

Planning Statement

Addendum

Land at Romsey Road, Whiteparish

January 2024



MASTER

LAND & PLANNING



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Project Ref: 22/023
Date of Issue: 23rd January 2024
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1. Introduction

- 1.1. Master Land & Planning Ltd are instructed by Macra Ltd ('the Applicant') in respect of Planning Application reference PL/2022/09532 for '*Outline application (all matters reserved except external access) for a residential development of up to 25 dwellings with access to Romsey Road, parking, open space, landscaping and drainage*' ('the Application') at Land at Romsey Road, Whiteparish, Wiltshire ('the Site').
- 1.2. The Application was determined at the Strategic Planning Committee on 16th August 2023 following a detailed Officer Report (OR) and recommendation for approval as stated in **Appendix A**.
- 1.3. The Application was approved by the Committee subject to completion of a Section 106 Legal Agreement. The Minutes of the Committee are enclosed at **Appendix B**.
- 1.4. An email from the Case Officer dated 17th January 2024 ('the Email') and enclosed at **Appendix C** explains the LPA's revised position on this Application. The Applicant contests these matters.
- 1.5. The purpose of this Statement is to address the matters raised in the Email and should be read as an addendum to the Planning Statement submitted to the LPA on 23rd January 2023.
- 1.6. In summary, it is the Applicant's position that there exist other material considerations (as summarised in Section 7) that are powerful enough, in this unique case, to justify a decision otherwise than in accordance with the development plan:
 - Significantly boosting the supply of housing.
 - The provision of affordable housing.
 - Maintaining the vitality of the rural community, including the provision of family homes that directly assists declining pupil numbers at the Whiteparish All Saints CoE Primary School.
 - Sizeable over-provision of on-site open space to the benefit of the wider community.



- Environmental benefits, including the delivery of biodiversity net gains.
- Measurable economic benefits during construction and post-construction phases.
- Implementing the development in a timely manner by a local SME housebuilder.
- Complying with the emerging Local Plan spatial strategy which defines a residual of 42 homes at Whiteparish which cannot be delivered within the out-of-date settlement boundary.



2. Planning Framework

- 2.1 Section 70(2) of the Town and Country Planning Act 1990 (as amended) states that in dealing with an application for planning permission the LPA shall have regard to the provisions of the development plan, so far as material to the application; any local finance considerations, so far as material to the application; and any other material considerations. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that, if regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.
- 2.2 For the purposes of this application, the development plan comprises the Wiltshire Core Strategy 2006 to 2026 (CS) adopted January 2015, the Wiltshire Housing Site Allocation Plan (HSAP) adopted February 2020 and retained saved policies of the Salisbury District Local Plan 2011 (LP) adopted June 2003.
- 2.3 Other material considerations include the National Planning Policy Framework (the Framework) as revised December 2023 that describes how the planning system should achieve sustainable development and when the presumption in favour of sustainable development is engaged. The Planning Practice Guidance (PPG) provides further interpretation of the policies of the Framework.
- 2.4 In terms of emerging plans, the Wiltshire Local Plan Pre-Submission Draft Plan for Regulation 19 (eLP) was published in September 2023. In respect of neighbourhood planning, there is no designated neighbourhood area for the civil parish of Whiteparish.



3. Housing Land Supply

3.1 The Email references housing land supply as follows:

"The Council's most recent Housing Land Supply Statement (published May 2023; base date April 2022) sets out the number of years supply against local housing need as 4.60 years. This figure exceeds the 4 year threshold now relevant to Wiltshire..."

3.2 In the event that NPPF paragraph 226 is triggered, it requires authorities to demonstrate a minimum of 4 years worth of deliverable housing sites against a 4 year target, not 5 years.

3.3 Wiltshire Council have yet to publish any housing land supply position statement for the purposes of paragraphs 77 and 226 in the NPPF. An email from Spatial Planning dated 23rd January 2024 confirms *"We are due to publish the Housing Land Supply Statement in the next few months."*

3.4 It should not be assumed that 4+ years supply measured against a 5 year requirement target will result in translating into a 4+ year supply measured against a 4 year target.

3.5 The LPA must also consider paragraphs 60 and 77. These confirm the importance of *"significantly boosting the supply of homes"* and that any monitoring of housing land supply is against the minimum expectations. Applying the policies of the NPPF does not preclude the granting of planning permission for housing if an LPA considers this minimum requirement has been met.



4. Briefing Note 24-01

4.1 The LPA have published a Briefing Note 24-01 on 16th January 2024 concerning the Revised NPPF, as enclosed at **Appendix D**.

4.2 The Applicant wishes to comment on the following statements in the Briefing Note.

"Pragmatically, this means that fewer 'speculative' residential planning applications are likely to be granted, until such time as the council's housing land supply dips below four years."

4.3 'Fewer' is not 'none'. Planning applications must continue to be assessed on their own merits, including all material considerations to establish whether there are reasons to depart from the development plan.

"Developers whose planning applications are at appeal are likely to want to challenge the council's four-year housing land supply figure. While the council will robustly defend its position, any successful challenge could impact on the council's published figure."

4.4 The changes introduced by the NPPF have not been tested through appeals or the Courts and as such otherwise suitable applications should continue to be treated favourably.

"The council's housing land supply figure can only be retained during the two-year period if suitable planning applications for housing development continue to be granted. If the council refuses too many planning applications, housing supply will drop to below four years and the 'tilted' balance in favour of approval will once again apply."

4.5 Crucially, this instruction within the Briefing Note confirms that suitable planning applications for housing development must continue to be granted. The Romsey Road, Whiteparish scheme is a suitable planning application for housing as demonstrated by the OR and Strategic Planning Committee decision.



5. Whether the policies which are most important for determining the application are out-of-date?

5.1 The Email continues by stating the following flowing from their interpretation of their housing land supply position:

"...and this means that the planning balance is now 'level' rather than 'tilted'. With a level balance full weight must be given to the strategic housing delivery policies of the Wiltshire Core Strategy (WCS) – namely Core Policies 1 (Settlement Strategy) and 2 (Delivery Strategy)."

5.2 Footnote 8 of the NPPF includes circumstances when development plan policies are defined by the NPPF to be out-of-date, when applying the presumption in favour of sustainable development under paragraph 11(d). Footnote 8 is not an exhaustive list.

5.3 The LPA must not presume that their own interpretation on housing land supply results in (1) the presumption in favour of sustainable development not being engaged; and (2) that 'full weight' must be given to Policies CS1 and CS2. The Applicant contends there are other factors at play in determining whether reduced weight should be afforded to Policies CS1 and CS2 (and CP23), including whether these are out-of-date.

5.4 Paragraph 69(b) of the NPPF requires planning policies to identify a supply of specific, developable sites or broad locations for growth, for years 6-10 and, where possible, for years 11-15 of the Plan. It is a matter of fact that the CS is time-limited to 2026, was not reviewed within a short period promised to the CS Examining Inspector, and the eLP is being prepared because surety of supply is needed over an extended period. The eLP proposes a range of new allocations throughout Wiltshire in order to meet needs, including the backlog of affordable housing needs – as the Local Housing Need Volume 2 confirms *"4,063 households are currently living in unsuitable housing and are unable to afford their own housing."* These needs for affordable housing and wider housing needs cannot be met within the pre-existing settlement boundaries that have been, and remain, ineffective as a primary tool operated by Policies CP1 and CP2.



5.5 The Applicant therefore contends that the policies most important for determining the planning application are out-of-date. As a consequence, the presumption in favour of sustainable development in paragraph 11 of the NPPF is engaged.



6. Other Material Considerations

6.1 The duties imposed by section 70(2) of the 1990 Act and section 38(6) of the 2004 Act leave with the decision-maker a wide discretion to consider other material considerations relevant to the specific case before them. The Applicant presents the following material considerations for the LPA's consideration.

Strategic Planning Committee 16th August 2023

6.2 The OR to the Committee remain a material planning consideration which held:

- There are no policy objections under Policies CP60 and CP61 concerning the sustainability of the site location in relation to transport and accessibility objectives. The Officer held that *"The site lies on the edge of the village, a little distant from the facilities within the settlement, although the footpath network in the vicinity of the site does allow for access to the village school, for example without having to use village roads."*
- The proposed access to the site (not a reserved matter) would have no unacceptable impact on highway safety. The Application accords with Policy CP62.
- The location of the site accords with the sequential risk based approach to locating development and there are no residual flood risks defined within the submitted Flood Risk Assessment. The Application accords with Policy CP67.
- *"The indicative masterplan of the application site....seeks to provide a layout which provides a clear landscape setting to the site on the edge of the village"* and the design principles defined in the DAS for the reserved matters to be prepared under, would accord with Policy CP57.
- In landscape terms the Officer held that *"It would result in the loss of a small field on the edge of the village, but would not have a great impact on the landscape setting of Whiteparish due to the existing (and largely to be retained) vegetation along the road frontage and the topography of the site, being at a slightly higher*



level than the surrounding road." The Application was judged to accord with Policy CP51.

- The provision of 10 affordable dwellings (40%) accords with Policy CP43.
- The type, mix and size of both market and affordable housing has been designed to address local housing needs as required by Policy CP45. This Application indicates that about 60% of the total dwellings will be 2 or 3 bedroom, with eight of the affordable units being 2 or 3 bed, and two being 1 bed.
- The Council's Ecologists have concluded that the proposal complies with the requirements of Policy CP50, subject to conditions to secure the details of the proposed enhancements and their implementation and retention. Other ecological impacts can also be addressed through mitigation, as per the heads of terms.
- Other infrastructure impacts required under Policy CP3 can be addressed through mitigation, including financial contributions. Heads of terms were agreed between the Applicant and the LPA.
- The absence of housing land supply measured against the NPPF (4.59 years measured over 5 years at the time of the Committee) was considered to represent "*a significant factor*" to be taken into account.
- The OR confirmed that "*Strong support for the scheme has been put forward by the Headmaster of the Village school as there is a current shortfall in pupil numbers locally, and this situation has been substantiated by the Education Authority's information on low pupil numbers.*"

6.3 The Application was determined by the Committee with a resolution of 11 members in favour of approving the Application, none against and 1 abstention.

6.4 The Chair of the Committee Cllr Greenman concluded the meeting by addressing the Applicant personally stating:



"...you know what we've been saying. We want this development to go forward quickly and in a sensitive and responsible fashion."

Affordable housing need

- 6.5 The Housing Enabling Team response dated 13th January 2023 confirms that demonstrable needs for affordable housing and adaptive housing exist. The Application would contribute towards meeting these demonstrable unmet needs in accordance with Policies CP43 and CP45. The S106 is being proceeded on the basis of delivering on-site 1, 2 and 3 bedroom affordable housing.
- 6.6 Affordable housing should be met locally in the Parish. The Parish Council's consultation response of 27th January 2023 supported the application and expressed a focus on boosting the supply of affordable housing at Whiteparish to represent a very significant factor to help the vitality of the community.
- 6.7 There is presently a low stock of affordable homes in the civil parish with the last re-let in April 2022 receiving 67 bids. There have no new approvals for affordable housing in Whiteparish since 2008¹. The settlement boundary is very tightly drawn, whereby any small scale infill sites would not trigger an affordable housing contribution. The delivery of a wide mix of homes including affordable housing will only be achievable by breaching the settlement boundary.

Vitality of the rural community

- 6.8 Paragraph 83 of the NPPF sets out that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Paragraph 99 recognises the importance of a sufficient choice of school places is available, which must be read alongside paragraph 97 that the planning system must guard against the unnecessary loss of valued facilities and services.
- 6.9 The Whiteparish All Saints C of E Primary School response dated 19th January 2023 (**Appendix E**) confirms the school has capacity of 150 places, a reduced PAN of 105, with 18 available pupil places with a forecast decline to 28 places by 2024/25. A

¹ S/2008/1555 'Newton Lane, Whiteparish' – Erection of 7 dwellings (rural affordable housing) and alteration of access



reduction to 28 surplus places against a PAN of 105 is a 73% capacity and below the 75% threshold where Wiltshire Council may bring forward proposals to close a village school. The response explains the impact of declining pupil roll, including the inability to sustain a separate Year R provision, stating:

“These trends and projected pupil numbers leave the school in a very vulnerable position financially and put the school at a very high risk of not being able to maintain its current 4 class structure. Therefore, additional family housing within the school’s catchment area will have a positive impact on pupil numbers and allow the school to continue to flourish at the heart of the local community. It is certainly not the case that the building of these homes would put additional stress on the school, as claimed in some objections to the planning application. It would in fact greatly benefit the school in terms of pupil numbers and sustainability moving forward.”

- 6.10 The Wiltshire Planning Obligations SPD at 5.10 confirms that the likely number of pupils arising from a development will be calculated using a pupil product figure of 0.31 per dwelling for primary aged pupils. The SPD continues at 5.12 states all one bed properties are considered unlikely to generate school age children and so are discounted entirely. A 30% discount is given on the social housing element of applications. An estimate is provided in the below table, demonstrating that the development is likely to result in a very positive contribution towards pupil numbers, a minimum of 7 pupils. These 7 pupils would boost the school to 80% of capacity, above the 75% threshold.

Unit type and tenure	Units (indicative)	Discount	Primary pupil contribution
1 bed affordable rent	2	100%	0
Other affordable rent	4	30%	1
Other affordable tenures and open market	19	0%	6

Open Space provision

- 6.11 The Policy R2 requirements for public open space can be met on-site. The illustrative masterplan and DAS identify how two areas of open space can be accommodated to the north-east and along the entire western boundary extending to approximately 8400sqm, far exceeding the policy requirements for 380sqm of open space and a LAP



of 285sqm. The amount of open space provided on-site is a significant over-provision of 7735sqm.

Biodiversity net gain

6.12 The NPPF confirms that opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity. The Application was made prior to the implementation of statutory BNG and as such the baseline is a net gain, this could be as little as 0.1%. The Biodiversity Net Gain Preliminary Design Stage Report demonstrates that the proposed site will result in a habitat net gain of 10.09% and a hedgerow net gain of 175.64%.

Economic benefits

6.13 The economic benefits were not presented in the OR and we therefore not before the Strategic Planning Committee.

6.14 There will be positive economic benefits of the proposed residential development that are material considerations and carry significant positive weight.

6.15 Based on the construction costs of building, for every £75,000 of construction expenditure, one full time temporary local job is created for the period of the project. Based on the anticipated construction budget of circa £5m to £6m this would result in 67 to 80 construction jobs² which will boost the local construction sector and suppliers.

6.16 The creation of the 25 residential households will directly help commercial and retail businesses in the area. The average gross disposable household income per head³ in Wiltshire for working households is £22,987.00 per annum thus the development could see an estimated total potential disposable income of households of around £574,675,

² See "Forecasting the Number of Jobs created through Construction", Published by D Forbes (2012) association of Researchers in Construction Management.

³ Gross disposable household income (GDHI) is the amount of money that all of the individuals in the household sector have available for spending or saving after they have paid direct and indirect taxes and received any direct benefits. GDHI is a concept that is seen to reflect the "material welfare" of the household sector – Source <https://www.ons.gov.uk/economy/regionalaccounts/grossdisposablehouseholdincome/bulletins/regionalgrossdisposablehouseholdincomegdhi/1997to2020>



a proportion of which will be spent locally thereby helping to sustain local businesses and services.

- 6.17 The provision of much needed housing provides an immediate boost for the local area, including the construction industry, as highlighted by DEMOS research: “House building – in whatever form it takes – is seen by many as highly beneficial to the economy in the current climate. It would stimulate growth and create jobs in a variety of construction – related industries, reduce spending on housing benefit and bring down the cost of living...”⁴

Implementation in a timely manner

- 6.18 Paragraph 81 of the NPPF states:

“To help ensure that proposals for housing development are implemented in a timely manner, local planning authorities should consider imposing a planning condition providing that development must begin within a timescale shorter than the relevant default period, where this would expedite the development without threatening its deliverability or viability.”

- 6.19 The Applicant offered a reduced timetable than the default period, however this did not feature in the OR and was not before the Strategic Planning Committee.
- 6.20 It remains the Applicant’s position that they would accept a reduced time limit for the submission of applications for the approval of the reserved matters from 3 years to 2-years and the commencement of development within 1 year from approval of the final reserved matter. The Applicant promotes the ability to reduce the time period is based on experience of similar sized projects and the time taken to secure developer interest in the land, preparation of the reserved matters and thereafter a commencement on-site.

⁴ See “The Top of the Ladder” published in 2013.



Emerging Wiltshire Local Plan 2020-2038 (eLP)

- 6.21 The Regulation 19 Pre-Submission Draft Plan consultation of September 2023 post-dates the Committee and should be afforded weight as this defines the direction of travel for new development in the county.
- 6.22 The eLP confirms that Whiteparish will remain a 'Large Village' in the settlement hierarchy. Table 4.8 proposes to distribute growth of 46 dwellings to Whiteparish, with a residual of 42 dwellings at 1st April 2022. The Applicant submits:
- This scale of development cannot come forward within the existing settlement boundary as there are no available sites – as demonstrated by the Sequential Test submitted to the LPA in June 2023.
 - The scale of the development for 25 homes is entirely in-keeping with the planned levels of growth for Whiteparish. This is not a disproportionately scaled development.
 - The proposed 25 homes would make a very important contribution towards the eLP requirement, on a site that has been judged by the OR and the 16th August Committee as entirely suitable for residential development.
 - There is no designated neighbourhood area for Whiteparish, meaning there is no surety on how the emerging requirement can be delivered by means other than a planning application at this location which was determined in August 2023 to be a suitable site for housing. There have been no site changes that affect the determination that the site is suitable for housing.



7. Summary of the benefits

Topic	Benefit	Policy Driver
Significantly boosting the supply of homes	The spatial and delivery strategy for Wiltshire defined in the development plan remains ineffective and out-of-date notwithstanding the NPPF of December 2023. The Briefing Note confirms that housing land supply in Wiltshire can only be retained if <i>“suitable planning applications for housing development continue to be granted.”</i> There is also no surety of supply after 5-years contrary to the NPPF. Paragraph 60 of the Framework refers to the Government’s objective of significantly boosting the supply of homes and the scheme would create additional housing choice and competition in the housing market. In the light of this and the <u>minimum</u> requirements for deliverable housing land supply, the up to 25 dwellings proposed is a social benefit to which to attach substantial weight . This is particularly as the scheme is of a scale which could come forward relatively quickly in response to meeting current housing needs.	NPPF para.8 and Section 5
Affordable Housing	The 40% affordable housing provided would comply with CS Policy CP43. There is an acute need for affordable housing in Wiltshire and Whiteparish with affordability worsening and a lack of affordable homes in the village, as recognised by the Parish Council. This is a specific social benefit to which substantial weight should be afforded. These needs cannot be met within the existing settlement boundary.	CP43, CP45, NPPF paras. 8, 64-66
Vitality of Rural Communities	The new residents would support local businesses within Whiteparish where accessibility to other centres is available by public transport. The scheme would help to maintain the viability of its services and facilities, including the Primary School as confirmed by the Head Teacher and Chair of Governors, that should be afforded substantial weight given the trends of declining primary ages pupils leaves the school in a very vulnerable position financially and put the school at a very high risk of not being about to maintain a separate Year R provision.	CP1, CP2, NPPF paras. 8, 83, 96, 97 and 99
Open Space	The scheme will provide formal and informal open space and green infrastructure and secure its long-term management for use by the new and existing community. The quantum of open space will exceed local policy requirements enabling	R2, NPPF paras. 96 and 102



	access by other residents in the community and is a factor of moderate weight in favour of the development.	
Environmental	Biodiversity of the site will be protected, diversified and improved through new hedgerow and tree planting and delivery of new garden spaces and formal and informal green spaces. Overall, the proposal will achieve a net gain in biodiversity and this is a measurable positive environmental benefit .	CP50, NPPF paras. 180 and 186
Economic	The development would provide appreciable economic benefits through the generation of jobs during the construction period, both directly and indirectly that should be afforded significant weight .	NPPF paras. 8 and 85
Implementation in a timely manner	The Applicant proposes a reduced time limit for the submission of applications for the approval of the reserved matters from 3 years to 2-years and the commencement of development within 1 year from approval of the final reserved matter. This benefit will enable those outlined above to be realised sooner.	NPPF para 81
Emerging Local Plan	Whiteparish has a proposed residual housing requirement for 42 homes. The development is in full accordance with the scale of development envisaged at Whiteparish in the period 2020-2038. These needs cannot be met within the existing settlement boundary, which must be breached in order to deliver sustainable development for Whiteparish, as defined by the eLP and the NPPF.	eLP and NPPF para48



8. Conclusion

- 8.1 It remains common ground between the Applicant and the LPA that the Application does not strictly accord with Policies CP1, CP2 and CP23 due to the site location outside, but adjoining, the Whiteparish settlement boundary. However, the duties imposed by section 70(2) of the 1990 Act and section 38(6) of the 2004 Act leave with the decision-maker a wide discretion to consider other material considerations relevant to the specific case before them.
- 8.2 Irrespective of the LPA's housing land supply position, the settlement boundary for Whiteparish remains ineffective in supporting sustainable development. This settlement boundary is out-of-date. There are demonstrable unmet needs that cannot be met within this boundary and an urgent need to boost the supply of family homes to support the local school. Fundamentally, it must be breached in order to deliver the eLP residual housing requirement for 42 homes. Moreover, the Briefing Note confirms that the LPA must continue to grant planning permission for housing on suitable sites to maintain supply.
- 8.3 The OR and the Strategic Committee of 16th August 2023 demonstrates there are no technical or environmental impacts (that cannot be mitigated). The site is very well related to the settlement and public transport, in a location that contributes to the vitality of the rural community, receiving support from the community. The site is a suitable location for housing and can deliver a development that accords with the development management policies of the development plan.
- 8.4 Despite the LPA's Email in January 2024, it is clear that the Site and the development of 25 homes is still desperately needed. There are a range of other material considerations summarised in Section 7 that are powerful enough, in this unique case, to justify a decision otherwise than in accordance with the development plan when applying the duty in Section 38(6) of the Act. The Applicant agrees with Cllr Greenman's closing remarks to the Strategic Committee:

"...We want this development to go forward quickly and in a sensitive and responsible fashion."



Appendix A – Officer Report to Strategic Planning Committee

REPORT FOR STRATEGIC PLANNING COMMITTEE**Report No.**

Date of Meeting	16 August 2023
Application Number	PL/2022/09532
Site Address	Land at Romsey Road, Whiteparish, Salisbury, Wilts
Proposal	Outline application (all matters reserved except external access) for residential development of up to 25 dwellings with access to Romsey Road, parking, opens space, landscaping and drainage
Applicant	Macra Ltd.
Town/Parish Council	Whiteparish Parish Council
Electoral Division	Alderbury and Whiteparish – Cllr Richard Britton
Type of application	Outline
Case Officer	Lynda King

Reason for the application being considered by Committee

The application has been called to Committee as it represents a significant departure from the policies of the development plan, and which is recommended for approval.

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 main issues which are considered to be material in the determination of this application are listed below:

- Principle
- Highway Safety
- Drainage
- Layout and Housing Mix
- Ecology
- S106

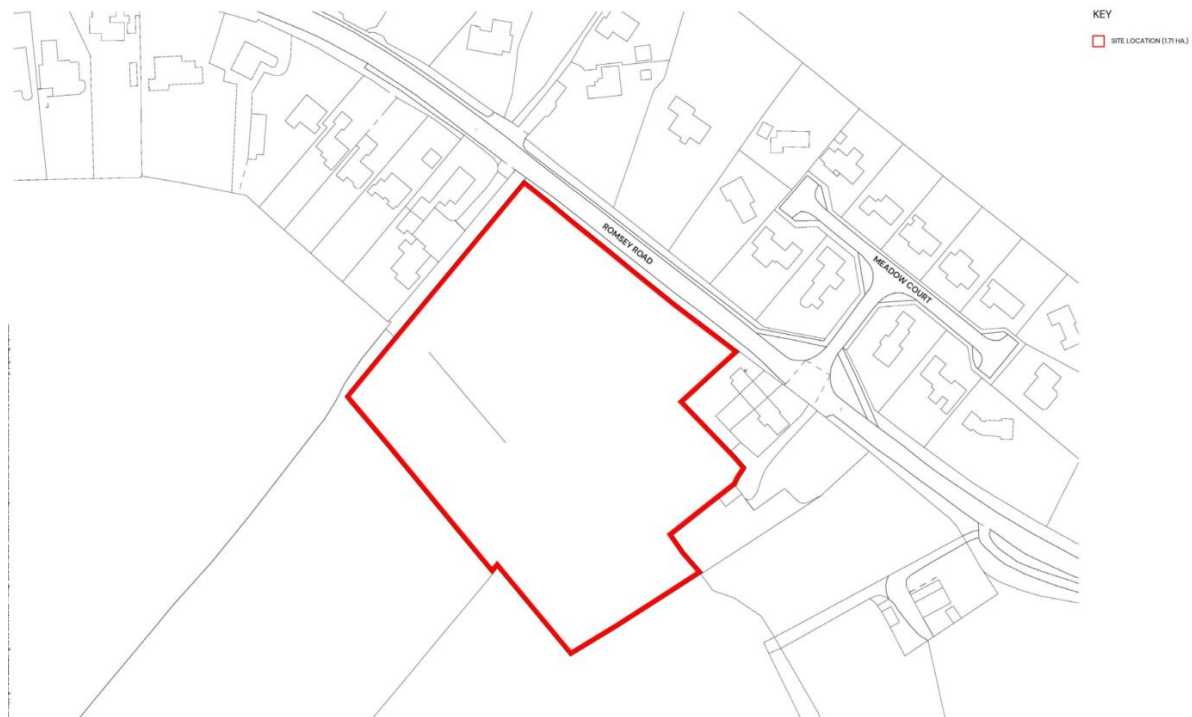
The application has generated an objection from Whiteparish Parish Council, which was qualified and will be referred to later in the report, as well as 26 letters of objection and 6 of support from third parties.

3. Site Description

The site lies on the eastern edge of the village of Whiteparish, to the south of the Romsey Road (A27) which passes through the settlement.

It consists of a grassy field, which gently slopes downward in a south-westerly direction. The land level is slightly higher than the adjacent main road, and there is a substantial hedge along the field edge. To the east and north-west are residential properties and there is a small cul de sac of 14 large dwellings known as Meadow Court to the north-east across the Romsey Road.

The site contains a small number of trees on what look to be old hedgerow lines, as well as an area of scrub. Hedgerows also define the boundaries adjacent to the neighbouring dwellings. There is a low voltage power line that crosses the site from north to south. Running parallel to the north-south boundary adjacent to the two dwellings to the west is a Public Right of Way (footpath WHIT7), which lies outside of the application site. There is a bus stop on the north side of Romsey Road, along with a footpath that runs into the village centre.



Location plan

4. Relevant Planning History

S/1984/0625 – Outline 13 detached dwellings, access and garages. Refused 27.06.1984. Appeal dismissed.

S/1986/0833 – Outline 19 dwellings with garages and construction of estate road and access. Refused 17.06.1986. Appeal withdrawn.

5. The Proposal

This application, which is in Outline with all matters reserved except for access, proposes the construction of up to 25 dwellings with access off Romsey Road, and associated parking, open space, landscaping and drainage.

6. Local Planning Policy

National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

NPPF - Paragraph 11 sets out the presumption in favour of sustainable development.

Development plan proposals that accord with the development plan should be approved without delay. Where the development plan is absent, silent or relevant policies are out-of-date then permission should be granted unless any adverse impacts of approval would significantly and demonstrably outweigh the benefits when assessed against the NPPF or specific policies in the NPPF indicate development should be restricted.

Relevant NPPF sections include:

Section 8 – promoting healthy and safe communities

Section 11- making effective use of land

Section 12- achieving well-designed places

Section 14 – Meeting the challenge of climate change, flooding and coastal change

National Design Guide (2021)

Manual for Streets 2 (2010)

Wiltshire Core Strategy:

CP1 – Settlement Strategy

CP2 – Delivery Strategy

CP3 - Infrastructure Requirements

CP23 – Spatial Strategy: Southern Wiltshire Community Area

CP43 – Affordable Housing

CP45 – Meeting Wiltshire's housing needs

CP50 - Biodiversity and Geodiversity

CP51 - Landscape

CP57 - Ensuring High Quality Design & Space Shaping

CP60 - Sustainable Transport

CP61 - Transport & Development

CP62 - Development Impacts on the Transport Network

CP64 - Demand Management

CP67 – Flood risk

Wiltshire Housing Site Allocations Plan (2020)

7. Summary of consultation responses

Whiteparish Parish Council – Support (caveated)

..... resolved, with 7 councillors in support and 1 against, to comment that they are aware the development is contrary to provision of policies CP1, CP2, CP23, CP51, CP57, CP60 and CP61. However, given the need in Whiteparish for more affordable housing the Parish Council would be prepared to support this scheme providing the level of affordable housing is increased to a minimum of 50%. This would potentially enable the village school and other

local businesses to become more sustainable. Should such a change in the development balance between market and affordable housing not be forthcoming the Parish Council will not support further planning applications on this site.

WC Archaeology – No objections, subject to condition, following the receipt of a geophysical survey of the site.

WC Climate Change – continues to encourage the applicant to be more ambitious in their approach to the NPPF's aims of delivering sustainable development, tackling climate change and radically reducing greenhouse gas emissions.

WC Drainage – The application has been supported with a Site Specific Flood Risk Assessment, and subject to conditions no objection is raised.

WC Ecology – No objection to additional submitted material, subject to conditions and the need for a legal agreement to secure the necessary mitigation for the additional nitrogen burdens from the development. This equates to £227,700

WC Education – No requirements for contributions towards Early Years or Primary educational needs. Evidence shows the availability of 66 places in the All Saints CE Primary school, compared to an overall capacity of 147 places. There is a requirement towards the provision of Secondary Education at Trafalgar School in Downton of £114,700 to be secured by legal agreement.

WC Highways – No objection subject to conditions.

WC Housing Enabling Team – Core Policy 43 of the Wiltshire Core Strategy (as amended by the National Planning Policy Framework) sets out a requirement for 40% on-site affordable housing provision within the 40% Affordable Housing Zone, on all sites of 10 or more dwellings. There is therefore a requirement to provide 10 affordable units within a scheme of 25 dwellings. This would meet the policy requirement and would assist in addressing the need for affordable housing. The proposal to provide 10 affordable housing units therefore meets the policy requirement.

WC Public Open Space – No objection to the amount of open space shown to be provided on site. In addition, there is a requirement for a contribution towards off site sports space of £17,100 to be secured via a legal agreement. Details of how the on-site play space will be managed in perpetuity with also be covered in the legal agreement.

WC Public Protection – No objection, subject to conditions regarding noise assessments due to proximity of A27.

WC Rights of Way – no comment received.

WC Spatial Planning – The proposal is not supported in principle as it does not accord with the strategy and pattern of development anticipated by the WCS. Therefore, from a strategic policy perspective, the proposal does not constitute sustainable development and would conflict with the principal aims of the National Planning Policy Framework.

Other material considerations may apply, the most pertinent of which is the current housing land supply position. Whilst the Council is unable to demonstrate a 5YHLS, careful consideration should be given to decisions on housing proposals. This means balancing the need to boost housing supply against any adverse impacts of the proposal, considered against the development plan as whole, and any material considerations, on a case-by-case

basis. This will need to include consideration of what weight to assign to the most important policies.

WC Urban Design – Object. The design would not accord with Core Policy 57.

WC Waste and Recycling – no objection subject to condition and contribution to be collected via S106 of £2,525.

Wessex Water – No objection.

8. Publicity

This application was advertised through a site notice and letters to neighbouring properties.

26 Letters of objection were received raising the following issues:

- The site is outside the currently defined settlement boundary of Whiteparish, and therefore is contrary to the Core Strategy, particularly CP1, CP2, CP23, CP51, CP57, CP60 and CP61.
- The location of the access is not safe
- There is a range of wildlife that uses the site and the immediate area
- Concerns about the capacity of the local sewage system to cope with additional housing
- Over development of the site.
- Overlooking of existing dwellings to the north, and also blocking their light.
- Village facilities such as the Doctor's Surgery are already oversubscribed.
- Village has little public transport so the development will result in more cars on the road.
- The land is prone to being waterlogged.
- The development would lead to the loss of valuable agricultural land.
- There is no footpath on this side of the A27.
- Is there adequate space for all the car parking to be on site, not on the A27.
- The 30mph speed limit on the A27 in the vicinity of the site is not adhered to.
- If the verges and recreation area are re-wilded then they may be a fire risk in the summer.
- A similar application was refused on appeal in 1984, and an application refused in 1986 and the same reasons apply today.
- Concern about the loss of habitat for both flora and fauna.
- There are brown field sites that could be used instead.
- Strain on local infrastructure, including the school.
- There is no parking in the village to serve the school or shop and parents would take their children to school by car as the footpaths are inadequate.
- The existing power line that crosses the site would have to be re-located.
- The electricity demand will increase due to the need for charging points and heat pumps, which will be noisy.
- Overspill parking from the site could take place in Meadow Court.
- Design will be out of keeping with this edge of settlement location.
- The train station at West Dean can only be reached by car.
- Affordable housing is in the wrong part of the village.
- Who will pay to maintain the open space and play equipment on the site? The village has sufficient play areas and sports facilities at the moment.
- The development will lead to light pollution.

6 letters of support were received, raising the following points:

- Affordable housing is needed so that young people can stay in the village
- New residents will be able to support the village facilities such as the shop, school pubs etc. All these facilities could be in danger of shutting.
- School numbers are dropping and the school could be in danger of shutting.
- Detailed letters of support have been submitted by the Headteacher and the Chair of Governors of the local school explaining that the school is currently in a vulnerable position due to falling pupil numbers and it is considered that the development of family housing would in fact greatly benefit the school in terms of pupil numbers and sustainability moving forward.
- The price of the average house in the village is out of the range of most local young people and the provision of affordable housing would allow people to live locally, get on the housing ladder, and for those houses to continue to benefit the local community.
- The lack of affordable housing in pushing local people out of the village.

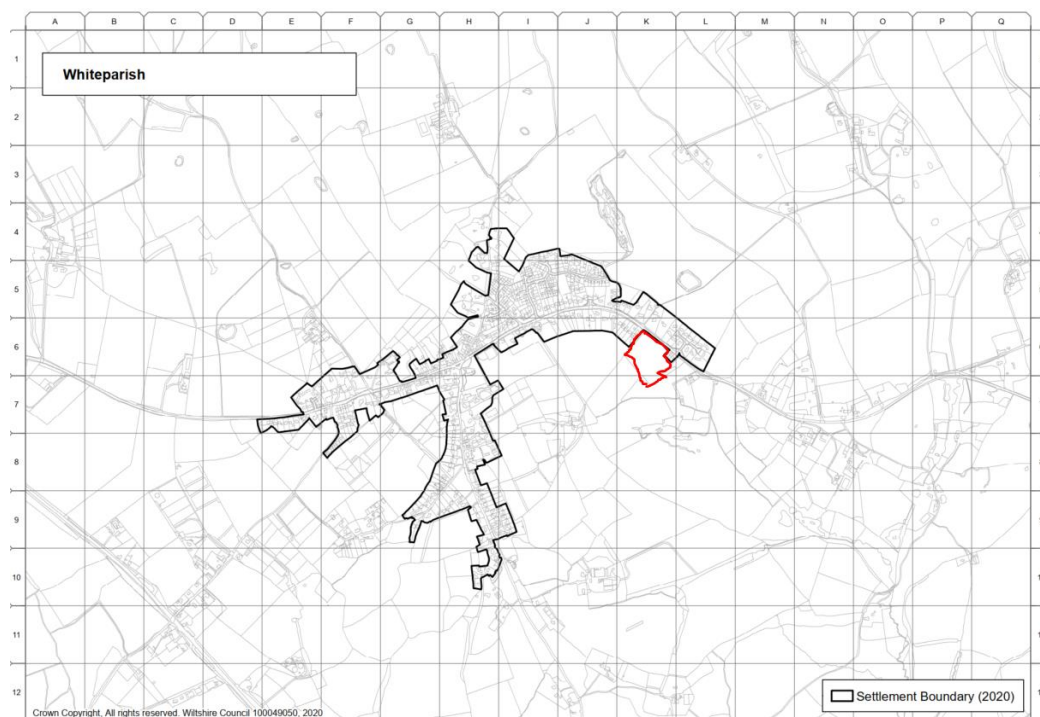
Salisbury and Wilton Swifts - require the installation of swift bricks and bat roosting features as part of the development.

9. Planning Considerations

Section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004 require that the determination of planning applications must be made in accordance with the Development Plan, unless material considerations indicate otherwise.

9.1 Principle of development

The application site lies outside of the settlement boundary of Whiteparish, as defined in the 2020 Wiltshire Housing Sites Allocations Plan, shown on the plan below:-



The village is defined as a Large Village in Policy CP23, and Policy CP2 states that within the limits of development, as defined on the Policies map, there is a presumption in favour of sustainable development in such a location, which is limited to that needed to help meet the housing needs of the settlements and to improve employment opportunities, services and facilities. (CP1).

The supporting text for CP1, at para 4.15 of the Core Strategy, comments that:-

At Large Villages settlement boundaries are retained and development will predominantly take the form of small housing and employment sites within the settlement boundaries. These settlement boundaries will also be reviewed as part of the Housing Sites Allocations DPD as set out in the council's Local Development Scheme, in order to ensure that they remain up to date and properly reflect building that has happened since they were first established. Small housing sites are defined as sites involving fewer than 10 dwellings (i.e. not a major application).

Therefore, this proposed development is contrary to the provisions of the current Development Plan as it lies outside of the settlement boundary of the settlement and is of a scale not normally considered appropriate within a Large Village. The implications of this policy position with regards to the considerations to be given to such an application where the Council cannot demonstrate a 5 Year Housing Land Supply situation are discussed in more detail in the section on the Planning Balance below.

9.2 Highway safety

The Council's Highways Officers have commented that the site is located outside of the existing village policy boundary and the proposal is therefore considered as contrary to the sustainability policies contained in the Wiltshire Core Strategy (Core Policies 60 and 61) and the National Planning Policy Framework 2019 (Section 9, paras 102, 103, 108 & 110), which aim to reduce the need to travel particularly by private car and encourage the use of sustainable transport alternatives. However, it is acknowledged that a policy objection may not be appropriate in this instance.

The proposed point of access will be located within the 30mph speed limit, the speed limit changes to 40mph around 150m to the east of the site. The submitted Transport Statement contains an assessment of the speeds of vehicles passing the site and has resulted in a requirement for the upper most visibility splays in Manual for Streets of 2.4m by 59m in both directions. This is agreed and accepted. The splays can be achieved in land within the ownership of the applicant or highway land. There is a strip of vegetation to the west of the access which contains an oak tree which is to remain, in order to protect the visibility splay in this direction the vegetation will be cutback 0.5m behind the visibility splay. This is acceptable although it is essential that the visibility splay is maintained particularly in seasons of growth and must be conditioned accordingly.

The presence of the oak tree has influenced the route of the footway across the frontage to the west which will be setback from the edge of carriageway behind the vegetation and oak tree and re-joins the edge of carriageway further to the west. This is an acceptable layout. A footway is also proposed in the eastern direction to the existing cottages.

It is noted that the access road is shown as 5.5m in width with 2m footways continuing into the site, together with 6m junction radii.

There is no highway objection subject to a recommendation for conditions to be attached should permission be granted.

Therefore, the concerns expressed by local residents about the adequacy of the access to accommodate the development have been addressed satisfactorily by the Highways Officer. The matter of whether the site is a sustainable location for development are addressed further in this Report.

9.3 Drainage

The site lies in an area of potential for Ground water flooding, as set out in the Council's Strategic Flood Risk Assessment 2019. However, this document contains a disclaimer which in effect comments that the mapping of areas at potential risk of flooding from groundwater is indicative only and that further site specific investigations should be carried out to establish whether there is a specific risk to development from groundwater.

The site is not at risk of flooding from any other source, such as fluvial or surface water according to the SFRA, which is more robust on these areas of flood risk.

The NPPF and NPPG guidance was updated in 2021 to ensure that LPA's took account of all sources of flooding when considering planning applications for developments, such as dwellings. The guidance seeks to direct development away from areas of high flood risk, from whatever source (paras 159 and 161 of the NPPF). Paragraph 162 affirms that development should not be permitted if there are reasonably available sites with a lower risk of flooding that can accommodate the development proposed.

To establish if there are reasonably available sites with a lower risk of flooding than the application site, the applicants were required to undertake a Sequential Test, as required by the NPPF. This Test looks to see if there are any other development sites that could deliver the same quantum of development, either as part of a single large site or an amalgam of smaller sites, as proposed by the application within an area to be agreed by the LPA.

In this instance the guidance set out in the NPPG was followed, which states that:-

For individual planning applications subject to the Sequential Test, the area to apply the test will be defined by local circumstances relating to the catchment area for the type of development proposed. For some developments this may be clear, for example, the catchment area for a school. In other cases, it may be identified from other Plan policies. For example, where there are large areas in Flood Zones 2 and 3 (medium to high probability of flooding) and development is needed in those areas to sustain the existing community, sites outside them are unlikely to provide reasonable alternatives. Equally, a pragmatic approach needs to be taken where proposals involve comparatively small extensions to existing premises (relative to their existing size), where it may be impractical to accommodate the additional space in an alternative location.

Due to the acknowledged concerns expressed by the Headteacher and Chair of Governors of the local school regarding the needs of the local school for more pupils (set out in the representations submitted in respect of this application and substantiated by the Council's Education Department), it was agreed that the area of search could be the Parish of Whiteparish, which equates to the current catchment area of the school.

The subsequent Sequential Test submitted by the applicants, and examined by your Officers, concluded that there was no alternative area within the Parish, either as a single

site or a conglomeration of smaller sites, that would deliver the quantum of development proposed as part of this application.

National guidance goes on to consider that even if a site passes the sequential test, it should be accompanied by a site specific Flood Risk Assessment to establish that there is no risk of flooding without mitigation from the development.

The application is accompanied by a detailed Flood Risk Assessment which has carried out detailed analysis of the site's conditions and has concluded that there is no risk of groundwater flooding. The Council's Drainage Consultants have examined this document and its supporting information and have concluded that the development will not be at risk from any source of flooding, and that the proposals to deal with surface water from the site are acceptable, subject to conditions requiring more details at the Reserved Matters stage.

On that basis it is concluded that the development will not present a flood risk to existing or proposed residents and that no objection be raised to the scheme on flood risk grounds.

9.4 Layout and Housing Mix

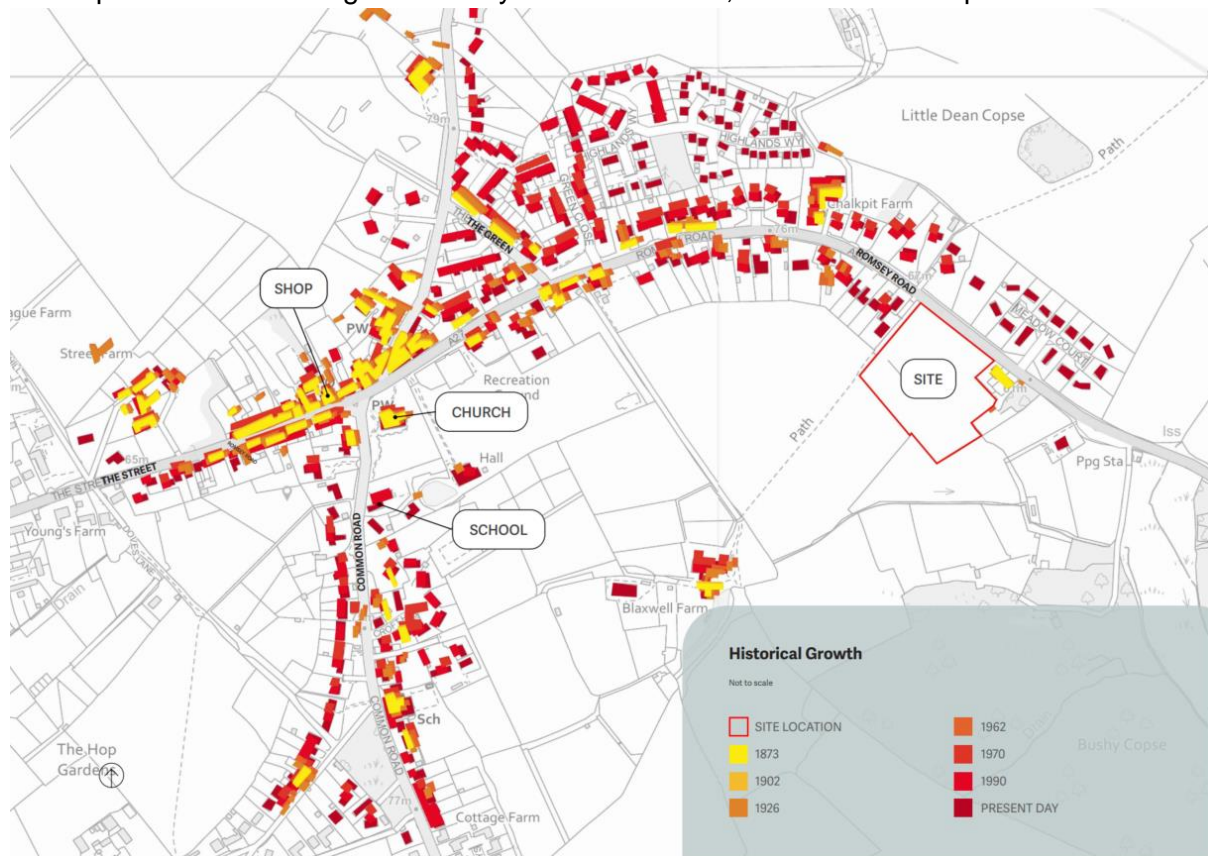
The scheme, which is in Outline only with all matters other than the point of access reserves, does contain an illustrative Master Plan. The plan, and the indicative schedule of accommodation and unit mix are set out below:-



The Council's Urban Design Officer has concerns about the proposed layout in that it is felt that a development of this scale on the edge of the village will not enhance local distinctiveness and does not relate positively to its landscape setting and the existing pattern of development, as required by policy CP 57.

The comments of the Urban Design Officer are noted. The application is accompanied by a detailed Design and Access Statement that assesses the development patterns across the whole of the village, as well as the immediate surroundings of the application site. The village historically developed in a linear fashion along the line of the Romsey Road, and later along Common Road, to the south of this road. The village continued to expand to the east and west of the village centre in the late twentieth century, including the cul-de-sac of

Meadow Court to the north of the application site. The largest area of non-linear development is around Highlands Way off Green Close, as shown on the plan below:-



The indicative masterplan of the application site, as set out at the beginning of this section, seeks to provide a layout which provides a clear landscape setting to the site on the edge of the village with the provision of an area of open space on its southern edge, where the dwellings will then face this space so as to not present the rear gardens and associated means of enclosure when viewed from the adjacent footpath, as well as structural planting within this area. The indicative layout within the site is linear in form and aligns with the existing dwellings to the south east (a terrace of bungalows) and the larger dwellings to the north west. The southern boundary of the development is to be defined by the access road serving the dwellings fronting it, which will give a clear edge to the built form in this location.

However, it should be noted that this is an outline application with all matters reserved and the final layout and form will be considered under any subsequent reserved matters application, if this outline application is approved. An informative note can be added to the decision to request that the reserved matters application closely follows the Illustrative Masterplan, and the application also includes a Parameters Plan, which indicates the areas to be developed for housing, and as areas of open space. This plan can form part of the approved plans for the scheme.

This application seeks to provide a housing mix that meets the requirements of the village, in particular the need to provide additional affordable housing, which is recognised by the comments of the Parish Council and others as lacking in Whiteparish.

Policy CP43 requires that 40% of the dwellings on the site should be affordable, and the Council's Housing Enabling Officer has confirmed that the current proposals meet the requirements of this policy, with the provision of 10 affordable units to be secured via a S106

agreement. The comments of the Parish Council, which seeks a higher proportion of the site to be affordable, are noted, but there is no policy mechanism to provide a greater proportion of the site to be affordable than is proposed by this scheme.

Policy CP45 requires that the type, mix and size of both market and affordable housing is designed to address local housing needs. The Council's Strategic Housing Market Assessment identifies that there is the greatest need for 2 and 3 bedroom properties. This application indicates that about 60% of the total dwellings will be 2 or 3 bedroom, with 80% of the affordable units being 2 or 3 bed, and 2 being 1 bed. This housing mix is compliant with the requirements of policy CP45.

9.5 Ecology

Policy CP50 requires development to demonstrate how they protect features of nature conservation and geological value as part of the design rationale. All development proposals shall incorporate appropriate measures to avoid and reduce disturbance of sensitive wildlife species and habitats throughout the lifetime of the development. The application was accompanied by a Preliminary Ecological Appraisal and Construction Environment Management Plan. In addition, CP50 requires all development to seek opportunities to enhance biodiversity.

Major development must include measures to deliver biodiversity gains through opportunities to restore, enhance and create valuable habitats, ecological networks and ecosystem services. Ecological enhancements of the site are proposed, as explained within the Net Gain Assessment and recommendations within the Ecological Appraisal.

The Council's Ecologists have concluded that the proposal complies with the requirements of Policy CP50, subject to conditions to secure the details of the proposed enhancements and their implementation and retention.

The site also lies within the zone of influence for the New Forest protected sites which includes the New Forest SPA, New Forest SAC and New Forest Ramsar site. It is screened into appropriate assessment under the Habitats Regulations 2017 (as amended) on account of its potential to cause adverse effects through increased recreational pressure, which may occur alone and in-combination with other plans and projects.

The Council has adopted a mitigation strategy for the above impacts, and it has been concluded that this development will comply and deliver the required mitigation via CIL, and that the scheme will not lead to adverse effects on the New Forest Protected sites.

The application site is located within/adjacent to the statutorily designated (Mottisfont Bat SAC –Barbastelle 7500m SAC Parcel Buffer). A test of likely significance has been carried out by the relevant Competent Authority (Wiltshire Council) as required by Regulation 63 Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019. This concluded that, given the scale and nature of the development combined with the bat survey results and separation of more than 6km between the closest SAC unit, there is no mechanism for adverse effect/any temporary construction impacts and operational impacts would be de-minimus. This test of significance has been undertaken using the outline application. Given the layout at RM may differ the HRA for the Mottisfont Bat SAC will be repeated at that stage.

The site also lies within the River Test Catchment, and whilst the application site is not adjacent to any rivers or in any respective flood zones, it is situated within the River Test

catchment which drains into the Solent. This region is protected by a number of international designations including the Solent Maritime Special Area of Conservation (SAC), Chichester and Langstone Harbours Special Protection Area (SPA) and Ramsar site, Portsmouth Harbour SPA and Ramsar site, Solent and Southampton Water SPA and Ramsar site; as well as the nationally designated Sites of Special Scientific Interest (SSSIs) that underpin these international designations.

Natural England currently advises that every permission for new dwellings in the River Test Catchment Area could result in increased nutrients entering the Solent area (Guidance dated June 2020) from the increase in waste water and land use change. Accordingly, the Local Planning Authority considers this proposal is likely to lead to significant effects on the European Sites and an Appropriate Assessment (AA) is required.

Wiltshire Council has now agreed a mitigation strategy to counterbalance the nitrogen burdens from planned development, and the above application would be applicable to enter into a S106 agreement to contribute towards the necessary nitrogen credits, to the sum of £227,700.

9.6 S106

To enable the application to comply with local planning and Council policies which relate to development on this scale and in this location, the applicants are required to contribute towards the provision of necessary infrastructure via a legal agreement under S106 of the Planning Act. In accordance with the CIL Regulations 122 any planning obligations must be:

- necessary to make the development acceptable in planning terms
- directly related to the development; and
- fairly and reasonably related in scale and kind to the development.

The applicants have agreed that the S106, if planning permission is resolved to be granted, that the Heads of Terms of the legal agreement should cover the following:-

- 40% on-site provision of affordable housing in accordance with the requirements of Policy CP43, including an appropriate mix of tenure and house sizes;
- £227,700 towards Nitrate mitigation (nutrient neutrality);
- £114,700 towards the provision of 5 secondary school places in the catchment;
- Provision of specified on- site equipped play space and casual play space, and a financial contribution of £17,100 to be used for formal sports within Whiteparish;
- £2,525.00 towards the provision of waste and recycling containers for 25 dwellings;
- A contribution towards the Council's costs of drafting the Agreement.

10. Conclusion (The Planning Balance)

'Tilted balance'

This planning application proposes the construction of up to 25 dwellings outside of the settlement boundary of the Large Village of Whiteparish, and is therefore considered contrary to the settlement policies of the Development Plan, namely CP1, CP2 and CP23.

However, as Members are aware, the Council cannot currently demonstrate a 5 Year Housing Land Supply and the revised Local Plan is not far enough advanced towards adoption to carry significant weight in the determination of this application.

The lack of a 5 year supply of housing land is a significant factor that need to be taken into account when considering this application.

Section 38(6) of the *Planning and Compulsory Purchase Act 2004* says development should be in accordance with the development plan '*unless material considerations indicate otherwise*', and this is reaffirmed in the Framework. Therefore, whilst the development plan has primacy in decision making, there are situations where material considerations could indicate a decision that was otherwise than in accordance with the plan.

Paragraph 11(d) of the NPPF, relating to the presumption in favour of sustainable development, states that:-

d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.*

'Foot note 8' comments that policies can be considered to be out of date where the local planning authority cannot demonstrate a five year supply of deliverable housing sites.

This means that the housing land supply shortfall in effect results in the development plan policies that are most important in determining the application being deemed to be out-of-date. Moreover, the NPPF para 11(d) adds that in such a situation planning permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits.

Members will be aware of the *5 Year Housing Land Supply and Housing Delivery Test Briefing Note No22-09* (the Briefing Note) which seeks to outline how the Council can restore its 5-year Housing Land Supply in the face of an acknowledged shortfall (which currently stands at 4.59 years). In this regard, a 3-pronged strategy is outlined in paragraph 6.1. The third of these says the Council will *Positively consider speculative applications where there are no major policy obstacles material to the decision other than a site being outside settlement boundaries or unallocated.*

An Inspector in a recent Appeal decision in respect of 90 dwellings on the edge of the Large Village of Holt, near Melksham, where the appeal was allowed, (Ref PL/2022/03315) stated that (para 54) –

When considering other appeals across Wiltshire, I am aware that Inspectors have given varying weight to shortfalls of this scale. In my view, even the Council's position of 4.59 years cannot be termed a moderate shortfall. Rather, I see it as being significant, as it constitutes an appreciable deficiency when compared to what the supply should be. Furthermore, it would appear the earliest this could be resolved through the adoption of a revised Local Plan is the end of next year, though I fully accept such timetables have a habit of slipping and the adoption date could be further into the future.

He also commented, at para 65 of his decision letter, that –

If housing land supply cannot be achieved within the defined settlement boundaries then, as the Briefing Note implies, housing may need to be accepted, contrary to the development plan, on sites outside of those boundaries where there are no other major policy obstacles to the decision. Such instances may well mean the development occurs on a field with a consequent effect on the landscape. It is also fair to assume there is an acceptance that, in such a situation, the new housing would often be more distant from the services than the housing within the settlement.

This is a similar situation to the application under consideration here. The site lies on the edge of the village, a little distant from the facilities within the settlement, although the footpath network in the vicinity of the site does allow for access to the village school, for example without having to use village roads. It would result in the loss of a small field on the edge of the village, but would not have a great impact on the landscape setting of Whiteparish due to the existing (and largely to be retained) vegetation along the road frontage and the topography of the site, being at a slightly higher level than the surrounding road. No objection to the scheme has been raised by the Council's Highways Authority, Ecologists, Archaeologists, Drainage Engineers, Education Department or Housing Enabling Officers. Strong support for the scheme has been put forward by the Headmaster of the Village school as there is a current shortfall in pupil numbers locally, and this situation has been substantiated by the Education Authority's information on low pupil numbers.

Applying the 'tilted balance', it is considered that the conflict with the spatial strategy with regard to the location of the proposed development does not demonstrably and significantly outweigh the benefits of delivering up to 25 dwellings, 40% of which would be affordable, on this site. The application is therefore recommended for approval.

RECOMMENDATION

Grant planning permission, subject to the prior completion of a S106 Agreement in respect of the Heads of Terms referred to above, and subject to the following conditions:-

- 1) The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

REASON: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

- 2) No development shall commence on site until details of the following matters (in respect of which approval is expressly reserved) have been submitted to, and approved in writing by, the Local Planning Authority:

The scale of the development;

The layout of the development;

The external appearance of the development;

The landscaping of the site;

The development shall be carried out in accordance with the approved details.

REASON: The application was made for outline planning permission and is granted to comply with the provisions of Section 92 of the Town and Country Planning Act 1990 and Article 5 (1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015.

- 3) An application for the approval of all of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

REASON: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.

- 4) Approved plans

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

- Site Location Plan – drawing no. P22-1712_DE_001_A_01, received on 12 December 2022
- Proposed Access Arrangement- drawing no. 1294-008, received on 12 December 2022
- Land Use Plan- drawing no. P22-1712_DE_004_B_01, received on 12 December 2022.

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

- 5) No development above slab level shall commence on site until the exact details and samples of the materials to be used for the external walls and roofs have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

REASON: The application contained insufficient information to enable this matter to be 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, in the interests of visual amenity and the character and appearance of the area.

- 6) No railings, fences, gates, walls, bollards and other means of enclosure development shall be erected in connection with the development hereby permitted until details of their design, external appearance and decorative finish have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details prior to the development being.

REASON: In the interests of visual amenity and the character and appearance of the area.

- 7) No development shall commence on site until a scheme of hard and soft

landscaping has been submitted to and approved in writing by the Local Planning Authority, the details of which shall include :-

- location and current canopy spread of all existing trees and hedgerows on the land;
- full details of any to be retained, together with measures for their protection in the course of development;
- a detailed planting specification showing all plant species, supply and planting sizes and planting densities;
- finished levels and contours;
- other vehicle and pedestrian access and circulation areas;
- all hard and soft surfacing materials;
- minor artefacts and structures (e.g. furniture, play equipment, refuse and other storage units, signs, lighting etc);
- proposed and existing functional services above and below ground (e.g. drainage, power, communications, cables, pipelines etc indicating lines, manholes, supports etc);

REASON: The application contained insufficient information to enable this matter to be 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 the protection of existing important landscape features.

- 8) All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first occupation of the building(s) 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. All hard landscaping shall also be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme to be agreed in writing with the Local Planning Authority.

REASON: To ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features.

- 9) No development shall commence within the redline boundary marked on Pegasus Group Drawing: P22-1712_DE_001_A-01, dated 09/08/2022 until:
- a) A written programme of archaeological investigation, which should include on-site work and off-site work such as the analysis, publishing and archiving of the results, has been submitted to and approved in writing by the Local Planning Authority; and
 - b) The approved programme of archaeological work has been carried out in accordance with the approved details.

REASON: To record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their

importance and the impact, and to make this evidence (and any archive generated) publicly accessible.

- 10) Details of the surface water drainage scheme, (including sustainable drainage details), the foul water drainage scheme and timetables for their implementation shall be submitted to the local planning authority for approval with or before the submission of reserved matters. No development shall commence until those schemes have been approved in writing by the local planning authority, and the surface water drainage scheme and the foul water drainage scheme shall then be implemented in accordance with the approved schemes and timetables, and thereafter retained.

REASON: The application contained insufficient information to enable this matter to be 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 that the development can be adequately drained.

- 11) 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 and details of physical means of protection, e.g. exclusion fencing.
- b) Working method statements for protected/priority species, such as nesting birds and reptiles.
- c) Mitigation strategies already agreed with the local planning authority prior to determination, such as for great crested newts, dormice or bats; this should comprise the pre-construction/construction related elements of strategies only.
- 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.

Development shall be carried out in strict accordance with the approved CEMP.

The CEMP shall also address the following:-

- i. An introduction consisting of construction phase environmental management plan, definitions and abbreviations and project description and location;
- ii. A description of management responsibilities;
- iii. A description of the construction programme;
- iv. Site working hours and a named person for residents to contact;

- v. Detailed Site logistics arrangements;
- vi. Details regarding parking, deliveries, and storage;
- vii. Details regarding dust and noise mitigation;
- viii. Details of the hours of works and other measures to mitigate the impact of construction on the amenity of the area and safety of the highway network; and
- ix. Communication procedures with the LPA and local community regarding key construction issues – newsletters, fliers etc.

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, and the development is carried out in such a way as to not cause a nuisance to local residents.

- 12) Prior to the start of construction, a Landscape and Ecology Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority. The LEMP will include long term objectives and targets, management responsibilities and maintenance schedules for each ecological feature within the development, 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 the long-term management of landscape and ecological features retained and created by the development, for the benefit of visual amenity and biodiversity for the lifetime of the scheme.

- 13) No external light fixture or fitting will be installed within the application site unless details of existing and proposed new lighting have been submitted to and approved by the Local Planning Authority in writing. The submitted details will demonstrate how the proposed lighting will impact on bat habitat compared to the existing situation.

REASON: to avoid illumination of habitat used by bats.

- 14) The residential development hereby approved shall be designed to ensure it does not exceed 110 litres per person per day water consumption levels (which includes external water usage).

Within 3 months of each phase being completed and the housing being brought into use, a water efficiency report certifying that this standard has been achieved shall be submitted to the local planning authority for its written approval.

REASON: To ensure compliance with the prevailing mitigation strategy for nutrient neutrality in the water catchment within which this development is located.

- 15) No development shall commence on site until visibility splays have been provided between the edge of the carriageway and a line extending from a point

2.4 metres back from the edge of the carriageway, measured along the centre line of the access, to the points on the edge of the carriageway 59 metres to the west and 59 metres to the east from the centre of the access in accordance with the approved plans (ref: 1294-008). Such splays shall thereafter be permanently maintained free from obstruction to vision above a height of 900mm above the level of the adjacent carriageway.

REASON: In the interests of highway safety.

- 16) Notwithstanding the submitted details, the proposed development shall not be occupied until means/works have been implemented to avoid private water from entering the highway.

REASON: To ensure that the highway is not inundated with private water.

- 17) No development shall commence until full construction details of the proposed 2m wide footway across the site frontage together with dropped kerbs and tactile paving, street lighting and drainage, has been submitted to and approved by the Local Planning Authority; the footway and associated work shall be constructed in accordance with the approved details prior to first occupation of the development.

REASON: In the interests of highway safety.

- 18) There shall be no burning undertaken on site at any time.

REASON: In the interests of the amenities of local residents.

- 19) Construction hours shall be limited to 0800 to 1800 hrs Monday to Friday, 0800 to 1300 hrs Saturday and no working on Sundays or Bank Holidays.

REASON: In the interests of the amenities of local residents.

- 20) Prior to commencement of development an acoustic report shall be submitted to the LPA for approval in writing prior to implementation. The report shall demonstrate that the internal and external amenity standards of BS8233:2014 Guidance on sound insulation and noise reduction for buildings (or any subsequent version) and WHO Guidelines for Community Noise (1999) can be achieved within the development. The report must include full details of any scheme of mitigation required to achieve this which, if approved, must be implemented in full and maintained in that way in perpetuity.

General: In discharging this condition the applicant should engage an Acoustic Consultant. The consultant should carry out a background noise survey and noise assessment according to BS8233: 2014 (or any subsequent version) and demonstrate that internal and external noise levels will not exceed the guideline noise levels contained in Section 7.7 (table 4) of BS8233:2014. The report should also demonstrate that internal maximum noise levels in bedrooms will not normally exceed 45dB L_{Amax} between the hours of 23:00 and 07:00.

REASON: In the interests of the amenities of local residents and the occupiers of the new dwellings.

- 21) No development shall commence on site until a construction management plan has been submitted to and approved in writing by the local planning authority.

The plan shall include details of the measures that will be taken to reduce and manage the emission of noise, vibration and dust during the demolition and/or construction phase of the development. It shall include details of the following:

- i. The movement of construction vehicles;
- ii. The cutting or other processing of building materials on site;
- iii. Wheel washing and vehicle wash down facilities;
- iv. The transportation and storage of waste and building materials;
- v. The recycling of waste materials (if any)
- vi. The loading and unloading of equipment and materials
- vii. The location and use of generators and temporary site accommodation
- viii. Where piling is required this must be Continuous flight auger piling wherever practicable to minimise impacts

The construction/demolition phase of the development will be carried out fully in accordance with the construction management plan at all times.

REASON: In the interests of the amenities of local residents.

- 22) Concurrent with the reserved matters application a Sustainable Energy Strategy (SES) shall be submitted for the approval in writing by the local planning authority. The SES shall set out the measures to deliver sustainable construction and climate change adaption, and include an implementation schedule and any approved infrastructure shall be provided in accordance with the approved schedule.

REASON: To ensure that the development is carried out to the prevailing sustainable construction and climate change adaption principles.

- 23) For the avoidance of doubt, the number of dwellings to be developed on the site shall not exceed 25 in number.

REASON: To ensure that the development is carried out in accordance with the principles considered at the Outline stage.

Informative Notes

- 1) This permission shall be read in conjunction with an Agreement made under Section 106 of the Town and Country Planning Act, 1990 and dated the XXXX.
- 2) The development hereby approved could be subject to the Community Infrastructure Levy. Wiltshire Council has now adopted a Community Infrastructure Levy (CIL) charging schedule. CIL is a charge that local authorities can place on new development in their area. The money generated through CIL will contribute to the funding of infrastructure to support growth.

More information and the charging schedule for CIL can be found using the following link:

<http://www.wiltshire.gov.uk/planninganddevelopment/dmcommunityinfrastructurelevy.htm>

- 3) The programme of archaeological work required by Condition 9 will comprise:
- i) an initial phase of exploratory archaeological investigation (a field evaluation) prior to the commencement of development to establish if there are any areas of archaeological interest that will be impacted by the proposed development
 - ii) Further archaeological investigation of any areas of archaeological interest, either prior to the commencement of, or during, development
 - iii) A programme of post-fieldwork assessment, analysis, reporting and publication commensurate with the significance of the archaeological results.
- 4) A water efficiency calculation will be needed to discharge condition 14. For guidance on how to do this and what is required, please refer to the following document: 'The Building Regulations 2010 – Sanitation, hot water safety and water efficiency', Appendix A (p36-44).

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/504207/BR_PDF_AD_G_2015_with_2016_amendments.pdf

- 5) There is a low risk that great crested newts may occur at the development site. Great crested newts are protected all times by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019. Planning permission for development does not provide a defence against prosecution under this legislation or substitute for the need to obtain a great crested newt mitigation licence if an offence is likely. For all construction and ground clearance works it is advised to follow advice from an independent ecologist.
- 6) The habitat within the proposed development site and the surrounding area is suitable for roosting, foraging and commuting bats. An increase in artificial lux levels can deter bats which could result in roost abandonment and/or the severance of key foraging areas. Artificial light at night can have a substantial adverse effect on biodiversity. Any new lighting should be for the purposes for safe access and security and 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 GN08-18 "Bats and artificial lighting in the UK", issued by the Bat Conservation Trust and Institution of Lighting Professionals.
- 7) The applicant will be required to enter into a S278 (Highways Act) legal agreement with Wiltshire Council for the footway work and bellmouth.
- 8) The layout for the Reserved Matters application shall broadly follow that set out on the Illustrative Masterplan (drawing no. P22-1712_DE_003_B_01).



Appendix B – Minutes of Strategic Planning Committee

Strategic Planning Committee

MINUTES OF THE STRATEGIC PLANNING COMMITTEE MEETING HELD ON 16 AUGUST 2023 AT COUNCIL CHAMBER - COUNTY HALL, BYTHESEA ROAD, TROWBRIDGE, BA14 8JN.

Present:

Cllr Howard Greenman (Chairman), Cllr Tony Trotman (Vice-Chairman), Cllr Ernie Clark, Cllr Adrian Foster, Cllr Sarah Gibson, Cllr Pip Ridout, Cllr James Sheppard, Cllr Elizabeth Threlfall and Cllr Robert Yuill

Also Present:

Cllr Richard Britton, Cllr Nick Botterill and Cllr Martin Smith

47 **Apologies**

Apologies were received from Cllr Carole King.

48 **Minutes of the Previous Meeting**

The minutes of the meeting held on 25 April 2023 were presented for consideration, and it was,

Resolved:

To approve and sign as a true and correct record the minutes of the meeting held on 25 April 2023.

49 **Declarations of Interest**

In relation to agenda item 7, 20/08618/FUL - Land west of A429 (Crudwell Road), North of Malmesbury, Wilts – Cllr Elizabeth Threlfall declared two matters for the sake of transparency. These were:

- That Cllr Threlfall was a Member of the Strategic Planning Committee and was also a local division Member for the application and had called it in along with another unitary division Member.
- That the landowner for the application was the Charlton Park Estate. Every year they held a festival called the Womad festival and this was the largest event in Cllr Threlfall's division. They had gifted her two 4 day passes to the event, which had a face value of £260. However, the Cllr only attended the event for 2 hours on 2 of the days and as such the pro-rata value was thought to be less than £50. This had been recorded on the Cllr's gift register in accordance with procedure.

Cllr Threlfall stated that she had sought advice from both Democratic Services and Legal and was advised that none of the above precluded the Cllr from taking part in the debate and vote.

Cllr Threlfall confirmed that she had an open mind, with no bias and that she was not predetermined. The Cllr would listen to everything said during debate with interest and would make her decision following the debate.

50 **Chairman's Announcements**

There were no Chairman's announcements.

51 **Public Participation**

The procedures for public participation were detailed and noted.

52 **Planning Appeals and Updates**

The planning appeals update was received as set out in the agenda.

A member of the public, Francis Morland, had registered to speak to the item. The main points raised included that he believed that Wiltshire Council did have a 5 year Housing Land Supply (HLS) but was choosing not to demonstrate it. He raised issues with the methodology used by the Council to calculate the 5 year HLS. He also cited appeals which he felt should have a bearing on matters, and that many appeals for sites on windfall greenfield sites were allowed. He raised concerns that some appeals were not included in the report.

Mr Morland then highlighted the decision of the Committee on 11 January 2023 regarding 15/04736/OUT - Land south east of Trowbridge and the fact that the deadline for the S106 agreement had passed and permission had neither been granted or refused.

In response the Chairman stated that whilst he would be pleased if we had a 5 year HLS, the methodology to calculate the 5 year HLS was what it was and they had to work with it and go on the figures officers provided.

The Chairman clarified that appeals got reported to the Committee which the application had originally been to. The appeal he was concerned was missing had been reported to the Northern Area Planning Committee.

The Chairman explained that regarding the resolution for 15/04736/OUT - Land south east of Trowbridge, it had been delegated to the Head of Development Management to refuse planning permission if the S106 was not agreed. The S106 agreement involved in that application was extremely complicated and whilst the deadline had passed, a timeline had been developed that the officers expected the applicant to adhere to. At present they were adhering to that timeline, and whilst that continued to be the case, they would not refuse the permission, so the agreement was still being worked on at present.

53 **20/08618/FUL - Land west of A429 (Crudwell Road), North of Malmesbury, Wilts**

Public Participation

Peter Grubb (agent) spoke in support of the application.

Robin Aird spoke in support of the application.

Adrian Walker (Development Management Team Leader) presented a report which recommended that planning permission be granted, subject to conditions, for the installation of a solar farm comprising ground mounted solar PV panels with a generating capacity of up to 49.9MW, including mounting system, battery storage units, inverters, underground cabling, stock proof fence, CCTV, internal tracks and associated infrastructure, landscaping and environmental enhancements for a temporary period of 40 years and a permanent grid connection hub.

The officer showed the Committee the slides relating to the application, whilst explaining key details.

The site was located in open countryside North of Malmesbury. Plans of the site were shown and it was highlighted that the grid connection point was approximately 6 km away to the East, this would be connected to the solar farm by an underground cable. Access to the site would be via the A429. The site was not in a protected landscape but was close to the Cotswolds Area of Outstanding Natural Beauty (AONB) which was about 800m to the West.

The solar panels would be fixed, facing South, with a maximum height of 2.8m and an angle of 25 degrees above horizontal. Slides of how these may look on site were shown along with the grid connection point.

There was an ecological mitigation and enhancement plan for the application. This included habitat creation and enhancement of grassland. There would be a biodiversity net gain which exceeded that which was required.

The site was on agricultural land, which was mostly grade 3b or grade 4. 10% of the land was grade 3a (good quality), that equated to about 6.2 hectares. This fell below the limit which would concern Natural England. The land could still play a part agriculturally and environmentally as livestock could graze amongst the solar panels.

There would be a minor adverse effect on the landscape. The cumulative impact on visual amenity was also considered as there were several solar farms in the area, and a cumulative impact would occur when you could see two or more developments from one viewpoint. However, in this instance you could not see this site and other solar farms from the viewpoints.

Construction of the site was estimated to take 4 months, which could cause some temporary disruption.

Both the local and national planning policy context was to support renewable energy projects if the impacts were (or could be made) acceptable.

It was explained that at present solar farms covered 0.1% of the land in the UK. This would likely increase to 0.3% of the land in the UK in order to help meet the net zero targets. This was far less than the land used for farming or even for golf courses. The proposal would help to cut greenhouse gas emissions. It was also a temporary change, albeit for 40 years. There would be no adverse effect on protected species or habitat and the proposal would bring ecological enhancement through biodiversity net gain. It was therefore concluded that the benefits outweighed any limited harm and as such the application was recommended for approval.

Members of the committee then had the opportunity to ask technical questions of the officer. In response to the questions the officer explained that it was possible to graze sheep among the solar panels, but this was not a requirement. The impact assessment for the site had been undertaken with the height of 2.8m and was not found to be significant.

The biodiversity net gain had to be considered against the current Local Plan, where the requirement was 10%, and not against the draft Local Plan where the aim was 20%. The draft Local Plan carried little weight at present. The proposal exceeded the 10% required.

Contributions from the applicant to the community could not be conditioned for as they were not required, and it was not a planning consideration. The proposal for the connection cable from the site to the grid connection point was to not put it within the highway. Wherever possible it would go in the verge, however there would be occasions when it did need to cross the road.

Condition 2 was explained to the Committee; the use was for 40 years of exporting electricity. It was highlighted that the National Planning Policy Framework (NPPF) did not require applicants to demonstrate the overall need for renewable or low carbon energy.

Members of the public then had the opportunity to present their views, as detailed above.

One of the unitary division members for the application, Cllr Martin Smith (Sherston), spoke to the item. Cllr Smith highlighted some of the benefits of the scheme in that it would provide home grown electricity, improving energy security and would help to lower emissions, helping in the climate emergency. The applicants had made accommodations to avoid archaeology and to site the panels further from the road, mitigating impact on local residents. Cllr Smith felt that there should be community contributions, which it sounded like there would be from the agents statement. Cllr Smith stated that if he was on the Committee he would recommend the application for approval, and he could not see sound planning reasons for refusing the application.

Cllr Elizabeth Threlfall (Brinkworth), another unitary division Member for the application also spoke to the item. To give some background Cllr Threlfall highlighted that there was a super substation near Minety and there were already several solar farms in the area and applications for others were likely to be forthcoming. At some point the cumulative effect must be considered. The need for renewable energy was not a planning matter to be debated. So, there was a need to look at the application in question and the proposed mitigations.

Cllr Threlfall explained that the area involved was remarkably undeveloped so there were few residents who would be affected. However, it was also an unspoilt landscape next to an AONB, but the AONB had not objected. The panels had been moved further back from the roads in the proposal, but at a height of 2.8m, it was inevitable that they would still be seen, so conditions 10 and 11 regarding the hedging and maintenance of that were welcomed. The listed buildings in the wider vicinity would be largely screened from the site. It was not ideal that some of the land was grade 3a, however it was only 2 small areas. Regarding the cumulative effect there was a screen of landscaping between this site and other solar farms to help prevent interactivity. The officer had concluded that the application was not without harm but that this was outweighed by the benefits, so she looked forward to hearing the Committee's views.

The Chairman opened the item for debate and requested that the first Cllr to speak proposed a motion to debate. Cllr Adrian Foster, seconded by Cllr James Sheppard, proposed that planning permission be granted, with conditions as per the officer recommendation. Both were supportive of the application.

The Chairman stated that this was the fifth solar farm application to be considered by the Committee since April 2022. He suspected that more would come soon and knew of two in the offing. The Chairman had concerns regarding agricultural production, as whilst the site could still be used for grazing sheep, grain supply was an issue at the moment, and this had been heightened by the war in the Ukraine. However, the Chairman also understood the real need for sustainable energy and possible capacity issues with supply which could be faced in the future. He therefore felt that one should look on the application favourably.

The Chairman also gave details regarding a recent appeal that was won in Shropshire for a solar farm. This had originally been refused by Shropshire Council as the site was in an AONB and was on 95% grade 3a agricultural land. There were also existing and planned solar farms in the vicinity. Despite this, the Inspector had allowed the appeal. However, the Inspector did state that this was not blanket support for similar applications and each one had to be assessed on its own merits.

Members highlighted that the UK only produced 0.5% of the world's grain, so losing a site of this size would have little effect on the world's supply. Grass was also a good carbon sink.

Cllr Threlfall queried whether, if the Committee were minded to approve, it would be possible to amend the reason for condition 10 (regarding hard and soft landscaping), adding that it should reduce intervisibility with other solar farms. The officer stated that this would be possible. This was accepted as a friendly amendment by the proposer and seconder.

Some Members drew attention to the Natural England and the Campaign to Protect Rural England (CPRE) objections. They also highlighted that the agent had stated that yields would reduce due to climate change and as such using this agricultural land for a solar farm rather than for growing crops was counter intuitive. The sum to the local parish council was also felt to be low.

The Officer clarified that Natural England objection had been that there was no views assessment submitted with the application, however, later in the process a views assessment was submitted. The CPRE objection still stood.

Members felt the application had to be assessed on planning grounds and paragraph 158 of the NPPF was highlighted, which stated that applications should be approved if impacts were (or could be made) acceptable.

At the conclusion of the debate it was,

Resolved:

That having taken into account the environmental information, that planning permission is granted, subject to the conditions set out below:

Conditions:

1. **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. **The permission hereby granted shall be for a temporary period and shall expire 40 years from the date that electricity from the development is first exported to the electricity distribution network ('First Export Date') or no later than 45 years from the date of this decision, whichever is the soonest. Written confirmation of the First Export Date shall be provided to the Local Planning Authority no later than 1 calendar month after that First Export Date. Within 6 months of the date of expiry of this planning permission, or, if sooner, the cessation of the use of the solar panels for electricity generation purposes for a continuous period of 6 months, the solar panels together with any supporting/associated infrastructure including the inverter stations, security equipment, poles and fencing shall be removed from the land and the land restored to its former agricultural condition in accordance with a scheme of work to be submitted to,**

and approved in writing by, the local planning authority. The scheme of work, including a restoration plan and a decommissioning scheme that takes account of a recent ecological survey, shall be submitted to the local planning authority not less than six months before the removal of the installation.

REASON: In the interests of amenity and the circumstances of the use and to ensure the long-term management of landscape and ecological features retained and created by the development and in the interests of the significance of the heritage assets and their setting.

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

- SITE LOCATION PLAN 20.09_100 REV E
- SITE BLOCK PLAN – PROPOSED 20.09_301 REV F
- SITE BLOCK PLAN (DNO AREA) – PROPOSED 20.09_302 REV D
- TYPICAL BATTERY STORAGE UNIT – DETAIL
- Tree Constraints Plan - 10693 TCP 05_Bishoper Farm (1/12)
- Planning, Design and Access Statement – March 2021
- Appendix 4.2A - Outline Landscape and Ecology Management Plan – November 2022
- Archaeological Evaluation - CR1155_1 October 2022
- Transport Statement - 16423-HYD-XX-XX-RP-TP-4001-P1 – March 2021
- Flood Risk Assessment - 16467-HYD-XX-XX-RP-FR-0001 – January 2021
- Solar Photovoltaic Glint and Glare Study - 10088A
- Arboricultural Technical Note – March 2023

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

4. The development hereby approved shall be carried out in strict accordance with the following plans/reports:

- Figure 1: Ecological Mitigation and Enhancement Plan. Rev. 1. Ref: 1098-EMEP-F1 (GE Consulting, 23/03/2021).
- Tree Constraints Plan (Aspect Arboriculture, March 2023).
- Arboricultural Technical Note (Aspect Arboriculture, March 2023).
- Tree Schedule (Aspect Arboriculture, March 2023).
- Tree Protection Plan (Aspect Arboriculture, March 2023).
- Environmental Statement Volume 1: Chapter 6.0 Ecology and Nature Conservation Rev. 1. (Savills, March 2021).
- Appendix 4.3 Great Crested Newt Survey Addendum Report - 1098 – GCN – CB (GE Consulting October 2022).

- **Appendix 4.4: Bat Automated Detector Survey Addendum Report – 1098-BAT-RP (GE Consulting October 2022).**
- **Appendix 4.5 Ecological Monitoring Strategy – 1098 -EMS-RP (GE Consulting, November 2022).**

REASON: To ensure compliance with planning policy and secure the protection and mitigation for the habitats and species recorded.

- 5. No development shall commence on site until a scheme for the discharge of surface water from the site, incorporating sustainable drainage details, has been submitted to and approved in writing by the Local Planning Authority. The development shall not be first brought into use until surface water drainage has been constructed in accordance with the approved scheme.**

REASON: 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 that the development can be adequately drained.

- 6. 'No development shall commence within the area indicated by application 20/08618/FUL until:**
 - a) A written programme of archaeological investigation, which should include on-site work and off-site work such as the analysis, publishing and archiving of the results, has been submitted to and approved by the Local Planning Authority; and**
 - b) The approved programme of archaeological work has been carried out in accordance with the approved details.**

REASON: The matter is required to be agreed with the Local Planning Authority before development commences in order to enable the protection of any matters of archaeological interest.

INFORMATIVE: The work is to be carried out following the standards and guidelines for Strip, Map and Record excavations as set out by the Chartered Institute for Archaeologists (CIfA). The costs of this work are to be met by the applicant.

- 7. No development shall commence within the area indicated by application 20/08618/FUL until:**
An Archaeological Management Plan, setting out how the archaeological exclusion zones are to be scoped out of the development and then protected from impacts during the developmental and operational phases of the proposals, has been submitted to and approved by the Local Planning Authority

REASON: The matter is required to be agreed with the Local Planning Authority before development commences in order to enable the protection of any matters of archaeological interest.

INFORMATIVE: The AMP is to be prepared by qualified archaeologists following the standards and guidelines of the Chartered Institute for Archaeologists (CIfA). The costs of this work are to be borne by the applicant.

8. Prior to the commencement of works, including ground works/excavation, site clearance, vegetation clearance and boundary treatment works a Landscape and Ecology Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority. The LEMP will include long term objectives and targets, management responsibilities and maintenance schedules for each ecological feature within the development, 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: The matter is required to be agreed with the Local Planning Authority before development commences in order to ensure the long-term management of landscape and ecological features retained and created by the development, for the benefit of visual amenity and biodiversity for the lifetime of the scheme.

9. Prior to the commencement of works, including ground works/excavation, site clearance, vegetation clearance and boundary treatment works, an Ecological Construction Management Plan (EcCMP) shall be submitted to the local planning authority for approval in writing. The EcCMP shall include a marked up plan showing details of biodiversity protection zones for the main site and the sub-station/DNO site and 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 and details of physical means of protection, e.g. exclusion fencing.
 - b) Working method statements for protected/priority species, such as nesting birds and reptiles.
 - c) Mitigation strategies already agreed with the local planning authority prior to determination, such as for great crested newts, dormice or bats; this should comprise the preconstruction/construction related elements of strategies only.
 - 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.

Development shall be carried out in strict accordance with the approved EcCMP.

REASON: The matter is required to be agreed with the Local Planning Authority before development commences in order 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.

10. No development shall commence on site until a scheme of hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority, the details of which shall include:-

- location and current canopy spread of all existing trees and hedgerows on the land;
- full details of any to be retained, together with measures for their protection in the course of development;
- dimensioned stand-off distances from new development to important retained landscape features such as hedgerows and watercourses.
- a detailed planting specification and plan showing all plant species, supply and planting sizes and planting densities;
- finished levels and contours;
- means of enclosure. Security / deer proof fence layouts must not isolate existing areas of woodland or hedgerows and watercourses. The security fencing shall maintain functional green infrastructure connectivity for larger wildlife species to pass through the solar PV site.
- Location of temporary car park and storage area/s;
- other vehicle and pedestrian access and circulation areas;
- all hard and soft surfacing materials;
- minor artefacts and structures (e.g. containers, storage units, signs, lighting etc);
- proposed and existing functional services above and below ground (e.g. drainage, power, communications, cables, pipelines etc indicating lines, manholes, supports etc);

REASON: 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, in the interests of visual amenity and the character and appearance of the area, and to reduce intervisibility with other solar farms.

11. All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first operation of the development or the completion of the development whichever is the sooner, or in accordance with a schedule and timetable to be agreed in writing by the Local Planning Authority. 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.

REASON: To ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features.

11. No development shall commence on site (including any works of demolition), until a Construction MANAGEMENT Statement, together with a site plan, which shall include the following:
 1. the parking of vehicles of site operatives and visitors;
 2. loading and unloading of plant and materials;
 3. storage of plant and materials used in constructing the development;
 4. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 5. wheel washing facilities;
 6. measures to control the emission of dust and dirt during construction;
 7. a scheme for recycling/disposing of waste resulting from demolition and construction works; and
 8. measures for the protection of the natural environment.
 9. hours of construction, including deliveries;
 10. pre-condition photo survey

has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The development shall not be carried out otherwise than in accordance with the approved construction method statement without the prior written permission of the Local Planning Authority.

REASON: The matter is required to be agreed with the Local Planning Authority before development commences in order to minimise

detrimental effects to the neighbouring amenities, the amenities of the area in general, detriment to the natural environment through the risks of pollution and dangers to highway safety, during the construction phase.

13. No development, at the Solar Farm area at Crudwell Road, shall take place until the visibility splays shown on the approved plans have been provided with no obstruction to visibility at or above a height of 900mm above the nearside carriageway level. The visibility splays shall always be maintained free of obstruction thereafter.

REASON: In the interests of highway safety.

14. No development, at the Solar Farm area at Crudwell Road, shall take place until details of a consolidated and surfaced vehicle access, has been submitted to and approved in writing by the Local Planning Authority. The access shall be maintained as such thereafter.

REASON: In the interests of highway safety.

15. No development, at the Solar Farm area at Crudwell Road, shall take place until details of a consolidated and surfaced vehicle turning space for post-construction purposes has been submitted to and approved in writing by the Local Planning Authority. No part of the development shall be first brought into use until that turning space has been completed in accordance with the approved details. Such turning space shall always thereafter be retained and kept clear of obstruction.

REASON: To enable vehicles to enter and leave the site in forward gear in the interests of highway safety.

16. No development, at the Grid Connection compound, shall take place until details of the visibility splays have been submitted to and approved in writing by the Local Planning Authority. Such splay will have no obstruction to visibility at or above a height of 900mm above the nearside carriageway level, and shall thereafter be maintained free of obstruction at all times.

REASON: In the interests of highway safety.

17. No development, at the Grid Connection compound, shall take place until details of a consolidated and surfaced vehicle access has been submitted to and approved in writing by the Local Planning Authority. The access shall be maintained as such thereafter.

REASON: In the interests of highway safety.

18. No development, at the Grid Connection compound, shall take place until details of a consolidated and surfaced vehicle turning space for

post-construction purposes has been submitted to and approved in writing by the Local Planning Authority. No part of the development shall be first brought into use until that turning space has been completed in accordance with the approved details. Such turning space shall always thereafter be retained and kept clear of obstruction.

REASON: To enable vehicles to enter and leave the site in forward gear in the --interests of highway safety.

19. No construction or operational artificial lighting shall be installed at the site unless otherwise agreed in writing by the local planning authority.

No external lighting shall be installed on-site until plans showing the type of light appliance, the height and position of fitting, illumination levels and light spillage in accordance with the appropriate Environmental Zone standards set out by the Institution of Lighting Professionals in their publication "The Reduction of Obtrusive Light" Guidance Note 01/21 (reference GN01/21), have been submitted to and approved in writing by the Local Planning Authority. The approved lighting shall be installed and shall be maintained in accordance with the approved details and no additional external lighting shall be installed.

REASON: In the interests of the amenities of the area and to minimise unnecessary light spillage above and outside the development site and in the interests of conserving biodiversity.

20. Notwithstanding the details hereby approved, the finished colour for all cabins, substation containers, fencing and any other structure that forms a part of this development shall be finished in a dark green (RAL 6007) and shall be maintained as such thereafter.

REASON: In the interests of preserving the character and appearance of the area.

21. Within three months of the end of the construction phase a compliance report shall be submitted to the local planning authority. The report shall detail all works overseen by the ecologist/EcoW and all compliance checks undertaken as detailed in the Ecological Construction Management Plan by the competent person prior to, during and post-completion of construction works. Associated dates of visits to site shall be stipulated in the compliance report and photographic evidence shall be provided.

REASON: To ensure works are undertaken in strict accordance with an approved plans prior to and during construction, and that works are conducted in line with current best practice and are supervised by

a suitably licensed and competent professional ecological consultant/ECoW where necessary.

22. No construction or demolition work shall take place on Sundays or Public Holidays or outside the hours of 08:00 to 18:00 Monday to Friday and 08:00 to 13:00 on Saturdays.

REASON: Core policy 57, Ensuring high design and place shaping such that appropriate levels of amenity are achievable.

23. In the event that contamination is encountered at any time when carrying out the approved development, the Local Planning Authority must be advised of the steps that will be taken by an appropriate contractor; to deal with contamination and provide a written remedial statement to be followed by a written verification report that confirms what works that have been undertaken to render the development suitable for use.

REASON: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

Informatives:

21. Informative

- Flows from solar farm sites should be restricted to the greenfield rates and volumes for equivalent storm events for all return periods up to the 1 in 100year event.
- If a formal outfall to a watercourse / sewer is provided, any increase in discharge rates as a result of climate change shall be attenuated on site.
- It will not be acceptable for a solar farm site to increase discharge rates above greenfield rates.
- The drainage proposal take opportunities available for improving the character and quality of the area through the provision of amenity, biodiversity and climate change resilience in accordance with the National Planning Policy Guidance
- SuDS should be selected to provide source controls, and treatment / management “trains” throughout the site. Applicants should use multiple features around the site and avoid relying on single site-wide features (wherever possible) in order to provide the required levels of water quantity / quality management.

22. Informative:

The drainage strategy should discuss how the erosion risk from a sheet flow off panels will be managed in order to prevent erosion of channels over time, which could concentrate and direct surface water

runoff. It is noted that most solar farms may be largely permeable, and Section 5.2 of the FRA does state:

Whilst it is accepted that there may be a concentration of run-off from the bottom edge of the panels (albeit the likelihood of this is minimised as a result of the vertical and horizontal gaps between the panels, as shown in Figure 4), any rainwater unable to infiltrate at that point will flow across the ground between the proposed panel rows and beneath the downslope rows and infiltrate there as per the existing 'natural' situation, i.e. the same surface area will be available for infiltration compared to the pre-development situation. This arrangement will ensure that existing drainage patterns will not be altered, and therefore that flood risk is not increased off-site.

The LFA requires that overland flows will still need to be managed to prevent discharge and increase in flood risk to 3rd party land. It is anticipated that for solar farms, overland / exceedance flows will be captured and conveyed in linear features such as swales / ditches.

1. The applicant is required to submit greenfield runoff rates, to be calculated using one of two methods:
 - Flood Estimation Handbook (FEH); or
 - Institute of Hydrology Report 124 (IH124) based on Flood Studies Report (FSR)
 2. The applicant should submit calculations to demonstrate that the any SuDS features provide sufficient water quality treatment to prevent pollution of receiving watercourses / groundwater.
 3. It is noted that solar panels are not listed in the SuDS Manual – for the purposes of analysis, Solar Panels should be assessed as being like roofs. Roads should continue to be assessed as per normal, based on guidance in the CIRIA SuDS Manual.
 4. The applicant should demonstrate that NFM principles have been applied as far as reasonably practicable in accordance with CIRIA C802, in order to manage surface water runoff from the site.
 5. The application is to provide a robust land management plan which should include checklists and details of the regime for monitoring vegetation cover including frequency of visits, and set out remedial measures that could be implemented if problem areas are identified
23. Informative:
- Groundwater Protection - The site falls within a groundwater Source Protection Zone 1 (SPZ 1). This is a zone of protection surrounding a nearby drinking water borehole, which is highly vulnerable to

pollution. It therefore requires careful protection from contamination. Further information on SPZs can be found at <http://www.environment-agency.gov.uk/homeandleisure/37833.aspx> This will particularly be the case during the construction phase.

24. Informative:

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.**

25. Informative:

The application may involve the creation of a new vehicle access/dropped kerb to Oaksey Road. The consent hereby granted shall not be construed as authority to carry out works on the highway. The applicant is advised that a licence will be required from Wiltshire's Highway Authority before any works are carried out on any footway, footpath, carriageway, verge or other land forming part of the highway. Please contact our Vehicle Crossing Team on vehicleaccess@wiltshire.gov.uk and/or 01225 713352 or visit their website at <http://wiltshire.gov.uk/highways-streets> to make an application.

54 PL/2022/09532 - Land at Romsey Road, Whiteparish, Salisbury, Wilts

Public Participation

Ivor Ellis spoke in objection to the application

Hollie Sturgiss (agent) spoke in support of the application.

Matt Allsopp (applicant) spoke in support of the application.

Lynda King (Senior Planning Officer) presented a report which recommended that planning permission be granted, with conditions and subject to an S106 agreement, for an outline application (all matters reserved except external access) for residential development of up to 25 dwellings with access to Romsey Road, parking, opens space, landscaping and drainage.

Key details were stated to include the following: the application was before the Committee as it was contrary to policy, due to the site being outside the settlement boundary of the village. However, as Wiltshire Council did not currently have a demonstrable 5 year Housing Land Supply (HLS), then the application could be considered for approval.

The officer ran through the slides for the application, the site was a field on the edge of the village, although it was contained by existing properties. Hedgerows

would be reinforced, and the application would result in an improvement in biodiversity. There was a significant additional area of landscaping at the back of the site. The access points to the site were shown, a footpath would be added on the inside of the hedge boarding the site. There was an existing footpath along the outside edge of one side of the site, which was not part of the site and was not affected by it. The path inside the development would link to the existing footpath. There was a bus stop adjacent to the site and a pedestrian crossing point as the road only had a pavement along one side.

The village of Whiteparish had grown in a linear fashion over time, to the South East and West along the roads.

The application was an outline application, with all matters reserved except for access. The development would go no further south than existing surrounding development and the houses faced over open space giving a pleasant edge to the site.

The accommodation mix was detailed, 60% were 2 and 3 bedroom houses, there would also be some 1 bedroom units and some 4 bedroom units.

The parish council were generally supportive of the application; however, they would have preferred the percentage of affordable housing to be 50% rather than 40%. The officer explained that would not be policy compliant, so the amount remained at 40%. Increasing the percentage of affordable housing would also have affected the viability of the application. The proposal would bring a significant benefit to the settlement in terms of affordable housing as there had not been any development there for some time.

Few objections had been received, and the local primary school had been supportive, as they were struggling with pupil numbers which affected their viability, and the development would likely bring families with young children to the village.

Issues raised by those opposed to the application included highways safety, the speed of traffic, and that there was no footpath. The site was in a 30mph zone, close to where it changed to a 40mph zone. Highways officers had assessed the application and had no objections, subject to conditions.

The applicant had submitted a pre application and had worked to address as many of the points raised as possible. Drainage on the site had held up the application as there was a possible high risk of ground water. A flood risk assessment had been undertaken and the drainage engineers were satisfied that the strategy proposed was sound.

The site met ecological requirements. As the site was in the zone of influence for the New Forest, CIL payments would be used to mitigate any harm caused to the New Forest. The site was also in a bat buffer area and so there would be lighting conditions to minimise light pollution which could affect the bats. The site was also in the River Test catchment area and so was affected by nitrate neutrality. Therefore, the applicants would pay to enter into the Councils

mitigation scheme. The application was subject to an extensive S106 agreement.

The officer explained that the tilted balance applied to this application. Whilst it was technically contrary to policy, Wiltshire Council's 5 year HLS was stated recently at an appeal regarding an application in Holt (PL/2022/03315), to be 4.59 years, which could not be termed as a moderate shortfall, but was significant. Whilst the new Local Plan would help the situation, it would be some time before that came into effect, if approved.

The officer stated that as the application was only for 25 dwellings; related well to the settlement; had affordable housing; had support from the local primary school; had tacit support from the parish Council; and had no significant objections, it was recommended for approval on the tilted balance.

Members of the Committee then had the opportunity to ask technical questions of the officer. Details were sought on the Holt appeal decision and why our HLS was now at 4.59 years when it was at 4.7 years and whether a shortage of staff had held up the new Wiltshire Core Strategy and new Local Plan. The officer stated that there was a shortage of planning staff across the country, so the situation was not unique to Wiltshire. Spatial Planners were very specialist and there was an even greater shortage of those.

In response to a question regarding whether the mix of housing was appropriate for the area, the officer explained that housing enabling officers had assessed the application and agreed that the mix was appropriate and this would be covered in the S106 agreement.

The officer confirmed that the village was classed as a large village and that it did not have a neighbourhood plan. The concept had been lodged but not progressed. It was also confirmed that the village had a residual requirement of 42 houses in the Local Plan.

Members queried whether the Holt appeal decision cited by the officer was relevant as it only referred to the Holt application, so could not be used as a precedent. The officer stated that it was a material consideration so should be considered, and whilst each application should be considered on its own merits, this application was similar in many ways to the Holt application.

Members of the public then had the opportunity to present their views, as detailed above.

The unitary division member, Cllr Richard Britton (Alderbury & Whiteparish), spoke to the application. Cllr Britton stated that a development of 25 houses was significant in the village, and the objections to the application had been clearly described by Mr Ellis during public participation, which included that the application was contrary to the development plan, was outside of the settlement boundary and contrary to the following core policies, CP1, CP2, CP57, CP60 and CP61. Road safety and the footpaths were also highlighted as issues.

Cllr Britton felt it was significant that the parish council were not present to object, their only issue with the application stemmed from the percentage of affordable housing which they would prefer was 50% rather than 40%.

Cllr Britton took part in the Community Speed Watch in the village and was surprised by the low volume of traffic on the A road through the village.

Cllr Britton was a staunch supporter of settlement boundaries, however in this instance, due to the provision of affordable housing and the application helping to address problems at the primary school with pupil numbers, he was in support of the application and invited the Committee to support it as well.

The Chairman opened the item for debate and invited the first Member to speak to make a proposal. Cllr Tony Trotman, seconded by Cllr Sarah Gibson proposed that planning permission be granted, with conditions, subject to a successful S106, as per the officer recommendation.

Cllr Trotman stated that whilst this went against many core policies, the village needed affordable housing. As such and with the tilted balance in play due to the lack of a 5 year HLS, he felt that this small development sat well within the village even if it was outside the settlement boundary, particularly with the soft edge proposed. Hence his support for the application.

Cllr Gibson concurred, stating that the 5 year HLS figures were what they were. She was supportive of small applications by small developers as they were often much more deliverable. Cllr Gibson felt that it was a sensible application and in the right area.

Members discussed at length the issues regarding the 5 year HLS. Some Members felt that the Council had been reduced to planning by appeal. They expressed frustration and felt that the Committee's hands were tied, meaning that they could not make proper decisions on anything except solar farms and Gypsy and Traveller sites. Some questioned what the strategy was to overcome the situation.

Members also discussed some of the issues raised by the speaker in objection to the application. The public footpath went directly from the site to the school, which was good. Whilst it may have styles at present, these could be replaced in the future with gates. Others felt that the footpaths would not be used and that residents would drive to the school, increasing traffic.

Many Members felt that whilst they did not want to go against policy there were many advantages to this application.

During debate Members discussed adding and amending informatives. An informative was suggested on page 70 of the agenda, whereby the reserved matters application should broadly follow that set out on the illustrative masterplan, Members queried if this could be added. The officer confirmed that this had already been added as informative 8. Members further questioned the

use of the word broadly in that informative and requested that it be changed to 'closely'. The officer confirmed that it could.

On page 80, informative 2 regarding the Community Infrastructure Levy (CIL) stated that the development could be liable to CIL, Members queried whether this could be changed to say that it will be subject to CIL. The officer explained that the scheme was partially CIL compliant, as the affordable housing would not be subject to CIL, but the open market housing would be. It was confirmed that the parameters of CIL could not be changed by the Committee, but the wording of the informative could be altered as suggested to say 'will be subject to CIL' instead of 'could be subject to CIL'.

These amendments to the informatives were accepted as friendly amendments by the proposer and seconder of the motion.

In response to a question, it was confirmed that when the reserved matters application came in, this could be called in by the local Member if they chose to do so.

At the conclusion of the debate it was,

Resolved:

To grant planning permission, subject to the prior completion of a S106 Agreement in respect of the Heads of Terms referred to above, and subject to the following conditions:-

- 1) The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.**

REASON: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

- 2) No development shall commence on site until details of the following matters (in respect of which approval is expressly reserved) have been submitted to, and approved in writing by, the Local Planning Authority:**
The scale of the development;

The layout of the development;

The external appearance of the development;

The landscaping of the site;

The development shall be carried out in accordance with the approved details.

REASON: The application was made for outline planning permission and is granted to comply with the provisions of Section 92 of the Town and Country Planning Act 1990 and Article 5 (1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015.

- 3) An application for the approval of all of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

REASON: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.

4) **Approved plans**

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

- **Site Location Plan – drawing no. P22-1712_DE_001_A_01, received on 12 December 2022**
- **Proposed Access Arrangement- drawing no. 1294-008, received on 12 December 2022**
- **Land Use Plan- drawing no. P22-1712_DE_004_B_01, received on 12 December 2022.**

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

- 5) No development above slab level shall commence on site until the exact details and samples of the materials to be used for the external walls and roofs have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

REASON: The application contained insufficient information to enable this matter to be 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, in the interests of visual amenity and the character and appearance of the area.

- 6) No railings, fences, gates, walls, bollards and other means of enclosure development shall be erected in connection with the development hereby permitted until details of their design, external appearance and decorative finish have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in

accordance with the approved details prior to the development being.

REASON: In the interests of visual amenity and the character and appearance of the area.

7) No development shall commence on site until a scheme of hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority, the details of which shall include :-

- location and current canopy spread of all existing trees and hedgerows on the land;
- full details of any to be retained, together with measures for their protection in the course of development;
- a detailed planting specification showing all plant species, supply and planting sizes and planting densities;
- finished levels and contours;
- other vehicle and pedestrian access and circulation areas;
- all hard and soft surfacing materials;
- minor artefacts and structures (e.g. furniture, play equipment, refuse and other storage units, signs, lighting etc);
- proposed and existing functional services above and below ground (e.g. drainage, power, communications, cables, pipelines etc indicating lines, manholes, supports etc);

REASON: The application contained insufficient information to enable this matter to be 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 the protection of existing important landscape features.

8) All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first occupation of the building(s) 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. All hard landscaping shall also be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme to be agreed in writing with the Local Planning Authority.

REASON: To ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features.

9) No development shall commence within the redline boundary marked on Pegasus Group Drawing: P22-1712_DE_001_A-01, dated 09/08/2022 until:

a) A written programme of archaeological investigation, which should include on-site work and off-site work such as the analysis, publishing and archiving of the results, has been submitted to and approved in writing by the Local Planning Authority; and

b) The approved programme of archaeological work has been carried out in accordance with the approved details.

REASON: To record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible.

10) Details of the surface water drainage scheme, (including sustainable drainage details), the foul water drainage scheme and timetables for their implementation shall be submitted to the local planning authority for approval with or before the submission of reserved matters. No development shall commence until those schemes have been approved in writing by the local planning authority, and the surface water drainage scheme and the foul water drainage scheme shall then be implemented in accordance with the approved schemes and timetables, and thereafter retained.

REASON: The application contained insufficient information to enable this matter to be 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 that the development can be adequately drained.

11) 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 and details of physical means of protection, e.g. exclusion fencing.

b) Working method statements for protected/priority species, such as nesting birds and reptiles.

c) Mitigation strategies already agreed with the local planning authority

prior to determination, such as for great crested newts, dormice or bats; this should comprise the pre-construction/construction related elements of strategies only.

- 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.

Development shall be carried out in strict accordance with the approved CEMP.

The CEMP shall also address the following:-

- i. An introduction consisting of construction phase environmental management plan, definitions and abbreviations and project description and location;
- ii. A description of management responsibilities;
- iii. A description of the construction programme;
- iv. Site working hours and a named person for residents to contact;
- v. Detailed Site logistics arrangements;
- vi. Details regarding parking, deliveries, and storage;
- vii. Details regarding dust and noise mitigation;
- viii. Details of the hours of works and other measures to mitigate the impact of construction on the amenity of the area and safety of the highway network; and
- ix. Communication procedures with the LPA and local community regarding key construction issues – newsletters, fliers etc.

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, and the development is carried out in such a way as to not cause a nuisance to local residents.

- 12) Prior to the start of construction, a Landscape and Ecology Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority. The LEMP will include long term objectives and targets, management responsibilities and maintenance schedules for each ecological feature within the development, 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 the long-term management of landscape and ecological features retained and created by the development, for the benefit of visual amenity and biodiversity for the lifetime of the scheme.

- 13) No external light fixture or fitting will be installed within the application site unless details of existing and proposed new lighting have been submitted to and approved by the Local Planning Authority in writing. The submitted details will demonstrate how the proposed lighting will impact on bat habitat compared to the existing situation.

REASON: to avoid illumination of habitat used by bats.

- 14) The residential development hereby approved shall be designed to ensure it does not exceed 110 litres per person per day water consumption levels (which includes external water usage). Within 3 months of each phase being completed and the housing being brought into use, a water efficiency report certifying that this standard has been achieved shall be submitted to the local planning authority for its written approval.

REASON: To ensure compliance with the prevailing mitigation strategy for nutrient neutrality in the water catchment within which this development is located.

- 15) No development shall commence on site until visibility splays have been provided between the edge of the carriageway and a line extending from a point 2.4 metres back from the edge of the carriageway, measured along the centre line of the access, to the points on the edge of the carriageway 59 metres to the west and 59 metres to the east from the centre of the access in accordance with the approved plans (ref: 1294-008). Such splays shall thereafter be permanently maintained free from obstruction to vision above a height of 900mm above the level of the adjacent carriageway.

REASON: In the interests of highway safety.

- 16) Notwithstanding the submitted details, the proposed development shall not be occupied until means/works have been implemented to avoid private water from entering the highway.

REASON: To ensure that the highway is not inundated with private water.

- 17) No development shall commence until full construction details of the proposed 2m wide footway across the site frontage together with dropped kerbs and tactile paving, street lighting and drainage, has

been submitted to and approved by the Local Planning Authority; the footway and associated work shall be constructed in accordance with the approved details prior to first occupation of the development.

REASON: In the interests of highway safety.

18) There shall be no burning undertaken on site at any time.

REASON: In the interests of the amenities of local residents.

19) Construction hours shall be limited to 0800 to 1800 hrs Monday to Friday, 0800 to 1300 hrs Saturday and no working on Sundays or Bank Holidays.

REASON: In the interests of the amenities of local residents.

20) Prior to commencement of development an acoustic report shall be submitted to the LPA for approval in writing prior to implementation. The report shall demonstrate that the internal and external amenity standards of BS8233:2014 Guidance on sound insulation and noise reduction for buildings (or any subsequent version) and WHO Guidelines for Community Noise (1999) can be achieved within the development. The report must include full details of any scheme of mitigation required to achieve this which, if approved, must be implemented in full and maintained in that way in perpetuity.

General: In discharging this condition the applicant should engage an Acoustic Consultant. The consultant should carry out a background noise survey and noise assessment according to BS8233: 2014 (or any subsequent version) and demonstrate that internal and external noise levels will not exceed the guideline noise levels contained in Section 7.7 (table 4) of BS8233:2014. The report should also demonstrate that internal maximum noise levels in bedrooms will not normally exceed 45dB LAmax between the hours of 23:00 and 07:00.

REASON: In the interests of the amenities of local residents and the occupiers of the new dwellings.

21) No development shall commence on site until a construction management plan has been submitted to and approved in writing by the local planning authority. The plan shall include details of the measures that will be taken to reduce and manage the emission of noise, vibration and dust during the demolition and/or construction phase of the development. It shall include details of the following:

- i. The movement of construction vehicles;**
- ii. The cutting or other processing of building materials on site;**
- iii. Wheel washing and vehicle wash down facilities;**
- iv. The transportation and storage of waste and building materials;**
- v. The recycling of waste materials (if any)**

- vi. The loading and unloading of equipment and materials
- vii. The location and use of generators and temporary site accommodation
- viii. Where piling is required this must be Continuous flight auger piling wherever practicable to minimise impacts

The construction/demolition phase of the development will be carried out fully in accordance with the construction management plan at all times.

REASON: In the interests of the amenities of local residents.

- 22) Concurrent with the reserved matters application a Sustainable Energy Strategy (SES) shall be submitted for the approval in writing by the local planning authority. The SES shall set out the measures to deliver sustainable construction and climate change adaption, and include an implementation schedule and any approved infrastructure shall be provided in accordance with the approved schedule.

REASON: To ensure that the development is carried out to the prevailing sustainable construction and climate change adaption principles.

- 23) For the avoidance of doubt, the number of dwellings to be developed on the site shall not exceed 25 in number.

REASON: To ensure that the development is carried out in accordance with the principles considered at the Outline stage.

Informative Notes

- 1) This permission shall be read in conjunction with an Agreement made under Section 106 of the Town and Country Planning Act, 1990 and dated the XXXX.
- 2) The development hereby approved will be subject to the Community Infrastructure Levy. Wiltshire Council has now adopted a Community Infrastructure Levy (CIL) charging schedule. CIL is a charge that local authorities can place on new development in their area. The money generated through CIL will contribute to the funding of infrastructure to support growth.

More information and the charging schedule for CIL can be found using the following link:

<http://www.wiltshire.gov.uk/planninganddevelopment/dmcommunityinfrastructurelevy.htm>

3) The programme of archaeological work required by Condition 9 will comprise:

- i) an initial phase of exploratory archaeological investigation (a field evaluation) prior to the commencement of development to establish if there are any areas of archaeological interest that will be impacted by the proposed development
- ii) Further archaeological investigation of any areas of archaeological interest, either prior to the commencement of, or during, development
- iii) A programme of post-fieldwork assessment, analysis, reporting and publication commensurate with the significance of the archaeological results.

4) A water efficiency calculation will be needed to discharge condition 14. For guidance on how to do this and what is required, please refer to the following document: 'The Building Regulations 2010 – Sanitation, hot water safety and water efficiency', Appendix A (p36-44).

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/504207/BR_PDF_AD_G_2015_with_2016_amendments.pdf

5) There is a low risk that great crested newts may occur at the development site. Great crested newts are protected all times by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019. Planning permission for development does not provide a defence against prosecution under this legislation or substitute for the need to obtain a great crested newt mitigation licence if an offence is likely. For all construction and ground clearance works it is advised to follow advice from an independent ecologist.

6) The habitat within the proposed development site and the surrounding area is suitable for roosting, foraging and commuting bats. An increase in artificial lux levels can deter bats which could result in roost abandonment and/or the severance of key foraging areas. Artificial light at night can have a substantial adverse effect on biodiversity. Any new lighting should be for the purposes for safe access and security and 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 GN08-18 "Bats and artificial lighting in the UK", issued by the Bat Conservation Trust and Institution of Lighting Professionals.

7) The applicant will be required to enter into a S278 (Highways Act) legal agreement with Wiltshire Council for the footway work and bellmouth.

8) The layout for the Reserved Matters application shall closely follow that set out on the Illustrative Masterplan (drawing no. P22-1712_DE_003_B_01).

Note: Cllr Ernie Clark requested that the fact he abstained from the vote was recorded.

55 **Urgent Items**

There were no urgent items.

(Duration of meeting: 10.30 am - 1.05 pm)

The Officer who has produced these minutes is Tara Hunt of Democratic Services, direct line 01225 718352, e-mail tara.hunt@wiltshire.gov.uk

Press enquiries to Communications, direct line 01225 713114 or email communications@wiltshire.gov.uk

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Appendix C – Email dated 17th January 2024

Aaron Smith

From: King, Lynda <Lynda.King@wiltshire.gov.uk>
Sent: 17 January 2024 18:10
To: Aaron Smith
Subject: RE: Section 106 Agreement, Land at Romsey Road, Whiteparish - App No. PL/2022/09532 [FootAnstey-DOCUMENTS.261472.1]

Follow Up Flag: Follow up
Flag Status: Completed

Hi Aaron,

Please accept my apologies for not getting back to you before on this one, but I have been off sick for a while and am now trying to catch up.

Unfortunately for this application, it has been caught up in the events triggered by the changes to the NPPF in December, which as Officers we have been advised how to proceed on as of yesterday. Set out below is the advice we have been given in respect of currently un-determined applications, even where there is a resolution to grant at committee and a S106 is being prepared in advance of the issue of the decision.

“In December 2023 the government issued its revised National Planning Policy Framework (NPPF). For housing supply and delivery the revised NPPF contains two important amended/new paragraphs, as follows –

76. Local planning authorities are not required to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years’ worth of housing for decision making purposes if the following criteria are met:

- a) their adopted plan is less than five years old; and*
- b) that adopted plan identified at least a five year supply of specific, deliverable sites at the time that its examination concluded.*

77. In all other circumstances, local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide either a minimum of five years’ worth of housing, or a minimum of four years’ worth of housing if the provisions in paragraph 226 apply. The supply should be demonstrated against either the housing requirement set out in adopted strategic policies, or against the local housing need where the strategic policies are more than five years old. Where there has been significant under delivery of housing over the previous three years, the supply of specific deliverable sites should in addition include a buffer of 20% (moved forward from later in the plan period). National planning guidance provides further information on calculating the housing land supply, including the circumstances in which past shortfalls or oversupply can be addressed.

Paragraph 226 referred to in paragraph 77 states the following –

226. From the date of publication of this revision of the Framework, for decision-making purposes only, certain local planning authorities will only be required to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of four years’ worth of housing (with a buffer, if applicable, as set out in paragraph 77) against the housing requirement set out in adopted strategic policies, or against local housing need where the strategic policies are more than five years old, instead of a minimum of five years as set out in paragraph 77 of this Framework. This policy applies to those authorities which have an emerging local plan that has either been submitted

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

For the purposes of the revised NPPF Wiltshire Council is a 'paragraph 77 authority'; and, because Wiltshire Council has an emerging local plan that has now passed the Regulation 19 stage of the plan-making process – with both a policies map and proposed allocations towards meeting housing need – it is now only required to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of four years' worth of housing.

Current housing land supply position and consequences for the 'planning balance'

The Council's most recent Housing Land Supply Statement (published May 2023; base date April 2022) sets out the number of years supply against local housing need as 4.60 years. This figure exceeds the 4 year threshold now relevant to Wiltshire, and this means that the planning balance is now 'level' rather than 'tilted'. With a level balance full weight must be given to the strategic housing delivery policies of the Wiltshire Core Strategy (WCS) – namely Core Policies 1 (Settlement Strategy) and 2 (Delivery Strategy).

WCS Core Policy 1 addresses the Settlement Strategy and identifies four tiers of settlement – 'Principal Settlements', 'Market Towns', 'Local Service Centres', and 'Large and Small Villages'. Within the Settlement Strategy, Whiteparish is defined as a Large Village. Principal Settlements, Market Towns, Local Service Centres and Large Villages have defined limits of development. Beyond these limits is countryside. Because the application site lies beyond the limits of development, it is within the countryside.

WCS Core Policy 2 addresses the Delivery Strategy. It sets out a presumption in favour of new residential development within the Limits of Development of the settlements – including Whiteparish – and further states that housing should not be permitted outside the limits except in the few circumstances explained in the policy, none of which apply in this case. Core Policy 2 continues that the limits of development may only be altered through the identification of sites through a site allocations DPD or a neighbourhood development plan. This application site is not allocated in either the Wiltshire Core Strategy or any site allocations DPD or Neighbourhood Plan. Therefore, as the site lies outside of the limits of development (and so is in the countryside), and as none of the exception policies apply, the proposal does not accord with Core Policies 1 and 2. Proposed development which does not accord with Core Policies 1 and 2 is considered to be unsustainable in the overarching context of the Wiltshire Core Strategy and the NPPF."

On that basis the application will be referred back to the next available Strategic Planning Committee with a likely recommendation of refusal, unless material circumstances that could outweigh the presumption in favour of sustainable development which would lead to this recommendation.

I appreciate that this information will come as a significant blow to you and your client, but the Council considers that it can now demonstrate the necessary housing land supply situation without needing to rely on development outside of its defined settlement boundaries, as would be the case here.

Perhaps we could have a discussion about this when I am back in the office on Monday.

Kind regards, and apologies for having to send this email.



Appendix D – Briefing Note 24-01 on 16th January 2024

Revised National Planning Policy Framework

Briefing Note 24-01

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

Introduction

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

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

Housing Land Supply

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

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

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

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

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

Neighbourhood Plans

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

Impact on Current (Undetermined) Planning Applications

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

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

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

Impact on Current (Undetermined) Planning Appeals

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

Other Matters

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

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

Appendix

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



Appendix E – Whiteparish All Saints C o E Primary School response



Whiteparish, Salisbury, SP5 2SU. 01794 884420

admin@allsaints.wilts.sch.uk

Head Teacher: Mr Jon James

Submission to planning application:

PL/2022/09532 on behalf of Whiteparish All Saints C of E Primary School

The purpose of this submission is to highlight the impact of building 25 homes on the Romsey Road site within the school catchment area, of which 15 properties are 3 & 4 bedroom properties and therefore would be likely to be inhabited by families with school age children.

Context of the school:

Whiteparish All Saints C of E is a small village primary school which currently operates a 4 class structure: 1 x Year R class, 1 x split year 1/2 class, 1 x split Year 3/4 class & 1 x split Year 5/6 class. Operating this model leaves the school buildings with 2 empty classrooms. This class structure would allow for the school to cater for 105 pupils. There are currently 87 pupils on roll. The school currently has 18 available pupil places.

The schools' PAN (planned admission number) has been reduced from 21 to 15 to reflect falling pupil numbers and to allow for a planned sustainable curriculum model.

Work by school leadership on the strategic vulnerabilities of the school has highlighted falling pupil numbers as a key area of vulnerability. If pupil numbers were to fall below a new intake number of 10 pupils the school would no longer be able to financially sustain its current class structure. Examples from other small village schools within the Test Valley would show that if a school can no longer sustain a separate Year R provision, then a further drop in pupil numbers is likely to occur as a result of this change of structure. If a change in class structure was required then the school would also no longer be able to sustain its current level of staffing and the restructuring process would result in job losses.

The 4-year trend of pupil numbers reflects a falling in-take and forecasted pupil numbers for the catchment are predicted to remain below the school's PAN (Wiltshire LA Pupil Forecast document 2021-2022).

The table below sets out the falling number of pupils as well as the forecasted pupil numbers for the next 3 years. Predicted pupil numbers are shown in the shaded boxes.





Whiteparish, Salisbury, SP5 2SU. 01794 884420
admin@allsaints.wilts.sch.uk

Academic Year	Pupil Intake	Total number of pupils on roll	Available spaces with current class structure
2019-2020	16	106	-1 (1 over subscribed on current class model)
2020-2021	14	105	0
2021-22	12	94	11
2022-2023	11	87	18
2023-2024	5	80	25
2024-2025	16	77	28
2025-2026	13	80	25

These trends and projected pupil numbers leave the school in a very vulnerable position financially and put the school at a very high risk of not being able to maintain its current 4 class structure. Therefore, additional family housing within the school's catchment area will have a positive impact on pupil numbers and allow the school to continue to flourish at the heart of the local community. It is certainly not the case that the building of these homes would put additional stress on the school, as claimed in some objections to the planning application. It would in fact greatly benefit the school in terms of pupil numbers and sustainability moving forward.

Yours Sincerely,

Jon James

Headteacher

Amanda Jones

Chair of Governors

