support to a number of equestrian businesses (both those linked to competitive and leisure-based enterprises). As such, the proposed use would be considered to provide benefits both in terms of providing job opportunities within the equestrian care sector and supporting other rural businesses in the wider area (liveries, feed suppliers, farriers etc.).

Third-party comments have also noted that linked benefits to the retail and local service industries would occur as the business supports a range of competitive teams that would be required to use local hotels and may also visit local restaurants and shops whilst their horses are being treated at the site on a residential basis. These linked trips may occur but are very difficult to measure and can only be reasonably given very limited positive weight.

Some limited employment benefits would also be generated during the construction phase, but these are given only very limited positive weight in the overall consideration.

The NPPF advises that significant weight should be placed on the need to support economic growth and productivity. In the context of this, it is considered that overall, moderate positive weight can be given to the proposal in terms of the economic and employment benefits that would arise.

10. Conclusion

Paragraph 11D of the NPPF advises that plans and decisions should apply a presumption in favour of sustainable development by approving development proposals that accord with an up-to-date development plan without delay. The development plan is considered to be up-to-date

and no significant conflicts with the policies (and relevant supporting guidance) have been identified.

In conclusion, the proposal is considered acceptable in the context of its surroundings and is in accordance with the general criteria set out in the aforementioned policies of the local development plan.

The scheme has raised no technical objections in terms of highway, ecological or landscape impacts. The proposed buildings are considered to be distinctively rural in character appropriate to the edge-of-settlement rural location and would not cause harm to the wider landscape character.

Any impacts on neighbour amenity would be acceptable and would be able to be managed by conditions.

The application is supported by national and local policy and should be approved subject to the following conditions set out below.

RECOMMENDATION:

APPROVED WITH CONDITIONS.

Suggested conditions:

1. Time limit.

The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. Approved plans.

The development hereby permitted shall be carried out in accordance with the following approved plans and documents:

- Location plan – 17128.100;
- Proposed stables – 17128.104-B;
- Proposed barn – 17128.106-C;
- Site layout – 17128.107-B;
- Access plan – 17128.108-D;
- Bridge setting out - 17128-110-C;
- Landscape Mitigation Strategy – WHL-1160-05 Rev.A;

REASON: For the avoidance of doubt and in the interests of proper planning.

3. Archaeology (Site Investigation);

No ground disturbing works, associated with the development hereby approved, shall take place within the application site until:

- i. full details of a proposed programme of archaeological evaluation have been submitted to and approved in writing by the Local Planning Authority;
- ii. the archaeological evaluation has been completed in accordance with the approved details and a report outlining the results of the archaeological evaluation has been submitted to and approved in writing by the Local Planning Authority.

REASON: To make provision for a programme of archaeological evaluation, so as to describe the significance of heritage assets of archaeological interest within the site. This is to allow the scheme to be designed in a manner that minimises the impact on archaeological remains in

accordance with the aims of Core Policy 58 of the Wiltshire Core Strategy and the planning policy advice of Chapter 16 of the National Planning Policy Framework.

4. Archaeology Watching Brief;

No ground disturbing works, associated with the development hereby approved, shall take place until full details of an Archaeological Watching Brief have been submitted to and approved in writing by the Local Planning Authority.

Thereafter, construction shall proceed strictly in accordance with the approved details and prior to the first use of the buildings (check whether only limited to the barn or stables or both) hereby approved a report outlining the results of the watching brief shall be submitted to and approved in writing by the Local Planning Authority.

REASON: To make provision for an archaeological watching brief so as to describe the significance of heritage assets of archaeological interest within the site that may not have been uncovered through the archaeological evaluation. This is to ensure monitoring of the works by a suitable professional to ensure the scheme can be designed in a manner that minimises the impact on archaeological remains in accordance with the aims of Core Policy 58 of the Wiltshire Core Strategy and the planning policy advice of Chapter 16 of the National Planning Policy Framework.

5. Drainage details (surface water);

The development hereby approved shall not be occupied or brought into use until a Surface Water Drainage Strategy has been implemented in full in accordance with details that shall first be submitted to and approved in writing by the local planning authority. As a minimum, the written details shall confirm compliance with sustainable drainage systems (SuDS) principles and include the following:

- A detailed plan showing the existing drainage features on the site and how the proposed drainage strategy will be implemented;
- A detailed topographical survey that clearly identifies the existing drainage features on the site as well as level contours to show overland flow routes;
- If infiltration is proposed, soakage tests in accordance with BRE 365 to demonstrate that infiltration is feasible;
- Consent for any outfalls from the proposed drainage systems into a watercourse, public sewer or other drainage system not owned by the applicant;
- Evidence that the impact upon existing drainage systems is mitigated by discharging the flow throughout the management train rather than relying upon a single point of discharge;
- SuDS have been selected to provide a wide range of benefits including amenity, biodiversity and maintaining water quality.
- calculations demonstrating that the required 20% betterment against the existing/greenfield rates has been achieved for all storm events between the 1 in 1 year and the 1 in 100 year return period storm events;
- calculations demonstrating that the proposed drainage design provides a sufficient level of water treatment throughout the management train to prevent pollution of the receiving watercourse;
- confirmation that the strategy has been designed in accordance with the Non-statutory Technical Standards for Sustainable Drainage Systems and the latest SuDS Manual (C753);
- Exceedance routes that minimise the risks to people and property;
- future maintenance details to ensure the surface water drainage system operates at its intended capacity/efficiency for the lifetime of the development.

Thereafter, the development shall be maintained in accordance with the approved details.

REASON: To ensure the development reduces flood risk across the site and to adjacent land through the timely implementation of a Surface Water Drainage Strategy informed by SuDS principles in accordance with the aims of Core Policy 67 of the Wiltshire Core Strategy and the planning policy advice of the National Planning Policy Framework.

6. Detailed site levels;

Construction of the buildings, internal access roads, parking and turning areas hereby approved shall not commence until details of the proposed site levels have been submitted to and approved in writing by the Local Planning Authority. These details shall include the proposed floor levels of the buildings, grading and mounding access roads, parking and turning areas and other land areas including the levels and contours to be formed, and the nature and source of the material to be used, showing the relationship of proposed mounding to existing vegetation and surrounding landform. The development shall not be occupied or brought into use until such time as the earthworks have been carried out in accordance with the approved details.

REASON: The application contained insufficiently detailed information to enable this matter to be fully considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to ensure a satisfactory landscaped setting for the development and to protect neighbouring residential amenities in accordance with the aims of

7. Site planting and LEMP;

All soft landscaping comprised in the approved details of the development (approved plan no. Landscape Mitigation Strategy – WHL-1160-05 Rev.A) shall be carried out in the first planting and seeding season following the first occupation of the buildings or the completion of the development, whichever is the sooner.

All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local planning authority.

Thereafter, the site shall be managed in accordance with a Landscape and Ecology Management Plan (LEMP) the details of which shall be submitted to and approved in writing by the Local Planning Authority prior to the first use of the buildings hereby approved. As a minimum, the LEMP will include long term objectives and targets, management responsibilities and maintenance schedules for each ecological feature within the development site, together with a mechanism for monitoring success of the management prescriptions, incorporating review and necessary adaptive management in order to attain targets.

The LEMP shall also include details of the legal and funding mechanism(s) by which long-term implementation of the plan will be secured. The LEMP shall be implemented in full and for the lifetime of the development in accordance with the approved details.

REASON: To ensure a satisfactory landscaped setting for the development and to ensure the enhancement of the river corridor and biodiversity net gains are delivered in a timely manner in accordance with the aims of Core Policies 50 and 51 of the Wiltshire Core Strategy, policies MARL14 and 17 of the Marlborough Neighbourhood Plan and the planning policy advice of the National Planning Policy Framework.

8. Manure management;

No development shall commence on the development hereby approved until details of the arrangements for the storage and/or disposal of manure and other material derived from the keeping of horses has been submitted to and approved by the Local Planning Authority. As a minimum, the details are to include:

- a description of how animal waste/manure produced within the site will be managed/disposed of;
- a plan illustrating where the animal waste/manure and feed/bedding materials will be stored and details of the construction and design of the structure/enclosure within which the material will be stored;
- measures to control odour and the presence of flies.

The storage of manure and other material derived from the keeping of horses shall only be carried out in accordance with the approved details.

REASON: To ensure the development is appropriately managed to protect the amenities of nearby residential properties and to ensure no pollution of the River Og and nearby River Kennett SSSI occurs in accordance with the aims of Core policies 50 and 57 of the Wiltshire Core Strategy and the planning policy advice of the National Planning Policy Framework.

9. Construction and Environmental Management Plan

Prior to the commencement of works, including demolition, ground works/excavation, site clearance, vegetation clearance and boundary treatment works, a Construction Environmental Management Plan (CEMP) shall be submitted to the local planning authority for approval in writing. The Plan shall provide details of the avoidance, mitigation and protective measures to be implemented before and during the construction phase, including but not necessarily limited to, the following:

- a) Identification of ecological protection areas/buffer zones and tree root protection areas on a marked-up plan and details of physical means of protection, e.g. exclusion fencing protecting the trees/hedges and river edge.
- b) Locations of the construction compound, delivery areas and where any chemicals/toxic contamination will be stored and details/methodology for dealing with sumps.
- c) Working method statements for protected/priority species, including for dormouse, otter, water vole, nesting birds and reptiles.
- d) Work schedules for activities with specific timing requirements in order to avoid/reduce potential harm to ecological receptors; including details of when a licensed ecologist and/or ecological clerk of works (ECoW) shall be present on site.
- e) Key personnel, responsibilities and contact details (including Site Manager and ecologist/ECoW).
- f) Timeframe for provision of compliance report to the local planning authority; to be completed by the ecologist/ECoW and to include photographic evidence.
- g) details of noise and dust suppression measures to protect the amenities of nearby residential properties;
- h) details of measures to be used to prevent mud and debris exiting the site onto the public highway (i.e. wheel washing);
- i) Details of the locations and types of temporary/construction lighting to confirm no light spill along the River Og, this must be clear on the marked-up plan provided with the CEMP.

Construction of the development shall be carried out in strict accordance with the approved CEMP.

REASON: To ensure adequate protection and mitigation for ecological receptors prior to and during construction, and that works are undertaken in line with current best practice and industry standards and are supervised by a suitably licensed and competent professional ecological consultant where applicable in accordance with the aims of Core Policy 50 of the Wiltshire Core Strategy and the planning policy advice of the National Planning Policy Framework.

9. Env. Agency condition re bridge construction;

The development shall be carried out in accordance with the details of the submitted flood risk assessment and associated technical notes (Report Version 4, Author: Water Resource Associates, Dated: March 2022), and the following mitigation measures detailed within:

- Minimum bridge soffit level of 126.07 metres above ordnance datum (mAOD) as outlined in the letter 'Re Mill House Poulton FRA Review of EA modelling of the River Og, Water resource Associates LLP, 21st December 2022' and the drawing 'Bridge setting-out, Mathewson Waters Architects, 17128.110-C, submitted 25/4/2023';
- Access ramp to the proposed bridge shall be an open grid structure to reduce the impact on floodplain storage, as outlined in the drawing 'Bridge setting-out Mathewson Waters Architects, 17128.110-C, submitted 25/4/2023';

- Finished floor level for the proposed barn shall be set at or above 126.5mAOD, and finished floor levels for the stable shall be set at 126.2mAOD as outlined in section 3.4 of the Flood Risk Assessment;
- No raising of ground levels within the 1% 70CC flood extent as outlined in section 3.4 of the flood risk assessment.

REASON: To reduce the risk of flooding to the proposed development and future occupants and to prevent flooding elsewhere by ensuring that the bridge is designed appropriately and floodplain storage is not reduced in accordance with the aims of Core Policy 67 of the Wiltshire Core Strategy and the planning policy advice of the National Planning Policy Framework.

10. Access implementation and vis-splays;

No part of the development shall be first brought into use until the access is provided as per the approved Access drawing including the radii curves, street furniture re-located, a consolidated surface provided for the first 5m, the gates set back at a minimum of 10m (and open away from the road) and, until the visibility splays (both from the access and forward visibility) shown on the approved plan no. *Access plan – 17128.108-D* have been provided with no obstruction to visibility at or above a height of 600mm above the nearside carriageway level. (This includes the hedgerow sat within the highway boundary on the opposite side of the carriageway). The visibility splays shall be maintained free of obstruction thereafter.

REASON: To ensure that users of the development benefit from safe access and to prevent any harm to highway safety arising as a result of the operation of the permitted use in accordance with the aims of policies 60, 61 and 64 of the Wiltshire Core Strategy and the planning policy advice of the National Planning Policy Framework.

11. Access use;

All vehicular traffic associated with the Equestrian Clinic use hereby approved shall be directed to use the southern access point directly from the public highway at Poulton Hill and at no time shall commercial traffic be directed to the private access road that runs to the north of the site.

REASON: To prevent an increase in commercial traffic to the north of the site to prevent any harm to highway safety arising as a result of the operation of the permitted use in accordance with the aims of policies 60, 61 and 64 of the Wiltshire Core Strategy and the planning policy advice of the National Planning Policy Framework.

12. External plant/machinery;

Construction of the buildings hereby approved shall not proceed beyond finished floor/slab level until full details of all external plant/machinery (to include external flues, vents, extraction fans etc.) has been submitted to and approved in writing by the local planning authority. As a minimum, the details shall include:

- a site plan (and building elevations if relevant) showing the locations of all external plant/machinery;
- manufacturer's technical specifications, that must include noise ratings; and
- details of noise/odour suppression measures (if relevant).

Thereafter, the development shall be completed and maintained in accordance with the approved details.

REASON: To ensure the development is appropriately managed to protect the amenities of nearby residential properties and to ensure no noise pollution of the River Og occurs, to the detriment of the biodiversity value of the site in accordance with the aims of Core policies 50 and 57 of the Wiltshire Core Strategy and the planning policy advice of the National Planning Policy Framework.

13. External materials (implementation);

The buildings hereby approved shall be constructed using the external materials and finishes as detailed within approved plan numbers *17128.104-B* (Proposed stables) and *17128.106-C* (Proposed barn) and shall be maintained in accordance with the approved details thereafter.

REASON: To ensure the development is constructed to a good quality design and protects the rural character of the site and settings of nearby designated heritage assets in accordance with the aims of Core Policies 51, 57 and 58 of the Wiltshire Core Strategy and the planning policy advice of the National Planning Policy Framework.

14. External lighting (details and implementation);

No external lighting shall be installed anywhere within the application site until plans showing the type of light appliance, the height and position of fitting, illumination levels and light spillage have been submitted to and approved in writing by the Local Planning Authority. The plans will be in accordance with the appropriate Environmental Zone standards set out by the Institute of Lighting Engineers in their publication GN01:2021, 'Guidance for the Reduction of Obtrusive Light' (ILP, 2021), and Guidance note 08/23 "Bats and artificial lighting in the UK", issued by the Bat Conservation Trust and Institution of Lighting Professionals.

The approved lighting shall be installed and maintained in accordance with the approved details and no additional external lighting shall be installed.

This condition will be discharged when a post-development lighting survey has been submitted to the Local Planning Authority demonstrating compliance with the approved lighting plans, having implemented and retested any necessary remedial measures.

REASON: In the interests of the amenities of the area, to minimise unnecessary light spillage along the river corridor and to protect the dark skies of the North Wessex Downs National Landscape in accordance with the aims of Core Policies 50, 51 and 57 of the Wiltshire Core Strategy, policies MARL17 and 18 of the Marlborough Area Neighbourhood Plan and the planning policy advice of the National Planning Policy Framework.

16. Scheduled Ancient Monument management details;

The buildings hereby approved shall not be occupied or brought into use until full details of a management plan for the section of the Scheduled Ancient Monument located within the development site shall be submitted to and approved in writing by the local planning authority. As a minimum, the details shall confirm details of regular inspection of the SAM, all maintenance/enhancement works and procedures to report to Historic England. Thereafter, the development shall be operated in accordance with the agreed details.

REASON: To ensure the Scheduled Ancient Monument within the development site is adequately managed and sensitively enhanced in accordance with the aims of Core Policy 58 of the Wiltshire Core Strategy, policy MARL14 of the Marlborough Area Neighbourhood Plan and the planning policy advice of the National Planning Policy Framework.

17. Parking/turning areas;

The buildings hereby approved shall not be occupied or brought into use until the hard-surfaced areas for the parking and turning of vehicles within the site have been constructed/laid out in full with staff and visitor parking spaces provided with electric vehicle charging points (EVCP) in accordance with details of the surface materials and charging points that have first been submitted to and approved in writing by the local planning authority. Thereafter, the development shall be maintained in accordance with the approved details.

REASON: To ensure that sufficient areas for the parking and turning of vehicles are secured and that EVCPs are provided to encourage the use of low-carbon vehicles in the interests of protecting air quality in the area and preserving the rural character of the site in accordance with the aims of Core Policies 51, 60, 61 and 64 of the Wiltshire Core Strategy, policy MARL17 of the Marlborough Area Neighbourhood Plan and the planning policy advice of the National Planning Policy Framework.

18. Site use restriction.

The commercial use hereby permitted shall only be as an Equestrian Orthopaedic Clinic use (a *sui generis* use) and for no other commercial equestrian enterprise (i.e. riding school, commercial livery).

REASON: To ensure that the agreed mitigation measures are suitable for the intended use in the interests of preserving neighbouring residential amenities, the biodiversity value of the site and protecting the valued habitats of the River Og and River Kennett from pollution in accordance with the aims of Core Policies 50, 51 and 57 of the Wiltshire Core Strategy, policy MARL17 of the Marlborough Area Neighbourhood Plan and the planning policy advice of the National Planning Policy Framework.

Informatives

The applicant is requested to note that this permission does not affect any private property rights and therefore does not authorise the carrying out of any work on land outside their control. If such works are required, it will be necessary for the applicant to obtain the landowner's consent before such works commence.

If you intend carrying out works in the vicinity of the site boundary, you are also advised that it may be expedient to seek your own advice with regard to the requirements of the Party Wall Act 1996.

Any alterations to the approved plans, brought about by compliance with Building Regulations or any other reason must first be agreed in writing with the Local Planning Authority before commencement of work.

The applicant should note that under the terms of the Wildlife and Countryside Act (1981) and the Habitats Regulations (2010) it is an offence to disturb or harm any protected species, or to damage or disturb their habitat or resting place. Please note that this consent does not override the statutory protection afforded to any such species. In the event that your proposals could potentially affect a protected species you should seek the advice of a suitably qualified and experienced ecologist and consider the need for a licence from Natural England prior to commencing works. Please see Natural England's website for further information on protected species.

The applicant is advised that the development hereby approved may represent chargeable development under the Community Infrastructure Levy Regulations 2010 (as amended) and Wiltshire Council's CIL Charging Schedule. If the development is determined to be liable for CIL, a Liability Notice will be issued notifying you of the amount of CIL payment due. If an Additional Information Form has not already been submitted, please submit it now so that we can determine the CIL liability. In addition, you may be able to claim exemption or relief, in which case, please submit the relevant form so that we can determine your eligibility. The CIL Commencement Notice and Assumption of Liability must be submitted to Wiltshire Council prior to commencement of development. Should development commence prior to the CIL Liability Notice being issued by the local planning authority, any CIL exemption or relief will not apply and full payment will be required in full and with immediate effect. Should you require further information or to download the CIL forms please refer to the Council's Website <https://www.wiltshire.gov.uk/dmcommunityinfrastructurelevy>

Environment Agency informatives

Environmental permit - advice to applicant

The Environmental Permitting (England and Wales) Regulations 2016 require a permit or exemption to be obtained for any activities which will take place:

- on or within 8 metres of a main river (16 metres if tidal)

- on or within 8 metres of a flood defence structure or culverted main river (16 metres if tidal)
- on or within 16 metres of a sea defence
- involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert
- in the floodplain of a main river if the activity could affect flood flow or storage and potential impacts are not controlled by a planning permission

For further guidance please visit <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits> or contact our National Customer Contact Centre on 03708 506 506 (Monday to Friday, 8am to 6pm) or by emailing enquiries@environment-agency.gov.uk. The applicant should not assume that a permit will automatically be forthcoming once planning permission has been granted, and we advise them to consult with us at the earliest opportunity.

Pollution Prevention During Construction

Safeguards should be implemented during the construction phase to minimise the risks of pollution from the development. Such safeguards should cover:

- the use of plant and machinery
- wheel washing and vehicle wash-down
- oils/chemicals and materials
- the use and routing of heavy plant and vehicles
- the location and form of work and storage areas and compounds
- the control and removal of spoil and wastes.

Preventing Pollution from Manure Heaps

Since my last letter (08 February 2023) I have been informed by my colleagues in our local Land & Water team that the site has been inspected on 02 February 2023 for pollution by one of our Senior Environment Officers (Agriculture). The site was found to be compliant with regulations at the time of the visit. Therefore, a pollution prevention plan will no longer be necessary as part of this application. Please include the following informative in any permission granted.

This site is within a Nitrate Vulnerable Zone (Berkshire Downs NVZ). There are rules about how to safely store manure in a NVZ - [Storing organic manures in nitrate vulnerable zones - GOV.UK \(www.gov.uk\)](http://www.gov.uk)

Temporary field heaps must:

- be made from manure solid enough to be stacked in a freestanding heap
- not give rise to free drainage from within the stacked material
- be covered with a waterproof material if they contain poultry manure without bedding or litter
- occupy as small a surface area as is needed to support the weight of the heap without it collapsing

Land managers must:

- make sure field heaps are at least 10 metres from any surface water (such as a river, pond or ditch) or land drain, or 30 metres if the land slopes at 12 degrees or more
- make sure the location of the field heap is not liable to being waterlogged or flooded
- locate field heaps at least 50 metres from a spring well or borehole
- move the field heap at least every 12 months
- leave a 2 year gap before returning to the same position
- keep a record of the sites used for field heaps and the dates of use

Drainage informatives

• It is noted that the applicant plans to restrict discharge rates from the site to the greenfield Qbar rate for all events up to the 1 in 100year + climate change storm; it is acknowledged that for the higher return period rainfall events this will provide betterment, however this will not provide the required level of betterment for lower return period events (such as the 1 in 1 year rainfall event). Wiltshire Council's betterment policy for greenfield sites states:

"With regards the control of surface water discharges from greenfield sites, Wiltshire Council requires post development discharges to provide 20% betterment over pre-development (greenfield) discharges for both peak flow and volume. To demonstrate compliance, the applicant must provide pre and post development runoff rates for a range of return periods (1, 30 and 100 year), and pre and post development runoff volumes for the 100 year, 6 hour rainfall event. This takes account of national policy, as outlined in the SuDS Technical Standards."

• The applicant will be required to resubmit calculations which demonstrate that the required 20% betterment against greenfield rates has been achieved for all storm events between the 1 in 1 year and the 1 in 100year return period storm events.

• The applicant is required to submit calculations which demonstrate that the proposed drainage design provides a sufficient level of water treatment to prevent pollution of the receiving watercourse.

• Any proposals should be designed in accordance with the Non-statutory *Technical Standards for Sustainable Drainage Systems* and the latest SuDS Manual (C753).

The surface water drainage strategy should include/demonstrate the following:

• Existing greenfield runoff rates for the site.

• Post development runoff rates in accordance with Wiltshire Council's betterment policy update, which can be found [here](#).

• A detailed plan showing the existing drainage features on the site and how the proposed drainage strategy will be implemented.

• A detailed topographical survey that clearly identifies the existing drainage features on the site as well as level contours to show overland flow routes.

• If infiltration is proposed, soakage tests in accordance with BRE 365 to demonstrate that infiltration is feasible.

• Calculations to demonstrate the attenuation requirements for the 1 in 100 year plus climate change event to support the proposed strategy.

• Consent for any outfalls from the proposed drainage systems into a public sewer or other drainage system not owned by the applicant.

• Evidence that the impact upon existing drainage systems is mitigated by discharging the flow throughout the management train rather than relying upon a single point of discharge.

• SuDS source control measures to manage water quantity and maintain water quality have been implemented wherever possible and throughout the management train so the development is not reliant upon large attenuation features close to the points of discharge.

• SuDS have been selected to provide a wide range of benefits including amenity, biodiversity and maintaining water quality.

• Adequate measures during construction to control pollution to existing watercourses and groundwater.

• The strategy mimics the existing drainage characteristics of the site by retaining and utilising any existing drainage features.

• Existing flood flow routes through the site have been maintained or where they will be affected, adequate measures to intercept and safely control flows through the site have been provided to ensure flood risk is not increased elsewhere.

• If infiltration is proposed, it is implemented in manner that does not create an offsite impact, particularly if there are reports of groundwater flooding in the area.

• Surface water can be safely managed within the proposed development, up to and including a 1 in 100 year plus climate change event.

• All proposed drainage features are outside flood zones 2 and 3 and where they are adjacent to an

ordinary watercourse, they are not located within the EA surface water flood maps. Where drainage features are located adjacent to flood zones 2 and 3, they must be above the 1 in 100 year plus climate change flood level. This information can be provided by the EA.

- Exceedance routes that minimise the risks to people and property.
- Details of how the proposed and existing drainage features on the site will be maintained and managed after completion with confirmation from the relevant authority that they will adopt any systems that are being offered for adoption.