

# AGENDA

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**Meeting:** Strategic Planning Committee  
**Place:** Council Chamber - County Hall, Trowbridge BA14 8JN  
**Date:** Wednesday 25 April 2018  
**Time:** 10.30 am

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Please direct any enquiries on this Agenda to Roger Bishton, of Democratic Services, County Hall, Bythesea Road, Trowbridge, direct line 01225 713035 or email [roger.bishton@wiltshire.gov.uk](mailto:roger.bishton@wiltshire.gov.uk)

Press enquiries to Communications on direct lines (01225) 713114/713115.

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## Membership:

Cllr Fleur de Rhé-Philipe (Chairman)	Cllr David Jenkins
Cllr Derek Brown OBE (Vice-Chairman)	Cllr Christopher Newbury
Cllr Clare Cape	Cllr James Sheppard
Cllr Ernie Clark	Cllr Tony Trotman
Cllr Andrew Davis	Cllr Fred Westmoreland
Cllr Stewart Dobson	

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## Substitutes:

Cllr Ian Blair-Pilling	Cllr Ruth Hopkinson
Cllr Matthew Dean	Cllr Chris Hurst
Cllr Christopher Devine	Cllr Nick Murry
Cllr Sarah Gibson	Cllr Stewart Palmen
Cllr David Halik	Cllr Graham Wright
Cllr Russell Hawker	

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**County Hall, Trowbridge**  
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## **Public Participation**

Please see the agenda list on following pages for details of deadlines for submission of questions and statements for this meeting.

For extended details on meeting procedure, submission and scope of questions and other matters, please consult [Part 4 of the council's constitution](#).

The full constitution can be found at [this link](#).

For assistance on these and other matters please contact the officer named above for details

# AGENDA

## Part I

Items to be considered when the meeting is open to the public

1 **Apologies**

To receive any apologies or substitutions for the meeting.

2 **Minutes of the Previous Meeting** (*Pages 7 - 22*)

To approve and sign as a correct record the minutes of the meeting held on 28 February 2018.

3 **Declarations of Interest**

To receive any declarations of disclosable interests or dispensations granted by the Standards Committee.

4 **Chairman's Announcements**

To receive any announcements through the Chair.

5 **Public Participation**

The Council welcomes contributions from members of the public.

Statements

Members of the public who wish to speak either in favour or against an application or any other item on this agenda are asked to register by phone, email or in person no later than 10.20am on the day of the meeting.

The rules on public participation in respect of planning applications are detailed in the Council's Planning Code of Good Practice. The Chairman will allow up to 3 speakers in favour and up to 3 speakers against an application and up to 3 speakers on any other item on this agenda. Each speaker will be given up to 3 minutes and invited to speak immediately prior to the item being considered.

Members of the public will have had the opportunity to make representations on the planning applications and to contact and lobby their local member and any other members of the planning committee prior to the meeting. Lobbying once the debate has started at the meeting is not permitted, including the circulation of new information, written or photographic which have not been verified by planning officers.

Questions

To receive any questions from members of the public or members of the Council received in accordance with the constitution which excludes, in particular, questions on non-determined planning applications.

Those wishing to ask questions are required to give notice of any such questions in writing to the officer named on the front of this agenda no later than 5pm on **Wednesday 18 April 2018** in order to be guaranteed of a written response. In order to receive a verbal response questions must be submitted no later than 5pm on **Friday 20 April 2018**. Please contact the officer named on the front of this agenda for further advice. Questions may be asked without notice if the Chairman decides that the matter is urgent.

Details of any questions received will be circulated to Committee members prior to the meeting and made available at the meeting and on the Council's website.

- 6      **16/05720/FUL: Land adjacent B4040, Minety, Wiltshire, SN16 9RQ - Change of use of land to 2 permanent Gypsy pitches including 2 day rooms, 2 mobile homes and 2 touring caravans, and associated works (Resubmission of 15/12615/FUL)**  
*(Pages 23 - 38)*

A report by the Case Officer is attached.

- 7      **15/04736/OUT: Land south east of Trowbridge - Outline planning application for mixed use development comprising: residential (up to 2,500 dwellings - Classes C3 & C2); employment (Class B1, B2, and B8); two local centres (Classes A1 - A5, D1, C2, and C3); two primary schools, one secondary school, ecological visitor facility, public open space, landscaping and associated highway works including for the 'Yarnbrook / West Ashton Relief Road' and the access junctions.** *(Pages 39 - 194)*

A report by the Case Officer is attached.

- 8      **Date of Next Meeting**

To note that the next scheduled meeting of this Committee is due to be held on Wednesday 23 May 2018 in the Council Chamber at County Hall, Trowbridge, starting at 10.30am.

- 9      **Urgent Items**

Any other items of business, which in the opinion of the Chairman, should be taken as a matter of urgency.

## **Part II**

Item during whose consideration it is recommended that the public should be excluded because of the likelihood that exempt information would be disclosed

**None**

## **STRATEGIC PLANNING COMMITTEE**

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### **MINUTES OF THE STRATEGIC PLANNING COMMITTEE MEETING HELD ON 28 FEBRUARY 2018 AT COUNCIL CHAMBER - COUNTY HALL, TROWBRIDGE BA14 8JN.**

#### **Present:**

Cllr Fleur de Rhé-Philippe (Chairman), Cllr Derek Brown OBE (Vice-Chairman), Cllr Clare Cape, Cllr Ernie Clark, Cllr Andrew Davis, Cllr Stewart Dobson, Cllr David Jenkins, Cllr James Sheppard, Cllr Tony Trotman, Cllr Fred Westmoreland and Cllr Ian Blair-Pilling (Substitute)

#### **Also Present:**

Cllr Howard Greenman

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#### **9 Apologies**

An apology was received from Councillor Christopher Newbury, who was substituted by Councillor Ian Blair-Pilling.

#### **10 Minutes of the Previous Meeting**

The minutes of the meeting held on 31 January 2018 were presented for consideration. Subject to amending the numbering to begin at One, it was,

#### **Resolved:**

**To approve and sign the minutes of the meeting held on 31 January 2018 as a true and correct record.**

#### **11 Declarations of Interest**

Councillor Derek Brown OBE declared a non-pecuniary interest in application 17/03417/OUT by virtue of his daughter working for Savills, who were acting as agents, though she did not work on the project in question. He stated he would consider the application on its merits and with an open mind.

Councillor James Sheppard declared a non-pecuniary interest in application 17/03417/OUT by virtue of having sat with the landowner in meetings of the Wiltshire National Farmers' Union. He therefore withdrew from the meeting in his capacity as a councillor and took no part in the debate or vote.

#### **12 Chairman's Announcements**

There were no announcements.

13 **Public Participation**

There were no questions or statements submitted.

14 **17/03417/OUT: Land South-East of Junction 17 of M4 Motorway, Kington Langley, Chippenham, Wiltshire - Outline Planning for the Erection of up to 1,000,000 sq ft of Class B8 (storage and distribution) Employment Space and Associated Infrastructure.**

Public Participation

Elizabeth Lawer, local resident, spoke in objection to the application.

Bill Ford, local resident, spoke in objection to the application.

Edward Buchan, local resident, spoke in objection to the application.

Geraint Jones, Planning Director at Savills, agent, spoke in support of the application.

Mark Thorne, on behalf of the developer St Modwen, spoke in support of the application.

Giles Weir, Industrial Agency Director at JLL, spoke in support of the application.

Philip Jones, Chairman of Sutton Benger Parish Council, spoke in objection to the application.

Lee Burman, Development Management Team Leader, presented a report which recommended authority be granted to the Head of Development Management to grant permission for outline planning for the erection of up to 1,000,000 sq ft of class B8 (storage and distribution) employment space and associated infrastructure, subject to conditions and the signing of a section 106 legal agreement to address highways, transport and local employment matters within six months of the date of the decision.

Key issues were stated to include the impact on the landscape, ecology, highways implications, drainage concerns as well as policy considerations in particular Core Policy 34 of the Wiltshire Core Strategy. It was stated that through conditions and legal agreements most impacts had, in the opinion of officers and statutory consultees, been sufficiently mitigated. The impact on the landscape including trees was noted, and it was stated the public benefit of the additional employment space needed to outweigh the harm.

Members of the Committee then had the opportunity to ask technical questions of the officers. The level of demand for the B8 employment space was queried, and officers stated there had been a confirmed level of demand, which was unusual at the outline planning stage. Details were also sought on how B8 usage would be ensured, and it was stated a condition was included which would require a new application were there an attempt to change the employment use of the site. Additional details were also sought on transport links to the site, indicative designs for buildings on the site and if expressions of interest from operators came from those already operating within Wiltshire or from without.

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

The local unitary division member, Councillor Howard Greenman, then spoke in objection to the application, in which he noted concerns raised by parishes and residents on traffic and drainage, and that he considered Core Policy 34's requirements had not been met sufficiently to permit the application.

A debate followed where the level of mitigation measures proposed to address the impacts of the proposal were assessed, along with discussion of the benefits of attracting business interest through a fast-growing sector such as B8 use. The location of the site was raised, and whether the wider road network in the area was suitable for the proposed use. The local plan review presently underway was also raised, and whether the application was therefore premature, and it was stated that due to its very early stage prematurity would not be regarded as a sound basis to delay determination.

At the conclusion of discussion, and on the moving of Councillor Tony Trotman, seconded by Councillor Fred Westmoreland, it was,

**Resolved:**

**To delegate authority to the Head of Development Management to grant outline planning permission, subject to the conditions as set out below and the signing of a S106 agreement within 6 months of the date of the resolution of this Committee to address the following requirements:**

- **Contributions to Identified highways works**
- **Travel Plan including Shuttle Bus Service provisions**
- **Traffic Regulation Order Contributions**
- **Local Labour Agreement**

**In the event that the parties do not agree to complete the S106 agreement within this timeframe to delegate authority to the Head of Development Management to refuse outline planning permission for the following reason:**

**The application proposal fails to provide and secure the necessary and required Services and infrastructure and community related requirements supporting the proposed employment development including Highways Improvements, Travel Plan including Shuttle Bus, Traffic Regulation Order and Local Labour Agreement and is therefore contrary to Policies CP3, CP60, CP61 & CP62 of the Wiltshire Core Strategy Adopted January 2015 and Paras 7, 14 & 17 of the National Planning Policy Framework March 2012.**

**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 a phase of the approved development until details of the following matters (in respect of which approval is expressly reserved) for that phase and the layout of estate roads and footpaths to access that phase have been submitted to, and approved in writing by, the Local Planning Authority:**

- (a) The scale of the development;**
- (b) The layout of the development;**
- (c) The external appearance of the development;**
- (d) The landscaping of the site.**

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

**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.

**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. A Landscape & Ecological Management Plan shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. This will detail all prescriptions for management of key ecological features within the site and the species they support, as set out in the agreed Landscape Strategy.**

**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 adequate protection, mitigation and compensation for protected species, priority species and priority habitats.

**5. Prior to the commencement of any development within the site, a Construction Ecological Management Plan will be submitted to and for approval by the Local Planning Authority's ecologists. Section 7.1 of the**



**Ecological Appraisal by Green Ecology should provide the basis for the content of the CEMP.**

**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 adequate protection, mitigation and compensation for protected species, priority species and priority habitats.**

**6. Prior to the earlier of either the occupation of more than 350,000 sq ft of floorspace on the site, or 5 years from the commencement of development, capacity improvements to M4 Junction 17 (mitigation works) shall have been completed in accordance with details which shall first have been agreed by the local planning authority, and generally be in accordance with the submitted sketch drawing 37813-5502-001 Rev E**

**REASON: To ensure the safe and efficient operation of the SRN i.e. M4 J17**

**7. Notwithstanding the site access arrangements submitted for approval, the site access junction, including a footway link between the roundabout and the Chippenham Pit Stop access, shall be completed in accordance with detailed drawings which shall first have been submitted to and approved by the Local Planning Authority. The roundabout junction shall be completed in accordance with a programme of works which shall first have been approved by the local planning authority; the programme of works shall specify that the site access junction shall be completed no later than 18 months after the commencement of development or prior to the first occupation of the second of the buildings hereby approved whichever is the sooner. The programme of works may provide for a temporary site construction access to the B4122, whilst the roundabout is under construction, subject to temporary access details (including wheel washing facilities on the site) having been first approved by the local planning authority. Any temporary access shall not be retained in use beyond a time when the roundabout access can be brought into use, and shall be used for no purpose other than for site construction traffic. The roadside verge affected by any temporary access shall be reinstated as soon as is reasonably practicable after the roundabout can provide safe access to the site.**

**REASON: To ensure that an adequate 4-arm roundabout is provided to serve the application site and the controlled land to the north of the B4122 before the main construction works commence, in the interests of highway safety**

**8. The internal site access infrastructure, for both motorised and non-motorised users, shall be provided in accordance with details and to a programme to be agreed prior to commencement of the development by the Local Planning Authority or as subsequently varied as to positioning**

**& location within the site and timing of provision by the written agreement of the local authority.**

**REASON: To ensure that adequate access is provided at an appropriate time to all parts of the site.**

**9. The site shall be provided with adequate parking and manoeuvring space for the forecast numbers of commercial vehicles and staff and visitor vehicles expected to use the site. The forecast numbers to be provided for shall first have been agreed with the Local Planning Authority, and the provision of parking and manoeuvring space shall be provided in accordance with a programme of works which shall also have been approved by the Local Planning Authority. Car parking shall not be provided at below the maximum provision of parking set out in the Council's adopted car parking strategy, dated March 2015. The proposal for parking and manoeuvring space shall have been agreed with the Local Planning Authority before commencement of the development.**

**REASON: In order to ensure that adequate provision is made, clear of the access roads, and at an appropriate time, for the manoeuvring and parking of operational and other vehicles using the site.**

**10. Prior to the commencement of the development a scheme shall be submitted to the Local Planning Authority setting out details of how operational goods vehicles (carrying goods received or goods delivered) in excess of 7.5 tonnes maximum authorised mass shall be restricted from using the B4122 to the east of the site access roundabout. The scheme shall fully explain how it is proposed to communicate the restrictions to all employees, contractors out-going drivers and those involved in the delivery supply chains associated with lorry traffic visiting the site.**

**REASON: In order to minimise the adverse amenity consequences for residential properties on routes to the east of the site, and to help minimise the structural damage to local roads resulting from extraordinary traffic.**

**11. Prior to the commencement of the development a construction traffic management plan (CTMP) shall have been approved by the Local Planning Authority and the site thereafter operated in accordance with the approved plan. The CTMP shall include, inter alia, details of the method to be employed to ensure that detritus from the site is not transferred to the highway, and, if so, by what means it will be removed; details of any construction traffic signing measures to direct construction traffic to the site; and, arrangements to ensure that the routing of construction traffic lorries avoids or minimises using the B4122 and other routes in the vicinity of the town centre.**

**REASON To ensure that appropriate measures are in place to effectively control the local impacts of construction traffic.**

**12. Before the commencement of the development a carriageway condition survey shall have been undertaken and a report completed for that part of the B4122 between the roundabout of the M4 motorway junction, Junction 17, and the site access roundabout. The condition survey and report shall be undertaken in accordance with a scheme and format which shall first have been agreed by the local planning authority; the results of the survey and report shall be submitted to the local planning authority and copied to the highway authority within one month of the survey and report having been completed.**

**REASON: In order that a baseline condition survey and report of the B4122 (part) can be established as a reference document to enable anticipated road damage, attributable to extraordinary traffic on the B4122 associated with the development, to be identified.**

**13. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting or amending that Order with or without modification), the site shall be used solely for purposes within Class(es) B8 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended)(or in any provisions equivalent to that class in any statutory instrument revoking or re-enacting that Order with or without modification).**

**REASON: The proposed use is acceptable but the Local Planning Authority wish to consider any future proposal for a change of use, other than a use within the same class(es), having regard to the circumstances of the case.**

**14. The B8 Storage and Distribution uses hereby permitted shall be limited to a maximum of up to 1,000,000 sq ft and shall not exceed this amount.**

**REASON: For the avoidance of doubt and in the interest of proper planning**

**15. No development shall commence on a phase of the approved development until a scheme of hard and soft landscaping for that phase and the estate roads and footpaths to access that phase have 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;
- means of enclosure;

- car park layouts;
- other vehicle and pedestrian access and circulation areas;
- all hard and soft surfacing materials;
- minor artefacts and structures (e.g. furniture, 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);
- 3 hectares of land for tree(s)/woodland planting as shown on strategic landscape plan reference A097398 LS02v1 dated 21 October 2017, of a size and species to be agreed in writing with the Local Planning Authority, shall be planted in accordance with BS3936 (Parts 1 and 4), BS4043 and BS4428

**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.

**16. No development shall commence on site until a scheme of phasing of landscaping has been approved in writing by the Local Planning Authority. All soft landscaping comprised in the approved details of landscaping pursuant to condition 2 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.

**17. No development shall commence on site until details of all earthworks have been submitted to and approved in writing by the Local Planning Authority. These details shall include the proposed grading and mounding of land areas including the levels and contours to be formed, and the nature and source of the material, showing the relationship of proposed mounding to existing vegetation and surrounding landform. The development shall not be [occupied/first brought into use] until such time as the earthworks have been carried out in accordance with the details approved under this condition.**

**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.

**18. No development shall commence on site until a landscape management plan, including long-term design objectives, management responsibilities and maintenance schedules for all landscape areas (other than small, privately owned, domestic gardens) has been submitted to and approved in writing by the Local Planning Authority. The landscape management plan shall be carried out as approved 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, to ensure the proper management of the landscaped areas in the interests of visual amenity.

**19. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting or amending that Order with or without modification), no mezzanine or other form of internal floor to create a first-floor level shall be constructed in the development hereby permitted.**

**REASON:** For the avoidance of doubt and in the interest of proper planning

**20. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting or amending that Order with or without modification), there shall be no additions / extensions / external alterations to any building forming part of the development hereby permitted and no plant or machinery shall be installed outside any such building on the site on the approved plans.**

**REASON:** In the interests of the amenity of the area and to enable the Local Planning Authority to consider individually whether planning permission should be granted for additions/extensions or external alterations, or the installation of any outdoor plant/machinery.

**21. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting or amending that Order with or without modification), the site shall be used solely for purposes within Class(es) B8 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended)(or in any provisions equivalent to that class**

in any statutory instrument revoking or re-enacting that Order with or without modification).

**REASON:** The proposed use is acceptable but the Local Planning Authority wish to consider any future proposal for a change of use, other than a use within the same class(es), having regard to the circumstances of the case.

**22.** There shall be no areas of open storage in any phase of the approved development except in accordance with a plan for that phase and specifying a maximum height of open storage within such area(s) that has been submitted to and approved in writing by the Local Planning Authority. No materials, goods, plants, machinery, equipment, finished or unfinished products/parts of any description, skips, crates, containers, waste or any other item whatsoever shall be placed, stacked, deposited or stored on the site outside the approved storage area, or above the height agreed as part of this condition.

**REASON:** In the interests of the appearance of the site and the amenities of the area.

**23.** Prior to the occupation of each building hereby permitted details of the hours of operation for each of the building shall be submitted to and approved in writing by the Local Planning Authority.

**REASON:** To ensure the creation/retention of an environment free from intrusive levels of noise and activity in the interests of the amenity of the area.

**24.** No part of the development shall be occupied until details showing ventilation and extraction equipment for that part of the development (including details of its position, appearance and details of measures to prevent noise emissions) have been submitted to and approved in writing by the Local Planning Authority, and the approved ventilation/extraction equipment has been installed in accordance with the approved details. The approved ventilation and extraction equipment shall thereafter be maintained in a serviceable condition in accordance with the approved details.

**REASON:** In the interests of the amenities of the area.

**25.** No part of the development shall be occupied until plans showing the external lighting to be installed for that part of the development and any related access and including 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 Institute of Lighting Engineers in their publication "Guidance Notes for the Reduction of Obtrusive Light" (ILE, 2005)", 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.

**26. Prior to the commencement of development an Air Quality Assessment (AQA) shall be undertaken, submitted to and agreed by the LPA. This must quantify the effect of development on existing local authority air quality monitoring locations and sensitive receptors as well as the proposed development. Subject to the outcome of any assessment propose necessary mitigation to address identified impacts also to be agreed by the Local Planning Authority. Any works which form part of the scheme approved by the Local Planning Authority shall be completed before any permitted building is first occupied, unless an alternative period is agreed in writing by the Local Planning Authority.**

**REASON:** In the interest of Air Quality, public and employee health and the amenities of the area in which the development is located.

**27. Prior to the Commencement of Development a Noise Impact Assessment shall be submitted to and agreed by the Local Planning Authority. This must quantify the effect of development on noise sensitive receptors and propose any necessary mitigation to address identified impacts. Any works which form part of the scheme approved by the Local Planning Authority shall be completed before any permitted building is first occupied, unless an alternative period is agreed in writing by the Local Planning Authority.**

**REASON:** In order to safeguard the amenities of the area in which the development is located.

**28. No development shall commence on site until a scheme for the discharge of surface water from the site (including surface water from the access/driveway), incorporating sustainable drainage details, has been submitted to and approved in writing by the Local Planning Authority. No phase of the development shall be first brought into use until surface water drainage provision serving that phase has been constructed in accordance with the approved scheme.**

**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.

**29. No development shall commence on site until details of the works for the disposal of sewerage including the point of connection to the existing public sewer have been submitted to and approved in writing by**

**the Local Planning Authority. No building shall be first occupied until the approved sewerage details have been fully implemented in accordance with the approved plans.**

**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 proposal is provided with a satisfactory means of drainage and does not increase the risk of flooding or pose a risk to public health or the environment.**

**30. Any facilities above ground for the storage of oils, fuels or chemicals shall be sited on an impervious base and surrounded by impervious walls. The volume of the bunded compound shall be at least equivalent to the capacity of the tank plus 10%. All filling points, vents, gauges and sight glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipe work shall be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets shall be detailed to discharge into the bund. The detail of any such facilities shall be submitted to and approved by the Local Planning Authority, and not be first brought into use unless they have been constructed and completed in strict accordance with the approved details.**

**REASON: To prevent pollution of the water environment**

**31. No phase of development shall commence on site until details of the proposed ground floor slab levels have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved levels 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.**

**32. No development shall commence on site (including any works of demolition), until a Construction Method Statement, which shall include the following:**

- a) the parking of vehicles of site operatives and visitors;**
- b) loading and unloading of plant and materials;**
- c) storage of plant and materials used in constructing the development;**
- d) the erection and maintenance of any security hoarding including decorative displays and facilities for public viewing, where appropriate;**
- e) wheel washing facilities;**
- f) measures to control the emission of dust and dirt during construction;**



- g) a scheme for recycling/disposing of waste resulting from demolition and construction works; and**
- h) hours of construction, including deliveries;**

has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be complied with in full throughout the construction period. The development shall not be carried out otherwise than in accordance with the approved construction method statement.

**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 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.

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

**Tree Survey 04686 08/06/2016 incorporating Drawing No. 04686 TCP  
Received 04/04/2017  
Preliminary Noise Impact Assessment Received 04/04/2017  
Preliminary Air Quality Appraisal Received 04/04/2017  
Framework Travel Plan Received 04/04/2017  
Construction Management Plan Received 04/04/2017  
Preliminary Geo-environmental Report Received 04/04/2017  
Transport Assessment 37813/5503/A including Drawing 37813/2001/710  
Received 04/04/2017  
Ecological Appraisal Ref. 0229-EA-FM 04/04/2017  
Addendum to Ecology Survey 0229-EAdd1-180717 Received 11/08/2017  
Archaeological Evaluation 11/08/2017  
Flood Risk Assessment & Drainage Strategy REV 3 as informed by  
5150100-ATK-CHI-ZZ-DR-C-0117 Rev P2 Received 11/08/2017  
2502 S001-C Received 11/08/2017  
2502 L 001-G Received 11/08/2017  
A097398 LA01 11/08/2017  
Parameters Plan 5150110-AMA-17-XX-DR-A-PR01 Rev D Received  
11/08/2017  
Illustrative Masterplan 2502 F011-L & 2502-F011-L\_colour Received  
31/10/2017  
LVIA Addendum & Appendices A097398 LA.06 – Rev B; A097398 LS01-2  
v5; A097398 LS01-1 v5 Received 31/10/2017  
A097398 LS01-2 v5 31/10/2017  
A097398 LS01-1 v5 Received 31/10/2017  
A097398 LS02 v1 Received 31/10/2017  
PBA Technical Notes TN003 & TN004 Received 11/08/2017 & 31/10/2017  
37813-2001-700-D Received 31/10/2017**

37813-2001-720-A Received 31/10/2017  
37813-2001-500-A Received 31/10/2017  
Design and Access Statement REV C 11/08/2017 & Design and Access  
Statement Addendum REV B Received 31/10/2017  
37813-5502-001 Rev E Received 18/01/2018  
37813/5502/SK08 REV B Received 07/02/2018

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

**INFORMATIVE TO APPLICANT:**

The site falls within a groundwater Source Protection Zone 2 (SPZ 2). This is a zone of protection surrounding a nearby drinking water borehole, which is vulnerable to pollution. It therefore requires careful protection from contamination. The proposed package treatment plant may require an Environmental Permit to be granted by the Environment Agency. The applicant can find further details on applying at the following link - <https://www.gov.uk/topic/environmental-management/environmental-permits>

**INFORMATIVE TO APPLICANT:**

An Environmental Permit (from the Environment Agency) will be required for the foul drainage package treatment plant. Due to the sensitive groundwater beneath the site it cannot be guaranteed that this will be granted. Further details on requirements and applying for the Permit can be found here - <https://www.gov.uk/guidance/check-if-you-need-an-environmental-permit>

**INFORMATIVE TO APPLICANT:**

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

**INFORMATIVE TO APPLICANT:**

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 [INSERT].

**INFORMATIVE TO APPLICANT:**

Please be advised that nothing in this permission shall authorise the diversion, obstruction, or stopping up of any right of way that crosses the site. You are advised to contact the PROW officer.

**INFORMATIVE TO APPLICANT:**

The applicant should note that the grant of planning permission does not include any separate permission which may be needed to erect a structure in the vicinity of a public sewer. Such permission should be

sought direct from Thames Water Utilities Ltd / Wessex Water Services Ltd. Buildings are not normally allowed within 3.0 metres of a Public Sewer although this may vary depending on the size, depth, strategic importance, available access and the ground conditions appertaining to the sewer in question.

**INFORMATIVE TO APPLICANT:**

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

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

**INFORMATIVE TO APPLICANT:**

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

**INFORMATIVE TO APPLICANT:**

The consent hereby granted shall not be construed as authority to carry out works on the highway. The applicant is advised that a license may 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.

**INFORMATIVE TO APPLICANT:**

Please note that Council offices do not have the facility to receive material samples. Please deliver material samples to site and inform the Planning Officer where they are to be found.

**INFORMATIVE TO APPLICANT:**

The applicant is requested to note the consultation response of Wessex Water particular in respect of Water Supply and potential infrastructure requirements. The consent issued should not be construed as authority to carry out any works to the service infrastructure of Wessex Water.

*Councillor Ernie Clark requested that his vote in opposition to the motion be recorded.*

15 **Date of Next Meeting**

The date of the next meeting was confirmed as 28 March 2018.

16 **Urgent Items**

There were no urgent items.

(Duration of meeting: 10.30 - 11.50 am)

The Officer who has produced these minutes is Kieran Elliott of Democratic Services,  
direct line 01225 718504, e-mail [kieran.elliott@wiltshire.gov.uk](mailto:kieran.elliott@wiltshire.gov.uk)

Press enquiries to Communications, direct line (01225) 713114/713115

## REPORT FOR STRATEGIC PLANNING COMMITTEE

<b>Date of Meeting</b>	25 <sup>th</sup> April 2018
<b>Application Number</b>	16/05720/FUL
<b>Site Address</b>	Land adjacent B4040, Minety, Wiltshire, SN16 9RQ
<b>Proposal</b>	Change of use of land to 2 permanent Gypsy pitches including 2 day rooms, 2 mobile homes and 2 touring caravans, and associated works (Resubmission of 15/12615/FUL)
<b>Applicant</b>	Mr B Coward
<b>Town/Parish Council</b>	Minety
<b>Electoral Division</b>	Minety– Cllr Berry
<b>Grid Ref</b>	403886 191233
<b>Type of application</b>	Full Planning
<b>Case Officer</b>	Mike Wilmott

### Reason for the application being considered by Committee

The reason that this application is brought before the Strategic Committee and not the Area committee is that the Inspector, when reporting on the Wiltshire Core Strategy, expressed concern about whether the Council's approach towards gypsies and travellers was consistent with national policy. National policy requires Council's to plan positively for traveller sites. In its response to the Inspector's concerns, the Council has committed to considering planning applications for new traveller sites as a strategic issue rather than a local issue. This proposal would increase the number of pitches available for travellers and is therefore before the Strategic Committee.

The application was called to committee by the local member on the grounds that the Council are above our Gypsy and Traveller allocation and thus will be development on green fields with no perceived need due to under use elsewhere.

### 1. Purpose of Report

The purpose of the report is to assess the merits of the proposals against the policies of the development plan and other material considerations and to consider the recommendation that planning permission should be **GRANTED** subject to conditions.

### 2. Report Summary

The key issues in considering the applications are as follows:

- Principle of the development.
- Impact on character and appearance of the area.

- Flooding and drainage
- Highway matters
- Residential amenity

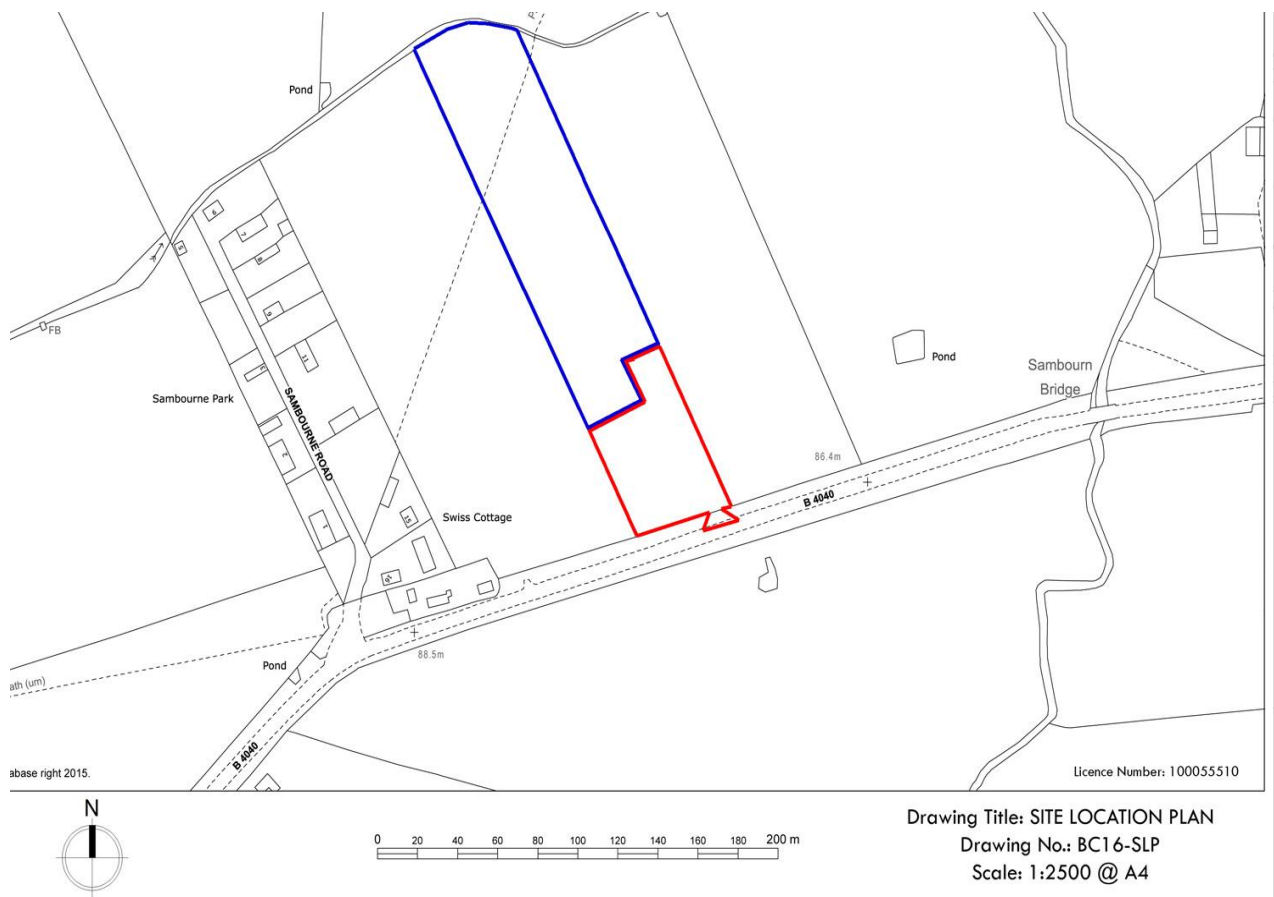
Minety Parish Council object to the proposed development. 14 letters of objection have been received.

### 3. Site Description

The application site is a 0.35 hectare parcel of Grade 4 agricultural land situated within a 1.22 hectare field located north of the B4040 circa. 1 mile east of Minety. The gently sloping site is bounded by mature hedges along its southern, western and eastern boundaries, and by a public right of way to the north.

There is an existing gated entrance onto the B4040. Approximately 100 metres to the west of the site is Sambourne Park, a 16 pitch Traveller site granted planning permission on appeal on the 3rd October 2008

The nearest residential property, Swiss Cottage, is also approximately 100 metres from the site, and is well shielded visually from the site. The proposed development falls within Flood Zone 1 and within the open countryside.



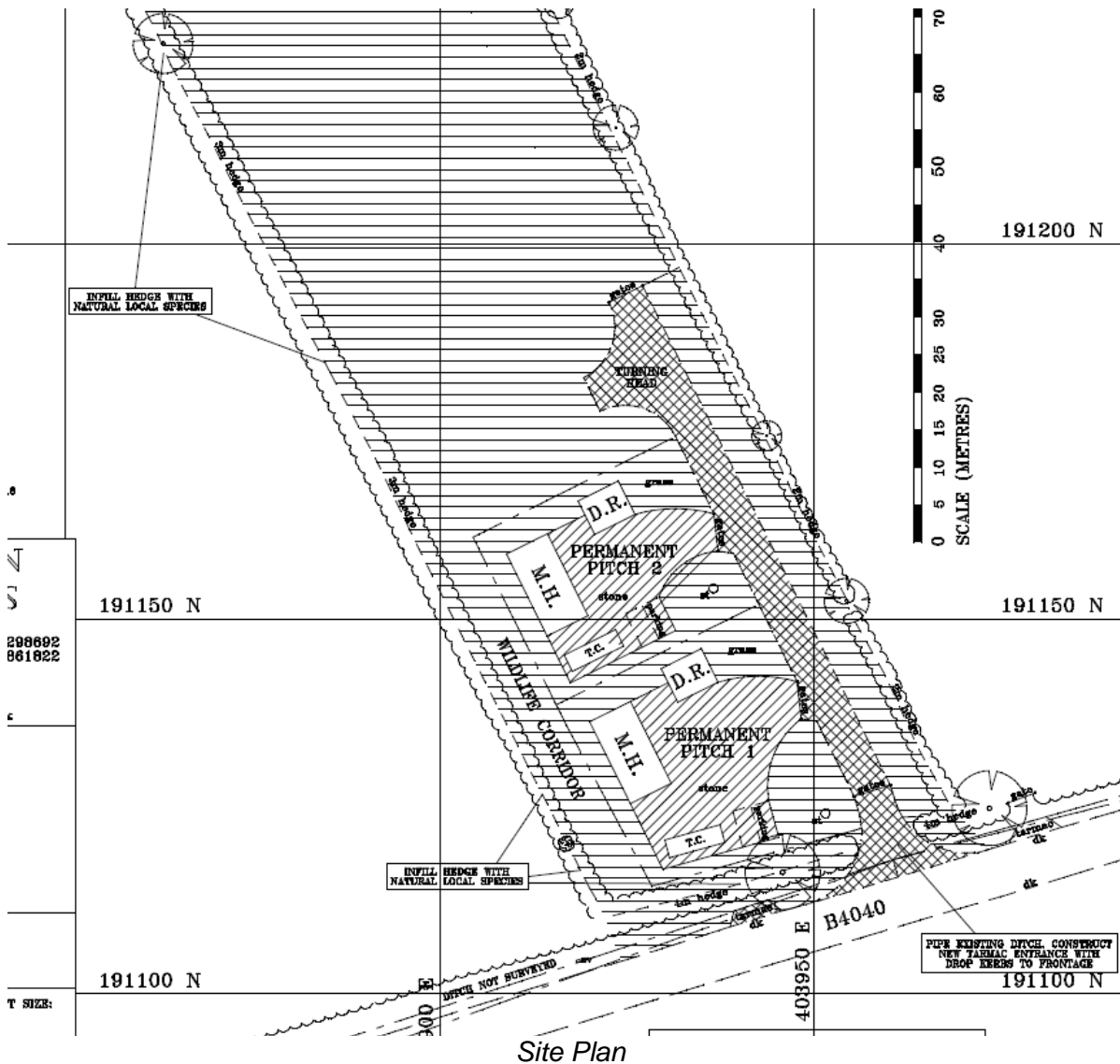
*Site Location*

### 4. Planning History

15/12615/FUL Change of Use of Land to 2 Permanent Gypsy pitches including 2 Day rooms, 2 Mobile Homes and 2 Touring Caravans, and Associated Works-  
**APPLICATION WITHDRAWN**

**5. The Proposal**

The proposal is for 2 permanent Gypsy and Traveller pitches, which will be used by the applicant and his family and will each comprise a day room, mobile home, touring caravan, allocation for parking, and a sealed septic tank. Allowance has been made for vehicle movement and turning.



**6. Local Planning Policy**

Wiltshire Core Strategy (Adopted Jan 2015):

- Core Policy 1- Settlement Strategy
- Core Policy 2- Delivery Strategy
- Core Policy 47- Meeting the Needs of Gypsies and Travellers
- Core Policy 50- Biodiversity and Geodiversity
- Core Policy 51- Landscape
- Core Policy 57- Ensuring high quality design and place shaping

Core Policy 61- Transport and Development  
Core Policy 62- Development impacts on the transport network

Saved Policies of the North Wiltshire Local Plan 2011:

NE18- Noise and Pollution  
T5- Safeguarding

National Planning Policy Framework 2012 (NPPF):

Paragraphs- 7, 14 & 17

Chapter 1- Building a strong, competitive economy (Paragraphs 18 & 19)

Chapter 7- Requiring Good Design (Paragraphs 56, 57, 60, 61, & 64)

Chapter 11- Conserving and enhancing the natural environment (Paragraphs 109, 112, 118 & 123)

Planning Policy for Traveller Sites (PPTS) – DCLG 2015

## **7. Summary of consultation responses**

Minety Parish Council: Object for the following reasons:

- previously approved site, less than 200 yards away from the proposed site, is under used by nearly 70%,
- lack of a need.
- The site is outside the building line of the village and would not obtain normal residential permission as the building would be on agricultural land in a rural setting.
- The infrastructure of the region would be unsustainable and it was noted that the application proposed the use of soakaways on area that is a flood zone”.

Wiltshire Council Highways: No objection.

Wiltshire Council Public Protection: No objection.

Wiltshire Council Rights of Way: No objection.

Environment Agency: No objection.

Wiltshire Council Drainage: No objection subject to conditions.

## **8. Publicity**

The application was advertised by neighbour letter and site notice. 14 letters of objection were received, raising the following issues:

- The land is well outside the planning boundary for Minety
- It's the start of a second caravan site, that will continue to expand
- Using the public footpaths in the area is already very awkward. This site will not help the situation, especially when it expands
- Another entrance onto the B4090 not in a great place. There will be some increase in traffic between the two sites



- Too many pitches already
- Still does not address any flooding issues or foul drainage treatment.
- Can't see any difference to the previous applications

## **9. Planning Considerations**

### 9.1 Principle of Development

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.

In this case, the Wiltshire Core Strategy, including those policies of the North Wiltshire Local Plan saved in the WCS, forms the relevant development plan for the area.

The Council had previously published its intention to prepare a Gypsy and Traveller DPD and a new Gypsy and Traveller Accommodation Assessment (GTAA) has been prepared in accordance with the commitment in the Wiltshire Core Strategy under paragraph 6.56. However, the production of future Gypsy and Traveller policies will now form part of the forthcoming Wiltshire Local Plan (Core Strategy Review), the preparation of which is in its early stages.

The National Planning Policy Framework (NPPF), Planning Practice Guidance (PPG) & Planning Policy for Traveller Sites (PPTS) are material considerations which can be accorded substantial weight.

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.

### 9.2 Status of the Applicant

The applicant's Agent has confirmed that the applicant and their family satisfy the definition of a gypsy or traveller as set out in Annex 1 the PPTS.

The application seeks a general Gypsy and Traveller permission rather than a personal one. Nevertheless, it is envisaged that the site would be occupied by members of the applicants' family, all of whom are Gypsies.

The Council has no other evidence to contradict the statement as presented and members of the public, in their representations, support the agent's statement that the applicant satisfies the definition of a gypsy or traveller. On balance it is considered that the information in this instance is acceptable to allow the LPA to conclude that the application is associated with a gypsy or traveller.

Moreover, planning permission runs with the land and not the applicant. A condition is proposed to ensure that the Council retains control so that any future occupiers satisfy the definition of a traveller as set out in national policy. The proposal therefore accords with the PPTS in this respect.

### 9.3 Assessment of Need

The WCS explains that “*provision should be made to help meet the accommodation needs of all of Wiltshire’s communities, including the Gypsy and Traveller community and travelling show people, who normally reside in or travel through the county*”. In March 2012 the government published the National Planning Policy Framework. ‘Planning Policy for Travellers Sites’ was published in August 2015.

In terms of overall need Core Policy 47 in the WCS states that in the North and West Housing Market Area for the period 2016-21, 22 additional pitches are required. The Council’s monitoring data suggests that as of May 2017, this need has already been met through grant of permissions.

PPTS also provides in paragraph 10 that authorities should identify and update annually, a supply of specific deliverable sites sufficient to provide five years’ worth of sites against their locally set targets. At this stage no development plan exists which allocates sites for travellers in Wiltshire.

The Core Strategy Inspector advised that the WCS numbers should be treated as a minimum in the absence of a DPD. In addition, PPTS paragraph 11 is clear that criteria based policies should guide proposals where there is no overall need but proposals nevertheless come forward.

The Council’s criteria based policy is CP47. There is still a requirement for the application to accord with the terms of this policy and this is addressed in detail below.

### 9.4 Wiltshire Core Strategy Policy 47

This states that Proposals for new Gypsy and Traveller pitches or Travelling Show people plots/yards will only be granted where there is no conflict with other planning policies and where no barrier to development exists. New development should be situated in sustainable locations, with preference generally given to previously developed land or a vacant or derelict site in need of renewal. Where proposals satisfy the general criteria listed as i-ix, applications will be considered favourably:

- I. No significant barriers to development exist in terms of flooding, poor drainage, poor ground stability or proximity to other hazardous land or installation where conventional housing would not be suitable
- II. The site is served by a safe and convenient vehicular and pedestrian access.
- III. The site can be properly serviced and is supplied with essential services
- IV. The site is large enough to provide adequate vehicle parking
- V. It is located in or near to existing settlements within reasonable distance of a range of local services and community facilities.
- VI. The site will not have an unacceptable impact on the character and appearance of the landscape and the amenity of neighbouring properties
- VII. The site offers adequate levels of privacy
- VIII. The development is of an appropriate scale with regards to the character of its surroundings
- IX. The site should not compromise a nationally or internationally recognised designation nor have the potential for adverse effects on river quality, biodiversity or archaeology

The criteria referred to above are discussed in more detail below.

*Drainage & Stability (I)*

The application seeks consent for a G&T site, with the application suggesting that foul water would drain to a septic tank and surface water to soakaway. Concerns have been raised by local residents in relation to foul water disposal on the existing site.

Whilst the precise details of foul and surface water disposal have not been provided within the submission, following the initial concerns of the Council's Drainage Engineer, additional information and assurances in respect of flood risk and foul/surface water management has been provided (letter from SLR, dated 14<sup>th</sup> February). The Drainage Engineer has considered that additional information and confirmed their general satisfaction with the proposal. In particular, the applicant has also re-confirmed that the day room The Mobile Home and Dayroom on Pitch 2 are both in FZ1 and well above the modelled 0.1% (1 in 1,000) AEP flood level.

It is considered that the precise details of the foul and surface water system can be adequately controlled through the use of planning conditions.

The Environment Agency has raised no objection to the revised Flood Risk Assessment subject to the imposition of a planning condition which compels development to be carried out in accordance with the updated FRA. The standard condition which specifies which plan are approved performs as such.

#### *Access and Highways (II & IV)*

An increase in the number of pitches on this road and an additional access will certainly increase vehicle movements along this road, although the amount of traffic generated by two pitches will be limited. The Council's Highway Engineer considers that the additional vehicle movements generated by this application would not result in an adverse impact on highway safety. Consequently, no highway objection is raised subject to conditions. The site provides sufficient space and facility for onsite vehicle parking and manoeuvring for residential purposes.

#### *Essential Services (III)*

The applicant has confirmed that the site can be serviced by mains water and electricity. A phone line could be provided but a mobile phone could be used for both telephone and internet connection. A package sewage treatment unit would be provided for foul sewage. The site can therefore be properly serviced/supplied with essential services. The development is in accordance with criteria III.

#### *Sustainability (V)*

The site lies in close proximity to Minety which is defined as a large village in the Wiltshire Core Strategy offers a range of services.

The principle of siting Gypsy and Traveller developments outside the defined limits of development is accepted and well established, and in accordance with the PPTS. Policy C, paragraph 12 of the PPTS makes it clear that traveller sites in the countryside may be permissible subject to their scale and ensuring that they do not dominate the nearest settled community.

It is recognised that the PPTS goes on to advise that "*local planning authorities should strictly limit new traveller site development in open countryside that is away from existing settlements or outside areas allocated in the development plan*".

As set out above the site is in relatively close proximity to the village, furthermore, Core Policy 47 does not require new Gypsy and Traveller development to be located within the limits of development but to be located in or near to existing settlements within reasonable distance of a range of local services and community facilities.

For the reasons given above it is considered that the site would provide an appropriate site for a gypsy and traveller site with regard to its sustainability credentials.

#### *Impact on the character and appearance of the locality (VI & VIII)*

The site layout ensures the retention of numerous large trees and mature landscaping towards the fringes of the site. This is considered to provide some site screening and mitigation of the visual impact of development. The proposal includes soft landscaping in terms of grassed areas as part of the site layout. The test applied by the Inspector on the adjacent site was not whether there would be any harm, but whether the proposal would have an *unacceptable* impact on the character and appearance of the area. He considered that the harm was of a limited extent, tempered by the fact that the site was not readily visible from the majority of public areas and that the site was not subject to any special designations (AONB etc). Given the fact that Government policy allows for such sites to be located in rural locations, it is considered that the harm created is not unacceptable.

The proposals are considered to be laid out in an acceptable manner and the plans ensure that the site licensing minimum layout requirements are met.

As such, it is not considered that the pitches, including the standard residential caravan and touring caravan, represent significant over development of the site in visual impact terms. Given the material consideration supporting the proposals in principle it is not considered that the visual impact and impact on the character and appearance of the locality would warrant a refusal. When applying the criteria used by Inspectors in relation to landscape impact, it is not considered that the harm that this development in this location creates is unacceptable. The proposal is considered to accord with this criteria of policy CP47.

#### *Impact on Residential Amenities (VII)*

Given the site layout and location of the development and position of the caravans within the site it is considered that the proposal would not result in any significant harm to existing residential amenities in the locality through noise disturbance, overlooking and loss of privacy, loss of day light or overbearing impact. Similarly it is not considered that the increased use of the access would be so significant as to result in harm to residential amenities through disturbance.

It is considered that the proposed layout provides for a sufficient level of residential amenity for future occupants of the site especially in the context of the family relationships between existing and future occupiers. Such occupancy to family members will be restricted by condition to ensure that this situation remains acceptable in residential amenity terms.

Given the proposed layout and the acceptable level of residential amenity for future and existing occupants and neighbours, it is not considered that the proposed level of development is too intensive for the site circumstances and does represent an acceptable level of development. The proposal is considered to accord with CP47 of the Core Strategy.

#### *River Quality, Biodiversity or Archaeology (IX)*

The site is not located within an archaeologically sensitive area and no concerns are raised in relation to the development in relation to this matter.

Though some compensatory mitigation measures will be required to offset the loss of vegetation it is considered that this can be controlled by condition. The applicant, within the supporting statements and submitted plans indicates that additional planting is proposed. Subject to a suitably worded planning condition relating to landscaping no objection is raised.

## **10. Conclusion**

The proposal seeks permission for a two gypsy and traveller pitches. The applicant meets the definition of a traveller as set out in the PPTS. The adopted WCS outlines that there is a requirement for pitches within the North and West HMA, albeit that the proposed Gypsy and traveller DPD foreseen in the WCS has been rolled into the preparation of the Wiltshire Local Plan to identify what sites may be needed going forward. In the interim, the proposal falls to be considered against the criteria set out in WCS Core Policy 47 and national policy in the PPTS.

The principle of the development at this location is considered acceptable when measured against the criteria in policy CP47. The site is considered to be within reasonable distance of a range of local services and community facilities with no adverse ecological or environmental impacts have been identified. Any landscape impact in this location is limited and the harm is not unacceptable. Precise method of foul and surface water disposal can be adequately controlled through planning condition.

The increased use of the existing access together with the generation of additional traffic movements, resulting from the proposed development, would not be prejudicial to road safety. The proposal is therefore considered to be in accordance with both local and national planning policies and guidance that relate to planning for gypsy and traveller sites.

### **RECOMMENDATION:**

**Planning Permission should be GRANTED subject to the following 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 development hereby permitted shall be carried out in accordance with the following approved plans:

Flood Risk Assessment (ref: 407.05774.00001, version 2,V.2) SLR (dated September 2017)  
SLR letter (dated 14<sup>th</sup> February 2018)  
1553/02D  
1553/04  
1553/03B  
BC16-SLP

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

- 3 No development shall commence on site until the exact details and samples of the materials to be used for the external walls and roofs of the 'Day Room' 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.

- 4 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.

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.

- 5 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.

- 6 The development hereby permitted shall not be occupied until the first five metres of the access, measured from the edge of the carriageway, has been consolidated and surfaced (not loose stone or gravel). The access shall be maintained as such thereafter.

REASON: In the interests of highway safety.

- 7 No development shall commence on site until a scheme for the discharge of surface water from the site (including surface water from the access/driveway), incorporating sustainable drainage details, has been submitted to and approved in writing by the Local Planning Authority. The development shall not be first occupied until surface water drainage has been constructed in accordance with the approved scheme.

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.

- 8 No development shall commence on site until details of the works for the disposal of foul water from the site has been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be first occupied until the approved foul water drainage details have been fully implemented in accordance with the approved plans.

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 proposal is provided with a satisfactory means of drainage and does not increase the risk of flooding or pose a risk to public health or the environment.

- 9 The site shall not be permanently occupied by persons other than gypsies and travellers as defined in Annex 1 of Planning policy for traveller sites, August 2015.

REASON: Planning permission has only been granted on the basis of a demonstrated unmet need for accommodation for gypsies and travellers and it is therefore necessary to keep the site available to meet that need.

- 10 Occupation and use of the Mobile home and touring caravan hereby permitted for each pitch shall be limited solely to and by close family members of the occupants of that pitch. Close family members defined as dependents, sons, daughters and grandchildren.

REASON: In the interests of residential amenity.

- 11 There shall be no more than two (2) permanent pitches on the application site.

REASON: In the interests of visual amenity and the amenity of occupants of the site.

- 12 No more than one (1) commercial vehicle shall be kept on each pitch for use by the occupiers of the individual caravan hereby permitted, and each vehicle shall not exceed 3.5 tonnes in weight and no commercial activity or use, including the storage of materials and waste, shall be carried out on the site.

REASON: In the interests of residential amenity, highway safety and the character of the countryside.

- 13 There shall be no more than two (2) caravans as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 on each pitch hereby approved, of which no more than one (1) shall be a static caravan or mobile home and no more than one (1) shall be a touring caravan, shall be stationed on each pitch at any time.

REASON: It is important for the local planning authority to retain control over the number of caravans on the site in order to safeguard interests of visual and residential amenity in accordance with CP47 of the Wiltshire Core Strategy 2015.

**INFORMATIVE TO APPLICANT:**

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

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

**INFORMATIVE TO APPLICANT:**

Please note that Council offices do not have the facility to receive material samples. Please deliver material samples to site and inform the Planning Officer where they are to be found.

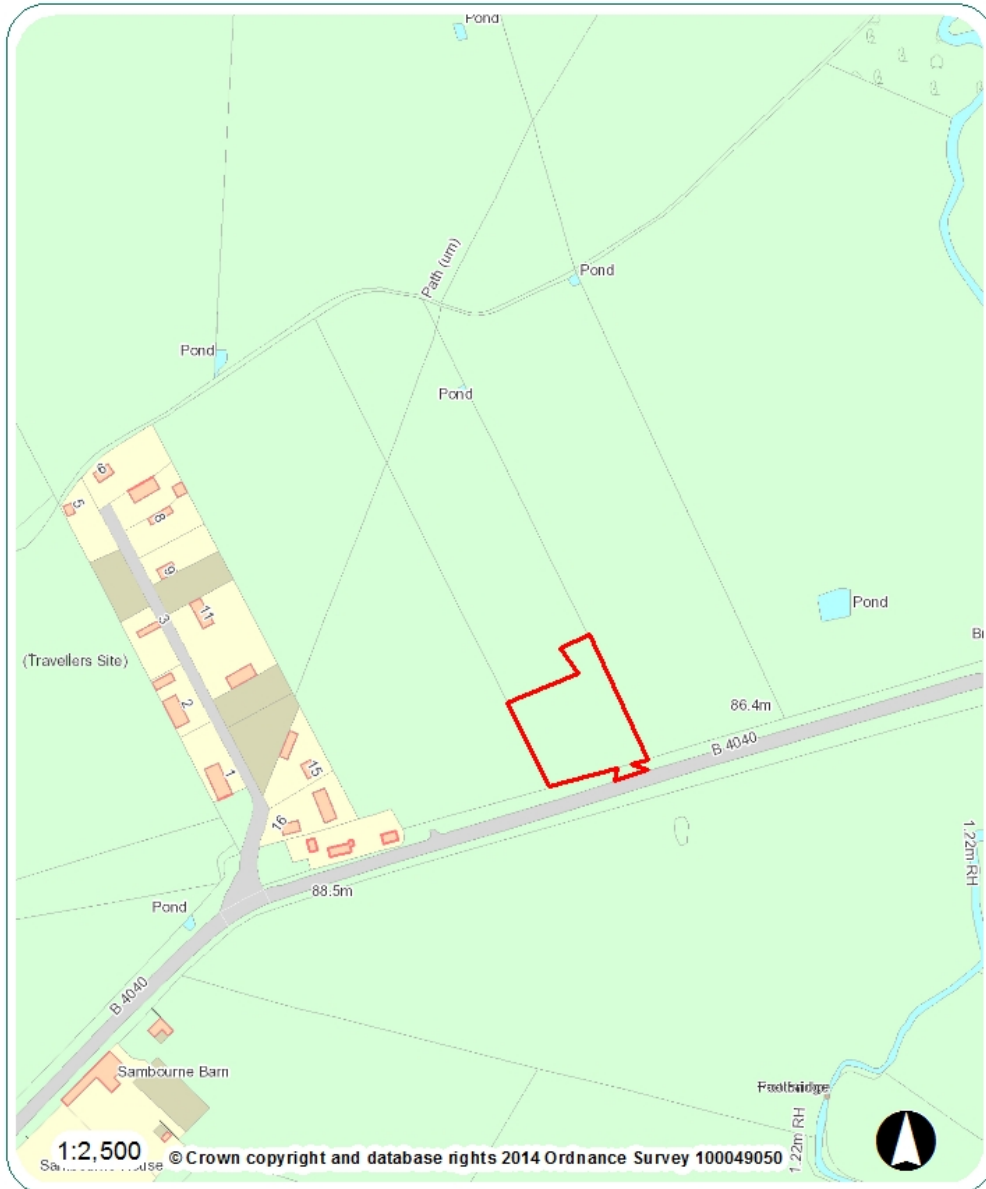
**INFORMATIVE TO APPLICANT:**

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





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## REPORT FOR STRATEGIC PLANNING COMMITTEE

<b>Date of Meeting</b>	25 April 2018
<b>Application Number</b>	15/04736/OUT
<b>Site Address</b>	Land south east of Trowbridge
<b>Proposal</b>	Outline planning application for mixed use development comprising: residential (up to 2,500 dwellings - Classes C3 & C2); employment (Class B1, B2, and B8); two local centres (Classes A1 - A5, D1, C2, and C3); two primary schools, one secondary school, ecological visitor facility, public open space, landscaping and associated highway works including for the 'Yarnbrook / West Ashton Relief Road' and the access junctions.
<b>Applicant</b>	Ashton Park Trowbridge Ltd & Persimmon Homes Ltd
<b>Town/Parish Councils</b>	NORTH BRADLEY / TROWBRIDGE / WEST ASHTON
<b>Electoral Divisions</b>	SOUTHWICK – Cllr Horace Prickett TROWBRIDGE PAXCROFT – Cllr Steve Oldrieve
<b>Grid Ref</b>	386358 157356
<b>Type of application</b>	Outline
<b>Case Officer</b>	Andrew Guest

### Reason for the application being considered by Committee

The application is before the Committee because the proposal is a strategic development on a site allocated in the Wiltshire Core Strategy, is of a significant scale and is potentially supported by public funding. As such, the Head of Development Management considers that it should be decided by the Committee and not dealt with under delegated powers. The development has impacts on matters of acknowledged importance including ecology, landscape, highway safety, heritage assets, air quality, etc.. These are set out in the report.

### 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, subject to the Environment Agency removing its holding objection, the application be approved subject to –

- the applicant entering into a 'Section 106' agreement with Wiltshire Council; and
- Wiltshire Wildlife Trust entering into a legal agreement with Wiltshire Council to ensure that the impact of the development on land owned, and to be owned, by the Trust is satisfactorily mitigated through an agreed Management Plan for Green Lane and Biss Woods.

## 2. Report Summary

This is an outline planning application with all matters reserved except accesses. For the purposes of this application the 'accesses' include specific points of access to the site *and* the entire proposed Yarnbrook / West Ashton Relief Road (YWARR) and associated works (as shown on the Overview Highways plans nos. P480/106F and P480/107E). It follows that full details of the YWARR accompany the application.

The proposal is 'EIA development', and so the application is accompanied by an Environmental Statement.

The application proposes to erect up to 2,500 dwellings on 57.4 ha of the site and employment development on 13.6 ha. It also proposes two primary schools (1.85 ha each) and a secondary school (5.3 ha) and two local centres (1 ha and 0.2 ha), and public open space (to include formal sports pitches (6.35 ha), 'destination play' (1.2 ha), equipped children's play space (0.8 ha), 'major open space' and 'country park' (including an 'ecological visitors facility') (44.4 ha), other natural and semi-natural open spaces (14.4ha), and allotments (0.9 ha)). All matters are reserved except access to the site and the YWARR.

The proposed YWARR comprises a new approx. 1.8km section for the A350, notably by-passing the existing West Ashton traffic-signal controlled crossroads. Wiltshire Council has a broad objective to improve the A350 strategic road corridor through Wiltshire. Consequently the Core Strategy includes a requirement for the new strategic growth at South East Trowbridge to facilitate delivery of strategic improvements to the A350, particularly at Yarnbrook and West Ashton where the existing junction arrangements are over capacity. The related emerging Trowbridge Transport Strategy includes the following objective –

*To maintain and, where feasible, improve the performance of the A350 strategic road corridor.*

The application has been publicised by way of site notices, press advert and neighbour notifications.

The site lies within the local parish/town council areas of North Bradley, Trowbridge and West Ashton. North Bradley PC raises no objections, subject to comments. Trowbridge TC raises no objections, subject to conditions. West Ashton PC makes various comments.

Twenty-nine interested parties have made representations, include CPRE, RSPB and The Woodland Trust. Of these 23 are objections and 4 are in support; the remainder make comments.

It is considered that as a matter of principle the proposal complies with the Core Strategy – and, specifically, its Settlement and Delivery Strategies, and the Strategy for the Trowbridge Community Area and its related 'development template' for the Ashton Park Urban Extension (APUE). It is further considered that the application demonstrates that matters of acknowledged importance – including ecology, highway safety, heritage, drainage, air quality, amenity and infrastructure requirements – have all been properly taken into account, and that the proposal adequately accommodates these and/or provides sufficient mitigation.

In terms of the environmental impact assessment, all necessary information has been provided in the Environmental Statement accompanying the planning application, which has allowed environmental effects to be fully and properly assessed. The application was submitted in May 2015 and has since been the subject of detailed improvement, concluding in September 2017 with the submission of a revised master plan and highways plans (and associated additional information). The primary reason for the revisions was to satisfy due

process under the Habitat Regulations with regards to the potential impact of the development on the Bath & Bradford-on-Avon Special Area of Conservation (SAC), and in particular the Bechstein's Bat population within the environs of the application site.

A principal change to the originally submitted master plan has been to relocate the proposed employment land from the western edge of the application site to east of West Ashton Road. This is to create a physical / non-residential barrier with Biss Wood, and so reduce recreational pressure on the Wood from new housing. The other principal change relates to the provision of 'bat underpasses' along a section of the proposed relief road to retain bat flight paths, with a consequent change in vertical alignment of the road by up to c. 4 metres with associated works. To accompany these amendments an Environmental Statement 'Addendum' has been provided which comprehensively assesses the revised Parameter Plans and the additional information provided in respect of highways and drainage modelling. In this report the addendum document is referred to as the 'Environmental Statement' or the 'ES'.

The application is recommended for approval subject to a holding objection from the Environment Agency being lifted, and legal agreements and conditions.

### **3. Site Description**

The application site covers approximately 177 ha of mainly open farmland located to the south-east side of Trowbridge.

In broad terms the larger part of the application site is bound by the Westbury-Trowbridge railway line to its west side (between Yarnbrook and Lower Studley) with the White Horse Business Park beyond; residential development (at Drynham Lane, Lower Studley and Longfield) and/or a tributary of the River Biss and the related 'green link' to its north-west side; the West Ashton Road and Leap Gate road to its north side; part of the Green Lane Nature Park (with the recent Leap Gate residential development beyond) to its north-east side; Biss Wood to its east side; and the River Biss (between approx. West Ashton Road and Yarnbrook) to its south-east side.

The site also includes further land to the south-east of Biss Wood and the River Biss, and an approx. 2km section of the A350 (between Long's Park Castle and Yarnbrook), these areas relating to the A350 'relief road' elements of the proposal.

Outside of the application site, but entirely encompassed by it, is Biss Farm (on West Ashton Road) comprising a small group of mainly residential properties and farm buildings. Also outside of the site are areas of land and properties between the A350, the proposed relief road route and the River Biss, these including parts of the Yarnbrook settlement itself and Ashton Hill Farm yard (accessed from the A350), and Lower Biss Farm yard and Larkrise Community Farm (on West Ashton Road).

Within the site is an approx. 2.6 km length of the River Biss and some related tributaries, drains and floodplains. The River Biss and its related corridor have the effect of dividing the main part of the site into two parts – referred to in this report as the 'east side' and the 'west side' of the river. Also within the site are various rights of way – NBRA9, NBRA1, NBRA11/WASH8, NBRA44/WASH20 and WASH16/TROW125. Overhead power lines and related pylons cross part of the site.

In terms of levels, the larger part of the site is more or less flat although with a very gentle fall from the east and west sides towards the River Biss corridor and/or its tributaries, and local undulation. On the south-east side ground levels rise more noticeably towards West

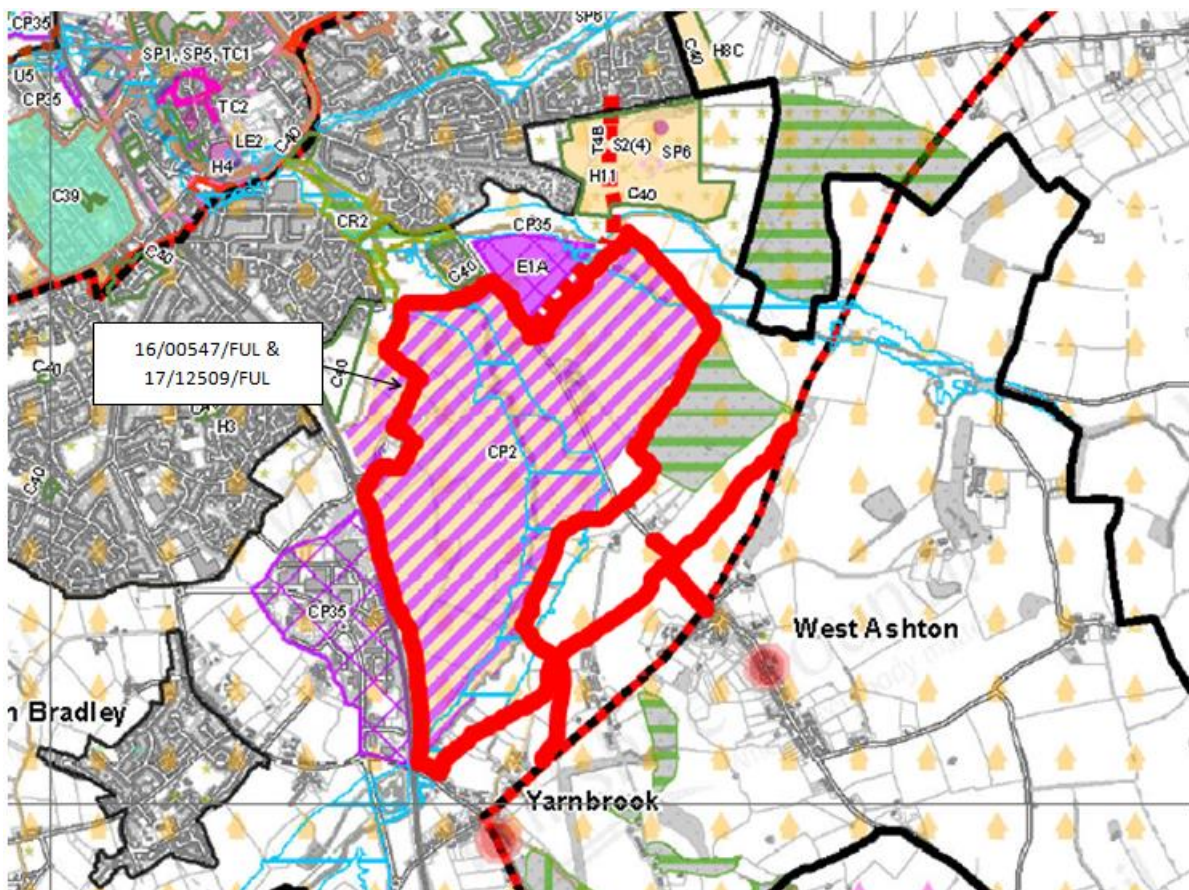
Ashton and the existing A350 in that area. The railway line is on an embankment at Yarnbrook, but soon becomes level with the site before effectively rising again over Drynham Lane.

In terms of parish areas, the application site includes land within North Bradley CP, West Ashton CP and Trowbridge CP.

In terms of planning policy, the site forms the larger part of the 'Ashton Park Urban Extension' (APUE) allocated housing and employment site. The River Biss corridor and the related Stourton Brook tributary lie within Flood Zones 2 and/or 3. Biss Wood (outside the application site) is ancient & semi natural woodland and a County Wildlife Site, and is home to colonies of bats, including Bechstein's bats. The bats are known to be linked to the Bath and Bradford on Avon Bats SAC (located approximately 7.8km away). There is a further ancient & semi-natural woodland designation at Biss Wood, outside of the application site.

#### 4. Relevant planning history

As referred to above, the larger part of the application site lies within the Ashton Park Urban Extension allocated housing and employment site as designated in the Wiltshire Core Strategy. The relevance of this is explained in the Planning Issues section of the report.



**Extract from Wiltshire Core Strategy policy map**  
[Red line: application site; purple/orange diagonal hatching: APUE allocated site;  
green horizontal hatching: County Wildlife Sites; blue horizontal hatching: Flood Zones 2 or 3]



The application site has no other directly relevant planning history. Standalone planning applications 16/00547/FUL and 17/12509/FUL (for 91 dwellings & 121 dwellings respectively) on land within that part of the APUE lying outside of the application site (that is, land west of Drynham Lane) are un-determined at this time.

## 5. Proposal

This is an outline planning application with all matters reserved except means of access (including the YWARR). The proposal is 'EIA development', and so the application is accompanied by an Environmental Statement.

Environmental Impact Assessment (EIA) is a process undertaken to ensure a development proposal that is likely to have significant environmental impacts is subjected to an assessment of these impacts prior to decision-making. The Environmental Statement (ES) summarises the findings of the EIA process. The 2011 EIA Regulations continue to apply to this ES as the procedures for this application were initiated before the 2017 Regulations came into force. The ES has chapters covering the following detailed matters – alternatives; socio-economic considerations; ecology and nature conservation; landscape and visual considerations; transport and access; air quality; noise and vibration; hydrology, drainage and flood risk; ground conditions; cultural heritage and archaeology; and soils and agriculture. Its summary is attached as an annex to this report.

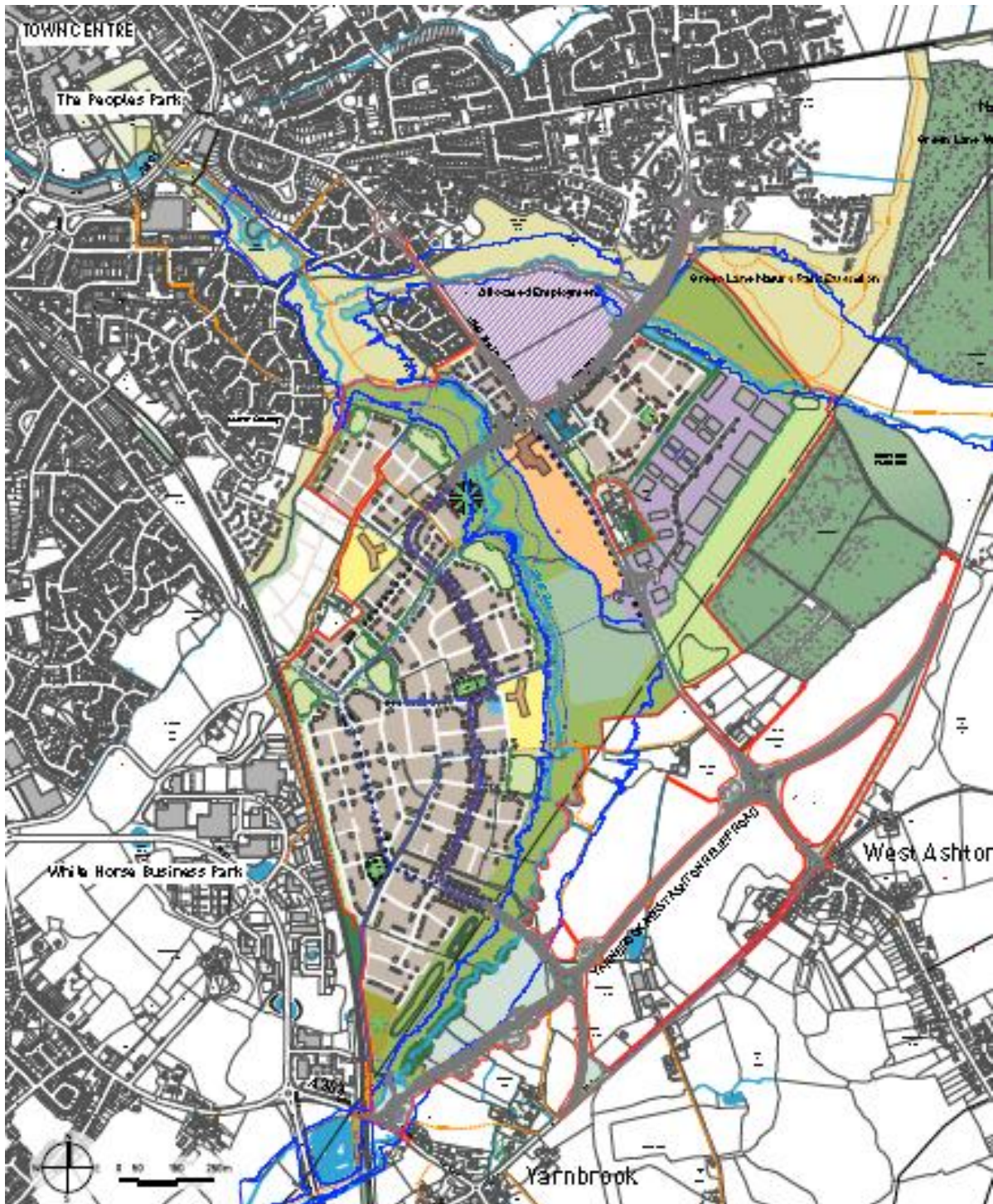
The application proposes to erect up to 2,500 dwellings on 57.4 ha of the site and employment development on 13.6 ha. It also proposes two primary schools (1.8 ha each) and a secondary school (5.3 ha) and two local centres (1 ha and 0.2 ha), and public open space (to include formal sports pitches (6.35 ha), 'destination play' (1.2 ha), equipped children's play space (0.8 ha), 'major open space' and 'country park' (including an 'ecological visitors facility') (44.4 ha), other natural and semi-natural open spaces (14.4ha), and allotments (0.9 ha)). All matters are reserved except access to the site.

The application is accompanied by an 'Indicative Masterplan', and a 'Land Use Parameter Plan', 'Movement and Access Parameter Plan', 'Building Heights Parameter Plan' and 'Green Infrastructure Parameter Plan' which were subjected to the Environmental Impact Assessment. There is also a Design and Access Statement setting out broad design principles.

The Indicative Master Plan and Use Parameter Plan indicate the employment land to be located on the east side of West Ashton Road, this together with a residential area and the larger 'local centre' (up to 315 dwellings). The secondary school and the formal sports pitches are indicated to be sited on the west side of West Ashton Road. Access to the employment land and sports pitches would be via a new roundabout junction on West Ashton Road, to the south of Biss Farm (referred to as 'Roundabout 4' (R4)) in the application particulars). The rest of the dwellings (c. 2,185), the two primary schools and the smaller local centre would be located on the west side of the site (that is, on the west side of the River Biss). Access to the west side would be via a new spur off the existing West Ashton Road / Leap Gate roundabout (referred to as 'Roundabout 5' (R5)) and a new roundabout (R2) forming part of the relief road element of the overall proposal (see more below). Both of these new main roads into the west side would require bridges to be constructed over the River Biss.

The Green Infrastructure Parameter Plan indicates the 'major open space and nature park extension' to be located within the River Biss corridor and adjacent to the existing nature park at Leap Gate. These would connect with the existing 'green links' elsewhere in Trowbridge. An 'impenetrable landscaped buffer' would be planted adjacent to Biss Wood to

protect this bat habitat from additional recreational access pressures. The formal sports pitches would be provided adjacent to the secondary school site. Children's play areas and informal recreation space would be provided within the residential areas, the latter incorporating flood attenuation measures, such as balancing ponds, if/as necessary. The allotments would be located in the south corner of the site.



**Indicative Masterplan**

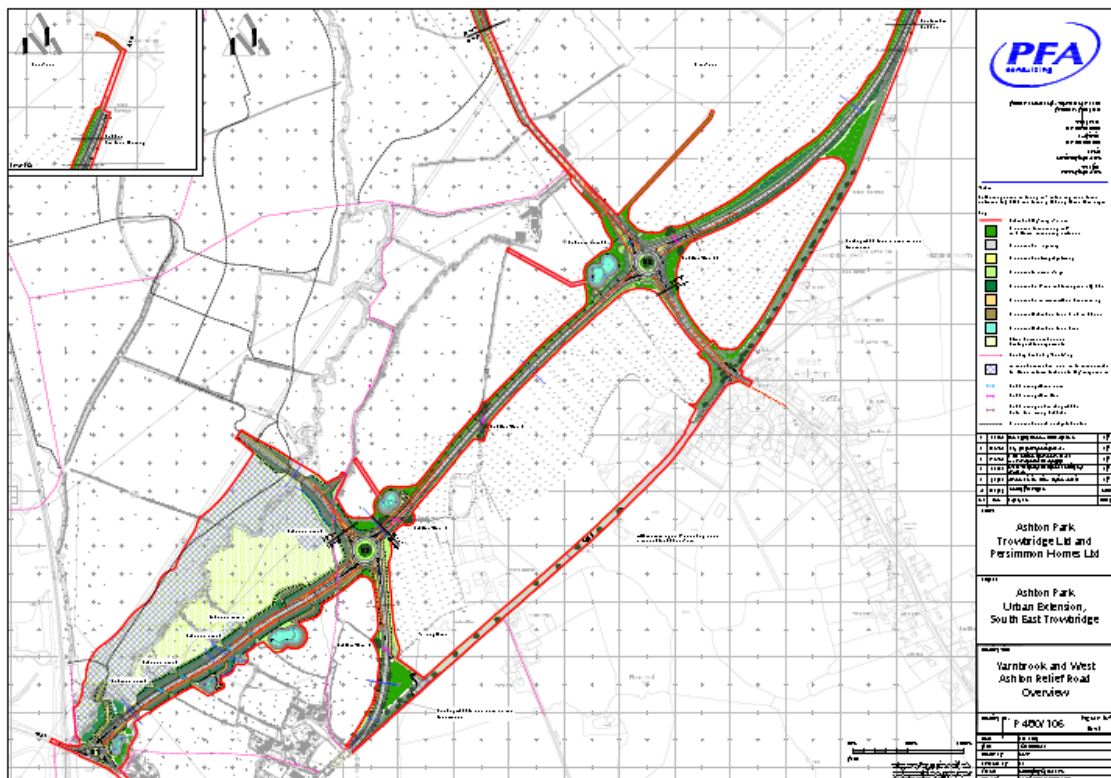
*Brown: residential; mauve: employment; orange & yellow: schools; blue: local centres*



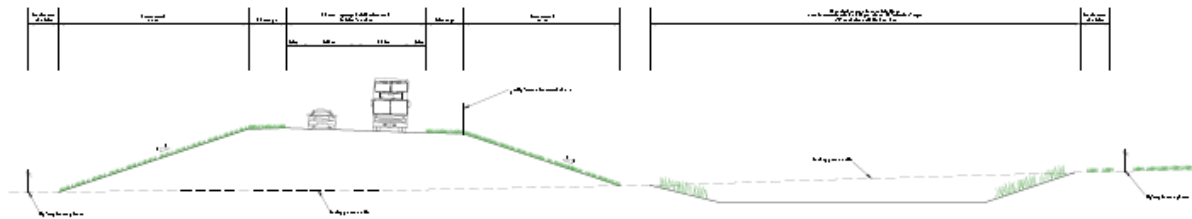
The Building Heights Parameter Plan indicates maximum heights of up to 14.5m above ground level for the employment, secondary school and local centres; and up to 13.0m above ground level for all other elements - to be “predominantly 2 storey but with allowance for up to 3 storey”. The Design and Access Statement indicates three density ranges – between 30-39 dph (‘low density’), between 40-45 dph (‘medium density’), and between 46-60 dph (‘high density’). The low density areas are shown to be mainly on the fringes between built-up areas and the open areas; the larger part of the development would, however, be in the medium density range.

The application includes full details for the proposed Yarnbrook and West Ashton Relief Road (and associated features) (YWARR) and all accesses into the proposed development areas from West Ashton Road, Leap Gate and the proposed relief road itself (including, where required, bridges), (the non-reserved ‘access’ elements of the application).

The YWARR comprises a new approx. 1.8km section for the A350, by-passing the existing West Ashton traffic-signal controlled crossroads. From its north end the line of the new road would curve away from the existing route just to the south of Long’s Park Castle, and cross the existing West Ashton Road via a new roundabout junction (referred to as ‘Roundabout 3’ (R3)) approximately 0.25 km to the north-west of the existing crossroads. The new road would then run parallel with the existing line of the A350 before meeting a further new roundabout junction (‘Roundabout 2’ (R2)) to the west of Ashton Hill Farm. R2 would have four spurs – firstly, the in-coming A350 from the north; secondly, the return to the new A350, this merging just to the east of Yarnbrook; thirdly a new section of road connecting with the A363 (Westbury Road) just to the west of Yarnbrook via a new roundabout junction (‘Roundabout 3’ (R3)); and fourthly, a new access into the proposed residential land to the north-west. Improved visibility would be provided at the existing A350 / Biss Wood access by realigning the existing hedgerow.



*Yarnbrook / West Ashton Relief Road overview*



**Typical road section**

The new road would be constructed in part at a higher level than existing ground levels, to allow for the north-west to south-east natural changes in levels, other localised undulations, general design and construction requirements, and to accommodate 'bat underpasses'. Specifically, R3 would be c. 1.8m-2.4m above existing ground level and R2 c. 0.8m-2.0m above existing ground levels. At its highest, between R2 and R1 where 6 bat underpasses are required, the level difference would be up to c. 4.5m. In addition to the bat underpasses, several bat 'hop-overs' would also be provided.

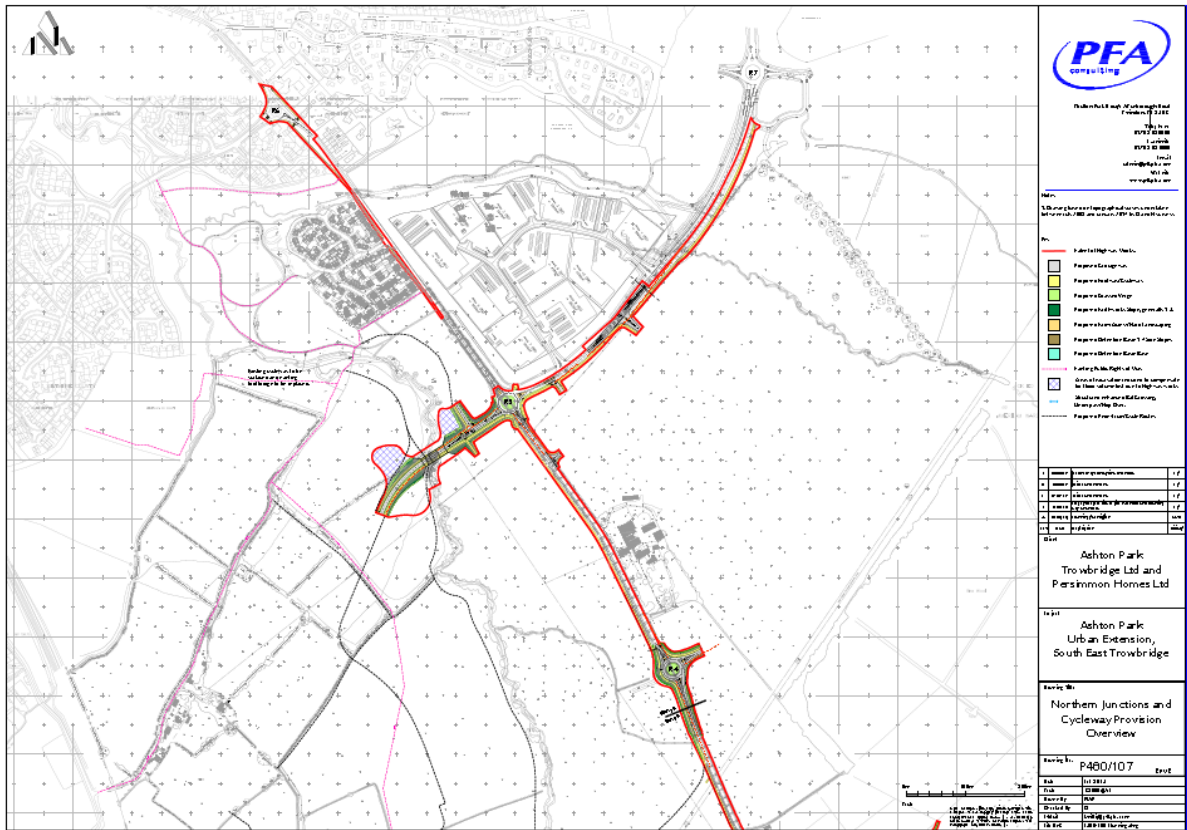
Bat underpasses and hop-overs in the manner proposed are required to accommodate bat colonies occupying Biss Wood in particular. These colonies are of international ecological significance.

The existing A350 where proposed to be by-passed would be removed to the north-east of the existing West Ashton crossroads and made a no-through road (for access only) to the south-west of the crossroads (with a short section beyond the no-through road removed other than a pedestrian path and cycleway). The existing traffic lights at the West Ashton crossroads would be removed and an un-controlled, four-arm (including to Rood Ashton Park) staggered crossroads formed, with priority for West Ashton Road.



**Proposed changes to existing A350 / West Ashton Road crossroads**

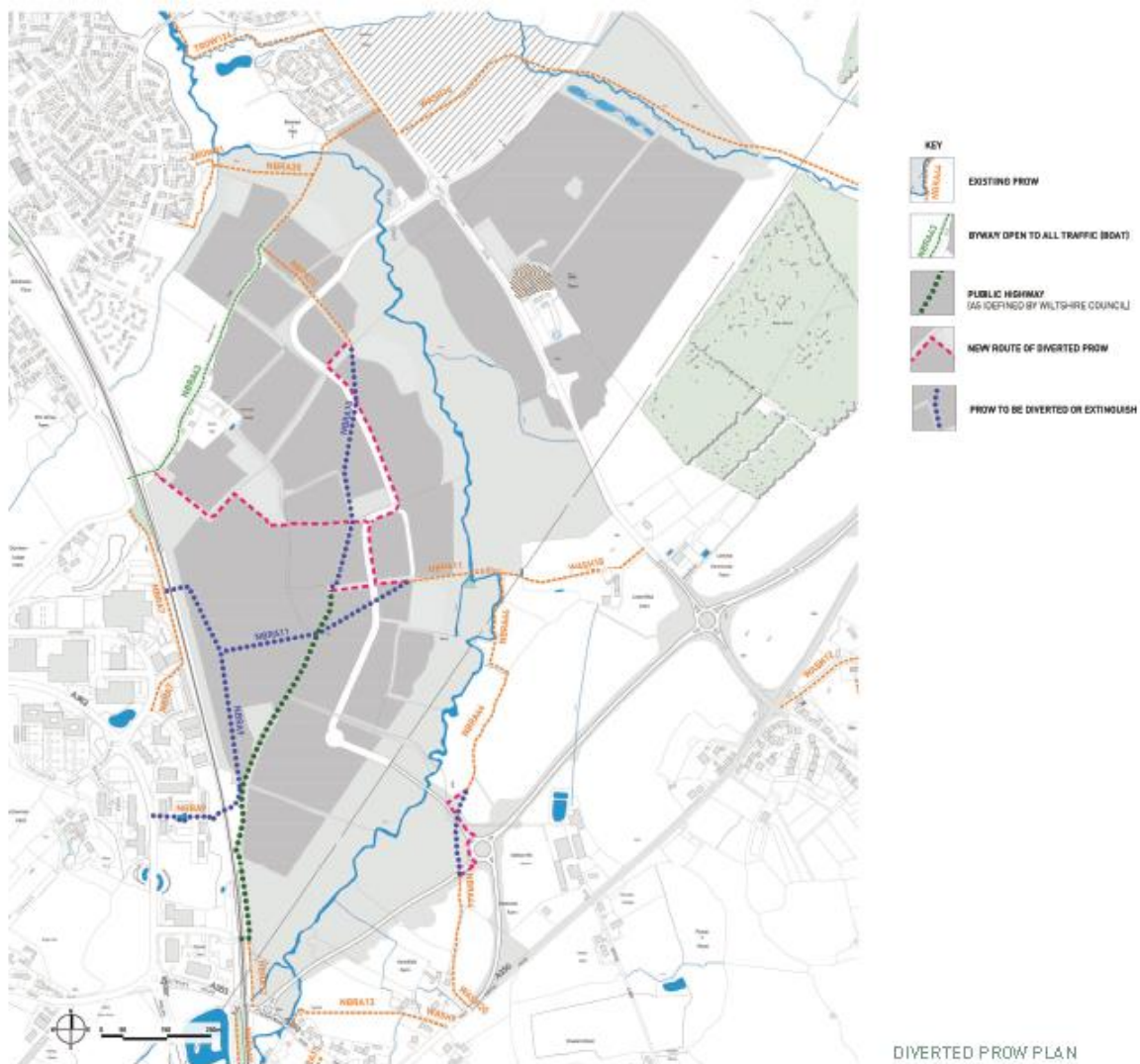
Alongside West Ashton Road between West Ashton and the Broadcloth Lane roundabout, where land ownership allows, a footway and cycleway would be provided. No such facility exists at present for much of this road's length. Footways and cycle-ways would also be provided in other key locations including on the south side of Leap Gate and between the Homefield Farm area and the new development (via R2).



West Ashton Road (north) overview

A number of public rights of way cross the site, providing connectivity to the wider area. In due course separate applications will be made for diversions to some of these to enable an integrated development to be achieved. Notably, footpaths nos. NBRA9 and NBR11, which include 'at-grade' crossings of the railway line, would be diverted and/or extinguished to remove the crossings, with the new or diverted routes utilising the existing railway under-bridges at Drynham Lane and Meridian Park.





**Rights of Way**

*[orange and green: not affected; blue: to be diverted or extinguished; red: new or diverted routes]*

The masterplan and detailed design of the road has been amended since original submission principally to accommodate the recommendations of the Appropriate Assessment through the Habitat Regulations process with regard to the potential impact of the development on the Bath & Bradford-on-Avon Bats Special Area of Conservation (SAC), and particularly the Bechstein’s bat population within the environs of the application. The consequences of this are discussed in more detail later in the report.

Wiltshire Council has a broad objective to improve the A350 strategic road corridor through Wiltshire. Consequently the Core Strategy requires the new strategic growth at South East Trowbridge to facilitate delivery of strategic improvements to the A350, particularly at Yarnbrook and West Ashton where the existing junction arrangements are over capacity. To this end the emerging Trowbridge Transport Strategy includes the following objective -

*To maintain and, where feasible, improve the performance of the A350 strategic road corridor.*

This Strategy is further referred to in the ‘Planning Policy and Guidance’ section of this report, below.

The relief road element of the planning application, which would assist in achieving the broad objective, will inevitably be costly to deliver. The Core Strategy recognises that the improvements to the A350 will have a wider benefit to the town and the strategic road network, and confirms that responsibility for the improvements will be shared between the developers and Wiltshire Council. Thus, on the basis of a shared approach, the cost will be met in part by the developer of the urban extension and in part by Wiltshire Council through Swindon Wiltshire Local Enterprise Partnership (SWLEP) funding and the DCLG Housing Infrastructure Fund (HIF), the former which has a strict delivery time table.

## **6. Planning policy and guidance**

### Wiltshire Core Strategy –

Core Policy 1 – Settlement Strategy  
Core Policy 2 – Delivery Strategy  
Core Policy 3 – Infrastructure requirements  
Core Policy 29 – Spatial Strategy for the Trowbridge Community Area  
Core Policy 30 – Trowbridge low-carbon, renewable energy project  
Core Policy 41 – Sustainable construction and low carbon energy  
Core Policy 43 – Providing affordable homes  
Core Policy 45 – Meeting Wiltshire’s housing needs  
Core Policy 50 – Biodiversity and geodiversity  
Core Policy 51 – Landscape  
Core Policy 52 – Green Infrastructure  
Core Policy 55 – Air quality  
Core Policy 57 – Ensuring high quality design and place shaping  
Core Policy 58 – Ensuring the conservation of the historic environment  
Core Policy 60 – Sustainable transport  
Core Policy 61 – Transport and new development  
Core Policy 62 – Development impacts on the transport network  
Core Policy 63 – Transport strategies  
Core Policy 64 – Demand management  
Core Policy 66 – Strategic transport network  
Core Policy 67 – Flood risk  
Core Policy 68 – Water resources  
Ashton Park Urban Extension (APUE) development template

### West Wiltshire Local Plan 2004 – ‘saved’ policies

Policy C40 – Tree planting  
Policy U1a – Foul water disposal  
Policy I2 – The arts  
Policy I3 – Access for everyone  
West Wiltshire Leisure and Recreation DPD

National Planning Policy Framework Relevant paragraphs of the NPPF are referred to in the Planning Issues section of the report.

### Wiltshire Local Transport Plan 2011 – 2026

Strategy ‘vision’ – *“To develop a transport system which helps support economic growth across Wiltshire’s communities, giving choice and opportunity for people to safely access*

essential services. Transport solutions will be sensitive to the built and natural environment, with a particular emphasis on the need to reduce carbon emissions”.

### Emerging Trowbridge Transport Strategy

Objectives –

- To reduce transport related emissions and address climate change and local pollution;
- Promoting sustainable transport, including better local bus services (reflecting national guidance and the Local Transport Plan);
- Integrating development sites with established communities to increase travel choice, based on comprehensive networks and linked facilities;
- Improving accessibility throughout the town with new walking and cycling networks;
- Improving road safety, particularly for vulnerable road users;
- Creating better environments for people, rather than vehicles, in the town centre, development sites and elsewhere;
- To protect the natural environment;
- To safeguard the historic environment and to promote high quality new development;
- Delivering local employment opportunities which can be accessed by sustainable modes, particularly in the professional sector, to support local activity and limit out-commuting (reflecting local aspirations); and
- Supporting local development opportunities to support containment of trips, with people living near where they work (supporting economic activity locally at a scale appropriate for a county town).

In addition to the objectives relevant to Trowbridge and the development of the town, Wiltshire Council also maintains a separate objective to improve the A350 strategic road corridor through Wiltshire. To reflect this, and due to the close proximity of the A350 corridor, the following strategy objective is also promoted.

- To maintain and, where feasible, improve the performance of the A350 strategic road corridor. [Specifically for Trowbridge, the Yarnbrook and West Ashton Relief Road]

Executive summary - “Traffic modelling has shown that the Emerging Strategy is successful in reducing traffic congestion, with average journey times in 2026 similar to those experienced in 2009 and with delays on the A350 minimised. The strategy will also reduce carbon emissions and emissions of oxides of nitrogen, compared to the Reference Case without the mitigation measures in place”.

## **7. Consultations**

North Bradley Parish Council: No objection, subject to appropriate fencing between employment area and Green Lane Woods to control access to the woods thereby offering protection to bats.

Trowbridge Town Council: Support, subject to conditions.

*The Town Council has had a long-standing policy of supporting large scale development through an extension of the town and in particular supports this area as the most appropriate location for such development.*

*This site is allocated as a Strategic Site in the Core Strategy.*



*This application is in accordance with the Town Council Strategy and the Wiltshire Core Strategy.*

*The majority of the development is within the parishes of West Ashton and North Bradley with only small areas in Trowbridge.*

*The majority of the application is in outline and therefore issues about layout, house design and position of other elements of the development should be reserved for subsequent Reserved Matters Application(s).*

*The Application is in Full Detail with regard to the West Ashton and Yarnbrook Relief Road, access roads, junction layouts and associated cycle routes and it would therefore be appropriate to raise any issues in detail regarding these matters at this stage.*

*Changes since the original application are mainly mitigation measures relating to Bechstein Bats, including elevation of the road to provide 3m clearance bat tunnels in a number of locations, reduction in public access to areas close to Biss Woods and relocation of the business park close to Biss Woods to reduce access to and recreational pressure on the woods.*

*Other changes previously requested by the town council have now been incorporated into the revised proposal, including; cycle/footway provision along the length of West Ashton Road to West Ashton Village; and realignment of the public rights of way and footpaths close to the railway line to divert pedestrian and cycle traffic to the two under bridges (at Drynham Lane and Platinum Motors) and away from the level crossings, potentially allowing for the removal of the two pedestrian level crossings adjacent to White Horse Business Park.*

*That the Masterplan indicates access to the remaining part of the Ashton park development which is in the control of Wainhomes and would support access to this site from the main Ashton Park development in preference to the unsatisfactory access from Southview Park.*

*The [TC's] committee RESOLVED:*

*That Trowbridge Town Council welcomes the progress being made on the plans for the development at 'Ashton Park' to meet the needs of the growing sustainable community of Trowbridge. The Town Council welcomes the proposals for the West Ashton and Yarnbrook Relief Road, providing additional capacity on the A350 and approaches to Trowbridge, improving traffic flows, accessibility and contributing to the economy of the town and area. Trowbridge Town Council has a number of aspects which should be addressed through appropriate conditions at this stage or through proposals and conditions at the Reserved Matters stage to improve sustainability and accessibility:*

- i) Full cycle route provision from Leap Gate adjacent to Pond A1 in an east south easterly direction towards Jubilee Woods, to facilitate a through route to the A350 and then onwards to Steeple Ashton to provide safe and sustainable access between Steeple Ashton village and Trowbridge.*
- ii) The improvements to the existing routes through Biss Meadows and the footbridge from Biss Meadows to Ashton Park site linking to the development should be completed and fully open prior to the occupation of the first house to secure sustainable access options from Ashton Park to Trowbridge Town Centre.*

West Ashton Parish Council: Comments.

*At the outset and during the lengthy Core Strategy consultation and Inspector's assessment of the plans consideration was given to the potential impact on the environment i.e. Ashton*

Park south east of Trowbridge. Many representations were made regarding the affect the Greenfield development would have and the consequential impact on wildlife, particularly rare and endangered species of bats.

It is therefore with some misgivings that it has been now proposed to move the Business Park originally allocated in North Bradley to West Ashton and of all things in close proximity to Biss Wood. This proposed Business Park in the south of the development is scheduled to permit building heights of up to 16.5m above current ground level (14.5m plus a base of 2m above current levels). This is far in excess of normal housing construction with the obvious impact on visual amenity and environmental impact vis-a-vis the bat issues already mentioned. This situation will be further compounded by the potential for light pollution that will be enormously detrimental for wildlife in Biss Wood and the foraging areas of bats.

The master plan appears to propose the location of business units less than 100m from Biss Wood. This may have to be revised to ensure that there can be no perceived connection between the unlicensed felling of trees and a mistaken belief that a much-reduced wood might no longer merit a place on the ancient woodland register.

It would seem more sensible to keep the business park in North Bradley but reduce the employment area to accommodate housing, similar to the change in planning now for the "Land West of Biss Farm". Note: this site could also facilitate a relocation of the recycling centre in Canal Road that causes considerable traffic congestion, it is also too small for an expanding Trowbridge. The change in the location of some housing would facilitate an improved buffer between the housing in Ashton Park and Biss Wood. With adequate screening it would give better protection to the environment and wildlife in Biss Wood that also includes the protected species of Bechstein Bats.

Persimmon were unable to find any businesses to take up premises on the "Land West of Biss Farm" that was designated as an employment site, it is now to be developed primarily for housing. Perhaps it would be expedient to set aside the relocated Business Park as a rural environment and plant trees thus preserving the environment whilst contributing to housing needs.

Sustainable Transport - The re-routing of part A350 with associated landscaping and highway works is to be welcomed, something that is long overdue. However the plan does not include adequate pavement or cycle paths from West Ashton to Trowbridge via the C49. There is a part of the route that will require a narrowing of the C49 to facilitate a pavement and cycle path albeit narrower than the 3m normally provided. It must be within Wiltshire Council's powers to Compulsorily Purchase (CPO) to acquire a narrow strip of land to achieve standardisation on the route and before any building works have been undertaken. This must include a safe and direct means of crossing the A350. It is clear the C49 from Leap Gate will be a major traffic route from the Canal Road site via the Hilperton Gap to A350 travelling South and East.

Leap Gate to C49 has been designated a truck route from Canal Road. This route is through a Housing estate passing close to a school. This seems a peculiar development strategy. It would be beneficial to route the traffic via a new roundabout at Stoney Gutter instead of the traffic lights.

The Ashton Park development must deliver sustainable transport connections, whether by foot, cycle or bus from Trowbridge via the employment land to West Ashton. A bus turnaround is achievable at the existing traffic lights (A350 – Bratton Road) when the A350 has been re-routed. This must include a safe and direct means of crossing the A350.

Landscape Setting - The development of Ashton Park must demonstrate the preservation of the elevated views from West Ashton Village including mitigation of the visual impact of roofs (for example by choosing colours that blend with the surrounding countryside). This is particularly relevant for the larger buildings for the proposed Business Park.

The area between the existing A350 (either side of the crossroads to the re-routed A350) should be maintained as agricultural land and if possible planted with trees to further protect the environmental aspect.

Proposals need to be carefully considered to achieve the successful integration of the highway works to minimize visual impact and disturbance. This should include substantial block tree planting. Street lighting should be designed to reduce the light pollution of upward glare.

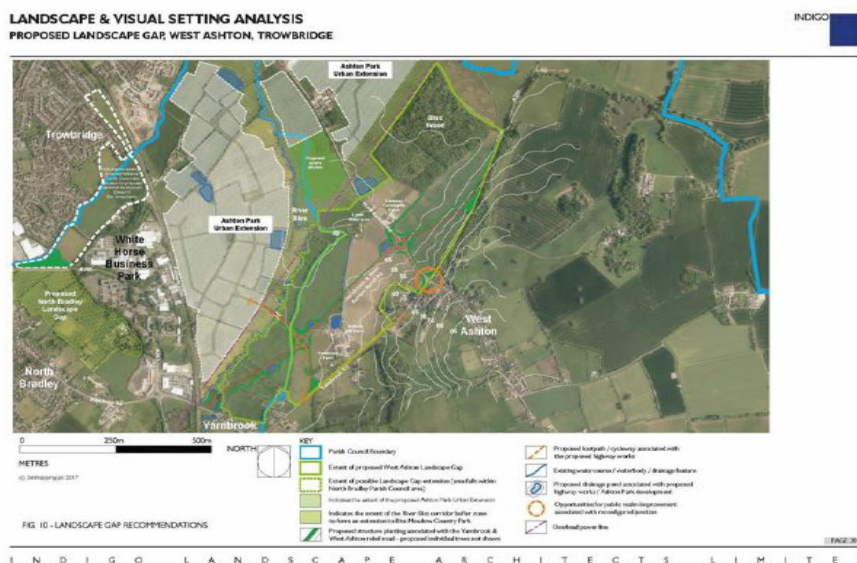
The open, rural setting of land between Larkrise Farm and the boundary of the Strategic Site of Ashton Park, as shown in the Map below should be respected. Views from Larkrise Farm towards the development should be preserved by appropriate screening around the strategic site.

Parking facilities for houses should be a minimum of two off street per house with roads wide enough to allow the passage of emergency vehicles.

In summary West Ashton Parish Council understands the need for housing to address the shortage nationally. However whilst there appears to be a policy of allocating employment land there is very little take up e.g. the "Land West of Biss Farm". The site has had planning permission since 1999 and will now be used for housing. Simply building more houses without business take up of the employment land only produces dormitory towns with significantly increased out-commuting.

Development of Brownfield Sites in Trowbridge could easily meet some of the housing needs and the wholesale development Greenfield sites should not be a first choice simply because it's easier.

However, West Ashton Parish Council accept the national need for housing and infrastructure growth to meet the demands of an expanding population.



WC Ecology: No objection, subject to conditions / legal agreements.

*The ecological sections of the ES are comprehensive and I generally support the outcome of the assessment. I have summarised below what I see to be the key issues where mitigation needs to be carried forward to be secured through conditions.*

*The ES Addendum Volume 1 identifies a need for a Biodiversity Management Plan (BMP), a Construction Environmental Management Plan (CEMP), a Landscape and Ecology Management Plan (LEMP), a Habitat Creation and Management Plan (HCMP), and a Mitigation and Monitoring Implementation and Review Plan. In addition, the WWT's management Plan for Green Lane and Biss Woods will need to be revised to demonstrate how the increased visitor pressure and proposed land transfers will be accommodated.*

*I propose that these plans be reduced in number and scoped as follows:*

	<b>Geographical scope</b>	<b>Habitat and species management</b>	<b>Habitat and species mitigation</b>	<b>Habitat and species monitoring</b>	<b>Habitat creation/enhancement</b>
<b>BMP secured by S106</b>	Application site and WWT owned land	yes	yes	yes	yes
<b>CEMP secured by condition</b>	Application site and WWT owned land	yes	yes	yes	yes
<b>LEMP secured by condition</b>	Application site excluding land to be transferred to WWT	yes	no	yes	no
<b>Management Plan for Green Lane Woodland complex secured by S106</b>	WWT owned land including application land to be transferred to WWT	yes	yes	yes	no

KEY:

Construction phase	Operational phase	Construction and operational phases	Pre-construction and construction phases	Pre-construction, construction and operational phases
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*Impacts from construction and operational phase -*

*Bats – Putting effects on the Bath and Bradford on Avon Bats SAC aside as these have been considered as part of the HRA, the main risk to bats would be felling of trees with potential to support bat roosts now or in the future, disturbance to bat habitat from urban lighting, disruption of flight-lines and in this area of shrinking clay, changes to tree rooting zones which may shorten life expectancy of trees and therefore their capacity to provide bat habitat. To a great extent these impacts will be mitigated by measures provided to ensure no adverse effects on the SAC. The main residual effects will be to bat habitat where this occurs within the mixed residential development footprint. Vegetation hop-overs will be required for potential flight lines and as far as possible artificial lighting needs to be minimised next to bat habitats. These measures will be partly secured through specific conditions applied in relation to the Bat SAC. Residual impacts and mitigation should be addressed in a Biodiversity Mitigation Plan (BMP) secured through the S106. This should*

identify protocols for dealing with recurring issues in reserved matters applications, such as lighting, tree works, severance of hedgerows etc.

*Badger* – very low levels of activity were recorded, a small number of old outlier setts in the application site. The status and distribution of badgers can be expected to change over the timescales of delivery of this development therefore this matter should be addressed through the BMP which may identify a need for further surveys to support relevant reserved matters applications. Tunnels incorporated into the YWARR will provide safe options for badgers to cross this road.

*Dormouse* – several nests were recorded in hedgerows within the application boundary sustained by migration out from local woodlands. Urban development at the densities proposed is not compatible with trying to retain dormice. However habitat offsetting can be achieved within the application boundary for this species in areas where public pressure will be reduced, for example within planting adjacent to the railway line and in the 100m buffer between the employment zone and Biss Wood. Figure 6.21 also demonstrates where dormouse hop-overs would help to reduce severance effects. This should be addressed in the BMP and relevant reserved matters applications. Licences will need to be in place in order to remove anything other than short sections of hedgerow and works affecting dormouse will be covered in the CEMP. I

In the ES Addendum Volume 2, Aspect Ecology has prepared a note considering the Article 16 tests from the Habitats Directive that Natural England will need to consider before issuing a dormouse licence. From this I believe that it is possible that all three tests could be met. However, while I consider the mitigation could be adequate to maintain the favourable conservation status of the local population (as required by the Habitats Directive), I doubt there is sufficient information to support the consultants conclusion that residual effects on dormice will be moderately beneficial at a local level (ES Addendum para 6.5.227). I consider the development may be able to retain the broad range of this local population but it is hard to predict the effect on population size given the poor understanding of this population's status.

*Otters* – We should assume these are using the River Biss which is part of a wider territory area and precautions will therefore be necessary during the construction phase which can be secured through the condition for a CEMP. The bridge designs are suitable to allow otters to pass easily beneath them on dry land and tunnels have been incorporated for use during flood conditions when animals might otherwise be forced up onto the road. The river will be buffered by an extensive habitat corridor which will serve to reduce the effects of increased disturbance but is unlikely to eliminate it. Any increased effects of lighting will be minimal and will in any case be restricted by conditions to minimise effects on SAC bat species. At this stage it seems unlikely that a licence for otters would be required in order to proceed although further survey would confirm whether this is the case just before construction commences.

*Water voles* – This species is present in the northernmost part of the River Biss but distribution may change during the timescale of the construction period therefore further surveys will be necessary. The preliminary design ensures river banks will not be permanently damaged but construction activities could damage burrows and water voles if these are not carefully managed and overseen by an ecologist. This issue will be covered through the condition for a CEMP.

*Other Mammals* e.g. those of principle importance for the conservation of biodiversity including brown hare, hedgehog, water shrew, harvest mouse – Declines in these species, if present, are inevitable as a result of urban development. It is possible that habitat improvements enable populations of water shrew and hedgehog to persist/expand. The

*project does not provide specific mitigation for these species but protection measures during construction and the extensive provision of new habitat for biodiversity has the potential to offset these losses. Measures reduce habitat fragmentation for hedgehogs in urban areas could be addressed in the BMMP and incorporated into reserved matters applications.*

*Farmland birds – long term loss of these species, many of which are in long term decline, is an inevitable consequence of urban development. Extensive provision of new habitat across the application area both urban and non-urban, has the potential to offset these losses by providing habitat for other non-farmland species. In addition skylark plots proposed at paras 6.5.238 – 6.5.239 in the ES Addendum Volume 1 may bring an overall improvement for skylark if these areas remain undisturbed by residents. Further information on all measures will be sought through the BMP. Specific measures will be required during construction to ensure nesting birds not harmed and these can be addressed through the CEMP.*

*Schedule 1 bird species – Kingfisher and Barn Owl recorded. Habitat conditions for Kingfisher should be improved in the long term due to the proposed enhancements along the River Biss and there is a potential for long term gains in barn owl habitat as the quantum of unimproved grassland and attendant vole populations will be significantly increased. The scope and locations of habitat mitigation and enhancements will be included in the BMP with full planting details coming forward through the condition for submission of landscape plans. Measures will be required during the construction phase (i.e. included in CEMP) to ensure these species are not disturbed if nesting.*

*Great Crested Newts – present in White Horse Business Park ponds and possibly in one pond in the application site next to the railway line. This latter pond is not directly affected by the scheme but could be affected by reductions in water levels due to adjacent urbanisation. In terms of harm to individual newts, the development may only be expected to affect newts in their terrestrial phase within 250m of the ponds as habitat quality is currently poor (intensive arable). The Council's preferred approach for mitigation would be to enhance breeding and terrestrial conditions for this local population to the extent that a benefit can be assured even if minimal precautions to harm individuals are taken in relation to the development footprint during the construction phase. Retention of water levels, creation of new ponds and terrestrial habitat should be addressed through the BMP and relevant reserved matters applications taking the Great Crested Newt Mitigation Framework at Figure 23 of the ES Addendum Volume 1 into account. A licence will need to be in place in order to destroy terrestrial habitat.*

*In the ES Addendum Volume 2, Aspect Ecology has prepared a note considering the Article 16 tests of the Habitats Directive that Natural England will need to consider before issuing a great crested newt licence. From this I believe that it is possible that all three tests could be met. Note that Council will not accept that garden habitat in a development of this nature as being suitable to mitigate for loss of great crested newt terrestrial habitat.*

*Woodland habitats – increased access to publically accessible woodlands, particularly Green Lane and Biss Wood will lead to trampling, litter, disturbance, fires etc. The effects of this on Bechstein's bats is considered in the HRA and the mitigation secured through that process, including a permanent full time warden, visitor's centre, revised management plan and annual revenue stream to fund remedial measures will also serve to minimise the long term effects on other species and woodland habitats. In addition, the BMP will present a scheme to demonstrate how the recreational capacity of the scheme will be increased in order to focus pressure away from sensitive woodland habitats (para 6.5.53 in the ES Addendum Volume 1). The effects of air quality on local woodlands were reviewed as part of the re-screening of the application under the Habitats Regulations which concluded that in the medium to long term, negative effects would be minimal. In regard to this, Natural*

England has not objected to the development in relation to Picket and Clanger Wood SSSI or Bratton Downs SSSI.

Other habitats – habitats across the site are generally of limited value in their own right due to the site's intensive agricultural use. The provision of extensive areas of new habitats (38% of total development) and open space, managed specifically for biodiversity will bring an overall habitat enhancement in terms of floristic and invertebrate interest and potentially for other species groups. Elimination of exotic invasive species such as Himalayan balsam will be dealt with through the CEMP.

#### Mitigation and Compensation -

Most of the mitigation and compensation measures secured by condition and S106 for the bat SAC will also mitigate and compensate for other species. Discussion of the scope of these measures is contained in the ES Addendum Volume 1 in section 6.5. Monitoring for bats is described in the "Outline Monitoring and Review Framework" provided between paras 6.5.193 and 6.5.211 and will cover monitoring of bat flightlines, hop-overs, underpasses, bridges and offsite woodlands.

#### Enhancements -

The section on enhancements in the EA Addendum Volume 1 starting at para 6.5.253 confusingly seems to refer to measures which have already been put forward as mitigation in paras 6.5.1 to 6.5.252. The following enhancements from para 6.5.255 represent additional measures to those detailed under mitigation and compensation:

- Hibernaculum specifically designed for lesser horseshoe bats in accordance with Appendix 13 within green infrastructure in the east of the proposed development near to Biss Wood but outside the floodplain.
- Bat boxes in accordance with para 6.5.255, Figure 6.24 and Appendix 6.7
- Dormouse nest boxes
- Ponds for water voles in the river Biss corridor
- Otter holt and shelters in ecological quiet zones adjacent to the River Biss in accordance with Appendix 6.14 and Figure 6.24
- Hedgehog domes in accordance with Appendix 6.15 with close board fencing designed to allow access by hedgehogs to gardens
- Bird nesting facilities within buildings, bird boxes within areas of green infrastructure and existing woodlands Appendix 6.11 and Appendix 6.16
- Amphibian and reptile hibernacula in accordance with Appendix 6.17
- Wildlife tunnels at river bridge crossings in accordance with Figures 6.14 and 6.16
- New habitat to include plant species of particular value to butterflies of local interest and green spaces areas to include butterfly banks to provide sheltered, south-facing basking areas akin to that demonstrated in Appendix 6.18
- Insect boxes and hotels to be provided in areas of open space to encourage species of principal importance for conserving biodiversity in England akin to that demonstrated in Appendix 6.19

#### Conditions -

1. Before works commence a scheme of enhancement measures identified in the ES Addendum Volume 1 including (as appropriate) their design, location, number and size, shall be submitted and approved by the planning authority together with a timescale for their delivery. The scheme shall be implemented in accordance with the agreed details.



2. Conditions for CEMP and LEMP will be worded to ensure they cover aspects of ecology other than SAC bats.

*Informative -*

*Notwithstanding the above conditions, it is assumed that the development will be brought forward in line with the design, mitigation, compensation and enhancement arrangements detailed in Volumes 1 and 2 of the Environmental Statement Addendum dated September 2017.*

*S106 -*

1. A Biodiversity Mitigation Plan will be prepared by the developer to meet the following requirements:
  - to be submitted and approved before commencement;
  - to include monitoring, management, creation and enhancement of species and habitats during the pre-construction, construction and post-construction phases across the development sites and woodlands in WWT ownership;
  - to include protocols for dealing with recurring issues in reserved matters applications, such as lighting, tree works, severance of hedgerows etc.;
  - scope of work to be in line with works outlined in the ES Addendum Volumes 1 and 2.
  - progress, feedback and monitoring to be reported to Wiltshire Council and the Steering Group in accordance with specified timescales.
2. A single Ecological Clerk of Works will be appointed to deliver specialist consultancy advice across all strategic elements of ecological work for the project in relation to design and delivery of mitigation, management and creation/enhancement of habitats and monitoring (but see below for co-ordination of bat monitoring for the YWARR).
3. Bat monitoring of the YWARR will be designed and co-ordinated with input from a specialist, approved by the Council, with a proven track record of published research in measuring the effect of linear development schemes on bat flight patterns.

WC Landscape: No objection

*Landscape and Visual Impact Assessment - An LVIA, prepared to current best practice and scoped with Wiltshire Council Landscape Officer has been submitted with the ES. In summary there will be experiential landscape and visual effects as a result of the development, largely through the construction stage when the site will be transformed from an agricultural landscape to residential dwellings. Existing landscape features/ characteristics will be incorporated within the development with a central core of green infrastructure featured around the River Biss. Overall the residual landscape effects will be low as the site will, in time, be perceived as an indiscernible urban extension to Trowbridge.*

*The site is physically and visually well contained. Direct views onto the site are mainly limited to PROWs that cross the site. Any significant visual and cumulative effects will be reduced through the filtering effects of mitigation planting. Development on higher ground to the south has been avoided to reduce visual effects. Modern energy efficient lighting with cut offs will be used to minimise light pollution.*

*Key management objectives described in the West Wiltshire Landscape Character Assessment (March 2007) and captured in the masterplan:*



*Conserve and manage the traditional hedgerow pattern and network, repair and replace where lost –*

*The existing hedgerow pattern is to be retained on site as part of the GI Strategy, for biodiversity and to reinforce local landscape character. Infill and new hedgerows will be planted with local native species as detailed at 6.5.80 in the ES and managed to grow on standards within the hedges. This measure will contribute to reinstating landscape character lost through the death of elm trees in the 1970s and potential future loss of ash from Chalara fraxinea.*

*To ensure their longevity and environmental contribution existing hedgerows should not be used to form boundaries to residential properties.*

*Conserve and manage woodland; conserve riparian vegetation and the river corridor -*

*One of the key factors in conserving and managing Biss Wood will be controlling the increased access by local residents which could cause degradation to valuable habitats. Although the creation of a 100m undeveloped/unlit buffer will provide an appropriate offset to Biss Wood, the provision of alternative high quality recreational public open space and local circular routes for dog walking plays an important indirect role in conservation management. The masterplan retains the River Biss and its floodplain as an open space asset; it provides the central core from which other green infrastructure radiates out. The new country park provides a sustainable transport link to the town centre by foot/cycle routes through Biss Meadows Country Park.*

*New landscapes should be well designed with native species whenever possible, and SUDs features designed with a natural aesthetic that is both pleasing to look at and of benefit for biodiversity. The development of an onsite warden facility/visitor centre, run by the WWT, will play an important role in educating local residents and managing/conserving the local woods and GI.*

*Screen the urban edge of Trowbridge and enhance its setting -*

*As an edge of town development the site interfaces with the open countryside and design measures should be employed to avoid a hard urban edge. The scheme has addressed this through several methods; development has been retained to the lower area of the site avoiding the visually prominent slope that runs up to the A350, lower density housing has been placed to the periphery of the site, the different character areas of the development include proposed landscape treatments/tree planting which will help to break up the roof mass in the long term (as sketched in the DAS). Detail design should look for opportunities to plant large native species e.g. Oak, particularly in public open spaces where they can achieve their full potential.*

*Screen the visually intrusive warehouses –*

*New woodland planting is proposed to the railway line west of the employment area will strengthen existing vegetation and help to contain views.*

*..... The masterplan shows a lot of riparian/woodland planting along the river corridor to the south of the employment area which will provide some screening from the A350. However I feel there is an opportunity for some additional planting to filter views from the open space and avoid a hard urban edge along the river corridor.*

*Seek ways to mitigate the visual impact of the A350 road corridor e warehouses –*

*The proposals for the relief road are welcomed. It will enhance the character and setting of West Ashton and provide an improved environment for Yarnbrook. The proposals submitted show a substantial amount of new hedgerow and woodland planting which will provide landscape enhancement and a visual buffer for the moving traffic. Drainage ponds provide an opportunity for attractive landscape/ecological assets similar to the one on Phillips Way.*

WC Highways: No objection, subject to conditions and S106 agreement.

*The revised masterplan for the site affects travel patterns associated with the development, in particular because of the commuting patterns associated with the housing and employment areas. The proposed layout amendments shown in the revised masterplan have been tested, and the outcomes are noted in the submitted TA Addendum – Updated traffic Modelling document.*

*The modelling indicates that the proposed new roads and junctions associated with the proposed development will have capacity up to the design date of 2026, but there will be sparse available capacity at some junctions for future growth beyond the plan period.*

*The TA assumes a mix of development, including the site for a new secondary school on the site. The TA, however, makes assumptions that the secondary school will be built within the plan period, and that trips associated with the school will be partially contained within the site. If funding for a secondary school is not forthcoming in the plan period, then it is reasonable to assume that the majority of trips will be to existing secondary schools in Trowbridge, all on the west side of the town. The TA Addendum forecasts 234 morning peak hour trips associated with the secondary school, with 50% contained within the overall site. The effect of the change in movements if no school is built would result in those contained trips moving off the site, balanced to some degree by the removal of those trips coming from outside the development area. No material harm is envisaged within the site as a result, but the need to transport school users to existing sites needs to be accommodated by sustainable (including bus) transport to prevent the central/west side of Trowbridge being further prejudiced in relation to morning congestion.*

*The TA Addendum indicates, through the examination of network wide journey times, that between the base year of 2014 and 2026, average journey times would increase by about 9% in the morning peak hour and about 7% in the evening peak hour. In the morning peak hour the provision of a Yarnbrook and West Aston Relief Road would mitigate the impacts of the development at Ashton Park. In the evening peak hour, the average journey time would be about 0.2 minutes longer as a result of the Ashton park development and YWARR than without either. This is considered to be an acceptable degree of impact.*

*In relation to the tested individual route journey times, the analysis demonstrates that, although journey times will increase on all corridors between 2014 and 2026 (as might be anticipated with growth spread across the town), the impacts are generally mitigated through the provision of the YWARR, except for the northbound A363 (A350 to A361) which is forecast to have a modest increase from 399 to 412 seconds. Journey times on the A350 corridor are marginally improved as a result of the Ashton Park and YWARR proposals.*

*The TA reviews impacts of the revised masterplan proposals on five local junctions; these are all shown to be within capacity at 2016, although reserve capacity is particularly limited at the R3 roundabout (A350/West Ashton Road junction), in particular on the northbound A350 arm.*

*The 2015 Transport Assessment demonstrated that the link flows on the YWARR would be approaching design capacity at the forecast (2026) year. The forecast traffic flows on the A350, between roundabouts R2 and R3 will be at or around capacity by 2026. The*

implications of the need to address issues relating to the Habitats Regulations Assessment and the accommodation of bat flight routes (by way of an increase in embankment height of circa 4m to accommodate multiple underpass culverts) severely prejudices the ability to widen the road at a later date in a viable manner. In other circumstances we would seek to ensure that such a road could reasonably be upgraded at a later date. The road link between R2 and R3 is not on a significant embankment and would not be subject to any severe future widening constraints. That part of the road on 4 metre embankment between R1 and R2 will likely be classified as an arm of the A363; it carries significantly less traffic (because the link to Yarnbrook roundabout shares the R2 –R3 link loads), and is subject to other widening constraints. The proposed arrangement is therefore considered to be acceptable in the circumstances.

It can be anticipated that the new road (in line with other parts of the Trowbridge network) will increasingly be affected by a spreading of the peak period to affect times outside the traditional peak hours, as drivers seek to avoid the worst of delays by changing their travelling start times.

The following observations are made in relation to the sustainable transport proposals, which will be critical to ensuring that options for local travel are available:

#### *Walking and Cycling –*

Fig 15 of the TA shows the proposed strategic network of pedestrian and cycle routes to serve the development. There will be little movement to the east and south of the site, and the focus of demand will be in respect of trips to the town centre and trips to the west side of the railway line, with its local employment opportunities. The strategy in relation to the latter provides for closure of existing at grade crossings on the railway. Whilst this represents a least risk strategy, it results in increased journey lengths to certain destinations. It is recommended that the risk approach in the TA (closure of at-grade crossings) be accepted, and that closures/diversions be pursued to address this issue. The closure of the surface level crossings will be subject to formal orders, but the expressed concerns regarding potential risks resulting from intensified use is acknowledged. The alternative routes proposed are via existing under-bridges. Improvements to route integrity and conditions will be required. At the northern railway crossing under-bridge an upgraded path, 3m wide, will be required between the site and Aintree Avenue. The Section 106 agreement shall secure the removal of vehicular rights the site has on the route, except insofar as they are required for normal exemption purposes. It will be necessary to provide, within the overall layout, a vehicular connection to the NBRA43 PROW to allow for the potential closure of the under-bridge for use by vehicular traffic at a future date. Private rights of access might mean this is not achievable in the short term; in the interests of proper planning, future development of this small area of land should only be permitted with vehicular access to the east of the railway, as the under-bridge is of inadequate width. At the southern under-bridge a made path across the landscaped area of the White Horse Business Park between the under-bridge and the southern end of Epsom Road is sought to make the connection to the employment area. However, this is across private land, so a contribution towards the costs of delivery should be included in the s106 agreement. Existing vehicular rights to the site should likewise be removed, and vehicular access to third party served land secured within the site layout.

Any proposals to close existing surface level crossings for pedestrians is likely to be resisted by some users, and will be subject to legal processes; at this stage it would be sensible to assume that the routes need to be maintained in their current locations; risk mitigation measures need to be considered in this scenario. Discussions have been held with Network Rail, who support closure of both at grade rail crossings. Provisions will be required in a s106 agreement for the developer to part fund an overbridge as a contingency measure in

*the event of an inability to secure closure and a proven unacceptable increase of use of existing at-grade crossing points.*

*Principal routes to the town centre are identified in Fig 11 of the TA. There will be a requirement to upgrade some off-site existing footpath/cycle routes to make the development acceptable.*

*The provision of a route to serve cyclists and pedestrians travelling between West Ashton and Trowbridge is an acknowledged concern. The proposed arrangements will provide for a route along West Ashton Road (the desire line) for pedestrians but no dedicated cycle track. An alternative route for less experienced cyclists will be made available along the redundant route of the A350.*

*The planning application is in outline; all internal arrangements for foot and cycle routes will be determined under reserved matters submissions. A key requirement for the Council will be to ensure that all desire lines are adequately provided for, but the principles illustrated on the revised masterplan are acceptable. A bus route through the site has been identified, but agreement needs to be reached at RM stage the appropriate locations for bus stops etc.*

*The TA contains at Fig 11 a Pedestrian and Cycle Audit map, with comments. A planning condition will be required to secure improvements to the two principal routes between the site and the town centre, as well as to other destinations, in accordance with a detailed schedule of improvements to secure a network suitable to encourage cycle use and local walking trips. The network shall generally include all the route indicated on the plan at Fig 15. A comprehensive wayfinding scheme needs to be identified and provided.*

*Buses -*

*A site bus strategy has been requested previously to demonstrate how bus services will be supported unless and until they become commercially viable. This has not been forthcoming, and will therefore be a requirement by condition. It will be necessary for an assessment to be made of future patronage levels, the costs of bus provision and the income from ticket sales. It should be assumed, in line with the ETTS [emerging Trowbridge Transport Strategy] that the level of service for the site should be not less than half hourly, with periods of service to fully cover the peak periods of travel for employment and school trips in particular. The bus strategy should complement and justify the acceptability of the suggested service routes outlined in Fig 18 of the TA, and explain what temporary measures will be made during phased build-out of the development.*

*A350 Yarnbrook and West Ashton Relief Road -*

*The need for the road scheme is adequately summarised in the Atkins report 'A350 Yarnbrook and West Ashton Relief Road - Outline Business Case: Appendices Part 1, March 2015'.*

*The road scheme associated with the development is a key transport infrastructure element of the development, mitigating impacts at known local congestion points. The scheme is identified on PFA drg P480/117, and has agreement in principle from the LTB (LTB meeting 1<sup>st</sup> May 2015, progress to FBC) for a funding contribution. However, owing to the need to amend the scheme to meet HRA requirements for mitigation for the preservation and accommodation of bat flight paths, the YWARR scheme has had to be significantly modified from the 2015 submission proposals, such that the overall height of the road is up to 4m higher in order to accommodate the perceived need for 3m high by 5m wide bat underpasses.*

*The Design and Access Statement confirms, para 5.30, that the proposed development will deliver the Yarnbrook and West Ashton Relief Road.*

*It will be necessary to identify at what stage in the proposed development the provision of the road is necessary, and to tailor a planning undertaking to ensure that the delivery of the road is secured. It is the Council's requirement that the developer of the Ashton Park site take responsibility, via a highways agreement with the council, to deliver the scheme in its entirety, with agreed public funding being made available as and when defined mileposts are achieved. At this stage the funding arrangements have not been secured to support the additional costs associated with bat mitigation. It remains unclear as to the impacts of the additional costs on the viability of the scheme if public funding element of the shared delivery arrangement is not forthcoming at an appropriate stage.*

*The TA does not directly address the delivery mechanisms for the road in the context of the phasing of the development. However, forecasting for phased delivery up to 1500 dwellings before delivery of the YWARR completion has been undertaken. Unsurprisingly, deferment of completion of the YWARR will result in an incremental deterioration of local conditions. However, it is anticipated that an agreed phasing arrangement can be agreed which will provide for a number of dwellings to be completed on the site, and for a cash flow to be generated by the developer, prior to the completion of the YWARR. It is anticipated that agreement will need to be reached providing a limit of the number of dwellings to be constructed together with a time period within which the road has to be completed; this would ensure that adverse local implications arising from development associated traffic would be relatively short lived (e.g North Chippenham site had a four year period to provide a link road through the site between the B4069 and the A350). It is recommended that any phasing should not result in conditions less favourable than the 2026 forecast with YWARR.*

*The forecast flows on the link between R2 and R3 are circa 3200 vph; which is at the upper limit of capacity of a 7.3m wide road; this capacity restraint reinforces the view that Trowbridge will experience peak hour spread towards the end of the plan period.*

*Roundabout 1 is, because of site constraints caused by the nearby railway bridge, a sub-standard arrangement based on normal design requirements. There will be a need to ensure that additional signing is provided to address the shortfall (measured against new-build standards) of visibility for eastbound traffic approaching this roundabout.*

*Off-site impacts -*

*The development will generate a material increase in flows affecting e.g. the Stoney Gutter traffic signals controlled junction and the junctions on approaches to the town; such impacts have been assessed in the context of the impacts on route journey times, and it is not considered justifiable that this development should be responsible for mitigation at all junctions impacted, given the significant requirement for the delivery of the YWARR with its material local benefits. Indeed some junctions, such as the County Way junction with West Ashton Road cannot reasonably be altered to provide additional capacity.*

*RSA [Road Safety Audit] -*

*There is no detail for the road infrastructure for which detailed planning permission is sought beyond general alignment drawings. I am satisfied that the RSA by TMS properly addresses the Stage 1 issues, notwithstanding the material amendments to the levels on the link between roundabouts R1 and R2.*

*However, detailed drawings showing full construction details will be required, as well as a Stage 2 RSA for the route; any approval for the detailed consent will therefore have to be conditional on additional information being provided.*

*Roundabout 1 is, because of site constraints caused by the nearby railway bridge, a sub-standard arrangement based on normal design requirements. There will be a need to ensure that additional signing is provided to address the shortfall of visibility for eastbound traffic approaching this roundabout.*

#### *Legal Orders -*

*The development will require a number of traffic orders, road closures and footpath diversions in order to facilitate the proposed development and to regularise the position in relation to affected routes. In the context of the existing footpaths having at-grade crossings on the railway (NBRA9 and 11), Network Rail may be required to be a signatory to the planning agreement to achieve the desired outcomes, unless a side agreement can be completed. A schedule of affected roads and paths has been tentatively agreed with the applicant.*

#### *Internal Roads and Infrastructure -*

*This is an outline application in relation to internal layout, and a condition is sought to guide the reserved matters applications. I am generally satisfied with the sectional arrangements for the primary roads, secondary and lesser. Tracking for refuse vehicles should be in accordance with the design vehicle identified in the adopted 'Waste storage and collection: guidance for developers', which is an 11m + vehicle.*

*Design should seek to achieve a 25mph design speed for bus routes within the site and 20mph maximum on roads elsewhere. Traffic calming measures incorporating humps should not be extensive.*

#### *West Ashton Road -*

*There is an extant requirement for West Ashton Road to be upgraded (related to the permitted Persimmon employment site off West Ashton Road). This upgrade should not be compromised by the subject site proposals, but any changes proposed should be identified. Issues relating to 'pinch points' are acknowledged, and there appears to be no easy fix to the problem, unless or until adjacent land is developed.*

#### *Parking -*

*The D&A Statement indicates that parking will be provided in accordance with the council's adopted strategy. Reference is made to the 2011 strategy; the updated 2015 strategy will be required to be complied with. Garages are to be counted as spaces (ref para 5.54), so a condition is required to govern the minimum floorspace of garages. ....*

#### *Highways Recommendations -*

*It is recommended that permission be granted only subject to a planning obligation to cover highways interests and conditions.*

#### *S106 Heads of Terms for Highways and Transport -*

- Completion of funding agreement with Wiltshire Council for the provision of YWARR and commuted sum for structures maintenance*
- Provision and completion, phased or otherwise, of Yarnbrook and West Ashton Relief Road (including works to redundant A350 and all other associated highway works) [within 5 years of the commencement of the development or prior to the occupation of 1000 dwellings, whichever is the sooner].*

- *Provide and deliver a Bus Strategy for the site, identifying how a half hourly service between the site and the town centre can be achieved, firstly through the negotiation with commercial operators for a commercial service, or, secondly, and in the event that a commercial service cannot be initiated and/or maintained, by a supported service, funded at the reasonable cost of the developer. The bus service shall be provided for a period from occupation of the 50<sup>th</sup> dwelling to up to three years following occupation of the 2,450<sup>th</sup> dwelling, the exact period dependent on the commercial viability or otherwise of the service at the time. The Bus Strategy shall set out how the funding arrangements will work in the event that a supported service is required.*
- *Provision of travel plans for the separate land uses on the site, in accordance with the Council's guidance.*
- *Financial contributions towards the legal costs associated with making of traffic regulation orders at a cost of £6000 per identified TRO.*
- *Implementation of all made legal orders relating to highways and transport issues associated with the site.*
- *Contingent payment for a railway bridge contribution and agreement of terms with Network Rail in relation to existing footpath diversions/extinguishment for paths NBRA9 and NBRA11*
- *Design and provide a wayfinding scheme aligned to the phasing of the development.*
- *Construction and improvement of off-site highway works associated with the Yarnbrook and West Ashton Relief Road, alterations to West Ashton Road and improved connectivity to the town centre and to the White Horse Business Park*
- *Provide internal site roads to deliver future use by existing premises served by Drynham Lane to the east side of the railway.*

WC Rights of Way: no objection, subject to separate processes being followed to divert/extinguish rights of way and legal agreement/conditions covering matters including:

- 1) potential triggers for when Network Rail would apply to close one or both crossings and
- 2) the funding of potential measures on the ground which must be put in place to meet the requirements of any legal orders.

WC Conservation: no objection.

*Above the various tiers of planning policy and guidance is the over-arching statutory requirement under the Planning (Listed Buildings and Conservation Areas) Act 1990 to give special regard to the "desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses" (S16 and 66).*

*Paragraph 132 of the NPPF states that "when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. ... Significance can be harmed or lost through ... development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification."*

*Core Policy 58 of the Wiltshire Core Strategy echoes the above national policy in seeking the protection, conservation and, where possible, enhancement of heritage assets.*

*This is an adopted housing allocation in the Wiltshire Core Strategy and is submitted here in outline form. I am able to comment therefore on the general principles only.*

*The heritage assessment within the Environmental Statement is detailed and in my opinion the heritage assets closest to the application site have been assessed correctly. The impact on the identified assets would be minor or negligible given the vernacular nature of the assets themselves or due to the existing surrounding mitigating topographic and vegetative screening and other intervening built form.*

*Heritage assets further away from the application site have been considered, such as the Grade II\* St Nicholas Church in North Bradley, but in this case for example there is the White Horse Business Park and the railway embankment lying between the church and the application site. Consequently it is considered that the impact of the proposed development would be minimal.*

*Equally, the impact on highly graded listed buildings within Trowbridge would be unlikely to be affected due to their individual and group settings being contained within the town itself and not significantly relating to a wider setting. This is the same for the settings of the Conservation Areas of Trowbridge.*

*The cumulative impacts of the development need to take into account not just other residential development, as per the Environmental Statement, but also other large scale development such as proposed solar farms in the area and the Westbury thermal waste recycling plant application. This would give a more detailed analysis of how the landscape is becoming more industrialised rather than focussing just on mostly residential schemes.*

*The industrialisation and general building-up of this part of the countryside is of concern for the general heritage of the area. However I do not see that this scheme would have an overriding harmful impact on any one specific heritage asset that would cause substantial harm. Therefore I will leave detailed comments of the impact on the wider landscape for my Landscape colleagues.*

*Notwithstanding this, the Environmental Statement does need to include in the landscape visual assessment a section that covers the impact on wider heritage assets. This would ensure, for example, that no heritage assets with designed views in the direction of the application site are missed in the analysis of the impact of the scheme.*

*I would like to add one general landscape point as this is an outline application, and in order to protect the settings of the vernacular heritage assets closest to the site within the wider views: The landscape is one of wooded areas and tree belts mixed with farmland, including heritage assets, both designated and non-designated. To lessen the cumulative impact of the development within this landscape on the settings of those heritage assets the detailed application(s) should include robust soft landscaping schemes including tree planting within the site to soften the appearance of the built up areas within those longer views.*

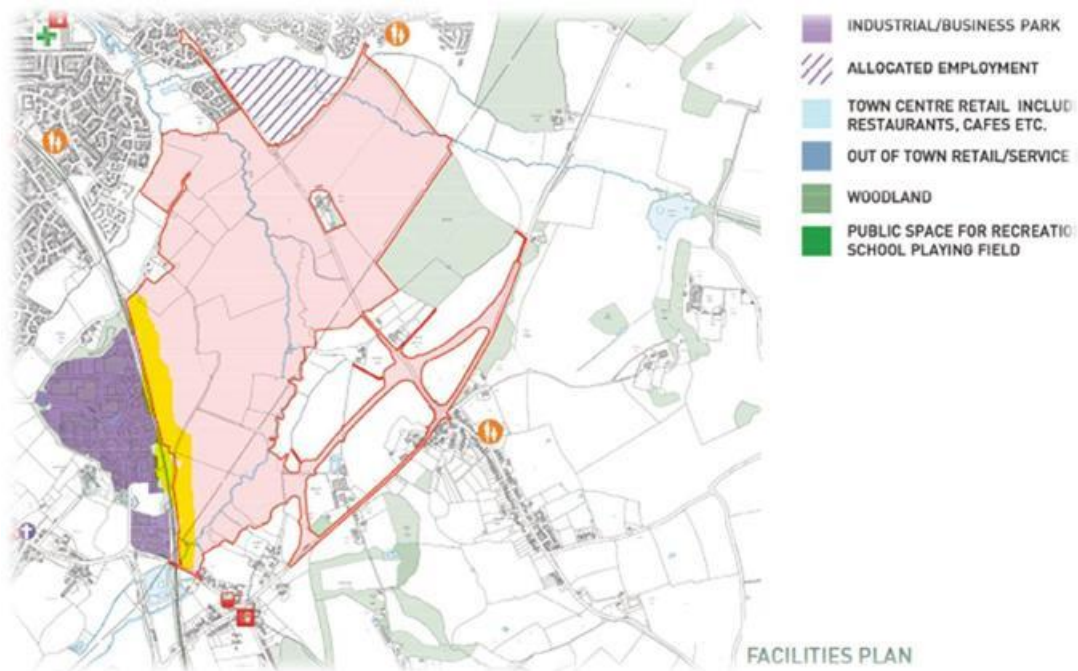
*Assuming acceptable mitigation as above then I accept the maximum ridge heights proposed on the Building Heights Parameter plan. I am basing that on the notes on the plan that state that the heights will be predominantly lower than stated but would rise in places to the maximum levels.*

WC Archaeology: no objection, subject to condition.

WC Public Protection: no objection, subject to conditions.



Noise – Possible noise disturbance for proposed residential development adjacent to the railway line (yellow shaded area, below) means survey and potential mitigation (through design and layout) will be required.



Public Protection's ..... concerns relate to how the amenity of the dwellings will be affected at their frontal exposure to the railway line in terms of front garden amenity and how this will be protected i.e. achievement of less than 50dB  $L_{Aeq,T}$  in gardens or mitigation to improve amenity levels. A proposed design aim of 55dB  $L_{Aeq,T}$  in balcony and garden areas equates to serious annoyance, daytime and evening and as such is not acceptable to Public Protection. 50dB  $L_{Aeq,T}$  may still correlate with moderate annoyance in outdoor living areas hence the desire to keep levels below this or design out amenity areas incident to railway noise which is less desirable. See indicative section showing railway proximity to dwelling frontages from the D&A below:



The design aim of a rating Level of 40 dB  $L_{Aeq}$ , 1 hour daytime and 35 dB  $L_{Aeq}$ , 15 minutes nighttime for fixed plant in employment areas and local centre/local shop sites near

*residential may be acceptable, however this needs to be justified in the context of BS4142 at the design stage.*

Contaminated land – Recommend condition.

*Air Quality - A “vision for a sustainable living environment” is supported and the need for this is apparent from the scale of the proposed development. The potential impact that could be had on air quality pressures in the Trowbridge area where sustainable low carbon alternatives to petrol and diesel vehicles are facilitated cannot be underestimated.*

*We [WC Public Protection] are keen to promote Ultra Low Energy Vehicle (ULEV) infrastructure provision across Wiltshire. Even where an AQA suggests that with appropriate mitigation in place, the air quality effects will be negligible LAQM & EPUK guidance states that:*

*“Even where the effect is judged to be insignificant, consideration should be given to the application of good design and good practice measures”*

*To this end we would request the provision of some ultra low energy vehicle infrastructure for this development in keeping with other new development currently e.g. standard charging facilities for all residential dwellings.*

*We want to see some form of physical mitigation present at this development upon its completion (or completion of phases) such that a tangible contribution to the reduction of oxides of nitrogen can be made from the outset of the development’s/phases’ use.*

WC Housing: no objection subject to provision of affordable housing as follows -

*Should it be decided that this site is suitable for residential development, under Core Policy 43 (Providing Affordable Homes) of the Wiltshire Core Strategy an on-site affordable housing provision of 30% will be sought in this location. As this site is proposing up to 2,500 new homes, the on-site affordable housing requirement would be for 750 affordable homes. From this we would require a tenure split of 60% affordable rented homes and 40% shared ownership homes. Therefore, we would seek 450 homes for affordable rent and 300 homes for shared ownership housing. For the affordable rented homes please see below an indicative property type mix which would broadly meet our current affordable housing needs; but this can be discussed in more detail should this application progress.*

*1 bed 2 person apartments = 25%*

*2 bed 4 person houses = 35%*

*2 bed 3 person bungalows = 5%*

*2 bed 3 person apartments = 3%*

*3 bed 5 person houses = 25%*

*4 bed 6 person houses = 5%*

*5 bed 8 person houses = 2%*

*With regard to the remaining 40% (i.e. 300 affordable homes) we would seek these to be for shared ownership tenure and we would currently require these units to be 2 bed 4 person houses and 3 bed 5 person houses with an approximate split of 65%/35% (2 bed houses/3 bed houses).*

*Registered Providers are reluctant to take flats over garages due to maintenance/management issues this is not an affordable housing type we would be able to currently support. Furthermore, I understand that 2 bed first and second floor affordable apartments are proving difficult to let, so again we would not encourage this property type.*

*I note that care home is also proposed. If this care home proposal is for bed spaces as opposed to individual apartments, I can confirm that an affordable housing contribution will not be sought. If, however, this is not the case and the applicant is intending to provide individual apartments for sale and rent then an affordable housing provision will be sought and I will amend my planning consultation response accordingly. ....*

*Regard must also be given to Core Policy 45 of Wiltshire Core Strategy which requires affordable housing to be well designed, ensuring a range of types, tenures and sizes of homes to meet identified affordable housing need in order to create mixed and balanced communities. The affordable housing should be pepper-potted throughout scheme in clusters of no more than 12-15 affordable units to ensure a mixed, sustainable and inclusive community. The Wiltshire Core Strategy specifies that affordable housing is expected to meet high standards of design, quality and should be visually indistinguishable from open market housing. In addition to complying with The Homes and Communities Agency's Design and Quality standards (or any other subsequent design guidance which may supersede); Wiltshire Council recommends, as a guide, that all affordable dwellings meet the minimum space standards shown in the table below:-*

<i>Number of bedrooms</i>	<i>Number of bed spaces</i>	<i>1 storey dwellings (sqm)</i>	<i>2 storey dwellings (sqm)</i>	<i>3 storey dwellings (sqm)</i>	<i>Built in storage (sqm)</i>
<i>Studio</i>	<i>1p</i>	<i>39</i>			<i>1.0</i>
<i>1b</i>	<i>2p</i>	<i>50</i>	<i>58</i>		<i>1.5</i>
<i>2b</i>	<i>3p</i>	<i>61</i>	<i>70</i>		<i>2.0</i>
	<i>4p</i>	<i>70</i>	<i>79</i>		
<i>3b</i>	<i>4p</i>	<i>74</i>	<i>84</i>	<i>90</i>	<i>2.5</i>
	<i>5p</i>	<i>86</i>	<i>93</i>	<i>99</i>	
	<i>6p</i>	<i>95</i>	<i>102</i>	<i>108</i>	
<i>4b</i>	<i>5p</i>	<i>90</i>	<i>97</i>	<i>103</i>	<i>3.0</i>
	<i>6p</i>	<i>99</i>	<i>106</i>	<i>112</i>	
	<i>7p</i>	<i>108</i>	<i>115</i>	<i>121</i>	
	<i>8p</i>	<i>117</i>	<i>124</i>	<i>130</i>	
<i>5b</i>	<i>6p</i>	<i>103</i>	<i>110</i>	<i>116</i>	<i>3.5</i>
	<i>7p</i>	<i>112</i>	<i>119</i>	<i>125</i>	
	<i>8p</i>	<i>121</i>	<i>128</i>	<i>134</i>	
<i>6b</i>	<i>7p</i>	<i>116</i>	<i>123</i>	<i>129</i>	<i>4.0</i>

*With regard to Wiltshire Core Policy CP46, where there is a housing need identified for Extra Care, adapted properties for disabled residents or wheelchair adapted accommodation these units would be sought within the mix and are to be built to Lifetime Homes Standards (or equivalent)/Adaptable standards (Building Regulations M4 Category 2: Accessible and adaptable dwellings standards). Based on current demonstrable need we can advise that, as well as general needs affordable homes, within the 30% affordable housing contribution to be delivered on a nil subsidy basis, there is also a demonstrable need in this community area for at least 10% of these affordable homes to be built to meet the specific needs of vulnerable and older people or those with disabilities. Should this application proceed I would be pleased to discuss these needs in more detail at the appropriate planning stage.*

*Any affordable housing units agreed would need to be provided at nil subsidy, in perpetuity and would need to be transferred to a Registered Provider, approved by Wiltshire Council. When providing affordable housing, developers are advised to engage with a Registered Provider at the earliest opportunity, in order to ensure that the appropriate standards are met at the design stage. Affordable housing will be secured via a S106 Agreement and nominated in line with the Council's current Allocation Policy and Procedures.*

WC Education: No objection subject to provision of land for schools/schools and /or related contributions.

*Education requirement for Ashton Park is –*

- *2 x 1.8Ha primary school sites*
- *1 x 5.24Ha secondary school site (size needed for viable 5FE school)*
- *Primary financial contribution of £9,509,390 (willing to consider developer option to build one or both primary schools etc)*
- *Secondary financial contribution of £8,463,708*
- *Early Years – advised separately.*

WC 'Early Years': No objection subject to Early Years contributions.

*There are currently 6 Early Years settings and 16 childminders within a two-mile safe walking route of this proposed development. The Early Years settings are operating at full capacity. Childminders only have limited capacity. The Local Authority has a duty to provide sufficient childcare for working parents under Section 6 of the Childcare Act 2006. Therefore, any increase in population as a result of this development will require additional childcare provision.*

*As alternative to our request for funding we would consider other options:-*

- *Land available for nursery provision that is for sale or lease for this purpose.*
- *Land available for nursery provision that is for sale or lease for this purpose.*
- *Space available as part of a community development where the nursery provider would have sole use of the allocated area.*

*Based on the number of qualifying properties, as specified above:*

*EARLY YEARS CONTRIBUTIONS REQUIREMENTS: Current cost multipliers per place: 0.04 per dwelling for 0-2 year olds (4 per 100 dwellings) and 0.09 per dwelling for 3-4 year olds (9 per 100 dwellings). £17,019 per place.*

Number of units	2 year olds 4 places per 100 dwellings	3 & 4 year olds 9 places per 100 dwellings	Total of places	Total required:
1750	70	157	227	£17,019 x 227 = £3,863,313

- Total required as per calculations above = £3,863,313 towards the development of Early Years provision
- This contribution is to be secured via a Section 106 Agreement, to which the Council's standard terms will apply.

WC Waste Management: no objection, subject to infrastructure requirements (waste and recycling containers and collection vehicle contributions).

WC Drainage: Comments as Environment Agency.

- ES 3.3.15 states SuDs design for 1 in 100 plus 30% climate change – as this application came in before the latest EA guidelines then it is assumed that the 30% cc has to be accepted rather than the 40% level (mentioned in FRA 3.31 – would be nice if they could confirm that their proposals will still work for the 40%)
- ES table 4.1 say attenuation ponds will be outside of EA 1 in 100 flood plain and drainage strategy to be agreed with EA and LLFA
- ES table 4.1 says proposals will not increase flood risk to Trowbridge or other locations and that it is not a requirement to resolve existing issues (council policy calls for betterment so could be argued that proposals should look to reduce existing issues)
- Separate applications will be needed to EA and LLFA for works to or close to Main river and ordinary water course respectively – discharges to main river and ordinary water courses will required LLFA consent
- ES section 11 – does indicate that there are areas of pluvial flooding in the site (surface water) as indicated by EA mapping – some of these have been observed by myself even after only moderate rainfall – no attenuation or housing recommended in these areas without mitigation works – FRA 3.50 suggests that the storm water proposals would remove the isolated areas of pluvial flooding
- ES 11.4.6 says 5m no development zone is proposed for ordinary water courses – the Council's drainage by laws mimic the EA requires thus the clear zone for ordinary water course should also be 8m as proposed for the main rivers
- ES 11.5.6 mentions temporary drainage arrangements during construction – these will require applications to and approval of the appropriate drainage control authority (or both)
- ES section 11 suggests any flows from the site at the discharge points will be limited to the current calculated Q bar rate (within the individual catchments) – whilst this would equate to around a current 1 in 2.3 year return period – not helping the 1 in 1 event but reducing the rate for longer return periods resulting in storage on site allowing a prolonged discharge at that rate – this would allow flows from other sources downstream of the connection points to clear Trowbridge – there is a known issue at confluence of the Paxcroft Brook and River Biss
- FRA 2.20 says site is not in an area with critical drainage problems – do not agree with this statement – area is affected by pluvial and fluvial flooding (although indicated development area stated to be in FZ 1 there are still pluvial flood issues – fields at moment but for years identified to provide flood plain for the protection of Trowbridge)

- *FRA 2.20 site IS within 20m of a main river*
- *FRA 3.65 – The council tend to look for 20% reduction in peak discharge rate from sites – even greenfield – the ES indicated the proposal to use Qbar for discharge rate means that for 1 in 1 year storm there would not be a reduction in peak rate but there would be reductions for events over the 2.3 year return period*

WC Arts: no objection, subject to arts contributions and incorporation.

WC Urban Design: no objection, subject to conditions.

*Subsequent to the subtle improvements made to the ‘Indicative Masterplan’ regarding the legibility derived from the block pattern & movement hierarchy, and various clarifications and revisions made to the DAS in respect of character and the inclusion of illustrative layout vignettes to demonstrate principles, I can confirm that my previous concerns have now been addressed and I support this application.*

Highways England: no objection.

Environment Agency: holding objection.

*We still have outstanding concerns, which have been raised in previous correspondence, that have not yet been addressed through this current consultation.*

*The revised FRA ..... appears to contain the evidence resulting from the hydraulic modelling exercise that we responded to in our letter dated 6th October 2016. Since we made our comments on the hydraulic model, we are now being asked to consider additional amendments to the highway embankment (required due to bat migration), and have also seen some evidence that there could be other works within the floodplain such as sports pitches.*

*As stated above, for such a high profile planning application it is prudent for the developer to ensure that all significant works proposed within the floodplain are fully supported by hydraulic modelling and an appropriately updated FRA, demonstrating no increase in flood risk. ....*

In addition the EA advises that the applicant may need an environmental permit for flood risk activities (formerly known as Flood Defence Consent prior to 06 April 2016) for carrying out work:

- in, under, over or near a main river (including where the river is in a culvert)
- on or near a flood defence on a main river
- in the flood plain of a main river
- on or near a sea defence

Since the holding objection was made the applicant’s drainage consultant has re-run the River Biss Hydraulic Model to assess the impact on flood risk due to the raised embankments within the Yarnbrook and West Ashton Relief Road and the associated flood compensation measures. According to the drainage consultant the output has shown there is no material change in flood risk from that assessed without the raised embankments and their associated flood compensation. This verifies the conclusions of the ES Addendum and appended FRA. The Environment Agency has been re-consulted and its final views are awaited. The recommendation reflects these circumstances.

Natural England: no objection / comments.

*Natural England has now reviewed the revised Habitats Regulation Assessment for this application (dated 27 February 2018).*

*Summary of advice –*

*Natural England concurs with the conclusion of the Habitats Regulation Assessment, namely:*

*Council concludes that the project (as proposed in planning application 15/04736/OUT) would not have an adverse effect on the integrity of the Bath and Bradford on Avon Bats SAC, either alone or in combination with other plans and projects.*

*Background to this conclusion –*

*Natural England has worked very closely with the Council's Ecologist and others over a span of several years to come to this conclusion, reviewing and commenting on many iterations of the HRA and iterations of the planning application, looking at the full suite of issues identified in what is a very complicated situation. We are now satisfied that the Council has fully considered the requirements of the Habitat Regulations and demonstrated that there is sufficient mitigation incorporated into the development proposals to allow the above conclusion.*

Natural England makes no other comments in respect of other ecology considerations in general.

Historic England: No objection.

*.... In determining this application you should bear in mind the statutory duty of section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess and section 38(6) of the Planning and Compulsory Purchase Act 2004 to determine planning applications in accordance with the development plan unless material considerations indicate otherwise.*

*..... Historic England provided pre-application comments regarding this site in 2013 and commented on the application in 2015. We have considered the matter further in regard to the additional documentation submitted and noted the proximity of the site to the Steeple Ashton and Trowbridge Conservation Areas and the Church of St Nicholas, designated grade II\*, at nearby North Bradley and whilst particularly mindful of the impact of the proposal on their settings, we maintain our view that no highly graded designated heritage assets would be directly affected by the proposed development.*

Sport England: No objection, subject to conditions.

NHS Estates: No objection, subject to infrastructure requirements

*Wiltshire Clinical Commissioning Group (the CCG) will be taking a greater interest in Primary Care moving forward, which includes the provision of doctors surgeries. The development of large numbers of housing clearly impacts on more than Primary care, but given that some 80% of NHS activity is at doctor's surgery level it is easier to consider the direct correlation between new housing and GP services in a given locality and I believe this is more likely to fit CIL tests.*

*In Trowbridge there were 4 practices but 2 are merging in the newly extended Adcroft surgery building, which has just come on stream and Widbrook is now under the same umbrella group practice. The Adcroft project has been planned for 8 years. The extended building gives some additional capacity to take more patients. However the practice most likely to be impacted by this particular scheme is likely to be Lovemead Surgery. This practice is already under severe strain, mainly due to its existing building, which by standard NHSE calculations is 50% under spaced for the number of patients registered.*

*To address this problem the CCG is taking forward a project to alleviate the strain on the towns services generally which is in the form of an 'Urgent Care Centre' and has identified a preferred site in the centre of the town. The building includes 631m<sup>2</sup> specifically for Primary Care services. This scheme will be partly funded by NHS England capital but there is large shortfall in the overall funding which this S106 request could partly help to alleviate. The planned programme for this project is building during 2020/21.*

*I have re-run NHSE's S106 Calculator figures using updated building costs identified under live NHS capital funded surgery projects across the south of England. The basis of the previous figure used has been shown to be far too optimistic for this type of specialised building. To be clear this cost does not include the land cost.*

*The new figure requested is now therefore £2,056,500<sup>1</sup>.*

*The offer of a new surgery on the site is not attractive to NHSE and the CCG as it would probably mean a branch run by an existing practice and the direction of travel for Primary Care is larger surgeries providing a wider range of services. It is not made clear the basis of this offer and previous experience has shown that developers think that an offer to construct and lease a building to a practice on commercial terms is sufficient to meet their obligations, which is absolutely of no help to the NHS. We therefore request that the above sum is put towards the overall costs of the Urgent Care Centre which will provide GP services to residents of this proposed development.*

*The average number of patients per GP across England is approx. 1700. The number of new houses you have stated at 2500 which generates a potential patient population of 5750 at 2.3 people per household (based on 2011 census data). Therefore 5750 / 1700 gives the 3.4 GPs.*

#### Network Rail: Comments.

*Having reviewed the transport assessment, I can confirm that Network Rail supports section 5.26 which informs that the proposed development involves the diversion of footpath NBRA11 which would allow for two level crossings to be closed. ....*

*..... we require a mechanism in place to ensure that provision is delivered to mitigate the significant impact the development will have on these two level crossings, therefore we require monitoring and the cost of mitigation to be paid by the developer [this in the event that the two level crossings are not closed following separate applications for footpath diversion orders].*

*I request that detail of the monitoring and mitigation are included in a legal agreement or condition on any planning approval.*

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<sup>1</sup> In August 2015 NHS Estates requested a financial contribution of £1,108,500. In view of this the figure now set out is considered unreasonable, and so the recommendation is that the original contribution is sought, subject to any required adjustment for inflation.



*The S106 (or condition) needs to be clear and needs to detail the following:*

- *When the monitoring starts, the type of monitoring and how often it will take place. Who should receive the outputs from the monitoring and when.*
- *The triggers for the mitigation.*
- *How and when the money will be paid (this could be in stages to follow GRIP).*
- *Who will be responsible and pay for the cost of the orders to close the crossings.*
- *Who will be liable for the new asset.*

*On the basis the above is accepted by the developer, I give below my comments and requirements for the safe operation of the railway and the protection of Network Rail's adjoining land.*

*Safety - No work should be carried out on the development site that may endanger the safe operation of the railway or the stability of Network Rail's structures and adjoining land, Network Rail have various structures/assets which need to be considered and any impact will need to be mitigated through the Asset Protection process therefore, the applicant must contact Richard Selwood at Network Rail on AssetProtectionWestern@networkrail.co.uk before works begin.*

*Fencing - If not already in place, the Developer/applicant must provide at their expense a suitable trespass proof fence (of at least 1.8m in height) adjacent to Network Rail's boundary and make provision for its future maintenance and renewal without encroachment upon Network Rail land. Network Rail's existing fencing / wall must not be removed or damaged and at no point either during construction or after works are completed on site should the foundations of the fencing or wall or any embankment therein be damaged, undermined or compromised in any way. Any vegetation on Network Rail land and within Network Rail's boundary must also not be disturbed.*

*Drainage - Additional or increased flows of surface water should not be discharged onto Network Rail land or into Network Rail's culvert or drains. In the interest of the long-term stability of the railway, soakaways/attenuation ponds should not be constructed within 20 metres of Network Rail's boundary. Any surface water run-off from the site must drain away from the railway boundary and must NOT drain in the direction of the railway as this could import a risk of flooding and / or pollution onto Network Rail land.*

*Access to railway - All roads, paths or ways providing access to any part of the railway undertaker's land shall be kept open at all times during and after the development.*

*Site layout - It is recommended that all buildings be situated at least 2 metres from the boundary fence, to allow construction and any future maintenance work to be carried out without involving entry onto Network Rail's infrastructure. Where trees exist on Network Rail land the design of foundations close to the boundary must take into account the effects of root penetration in accordance with the Building Research Establishment's guidelines.*

*Children's play areas/open spaces/amenities - Children's play areas, open spaces and amenity areas must be protected by a secure fence along the boundary of one of the following kinds, concrete post and panel, iron railing, steel palisade or such other fence approved by the Local Planning Authority acting in consultation with the railway undertaker to a minimum height of 2 metres and the fence should be not able to be climbed.*

*Piling - Where vibro-compaction/displacement piling plant is to be used in development, details of the use of such machinery and a method statement should be submitted for the approval of Network Rail's Asset Protection Engineer prior to the commencement of works and the works shall only be carried out in accordance with the approved method statement.*

*Excavations/earthworks - All excavations / earthworks carried out in the vicinity of Network Rail's property / structures must be designed and executed such that no interference with the integrity of that property / structure can occur. If temporary compounds are to be located adjacent to the operational railway, these should be included in a method statement for approval by Network Rail. Prior to commencement of works, full details of excavations and earthworks to be carried out near the railway undertaker's boundary fence should be submitted for approval of the Local Planning Authority acting in consultation with the railway undertaker and the works shall only be carried out in accordance with the approved details. Where development may affect the railway, consultation with the Asset Protection Engineer should be undertaken.*

*Method statements/fail safe/possessions - Method statements may be required to be submitted to Network Rail's Asset Protection Engineer for prior approval of works commencing on site. Where any works cannot be carried out in a "fail-safe" manner, it will be necessary to restrict those works to periods when the railway is closed to rail traffic i.e "possession" which must be booked via Network Rail's Asset Protection Engineer and are subject to a minimum prior notice period of booking of 20 weeks. The applicant will be liable for all costs incurred by Network Rail (including all possession costs, site safety supervision, asset protection presence). The applicant is reminded that Network Rail can refuse any third party works that would impact adversely on its infrastructure.*

*Signalling - The proposal must not interfere with or obscure any signals that may be in the area.*

*Plant, scaffolding and cranes - Any scaffold which is to be constructed adjacent to the railway must be erected in such a manner that, at no time will any poles or cranes over-sail or fall onto the railway. All plant and scaffolding must be positioned, that in the event of failure, it will not fall on to Network Rail land.*

*Environmental issues - The design and siting of buildings should take into account the possible effects of noise and vibration and the generation of airborne dust resulting from the operation of the railway.*

*Landscaping - It is recommended no trees are planted closer than 1.5 times their mature height to the boundary fence. The developer should adhere to Network Rail's advice guide on acceptable tree/plant species. Any tree felling works where there is a risk of the trees or branches falling across the boundary fence will require railway supervision.*

Wessex Water: General observations.

*The applicant proposes surface water disposal to SuDS with discharge to local land drainage systems. Therefore we leave the Lead Local Flood Authority to comment on the surface water proposals and flood risk measures.*

*Surface Water connections to the public foul sewer network will not be permitted. Land drainage run-off shall not be permitted to discharge either directly or indirectly to the public sewerage system.*

*The proposed development is crossed by water mains 350mm 450mm & 600mm dia. with the approximate position being marked on the attached record. There must be no building or structure within a minimum 6m either side of the 450mm & 600mm mains and 5 metres either side of the 350mm water main. Wessex Water acting as Statutory Undertaker require 24 hour unrestricted access to the mains for the purposes of maintenance and repair. Developer needs to accurately locate and plot the line of the water main and ensure that the*

*easement strip is clear from structures and obstruction and that surface levels over the main are not reduced or significantly increased. Subject to engineering agreement and application, it may be possible to divert a main at the developer's cost. Please see <http://www.wessexwater.co.uk/Developers/Supply/Building-near-a-water-mains/> for further guidance and contacts.*

*On water supply, the outline scheme proposed can be implemented in accordance with Section 41 of the Water Industry Act 1991.*

Wiltshire & Dorset Fire and Rescue: recommendations and advice.

*At this stage of the planning application Wiltshire Fire & Rescue Service is required to make comment relating to section B5 of Approved Document B. Essentially, this relates to the provision of reasonable facilities to assist fire fighters within the building and to enable fire appliances to gain access to the building.*

*Complying with these requirements, in advance of the formal Building Regulations consultation process, will assist during that process and are made without prejudice to it.*

- Access and Facilities for the Fire Service - Consideration is to be given to ensure access to the site, for the purpose of fire-fighting, is adequate for the size and nature of the development.*
- Fire Safety Legislation - Once constructed and put to use, commercial premises will be subject to the Regulatory Reform (Fire Safety) Order 2005. Further information can be found on the Wiltshire Fire & Rescue Service website, where published guides are available to download.*
- Water Supplies for Fire Fighting - Consideration should be given to the National Guidance Document on the Provision of Water for Fire Fighting and the specific advice of this Authority on the location of fire hydrants.*

*Wiltshire Fire & Rescue Service's core objectives include the reduction of deaths, injuries and property damage caused by fire. The following recommendations are made with this in mind and, whilst not requirements, may become so during the formal Building Regulations consultation process and are made without prejudice to that process.*

- Domestic Sprinkler Protection - A core objective of the Wiltshire Fire & Rescue Service is to support and encourage an increase in the provision of residential sprinklers in domestic properties in Wiltshire and Swindon.*

*Residential sprinklers are not new and, although a British invention, significant developments have been made in the United States, Australia and New Zealand. In these countries there are whole communities with such installations and a zero fatality rate from domestic fires where a sprinkler system is installed.*

*The following information may be of interest to you:*

- Sprinklers work from a standard main, although a 32mm connection is required*
- Are inexpensive to install, particularly in a new building*
- Do not activate by accident causing unwanted damage*
- Only operate through individually activated heads, not the whole system*
- Are not unsightly as they fit flush to the ceiling behind a flat cover*
- Cause less water damage in a fire than normal fire fighting operations*

- *Significantly reduce fire and smoke damage*
- *Commercial Sprinkler Protection - The nature of the proposal gives reason for this Authority to strongly advise the consideration of an appropriate sprinkler system for these premises.*

*There are ten good reasons to install automatic sprinkler systems:*

- *In the UK, there has never been a fire death in a building with sprinklers*
  - *Installation cost is minimal in a new build (approximately 2-5%)*
  - *Maintenance costs are low and sprinkler systems are designed to last in excess of 50 years*
  - *Fire damage can be reduced by 90% compared to a similar, unprotected building*
  - *The chances of accidental discharge due to a manufacturing fault is 1 in 16,000,000 heads*
  - *The likelihood of accidental damage causing a discharge is 1 in every 500,000 heads*
  - *Installation of a sprinkler system may allow the relaxation of other passive fire safety measures*
  - *Insurance costs may be significantly reduced*
  - *Sprinklers will control a fire with significantly less water than full fire service intervention*
  - *Greatly reduced business disruption due to a fire and improved recovery from it.*
- *Sprinkler Protection in Schools - In February 2007 Jim Knight MP, Minister for Education and Skills, stated all new and refurbished schools should be subjected to a risk assessment to decide whether sprinklers should be installed. It is his opinion only the very lowest risk schools would not be fitted. This measure has been put in place to counteract the growing problem of fires in schools, which is currently costing the economy in the region of £100m per year.*

*A partnership between the Department for Education and Skills, Chief Fire Officer's Association and the Building Research Establishment has developed a risk assessment toolkit, which is designed to assist designers and project management teams in carrying out this risk assessment. Copies of the toolkit have been sent to all Education Authorities and fire and rescue services.*

*Wiltshire Fire & Rescue Service is able to take an active part in the process, which will require data supplied by us.*

National Grid: Informatives.

Wiltshire Wildlife Trust: WWT owns both Biss Wood and Green Lane Wood Local Nature Reserves. In 2015 WWT raised a holding objection for the following (summarised) reasons:

- Development likely to have a very significant detrimental effect on the wildlife that occurs in the woods and on WWT members' quiet enjoyment of the nature reserves;
- This is due to the impact of change from the relative rural isolation of the woods, to an 'urban fringe' situation with additional human pressure (recreation and uncontrolled supervision of dogs, cats, people, etc.);
- And, in combination impact with recent development at Land East of Trowbridge;
- Net gains in biodiversity are not fully outlined in the Green Infrastructure and Biodiversity Strategy, and the establishment of coherent ecological networks that are

more resilient to current and future pressures is not proven. The Wiltshire Green Infrastructure Strategy has not been completed;

- The site is in close proximity to a significant maternity roost associated with the Bath and Bradford on Avon Bat Special Area of Conservation (SAC);
- The provision of green infrastructure and a visitors facility would not truly provide net-biodiversity gain when balanced against the identified impacts;
- Principle of a visitor facility supported – but a firm commitment on the part of the developer is required;
- Mitigation proposals are unsecured. No terms for a legal agreement and for on-going management and staffing. Precedent set by failure of adjacent Nature Park to be handed over to WWT in accordance with that development's S106 agreement.
- Concerns over impact of YWARR on Biss Wood.

WWT's 2015 response concludes with the following statement:

*Wiltshire Wildlife Trust remain committed to future dialogue with the Council and the applicant, in order to fully establish and confirm the extent and appropriateness of any mitigation measures, required to fulfil the principles of sustainable development in relation to this planning application.*

At the time of writing this report WWT had not provided a more recent response. However, since 2015 dialogue between Wiltshire Council, the Applicant and WWT has taken place in respect of appropriate mitigation and management. Accordingly the Appropriate Assessment is based upon an Agreement between WC, the Applicant and WWT, (*“Agreement with Wiltshire Wildlife Trust over mitigation and monitoring to offset the effects of recreational pressure on bats (dated 10 March 2017)”*, (attached at annex 3 to this report).

In summary the “Agreement” commits the applicant and WWT to the following –

- Establishment of a Steering Group to ensure the timely delivery of mitigation, monitoring and remedial measures during and post construction;
- A timetable for all green infrastructure planting before the first reserved matters application is submitted, and secured by relevant planning conditions/S106;
- The Section 106 will secure:
  - Long term management of nature park extension and Green Infrastructure landscape works
  - Provision and reasonable maintenance of the Ecological Visitors Facility
  - Replacement of capital works
  - Remedial works
- Appointment of a full time equivalent warden;
- A fence and robust thorny planting along the sides of Green Lane and Biss Woods to prevent unauthorised access routes being opened up;
- WWT to amend its Management Plan(s) for Green Lane and Biss Wood to include the following commitments:
  - Unsupervised informal fires (not burning of brash etc. from routine management), camp building, BBQs will never be tolerated as part of the management plan.
  - Amenity and educational use of the woodlands will be recorded and kept under review to provide data on all potential sources of human disturbance. If bat monitoring suggests human disturbance could be contributing to impacts, remedial strategies will be reviewed with the Steering Group or Wiltshire Council Ecologists, implemented and monitored.
  - Where monitoring demonstrates boxes are vulnerable to being lost, alternative roost designs and locations will be agreed with the Steering Group or Wiltshire Council Ecologists.

- Car parking currently available to WWT members will not be increased above existing levels, although the location may change from the existing site off the A350. Specific car parking and toilet facilities will not be provided to facilitate informal recreational access.
- Funds obtained from the applicant and rent charges on properties will be ring-fenced for delivery of the agreed measures.
- The applicant will provide a Compliance Ecologist on approval of the first reserved matters application for the duration of the construction period.

The finer detail of this “Agreement” is the subject of the on-going dialogue between the applicant and WWT.

## **8. Representations**

The application was publicised by way of site notices, newspaper adverts and neighbour letters. The application generated representations from 29 interested parties, including RSPB, CPRE and the Woodland Trust.

### Representations against (x23) –

- Loss of ‘greenfield’. ‘Brownfield First’ approach required, particularly as Trowbridge has brownfield sites.
- Over-development; max. building height too high. Unsuitable indicative layout.
- Trowbridge has insufficient facilities (inc. surgeries, schools, social services, car parks) and road capacity to support this scale of development. New residents will out-commute to other towns for work, etc., as car biased development.
- No requirement for further commercial development.
- Loss of wildlife – notably in River Biss corridor. Loss of wildlife species. Loss of trees/hedgerows. Harmful to Bechsteins bats colony in Biss Wood as a consequence of recreational and other pressures; Biss Wood should have SAC status. Business park unsuitable as ecology buffer so close to protected species due to size/height of buildings, light pollution, noise, security, etc.. Bat ‘hop-overs’ not proven to work.
- Harmful impact on ‘isolated’ character of ancient woodlands (Biss Woods). Much vandalism of woodland in this area as a consequence of other nearby developments.
- Disturbance to / development in flood plain will lead to flooding elsewhere.
- Loss of prime agricultural land.
- Increased traffic as a consequence of the development will not relieve congestion, notably at Yarnbrook. Road bridge required over railway.
- Pollution (noise, smell, etc.) from additional traffic and commercial development.
- Speeding traffic causes noise and vibration related disturbance in West Ashton Road.
- No need for relief road; meaningless without Westbury by-pass.
- Additional landscaping / tree-planting required.
- Improved pedestrian access required via railway under-bridges.
- No strategy for public transport provision.
- It will be more dangerous for vehicles exiting from properties close to proposed roundabout on A363 than presently in view of proximity of proposed roundabout. Road-about in this location is a compromised design in view of proximity to railway line. Mitigation required to limit impact of noise/disturbance to nearby houses here. Traffic calming required on A363 between new roundabout and Hungry Horse roundabout to reduce flows here. Concerns over potential flooding here.
- Rurality of nearby scout camp must be maintained, with mitigation as necessary; required 200m visibility splay at entrance to scout camp on A350 must be maintained; removal of traffic signals at West Grafton and Stoney Gutter junctions will make exiting scout camp site more difficult. No indication given for future uses of land either side of relief road. A new access to the camp site from West Ashton Road would provide solution (for scouts

and Biss Wood volunteers). Further mitigation of scout camp required – bund, tree works, fencing, etc.. Open land between Green Lane Wood and Biss Wood requires protection.

- 'S106 land' between Green Lane Wood and Biss Wood has still not been handed over to the Wildlife Trust, this indicative of a lack of commitment to wildlife interests by developers.
- The quality of provision offered by Larkrise Community Farm (LCF) would be directly affected and the ambiance of a practical working farm be completely diminished if surrounded by housing, highways, pollution and noise. The new road would bring much more traffic closer to the LCF having a detrimental effect in terms of pollution and noise on animal stock and general wildlife in and around the area toward Biss Wood. It would also create safety problems due to the increase in traffic and access to the site; and security problems in view of the proximity of the proposed housing. Pavements/footways would be necessary alongside West Ashton Road.

CPRE objection as follows –

*CPRE Wiltshire objects in principle to the development of greenfield sites before the supply of brownfield sites has been exhausted. For that reason, we resisted the inclusion of greenfield land to the south-east of Trowbridge, including the Ashton Park site, in the Wiltshire Core Strategy as a strategic development site.*

*We acknowledge, as stated in the NPPF (para. 52), that "The supply of new homes can sometimes be best achieved through planning for large-scale development, such as new settlements or extensions to existing villages and towns that follow the principles of Garden Cities", and support the view that local planning authorities, with the support of their communities, should consider whether such larger-scale developments provide the best way of achieving sustainable development. "In doing so", para. 52 continues' "they should consider whether it is appropriate to establish Green Belt around or adjoining any such new development". We can see no evidence of such careful consideration in the application documents.*

*The Planning Statement from Pegasus says (para. 1.7) that the material considerations in this case — the NPPF and environmental, economic and social impacts of the development — have been assessed comprehensively by the E.S. and demonstrate that, for permission to be granted, appropriate mitigation would have to be secured through planning obligations or conditions.*

*Accordingly, we reserve our comments on all matters other than highways and access until a full planning application is presented.*

*We strongly support the eventual development of a western Westbury bypass. The provision of the Yarnbrook/West Ashton Relief Road and associated highway infrastructure, the downgrading of part A350 with associated landscaping and highway works, the provision of access points as in the Planning Statement para. 3.2 (southern vehicular access from proposed Yarnbrook/West Ashton Relief Road; two access junctions from West Ashton Road ; two access junctions from Soprano Way), and cycleway improvements to West Ashton Road would be useful contributions to that end.*

Representations in support (x4) –

- Beneficial to Trowbridge, notably the planned secondary school.
- Relief road will bring benefits to Yarnbrook. Relief road should be delivered early in programme.

- Will there be self-build opportunities?
- Support for mixed uses across site, but relief road will require early delivery.
- Requirements to accommodate bats are disproportionate.

The RSPB has made the following general comments:

*Referring to the Green Infrastructure Parameter Plans on page 195, the only major issue we have with the bullet points listed under section 12.105 relate to the locations and models of bird boxes, we would like to make the following comments and recommendations.*

*The latter are all retrofitted to external features and with one or two exceptions are difficult to position in a new development before the GI has begun to mature. The exceptions are the cups for house martins and swallows and the sparrow terrace, in our experience the latter is seldom used by more than one pair and in general sparrows seem to favour swift boxes if they are available.*

*Swallows only occupy cups in open sided buildings and house martins under eaves and barge boards, both species can cause problems due to "fouling", as a consequence some new residents find them a nuisance, whilst we hope this will not be the case, we believe it is sensible to allow the latter to choose them as an optional extra otherwise they may well be removed at the first available opportunity.*

*The boxes recommended for garden birds have a limited life span, need ongoing maintenance and are also easily removed or vandalised, we would suggest that these are left to the discretion of the new residents as well !! Provision for the species that are accustomed to nest in the cavities traditionally found under the eaves of older buildings is simply achieved with the use of "swift boxes" these will be occupied by house sparrows and starlings as well as swifts, blue tits, great tits and over wintering wrens. Bat Conservation advise us that they are also favoured by crevice roosting bats, they will be a permanent, low maintenance feature for the life time of the building and their inclusion is generally considered good practice as required by the NPPF. ....*

*We note that a Landscape and Ecological Management Plan or similar will be prepared for the Reserved Matters Application .....*

## **9. Planning Issues**

The main issues to be considered in this case are firstly the principle of the proposal; and then, assuming the principle is accepted, the impact of the specific proposal on detailed matters, including ecology, landscape and visual amenity, highway safety (including rights of way), heritage assets, flood risk and other utilities, supporting infrastructure and public services (schools, health facilities, recreation facilities, affordable housing, etc.) and residential amenity in general.

The ES, together with any other information which is relevant to the decision, and any comments and representations made on it, must be taken into account by the local planning authority in deciding whether or not to grant consent for the development.

### Principle

The Wiltshire Core Strategy sets out a 'Settlement Strategy' (Core Policy 1) and a 'Delivery Strategy' (Core Policy 2) for new development across the county. Proposed development



which complies with the Settlement and Delivery Strategies will be sustainable in the overarching context of the Wiltshire Core Strategy.

The Settlement Strategy identifies four tiers of settlement – Principal Settlements, Market Towns, Local Service Centres, and Large and Small Villages. With the exception of the Small Villages, each settlement has a defined boundary. Inside the boundaries new development which fulfils the defined purposes of the settlement will be acceptable as a matter of principle; outside of the boundaries, and so in the ‘countryside’, there is effectively a presumption against new development which should otherwise be inside.

Within the Settlement Strategy Trowbridge is identified as being a Principal Settlement. Core Policy 1 explains that Principal Settlements “... are strategically important centres and the primary focus for development”; and that their purpose is to “... provide significant levels of jobs and homes, together with supporting community facilities and infrastructure, meeting their economic potential in the most sustainable way to support better self-containment”.

Core Policy 29 of the Wiltshire Core Strategy sets out the specific ‘Spatial Strategy’ for the Trowbridge Community Area. It confirms that over the plan period (2006 to 2026) approximately 7,000 new homes will be provided in the Area of which about 5,860 will be at Trowbridge town. These will include “... an area for strategic growth to the south east of the town (Ashton Park) ...” where 15 ha of employment land and 2,600 houses will be delivered.

In its broadest terms the planning application – for 13.6 ha of employment land and up to 2,500 dwellings – is considered to comply with Core Policies 1, 2 and 29 and, as such, is acceptable as a matter of principle. The marginal shortfall in proposed housing numbers is in view of the application site not taking in the entire land allocation (for ownership reasons); the separate ‘live’ applications for c. 91-121 dwellings at land north of Drynham Lane and within the remainder of the allocation largely makes up the difference. The slight shortfall in proposed employment land is primarily as a consequence of the revisions to the master plan arising from the recommendations of the Appropriate Assessment following due process under the Habitat Regulations described earlier. This said, additional employment would be provided beyond the specific employment area in any event, notably in the local centres.

Core Policy 29 requires delivery in accordance with the Ashton Park Urban Extension (APUE) development template which is also part of the Core Strategy. It sets out specific infrastructure requirements, and each of these is assessed in the following topic-based sections of the report. A section will cover the detailed design of the proposed road; but in terms of its principle, the template sets out a requirement for the development to be ‘in line’ with the emerging Trowbridge Transport Strategy (eTTS). The eTTS sets out a list of planned schemes for Trowbridge, and this includes the Yarnbrook and West Ashton Relief Road. It follows that because the planning application incorporates a relief road it complies as a matter of principle with the eTTS (and, by association, the APUE development template).

### Ecology

Core Policy 50 of the WCS requires development proposals to demonstrate how they protect features of nature conservation and geological value as part of the design rationale. There is an expectation that such features will be retained, buffered and managed favourably in order to maintain ecological value, connectivity and functionality in the long term. Where it has been demonstrated that such features cannot be retained, removal or damage shall only be acceptable in circumstances where the anticipated ecological impacts have been mitigated as far as possible and appropriate compensatory measures can be secured to

ensure no net loss of the local biodiversity resource, and secure the integrity of local ecological networks and provision of ecosystem networks. Any development that would have an adverse effect on the integrity of a European nature conservation site will not be in accordance with the Core Strategy. Major developments must include measures to deliver biodiversity gains.

The APUE development template sets out six ecology requirements for the land allocation. These are for –

- *100m woodland/parkland buffer between all ancient woodland, including Biss Wood and Green Lane Wood, and built development.*
- *Bat roost sites, foraging habitat and flight lines within, and in the vicinity of the site to be identified, retained and protected in the long-term, including sensitive lighting.*
- *Applications will be screened for potential impacts on the Bath and Bradford on Avon Bats SAC [Special Area of Conservation]. Any appropriate assessment must conclude 'no adverse effects'.*
- *Surveys for other relevant protected species and habitats required prior to development.*
- *The riparian corridor along the River Biss should be enhanced to create a mosaic of wetland and species-rich grassland habitats.*
- *The site is in a woodland Strategic Nature Area; landscaping includes a high proportion of woodland planting, particularly where this provides enhanced ecological connectivity to Biss Wood. Contributions towards opportunities for woodland creation in the landscape setting of the site where possible.*

The application is accompanied by an Environmental Statement. Its ecology chapter considers existing baseline conditions, the likely significant effects of the proposed development (both singly and cumulatively) and mitigation measures. On baseline conditions it records the nearest European site as Salisbury Plain Special Area of Conservation (SAC), (5.2 km to the south-east), with populations of bats within the local area linked to the Bath and Bradford on Avon Bat SAC (7.8 km to the north-west). Closer to the application site it records statutory ecology designations at Picket and Clanger Woods SSSI (Site of Special Scientific Interest) and Green Lane Wood LNR (Local Nature Reserve), with non-statutory designations and ancient woodlands at Biss Wood LWS and WWTR. As Natural England has indicated that Green Lane Wood LNR and Biss Wood LWS are being considered for statutory designation (that is, as SSSI(s)), for the purposes of the ES the Bechstein's bat population within these areas has been assessed as being of conservation significance at a regional to national level. Other designations are also recorded further afield.

The ES survey of the site itself records it as being dominated by arable land and agricultural grassland, considered to be of negligible-low ecological value. Areas of low to moderate ecological value include some pasture and field margins, marshy grassland, ruderal vegetation, hedgerows, trees, scrub, watercourses, ditches and a pond; whilst the River Biss corridor is considered to be of moderate to high ecological value.

Surveys of protected species found a range of bat species which commute in the locality, including across the route of the proposed relief road; and low numbers of dormice, otter, water vole and other mammal and bird species. A colony of great crested newts was observed close-by.

The ES concludes that those designations further afield, including Salisbury Plain SAC, are unlikely to be affected by the proposed development, singly or cumulatively with other developments. Those national and local designated sites close to the site may be affected by additional recreational pressure arising from the increased human population (both singly

and cumulatively with other developments). However, with appropriate mitigation (which in the case of the application site includes the creation of significant areas of green space, purpose-designed to be both attractive for recreation and wildlife), and the provision of a wildlife visitor facility and full-time warden, the ES concludes that the effects on the designations would not be significant adverse, and this is agreed.

A similar conclusion is drawn with regard to the effects on fauna (excluding bats which are discussed in greater detail below). Inevitably given the large area of new build involved, there would be some change to the balance of species the site supports. However, given that much of the land to be developed is presently in intensive agricultural use, and because the development would provide large areas of open and un-developed space (including areas secluded from recreational activity, and designed and planted for the benefit of fauna), and as there is further extensive arable and pasture land to the south and east in any event, the ES concludes that the effects are of minor to moderate beneficial significance at the local and regional level. Again, this is agreed.

In terms of the APUE Development template, the proposal, therefore, satisfies the fourth, fifth and sixth bullet points referred to above.

Bats –

The Bath and Bradford on Avon Bats SAC is designated for its nationally important populations of Bechstein's bats, greater horseshoe bats and lesser horseshoe bats. The proposed development is located some distance from this designation meaning that any adverse effects (both singly and cumulatively with other developments) would be in relation to those bats commuting between the SAC and the wider breeding woodlands. The ES initial assessment concludes that, without mitigation, the effects on foraging and commuting bats from the completed development would be, at the regional to national level, of major significance, adverse and permanent.

The ES identifies the main potential effects of new development on roosting bats in the following terms:

- Minor losses in roosting potential (from loss of trees);
- Potential disturbance to roosts from lightspill;
- Degradation of off-site woodlands through anthropogenic disturbance;
- Direct disturbance and potential for killing / injury of bats, as well as roost loss, through vandalism of boxes or camping fires in off-site woodlands; and
- Reduction in the permeability of landscape reducing movement of bats between off-site woodlands.

In addressing these, the ES states that losses in roosting habitat would be mitigated through the provision of bat boxes on retained and new trees. Potential disturbance from light-spill would be addressed by ensuring key habitats of value to bats are unilluminated and maintained as 'intrinsically dark' areas / corridors. Mitigation in respect of anthropogenic disturbance and increased recreational pressure would be through the provision of other more desirable recreational opportunities for residents within the new development itself (e.g. the nature park extension and river corridor / related circular walks) and by connectivity to existing accessible green infrastructure elsewhere in and around Trowbridge.

Direct disturbance through vandalism and unauthorised access to breeding woodlands would be managed by physical restriction (buffers, bunds, ponds, fences, etc.) and separation (keeping residential development away from the woodlands). A warden would also be funded, and education material provided to residents.

The ES identifies the main potential effects relating to the potential loss, degradation or fragmentation of bat foraging habitats as –

- Minor losses in foraging habitat (hedgerows and treelines, grassland);
- Degradation of retained on and off-site habitats as a result of land use change (e.g. potential pollution, run-off, etc.);
- Recreational pressure;
- Fragmentation of retained new and off-site habitats (reduced permeability of the landscape).

Proposed mitigation to address these effects includes retaining key foraging and commuting habitat such as the River Biss corridor, hedgerows and woodland; enhancement of retained habitats; creation of replacement/new habitat (including formation of a 100m buffer around Biss Wood, to include planting, etc. attractive for bats); ‘prickly’ barriers in appropriate locations to discourage ‘off-piste’ recreation by residents and an attractive network of recreational opportunities elsewhere; fronting of houses on to green corridors to achieve passive surveillance; and management of woodlands and new habitats to maintain their suitability (by a warden / Wiltshire Wildlife Trust).

With particular regard to the potential fragmentation, or severance, ‘effect’, the ES focuses on the relief road and Biss River bridges which form critical parts of the planning application and which offer potential barriers to commuting bats. The ES notes that as a general rule mitigation for the ‘barrier effect’ of roads should act to maintain the functionality of the commuting feature and, therefore, ensure permeability of the road for bats.

The ES examines in great detail the different ways in which permeability has been maintained in other situations – via over-passes (that is, bridges for bats), under-passes, or vegetated links / ‘hop-overs’ (that is, vegetated crossing points along the road, formed by tall vegetation/trees on either side of the road with interlinking or converging canopies). Ultimately it concludes that over-passes would not be suitable for the proposed road here, this on the basis of the relatively small scale of the road, the surrounding land-form, and inconclusive research on their effectiveness. The mitigation set out is, therefore, to provide underpasses and hop-overs.

Surveys of the site have confirmed that there are 11 points where bats presently cross the line of the proposed roads (mainly on the line of existing hedgerows). Of these, 7 would be maintained through the provision of underpasses under the new road, and the others by way of hop-overs. The ES quotes a recent scientific study on underpasses which concludes that they are more likely to be successful than over-passes, but that the height is a critical factor to this; the study recommends approximately 3m for woodland adapted species, such as Bechstein’s bats. In view of this the underpasses for the relief road are proposed to be 3m in height (by 5m in width). The knock-on effect of this height requirement is that the road in places (specifically between roundabouts R3 and R2) would be on an embankment c. 4.5m above existing ground levels. With due regard to existing ground undulation and with suitable landscaping on its slopes, a raised line for the road is not considered unreasonable; this is considered in greater detail in the Landscape section of the report. The ES provides a fully detailed specification for both the underpasses and hop-overs.

Regarding the proposed bridges over the River Biss, the ES confirms that these are acceptable from an ecological standpoint as river bridges are known to be effective in allowing bats to pass beneath.

Subject to implementation of the mitigation measures the ES concludes that the residual effects on foraging and commuting bats from the completed development would be at the local / regional level, of minor significance, beneficial and permanent.

#### Air quality and ecology –

The ecology chapter of the ES cross-references to the air quality chapter. It notes that, in the main, increases in pollution (NO<sub>x</sub>, N) are very minor (and based on a 'worst case scenario' without consideration of forecast reductions in vehicle emissions), and so are of minor to moderate significance, adverse and permanent at a national level. Mitigation is proposed which has the effect of making these 'effects' negligible, and so accordingly acceptable. This is considered in greater detail in the Air Quality section of this report, below.

#### Habitats Regulations Assessment –

The UK is bound by the terms of the EC Habitats Directive (and EC Birds Directive and the Ramsar Convention). Under Article 6(3) of the Habitats Directive, an 'appropriate assessment' is required where a plan or project is likely to have a significant effect upon a European site, either individually or in combination with other projects. This Article has been interpreted as meaning that any project is to be subject to an appropriate assessment if it cannot be proven, beyond reasonable scientific doubt, that there is no significant effect on that site (a precautionary approach), either alone or in combination with other plans or projects. The aim of the Habitats Directive is to conserve natural habitats and wild species across Europe by establishing a network of sites known as Natura 2000 sites (referred to as European sites).

Further to this, Article 6(4) states that where an appropriate assessment has been carried out and results in a negative assessment (or in other words, any proposed avoidance or mitigation measures anticipated are unable to reduce the potential impact so it is no longer significant) or if uncertainty remains over the significant effect, consent will only be granted if there are no alternative solutions, and there are imperative reasons of over-riding public interest (IROPI) for the development and compensatory measures have been secured.

In this case the Bath and Bradford on Avon Bats SAC is the 'European site', and the effects of the proposed development on it without mitigation are 'significant effects', as confirmed by the Environmental Statement. Consequently Wiltshire Council, as 'competent authority' for administering the Habitats Directive, has screened the proposed development (the process to identify the likely impacts of the project on the European site) and undertaken an appropriate assessment having regard to the mitigation options. The outcome of this appropriate assessment is that Wiltshire Council (as 'competent authority') is satisfied that the proposed mitigation options can avoid adverse effects PROVIDED that the safeguards stipulated in the appropriate assessment are secured by condition or S106 agreement, whichever is the more appropriate. Without prejudice to all other material planning considerations, planning permission can, therefore, be given without prior necessity under the Habitats Directive to assess alternative solutions and without reference to imperative reasons of over-riding public interest. The full appropriate assessment is attached as an annex to this report. The assessment has had regard to the Environmental Statement.

#### Ecology conclusions –

Mitigation measures in respect of ecological designations are proposed in order to minimise potential adverse effects from increased recreational pressure and reduced air quality, including provision of extensive and multi-functional green infrastructure linking the proposed development to other areas of green space in the wider surrounds, as well as an extension

to the Green Lane Nature Park and a site for a visitor facility. Further mitigation in the form of a full time warden(s) and access management are also proposed.

Mitigation and enhancement measures in respect of habitats and fauna at the site are also proposed, including new wildflower grassland, scrub, trees and ponds as part of an extensive area of green infrastructure throughout the development. These habitats will provide significant benefits to a wide varietal of faunal species. Measures are also proposed to avoid effects resulting from construction activities, anthropogenic effects and lighting.

In addition to large scale habitat creation and enhancement, specific mitigation measures in respect of bats and other relevant species are also proposed. These take the form of underpasses and vegetated hop-overs to facilitate movement across the proposed relief road, sensitive lighting design including dark corridors, and contributions to off-site habitat management.

Following mitigation, it is considered that the proposed development would result in enhancements to the existing ecological interests of the site, the effects being overall minor to moderate beneficial significance at the local to regional level.

Given effective implementation of mitigation proposals, residual effects on the populations of bats linked to the Bath and Bradford on Avon Bats SAC would be non-significant, to minor beneficial.

### Landscape

Core Policy 51 of the WCS relating to 'landscape' states that new development should protect, conserve and where possible enhance landscape character, with any negative impacts mitigated as far as possible through sensitive design. Proposals should be informed by and sympathetic to the distinctive character areas identified in the relevant Landscape Character Assessment(s) and any other relevant assessments and studies. Proposals will need to demonstrate that the following matters in particular have been taken into account and landscape conserved and enhanced as appropriate:

- The separate identity of settlements and the transition between man-made and natural landscapes;
- Visually sensitive skylines, soils, geological and topographical features;
- Landscape features of cultural, historic and heritage value;
- Important views and visual amenity;
- Tranquillity and the need to protect against intrusion from light pollution, noise and motion; and
- Landscape functions including places to live, work, relax and recreate.

Core Policy 52 relating to 'green infrastructure' requires new development to make provision for the retention and enhancement of green infrastructure networks, and ensure that suitable links to the network are provided and maintained. It requires open spaces to be provided in accordance with open space standards and measures to be put in place for their long term management.

Core Policy 57 provides more general development control standards, requiring new development to, in particular, respond positively to existing townscape and landscape features in terms of building layouts, built form, height, mass, scale, building lines, etc., to effectively integrate development into its setting. It also requires the retention and enhancement of existing important landscaping and natural features, including trees, hedgerows and watercourses.

The application site is not within or covered by any statutory or non-statutory landscape designation.

The impact of the development on the landscape must be considered with due regard to the site's allocation for development in the Wiltshire Core Strategy. The APUE development template within the WCS sets out three specific landscape requirements for the site as follows:

- *Conserve and enhance the landscape setting of Trowbridge by screening visually intrusive urban edges using landscape infrastructure of native species;*
- *Existing hedgerows to be retained and repaired and new hedgerow trees of large native species e.g. oak, should be planted to restore the clay vale landscape character;*
- *Existing woodland should be conserved and managed to maximise ecological, historic and landscape value.*

The template also sets out two green infrastructure requirements:

- *Provision of a destination play area;*
- *Provision of multifunctional green infrastructure corridor along the length of the adjacent River Biss, linking the development with the town; to provide sustainable links, informal recreation, flood mitigation, enhanced biodiversity and strengthened landscape character.*

The Environmental Statement accompanying the planning application includes a 'Landscape and Visual' chapter which considers the impacts of the proposed development on the character of the landscape and on visual amenity in general at key receptors, or viewpoints.

Landscape character -

In relation to landscape character, the ES chapter sets out baseline conditions - these include an assessment of the broad topography, which in view of it being uncomplicated and relatively level, and so not requiring substantial re-modelling, is assessed as of 'low sensitivity' to change; an assessment of water features including the River Biss, which are noted to be key defining characteristics with high susceptibility to development and so of overall 'high sensitivity'; an assessment of the public rights of way, which as a recreational resource are considered to have high value and high susceptibility to development, and so overall 'high sensitivity'; and an assessment of trees and hedgerows, which are considered to have an overall 'medium sensitivity'. The existing land use, which is overwhelmingly agricultural and to a greater extent intensely farmed and managed, is considered in the ES to be of low landscape value, although its susceptibility to development is high meaning that the overall assessment is that it is of 'medium sensitivity'.

Within the Wiltshire Landscape Character Assessment (2005) the application site is identified as being within the 'Rolling Clay Lowland' character area – "a largely peaceful, rural landscape". However, the sites proximity to existing urban developments to the north and north-east (which in some cases post-date the WLCA), and other built infrastructure including the railway line and White Horse Business Park to the west and the existing A350 and West Ashton and Yarnbrook settlements to the south-west, have given the immediate landscape around most of the site an urban/semi-urban 'feel'. This in turn has impacted on the rurality and tranquillity of the site. The ES, therefore, concludes that the overall sensitivity of the landscape character of the site is 'medium'; medium landscapes are defined as –

“Areas that exhibit positive character but which may have evidence of past alteration to / degradation / erosion of elements or features resulting in areas of more mixed character. Potentially sensitive to change in general; again change may be detrimental if inappropriate but it may require special or particular attention to detail. ...”.

This assessment of the overall landscape character is agreed. Specifically, it is acknowledged that this is not a ‘high’ qualifying landscape, and so it is not essential for it to be conserved for its own sake; and nor is it a landscape that is necessarily or particularly sensitive to change in general, although this subject to appropriate design and detailing of planned change.

With this assessment in mind the proposed development has been designed with particular attention being paid to maintaining or enhancing key landscape features (such as the Biss River corridor), and retaining and/or providing green space and infrastructure. The Design and Access Statement says the following:

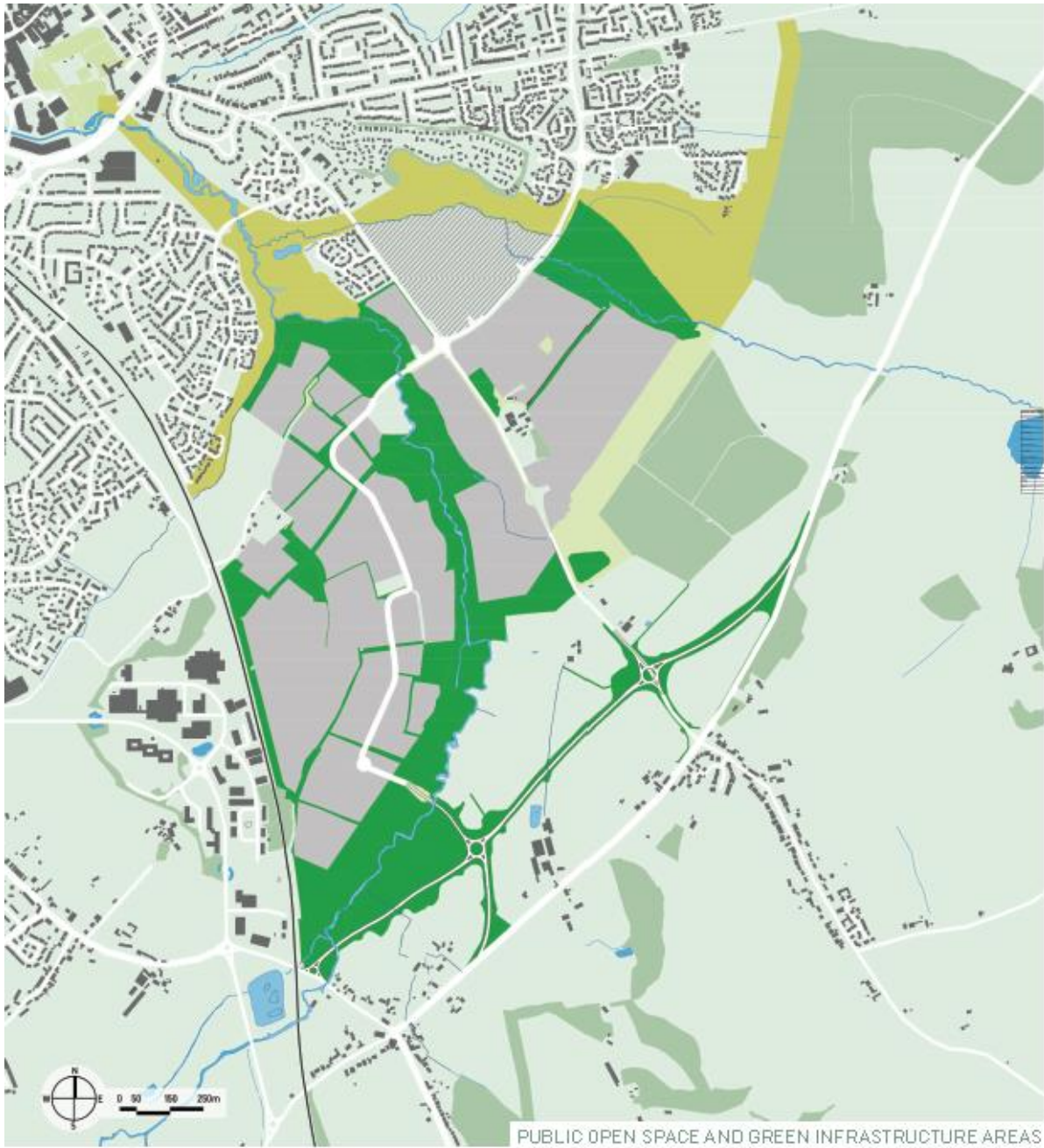
*Landscape design is a key component for creating a successful development at Ashton Park. The green spaces are an integral part of the place and create a strong landscape structure across the site. The new green infrastructure has been a driving factor in the creation of new routes and spaces within the masterplan and the landscape helps to further define the public and private space whilst adding colour and seasonal interest to the residential environment. ....*

*The proposed development at Ashton Park has the potential to create attractive areas which support active recreation and leisure pursuits which will include:*

- *Biss Meadows County Park – proposals intend to extend the existing Country Park to provide a key destination for leisure and recreational activities.*
- *Creation of informal and formal areas of open space for passive and active recreation;*
- *Children’s play areas which may include formal play equipment or areas that encourage natural play;*
- *Opportunity to protect Biss Wood and help conserve its ecological value; The potential exists to significantly enhance and support conservation and biodiversity interests by retaining existing important habitat features such as trees, hedgerows and the River Biss Corridor.*

*Creation of new habitats such as ponds, marshes, woodland copses, grasslands and wildflower meadows can significantly enhance the ecological value of the site. In addition, new habitats can be used to enhance the connectivity between existing key features to maximise species migration throughout the site.*





***Public Open Space & Green Infrastructure Areas framework plan***

Retention of the majority of the existing landscape features on the site such as trees and hedgerows would limit the effects of the proposed development on the character of the wider landscape and the site itself. Although there would be some loss, notably at points of access, these losses would be mitigated by new planting within the open spaces that form the green infrastructure framework.

The site benefits from a high degree of physical and visual enclosure provided by substantial boundary hedgerows and tree belts. The planned retention of these together with the screening and filtering effect of landform and vegetation in the intervening landscape between the site and wider receptors would help to restrict and/or soften views. This fulfils the requirements of the three landscape requirements set out in the APUE development template.

## Visual impact -

In terms of visual impact, an 'in the field' assessment of the site set out in the ES indicates that the wider zone of visibility is relatively restricted. A combination of landform, vegetation (in the form of field boundary hedgerows, trees and woodland blocks) and existing built form associated with the nearby urban areas between 'receptors' and the site act to screen and filter many potential views of the site from outside.

In the main, the proposed development is considered to have mainly negligible or moderate effects on long distance views of the site from further afield. Closer views into the site – from, for example, the nearby A350 and the railway line, would be more affected although this is accepted in view of the scale and nature of the proposal. Likewise, views from roads and public rights of way within the site itself would be inevitably affected.

Overall the ES concludes that, except for views from the existing public rights of way that pass through the site, there would be no significant visual effects arising from the proposed development, including with mitigation in place. The significance of the effects on the internal rights of way would reduce over time as new landscaping matures. Landscape mitigation measures, including retained existing hedgerows and tree belts around the site's boundaries, would integrate the development into the surrounding landscape and provide screening and/or softening when viewed from the surrounding landscape. Again, this satisfies the requirements of the APUE development template.

## Lighting –

The ES considers the effects of lighting, stating the following –

*Lighting across the Application Site would be compliant with relevant standards and guidance, including those published by the British Standards, Institute of Lighting Engineers and the Health and Safety Executive.*

*The incorporation of high quality lighting systems, well designed and located, together with considered operating procedures would serve to reduce visible 'sky glow', light spill and minimise glare so as to avoid adding to the existing cumulative effect of lighting on the wider Trowbridge area.*

*After mitigation it is considered that there would be an overall minor effect from the lighting associated with the Proposed Development on those receptors within the wider surrounding landscape.*

These statement and conclusion are agreed. The specific lighting scheme can be controlled by planning condition, in the interests of both the landscape and ecology.

## The Relief Road –

The Yarnbrook and West Ashton relief road would in isolation have a measureable impact on the landscape in view of its size and route (effectively through 'open' countryside detached from the other development areas), and the necessity for it to be raised in part to accommodate the bat under-passes. However, as the principle of providing the road on this approximate route is already agreed as part of the Wiltshire Core Strategy, and because the articulation is limited to c. 4.5m max with opportunities for landscaping, it is not considered that the effects would be adverse.

## Agricultural land classification –

The NPPF states at paragraph 112 that “*local planning authorities should take into account the economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to higher quality*”.

According to the Soils and Agriculture chapter of the ES the majority of the agricultural land within the application site is Grade 3b, and so is not the “best and most versatile agricultural land”. Approximately 23 ha is Grade 3a – that is “best and most versatile”, albeit at the lower end of the range.

On the loss of the agricultural land the ES concludes as follows:

*“There is little that can be done to mitigate against the loss of the agricultural land or the effects of the loss on agricultural businesses. However, land at Ashton Park is representative of land quality in and around Trowbridge .... . Accordingly any development of a similar scale on the northern or eastern edge of Trowbridge is likely to involve the loss of some Grade 3a and 2 land”.*

Applying the NPPF ‘test’, on balance the economic and other benefits arising from the proposed development are considered to outweigh the loss of the agricultural land, this having regard to the quality of agricultural land in general across the county *and* the allocation of the site in any event.

### Transport and Access

Core Policies 60 to 66 of the Wiltshire Core Strategy relate to transport matters in general. Notably Core Policy 60 states that the Council will use its planning and transport powers to help reduce the need to travel, particularly by private car, and support and encourage the sustainable, safe and efficient movement of people and goods within the county. This will be achieved by:

- i. planning developments in accessible locations*
- ii. promoting sustainable transport alternatives to the use of the private car*
- iii. maintaining and selectively improving the local transport network in accordance with its functional importance and in partnership with other transport planning bodies, service providers and the business community*
- iv. promoting appropriate demand management measures*
- v. influencing the routing of freight within and through the county*
- vi. assessing and, where necessary, mitigating the impact of developments on transport users, local communities and the environment.*

Core Policy 61 refers to the need for robust transport assessments. It states that appropriate contributions will be sought towards sustainable transport improvements, and travel plans will be required. Core Policy 62 states that new development should provide appropriate mitigating measures to offset any adverse impacts on the transport network at both the construction and operational stages. Core Policy 64 sets out demand management measures, referring to matters including parking standards.

Core Policy 66 refers specifically to the ‘strategic transport network’. With particular reference to the ‘A350 corridor’ the explanatory notes with the policy state the following:

*The function of the strategic transport network is primarily to cater for the efficient movement of inter-urban and long-distance trips. In doing so, the strategic transport network can support the vision and objectives of the Core Strategy.*

*The A350 corridor links five major towns in the west of the plan area including the Principal Settlements of Chippenham and Trowbridge. The corridor is made up of the A350 national primary route between the A303 and M4, and the rail line between Warminster and Chippenham.*

*A number of sections of the A350 primary route carry the highest volume of traffic and HGV movements on the county's non-trunk road primary routes. Because of its strategic importance, and the locally significant traffic growth that has occurred in the last 10 years, the route will be selectively improved to maintain and enhance journey time reliability. The proposed improvements to the A350 primary route, including those at Yarnbrook/West Ashton where journey times are unreliable, will provide significant relief and environmental benefits, particularly for local residents, and the improved standard of provision of this road will aid the employment growth at Chippenham, Melksham, Trowbridge, Westbury and Warminster. ....*

Accordingly Core Policy 66 states that improvements will be progressed to the A350 national primary route at Yarnbrook/West Ashton, subject to sufficient mitigation measures to ensure protected wildlife is protected (as referred to, and addressed, earlier in this report). Cross-references to other Wiltshire Council strategic plans, including the Wiltshire Local Transport Plan and the Emerging Trowbridge Transport Strategy, are made in the 'Planning Policy' section of this report.

The APUE Development Template sets out the following Transport related infrastructure requirements:

- *Provision of transport infrastructure in line with the Emerging Trowbridge Transport Strategy;*
- *Improvements to the rights of way identified in the Infrastructure Delivery Plan.*

In relation to the first of these requirements, the proposal, by incorporating the Yarnbrook and West Ashton relief road, is in accordance as a matter of principle. The proposal would fulfil the objective of the Emerging Trowbridge Transport Strategy, which is ... "To maintain and, where feasible, improve the performance of the A350 strategic road corridor". The second bullet point is considered later in this report.

With particular regard to understanding 'performance', the planning application is accompanied by a Transport Assessment and related addendum, and the ES has a 'Transport and Access' chapter. The TA addendum accompanies the revised master-plan and takes into account Wiltshire Council's updated Trowbridge 'SATURN' Traffic Model<sup>2</sup>. The TA Addendum explains the evolution in the following terms:

*An update to the Trowbridge SATURN traffic model was undertaken by Atkins on behalf of Wiltshire Council to support the A350 Yarnbrook and West Ashton Relief Road outline Business Case (OBC) to the Swindon and Wiltshire Local Transport BODY (SWLTB).*

*The original 2009 base year SATURN model was re-validated using traffic counts undertaken in 2014. The re-validated 2014 base year model provided the basis for developing future year forecasts allowing for traffic growth and committed development. Atkins produced model forecasts for the 2026 assessment year for scenarios both with and without the proposed Ashton Park development as follows:*

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<sup>2</sup> To assess the impact of the predicted demand for road use, the interactive simulation and assignment model SATURN (Simulation and Assignment of Traffic to Urban Road Networks) was used. ... SATURN is a tactical transport model that estimates the traffic volume on each link of a road network assuming a fixed trip matrix.

- 2026 Without Scheme – without Ashton Park development and without the A350 Yarnbrook and West Ashton Relief Road
- 2026 With Scheme – with Ashton Park development and with the A350 Yarnbrook and West Ashton Relief Road

*The ‘2026 with Scheme’ model produced by Atkins did not however represent the latest revisions to the Ashton Park masterplan ... Further modelling was therefore undertaken by PFA Consulting to revise the ‘2026 With Scheme’ model to reflect the latest masterplan which included relocation of the employment area.*

*[The] TA Addendum provides the results from this new modelling to establish the traffic impacts of this proposed development at Ashton Park in both the weekday AM and PM peak hours. It is an update on that previously in the original TA produced in April 2015”.*

The TA and Addendum have been analysed by the WC Highways Team and its conclusions agreed. Notably, the analysis demonstrates that in terms of overall network performance, the additional traffic generated by the proposed development at Ashton Park can be mitigated by the proposed infrastructure, which includes the relief road. The TA comments, “Network wide average journey times can be seen to be broadly similar ‘with’ Ashton Park than would be the case ‘without’ Ashton Park in both the AM and PM peak hours”.

In relation to more ‘local’ major corridors (specifically, A350 between A350/A361 roundabout (south of Semington) and A350/A363 Yarnbrook; A361 between A350/A361 roundabout (south of Semington) and A361 County Way/Bythesea Road roundabout; and A363 between A350/A363 Yarnbrook and A361 County Way/Bythe sea Road roundabout), the analysis shows that journey times are not adversely affected by the proposed development. Indeed, the 2026 ‘with’ Ashton Park scenario shows a marginal improvement in journey times in comparison to the ‘without’ Ashton Park scenario along the first of the routes (the A350 corridor).

The TA Addendum also analyses the capacities of the new junctions in the proposed development. The outcome is that they will have sufficient capacity to accommodate the 2026 ‘with’ Ashton Park scenario in both the AM and PM peak hour time periods.

The conclusions of the TA are, therefore, agreed. Notably that:

*“Outputs from [the] updated traffic modelling demonstrate that the additional traffic generated by the proposed development at Ashton Park alongside the Yarnbrook & West Ashton Relief Road will not have an adverse impact on the operation of the surrounding highway network. Network wide journey times and journey times along key corridors for the 2026 ‘With’ Ashton Park scenario were found to be broadly similar to the 2026 ‘Without’ Ashton Park scenario in both the weekday AM and PM peak hours.*

*Junction capacity assessments of the proposed new roundabout junctions on the Yarnbrook & West Ashton Relied Road and site access roundabouts on West Ashton Road demonstrate that the preliminary junction designs have sufficient capacity to accommodate the predicted traffic flows derived from the updated SATURN traffic model representing the 2026 ‘With’ Ashton Park Scenario in both the AM and PM peak hour modelled time periods”.*

Transport Environmental Assessment –

The ES references the TA and TA addendum in its summing-up. It observes that during the construction phase the effects of traffic will be adverse, but relatively short-term and manageable. During operation the development would give rise to an inevitable increase in



travel demand, but the proposal offers a range of measures to accommodate this – to encourage walking, cycling and public transport, and the delivery of the relief road. Overall the ES concludes on ‘transport’ that the residual effect of the proposed development is likely to be minor adverse, or beneficial where mitigation measures have wider benefit.

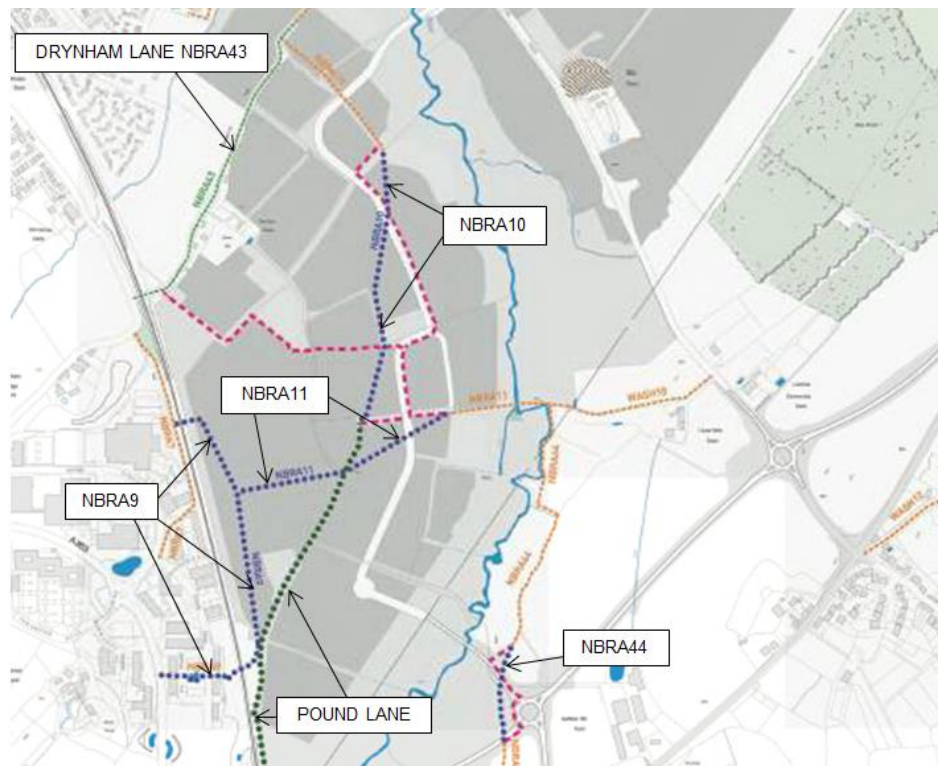
#### Rights of way –

There are various public rights of way in and around the application site. They are affected by the proposal in the following ways (and as illustrated in the following plan):

- Pound Lane (unclassified road): route not affected; use of under-bridge by motor vehicles to cease other than for access;
- NBRA10 (footpath, which is the continuation of Pound Lane): proposed diversion to fit layout;
- Drynham Lane (by-way NBRA43): route not affected; general use of under-bridge by vehicles to cease other than for access, this in view of proposed additional pedestrian/cycle use;
- NBRA11 (footpath): proposed diversion / extinguishment to fit layout; remove connection to NBRA9;
- NBRA9 (footpath): proposed extinguishment, principally to remove ‘at-level’ crossings of railway line.

[All of the above proposals are required to enable the rights of way to ‘fit’ the proposed layout and/or to remove the ‘at-level’ footpath crossings of the railway line *and* to provide alternatives. Increased use of the at-level crossings as a consequence of the proposed development is considered by Network Rail to pose potential risks].

- NBRA44 (footpath): proposed diversion.



#### **Rights of Way**

*[orange and green: route not affected; blue: to be diverted or extinguished; red: new or diverted routes]*

The WC Rights of Way Officer raises no 'in principle' objections to these proposals, subject to the separate legislative processes being followed for stopping-up, diverting and/or removing motorised vehicular use rights. The outcome of these processes cannot be predicted.

Likewise, Network Rail raises no objections subject to the diversions being implemented. In the event of the separate legislative processes not achieving extinguishment / diversion of the footpaths then alternatives may need to be considered to achieve safe crossing of the railway. A condition to cover this eventuality is recommended accordingly.

On the actual proposed extinguishment of NBRA9 and part of NBRA11, and without prejudice to the other processes required to action the extinguishments, the proposed new routes do offer suitable alternatives. Although the new routes are longer (this when directly compared with the lengths of paths to be extinguished), in reality users of the new routes would not lose out as connectivity with the wider footpath network beyond NBRA9 and NBRA11 via the new routes would remain comparable. The new routes would also be both attractive and safe for users, in particular in terms of avoiding the 'at-level' crossings of the railway.

#### Pedestrian / Cyclist improvements –

In addition to the benefits arising from the relief road for road traffic, the proposal also offers benefits for pedestrians and cyclists by providing footways and/or cycleways adjacent to roads, this where land ownership allows. Notably this includes alongside West Ashton Road for most of its length; presently there are few cycleways/footways alongside this road.

A short length of West Ashton Road cannot be so provided in view of the relevant land being outside of the applicant's control. This resulting 'break' should not be seen as reason to object to provision elsewhere. Notwithstanding comments made by a parish council, it is not within Wiltshire Council's remit to insist and/or force delivery of infrastructure on another party's land.

#### Heritage Assets

Core Policy 58 (ensuring the conservation of the historic environment) of the Wiltshire Core Strategy states that new development should protect, conserve and where possible enhance the historic environment.

Paragraph 132 of the NPPF states that when considering the impact of proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation; and the more important the asset, the greater the weight should be. Substantial harm to or loss of designated heritage assets of the highest significance should be wholly exceptional.

Paragraph 133 states that where a proposed development would lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that, in particular, the substantial harm or loss is necessary to achieve substantial public benefits that outweigh the harm or loss. Paragraph 134 states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal. Paragraph 135 continues that the effect of an application on the significance of a non-designated heritage asset should be taken into account and a balanced judgment made.

Historic England defines significance as “*the value of a heritage asset to this and future generations because of its heritage interest. That interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset's physical presence, but also from its setting*”. Setting is defined in the NPPF as “*the surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral*”.

There are no designated heritage assets within the application site. Within close vicinity there are some listed buildings, notably Long's Park Castle, the Church of St John the Evangelist, buildings at Rood Ashton Park and Drynham Lane Farmhouse. Slightly further afield, Trowbridge Town Centre supports further listed buildings and conservation areas. The proposal would cause no harm to these designated assets and/or have a neutral impact only. Likewise, the impact on the settings of these assets would be no greater than neutral, this in view of the localised circumstances of the settings and/or the lack of inter-visibility.

There are non-designated heritage assets close to the application site – notably the Biss Farm complex of dwellings and farm-buildings, other vernacular cottages and farmsteads (at Yarnbrook in particular), and The Lodge and other older dwellings at West Ashton. Applying the paragraph 135 ‘test’, on balance the impact of the proposal on the assets at Yarnbrook and West Ashton is considered to be either neutral or beneficial. At Yarnbrook there would be sufficient separation to ensure the setting of these assets is maintained; and at West Ashton, the ‘de-cluttering’ and down-sizing of the existing highly-engineered A350 junction would improve the setting of the nearby older buildings.

On Biss Farm, this complex presently ‘reads’ as a farm surrounded by farmland. These circumstances would change in that much of the surrounding farmland would be developed for housing and employment purposes. However, it is not considered that this change would undermine the significance of the original farm complex, which would remain within its own relatively large and open curtilage, and which would maintain an open aspect to its front, this provided by the proposed school grounds on the opposite side of West Ashton Road. The main farmhouse itself, which is a large and attractive natural stone building, would continue to dominate the ‘street scene’, as was always the case. On balance, the change to the setting of Biss Farm would not, therefore, adversely affect its significance as a non-designated heritage asset, and the benefits arising from the proposed development tip the balance in its favour.

Regarding potential below ground heritage assets, the WC Archaeologist recommends a condition requiring a written programme of archaeological investigation and mitigation to be provided and implemented.

### Flood risk and other services

Flood risk -

The application site includes land within Flood Zones 1, 2 and 3. The flood zone 2 and 3 areas lie within the River Biss and related tributary corridors (including Stourton Brook), as shown on the policy map extract at the start of this report.

Paragraph 100 of the NPPF states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere.



Paragraph 101 of the NPPF states, “*The aim of the Sequential Test is to steer new development to areas with the lowest probability of flooding. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding. The Strategic Flood Risk Assessment will provide the basis for applying this test. A sequential approach should be used in areas known to be at risk from any form of flooding*”.

Paragraph 102 of the NPPF states, “*If, following application of the Sequential Test, it is not possible, consistent with wider sustainability objectives, for the development to be located in zones with a lower probability of flooding, the Exception Test can be applied if appropriate. For the Exception Test to be passed:*

- *It must be demonstrated that the development provides wider sustainability benefits to the community that outweigh flood risk, informed by a Strategic Flood Risk Assessment where one has been prepared; and*
- *A site-specific flood risk assessment must demonstrate that the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall”.*

Core Policy 67 of the WCS refers specifically to flood risk, and effectively favours housing development in Flood Zone 1 over areas of higher risk (Flood Zones 2 and 3). The policy requires all new development to include measures to reduce the rate of rainwater run-off and improve rainwater infiltration to soil and ground (sustainable urban drainage) unless site or environmental conditions make these measures unsuitable.

The APUE development template has the following specific requirements in relation to flood risk—

- *SFRA Level 2 Assessment required to ensure that the proposed development, including associated infrastructure, does not unacceptably encroach within the flood zone and to inform the sequential test. Flood Risk Assessment required to ensure that development is not encroaching within Flood Zones 2 or 3.*
- *Flood mitigation must be provided, including an appropriate sustainable drainage scheme that improves existing capacity.*
- *Offline flood storage features must be incorporated into a wetland system to reduce current and future flooding risk downstream in Trowbridge as a consequence of the proposed development.*

The ES includes a chapter relating to hydrology, drainage and flood risk, and this itself includes a site-specific Flood Risk Assessment. The Flood Risk Assessment is a comprehensive document which considers all potential sources of flooding, including from rivers, from rainfall (on the ground surface and rising ground water), from overwhelmed sewers and drainage systems, and from reservoirs, canals, lakes and other artificial sources. It is also informed by information held by the Environment Agency, and in the wider Strategic Flood Risk Assessment and Surface Water Management Plan.

The majority of built development in the proposed development is restricted to areas at low risk of flooding (that is, within Flood Zone 1), with the only structures proposed within the ‘floodplain’ (Zones 2 and 3) being the two road bridges over the River Biss and their associated earthworks, and a footbridge. The public sports pitches would be located within Zones 2 and 3; however, as they would maintain the open form of the land, and as they would not involve any changes to levels, they are a compatible land use within these zones as confirmed by national Planning Policy Guidance. It follows that under all of these

circumstances the majority of the proposed built development passes the 'sequential test' and so is acceptable in that regard.

The bridges comprise essential infrastructure, which under the terms of the sequential test should not be located in Flood Zone 3 unless the 'exceptions test' is considered / passed. In this case this essential infrastructure is necessary to provide accesses to the larger part of the site. Mitigation measures are proposed across the entire application site to manage wider drainage and water flows, including that affected by the bridges. On balance the wider sustainability benefits of the overall development to the community are considered to outweigh the flood risk, and so exceptionally the bridges are considered to be acceptable.

With specific regard to mitigation measures, the Flood Risk Assessment refers to a proposed sustainable drainage strategy for the site. The FRA states the following:

*"A sustainable drainage strategy, involving the implementation of SUDS, is proposed for managing the disposal of surface water runoff from the proposed development on the site.*

*As the use of infiltration devices is not appropriate for the majority of the site flow balancing methods are proposed, comprising a system of swales and on-line ponds/detention basins, in order to attenuate surface water runoff to greenfield runoff rates with discharges to the local watercourses and ditch system.*

*The proposed drainage strategy would ensure that surface water arising from the developed site would be managed in a sustainable manner to mimic the surface water flows arising from the site prior to the proposed development, while reducing the flood risk to the site itself and elsewhere, taking climate change into account. ....*

*By limiting the development rate of runoff to the mean annual peak runoff ... for any return period up to the 100 year event, including an allowance for climate change, the proposed development would reduce flood risk overall compared to existing greenfield rates".*

With particular regard to the bridges and related access roads, the FRA states the following:

*"Access road crossings of the watercourse would be at least 600mm clear of the 1 in 100 year + climate change flood level. Any floodplain storage lost due to roads within the floodplain would be compensated. A hydraulic flood model and sensitivity analysis has been undertaken to demonstrate that the proposed flood storage compensation areas are appropriate. ...."*

Separately the ES concludes that the potential effects of the proposed development on hydrology, drainage and flood risk during its construction and operation are 'minor adverse' to 'moderate adverse' and 'minor beneficial' to 'negligible' respectively; and these can be mitigated in any event through design, management control (e.g. Construction Environmental Management Plans) and physical works.

At the time of writing the Environment Agency and the WC Drainage Engineer are maintaining holding objections which are essentially in view of what they consider to be a lack of clarity in the Flood Risk Assessment's hydraulic modelling to demonstrate no increase in flood risk as a consequence of amendments made to the application during its processing. This is reflected in the recommendation for the planning application which is to approve subject to these holding objections being removed.

Foul water –

In relation to foul water the APUE development template has the following requirements –

- *New infrastructure to link the sewage treatment works or appropriate on-site provision.*
- *Provision of on-site sewers and financial contributions towards off-site works to mitigate against the impact of this development.*

In response the Flood Risk Assessment states the following:

*“A Statement of Common Ground between Wessex Water and Ashton Park Trowbridge Ltd and Persimmon Homes Ltd was prepared in June 2013 in present of the identification of Ashton Park, Trowbridge as a strategic allocation within the Wiltshire Core Strategy. ....*

*At a meeting on 25 February 2015 Wessex Water confirmed that its town wide modelling exercise had demonstrated that there is sufficient capacity within the existing sewerage network to accommodate the flows from the development ....”*

The FRA provides strategic level detail of where foul sewers will run within the site and where connections will be made to the wider network. The finer detail can be a matter for planning conditions.

Other utilities –

On other utilities APUE development template has the following requirements –

- *Capacity improvements to water supply and waste networks to serve the development.*
- *Reinforcement of the electricity network and primary sub-station to serve the development.*
- *Connection to existing low or medium pressure gas mains to serve the development.*

These are matters for agreement between the relevant utility companies and the applicant.

#### Residential amenity

Core Policy 57 requires new development to have regard to the compatibility of adjoining buildings and uses and the impact on the amenities of existing occupants; and seeks to ensure that appropriate levels of amenity are achievable within the development itself, including the consideration of privacy, overshadowing, vibration and pollution.

Regarding existing occupiers, there are a number of residential properties in relatively close proximity to the site – notably, at Biss Farm, Drynham Lane, Yarnbrook and West Ashton. At this mainly outline stage the relationship between existing and proposed development is not fully known. This said, it can reasonably be assumed that the outlook from adjoining properties will change, but with careful design at the reserved matters stages there should be no reason for the privacy of these properties to not be safeguarded, this particularly in terms of over-looking/over-shadowing/etc..

Regarding the relief road and new roads in general, the noise chapter in the ES states the following:

*“Road traffic on the roads within and surrounding the Proposed Development and along the proposed relief road would change as a result of the occupation and occupation of the completed scheme. The assessment of noise levels associated with the operation of the relief road indicates that the new road would provide an overall benefit to residents within Yarnbrook and West Ashton.*

*Elsewhere, the assessment of road traffic noise levels indicated that the additional road traffic would result in negligible adverse noise effects, with increases of less than 3 dB(A). Whilst permanent, this level of increase would not be discernible under normal listening conditions and no adverse significant effects have therefore been identified”.*

WC Public Protection has raised some concerns over possible disturbance to the proposed new dwellings from railway noise. However, it is satisfied that this can be addressed through detailed design (estate layout / garden orientation, mechanical ventilation in houses, etc.), and so this does not amount to a reason for objecting to the development per se. Design / layout can also deal with potential conflicts between the residential elements and the employment land, the schools and the local centres. These are all matters for the reserved matters applications stage.

Notwithstanding the above comments concerning road noise, in a number of areas close to established development ‘absorptive acoustic barriers’ (fences) are proposed in any event.

Potential disturbance at the construction stage would be short term only, and can be managed via Construction Environmental Management Plans.

### Air quality

Core Policy 55 of the Wiltshire Core Strategy states that development proposals, which by virtue of their scale, nature or location, are likely to exacerbate existing areas of poor air quality, will need to demonstrate that measures can be taken to effectively mitigate emission levels in order to protect public health, environmental quality and amenity; this having regard to the Air Quality Strategy for Wiltshire and, where relevant, the Wiltshire Air quality Action Plan.

The Environmental Statement includes a chapter on air quality which examines the potential for significant effects during both the construction and operational phases on human health and ecology.

Human health -

With regard to human health the ES concludes as follows –

*“Baseline conditions in the study area show acceptable air quality with respect to the air quality objectives set out to protect human health. The proposed development will generate additional road traffic on local roads, and will involve a realignment of a section of the A350 road, which could lead to significant air quality effects at existing residential properties. In addition, construction activities may lead to the generation of dust and fine particles which have the potential to affect existing nearby properties.*

*The assessment of construction dust effects has concluded that, with appropriate mitigation in place, the air quality effects will be negligible.*

*The assessment of operational air quality effects has concluded that the effects of road traffic emissions generated by the proposed development will also be negligible.*

*Although the overall air quality effects of road traffic emissions are negligible, the proposed development will lead to some increases in air pollutant concentrates at a number of existing residential properties. However, by contrast, properties located close to the A350 in the villages of West Ashton and Yarnbrook are predicted to experience an improvement in air quality with the proposed development in operation, as a result of the realignment of the road.*

*The assessment has also identified that air quality at the application site is of acceptable quality for residential development”.*

The ‘appropriate mitigation’ for construction dust would be a Construction Environmental Management Plan (wheel washing, etc.). On operational effects, the ES notes that measures to reduce pollutant emissions from road traffic are principally being delivered in the longer term by the introduction of more stringent emissions standards at the national (and European) level. It follows that the ‘negligible’ consequences of the proposal are, in any event, the worst case scenario. But, WC Public Protection further seeks ‘green’ infrastructure within the development (for electric vehicle pick-up, etc.), and a condition is recommended accordingly.

Ecology -

Regarding ecology, the ES concludes as follows –

*“Baseline conditions in the study area show poor air quality with respect to the air quality critical levels and critical loads set out to protect sensitive ecological habitats. Baseline concentrations of nitrogen oxides and baseline deposition fluxes of nutrient nitrogen and acid nitrogen exceed the relevant critical levels and critical levels at a number of nearby ecological designations, including the Picket and Clanger Wood SSSI.*

*The assessment of air quality effects on these sensitive ecological sites has focussed upon the addition of road traffic emissions brought about [by] the proposed development.*

*The assessment has concluded that there is potentially significant adverse air quality effects at Picket and Clanger Wood, Green Lane Wood, and Biss Wood, and potentially significant beneficial air quality effects at Flowers Wood and Woodside Wood, resulting from the operation of the proposed development.*

*In order to mitigate the potentially significant adverse effects, a suite of mitigation measures are proposed, including ecological enhancements, and measures to encourage sustainable transport and reduce the development-related traffic generation.*

*With mitigation in place, it is judged that the overall air quality effects of the proposed development are negligible”.*

As with the human health assessment, the reference in the ES to the assessment being a worst case scenario is relevant – measures to reduce pollutant emissions from road traffic are being delivered via national/European emission controls. The mitigation referred to – to address the identified significant effects on particular woods – includes the green transport initiatives (improvements to walking/cycling networks, new bus routes/stops, travel plans, etc.), and specific ecological enhancement measures (specifically, the creation of new areas of habitat and green infrastructure).

Overall, the impacts on air quality as set out in the ES air considered to be acceptable, this in view of the mitigation that is proposed, and which has the effect of making the ‘effects’ negligible in any event.

#### Supporting infrastructure and public services

Core Policy 3 of the Wiltshire Core Strategy requires all new development to provide for necessary on-site and, where appropriate, off-site infrastructure requirements arising from it. Where relevant this must be in accordance with other policies of the Strategy – in particular,

CP43 & CP45 relating to affordable housing, CP62 relating to highways and transportation, CP52 and 'saved' HC34 relating to open space, and HC37 relating to provision of education.

Paragraph 203 of the NPPF states that local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations ('S106 agreements'), this not least in terms of delivery of essential infrastructure. It further states that planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition.

Guidance further states that planning conditions should only be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. Planning obligations should only be sought where they meet all of the following tests:

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

The Community Infrastructure Levy (CIL) provides a separate mechanism for delivering non-site specific infrastructure as set out in the Infrastructure Delivery Plan.

The APUE development template sets out specific requirements for the site. Of these, matters which may be addressed by planning condition include the following:

- Phasing details;
- Flood mitigation, including an appropriate sustainable drainage scheme that improves existing capacity;
- Offline flood storage features incorporated into a wetland system;
- New infrastructure to link to the sewage treatment works;
- Provision of on-site sewers and off-site works;
- Capacity improvements to water supply and waste networks to serve the development;
- A sustainable energy strategy;
- Reinforcement of the electricity network and primary substation to serve the development;
- Connection to existing low or medium pressure gas mains to serve the development;
- Provision of elements of transport infrastructure in line with the Trowbridge Transport Strategy;
- Provision of 'destination play area', other play areas and incidental open spaces;
- Provision of multifunctional green infrastructure corridor along the length of the River Biss;
- 100m woodland/parkland buffer between all ancient woodland, including Biss Wood and Green Lane Wood, and built development;
- Landscape management / enhancement;
- Delivery of employment land;
- Delivery of local centres;
- Public art.

And, matters which may be addressed by planning obligation include the following:

- 30% affordable housing with suitable mix;
- Two new primary schools on sites of 1.8 ha. Primary financial contribution of £9,509,390 (2017) (based on 2,500 dwellings, adjusted accordingly depending on final numbers);

- One new secondary school on site of 5.24 ha. Secondary contribution of £8,463,708 (based on 2,500 dwellings, adjusted accordingly depending on final numbers);
- 'Early Years' education contribution of £3,863,313 or on-site provision (based on 2,500 dwellings, adjusted accordingly depending on final numbers);
- Health / dental care contribution of £1,108,500 (2015 figure), to be used for sites in Trowbridge Community Area only and subject to such sites remaining in NHS/public ownership;
- Provision of elements of open space (equipping/phasing/maintenance contributions/etc.);
- Provision and implementation of Ecological Management Plan(s), including ecology visitor facility, provisions for monitoring implementation of the development and related ecology plans, warden/warden facilities, etc. (this in association with the Wiltshire Wildlife Trust with whom a standalone agreement would also be required);
- Provision of elements of transport infrastructure in line with the Trowbridge Transport Strategy, notably –
  - Completion of funding agreement with Wiltshire Council for the provision of YWARR and commuted sum for structures maintenance;
  - Provision and completion of Yarnbrook and West Ashton Relief Road (including works to redundant A350 and all other associated highway works), phased or otherwise, subject to the timescales set out by the HIF and LEP;
  - Provide and deliver a Bus Strategy for the site, identifying how a half hourly service between the site and the town centre can be achieved, firstly through the negotiation with commercial operators for a commercial service, or, secondly, and in the event that a commercial service cannot be initiated and/or maintained, by a supported service, funded at the reasonable cost of the developer. The bus service shall be provided for a period from occupation of the 50<sup>th</sup> dwelling to up to three years following occupation of the 2,450<sup>th</sup> dwelling, the exact period dependent on the commercial viability or otherwise of the service at the time. The Bus Strategy shall set out how the funding arrangements will work in the event that a supported service is required;
  - Provision of travel plans for the separate land uses on the site;
  - Financial contributions towards the legal costs associated with making of traffic regulation orders at a cost of £6,000 per identified TRO;
  - Implementation of all made legal orders relating to highways and transport issues associated with the site;
  - Contingency Plan for planned diversion of public footpaths NBRA9 and NBRA11;
  - Design and provide a wayfinding scheme aligned to the phasing of the development;
  - Construction and improvement of off-site highway works associated with the Yarnbrook and West Ashton Relief Road, alterations to West Ashton Road and improved connectivity to the town centre and to the White Horse Business Park;
  - Connectivity (vehicular) between Drynham Lane and site, unless secured by alternative means;
- Waste collection facilities.

### Other Matters

Responses from interested parties are largely addressed in the preceding paragraphs. However, some specific points require further comment:

- Regarding the existing access to Biss Wood and the scout camp from the A350, an additional plan has been provided by the applicant showing that the required visibility splay here would continue to be provided. WC Highways does not consider that the proposed changes to the road network hereabouts would pose a greater hazard to users of this access.

- Regarding Larkrise Community Farm, its wider setting would change as a consequence of the proposal, although generous green ‘gaps’ between it and the new development would remain, so safeguarding its ‘farmyard’ character. WC Highways does not consider that the proposed development poses a hazard to the continued use of the vehicular access to the Farm.
- Outstanding issues around the final implementation of the Leap Gate 106 are the subject of on-going discussions between the parties involved, and do not amount to reasons to delay the determination of this planning application.

## **9. Conclusion**

As a matter of principle the proposal complies with the Core Strategy – and, specifically, its Settlement and Delivery Strategies, and the Strategy for the Trowbridge Community Area and its related ‘development template’ for the Ashton Park Urban Extension (APUE). It is considered that sufficient information has been provided on the environmental effects of the proposal to enable the LPA to determine whether or not outline planning permission should be granted. The application and the accompanying Environmental Statement demonstrate that matters of acknowledged importance – including ecology, highway safety, heritage, drainage, air quality, amenity and infrastructure requirements – have all been properly taken into account, and that the proposal adequately accommodates these and/or provides sufficient mitigation.

For these reasons the application is recommended for approval, subject to the holding objections relating to drainage detail being first addressed and applicant first entering into a Section 106 agreement with Wiltshire Council.

## **RECOMMENDATION**

**Having taken into account the environmental information, it is recommended that, subject to the holding objection from the Environment Agency being addressed and removed, the Strategic Planning Committee authorises the Head of Development Management to grant planning permission, this subject to the following ‘legal agreements’ being first entered into:**

- 1. an obligation under Section 106 of the Town and Country Planning Act 1990 between the applicant and Wiltshire Council requiring provision of the following:**
  - **30% affordable housing with suitable mix;**
  - **Two new primary school sites of at least 1.8 ha each. Primary education financial contribution (of £9,509,390 (2017 figure) based on 2,500 dwellings; adjusted accordingly depending on final numbers) completion of two schools;**
  - **One new secondary school site of 5.24 ha. Secondary contribution (of £8,463,708 (2017 figure) based on 2,500 dwellings; adjusted accordingly depending on final numbers);**
  - **‘Early Years’ education contribution (of £3,863,313 (2017 figure) based on 2,500 dwellings; adjusted accordingly depending on final numbers) or on-site provision;**



- Health / dental care contribution of £1,108,500 (2015 figure, to be adjusted for indexation), to be used for sites in Trowbridge Community Area only and subject to such sites remaining in NHS/public ownership;
- Elements of open space (equipping/phasing/maintenance contributions/etc.);
- Ecological mitigation, to be set out in a Biodiversity Management Plan covering the management, mitigation, monitoring and enhancement of all habitats and species affected by the development during the pre-construction, construction and operational phases, both within the application boundary and on land owned by Wiltshire Wildlife Trust. To include –
  - Provision of, and/or provision of funding for, a Steering Group to oversee implementation of the Biodiversity Management Plan;
  - Provision of, and/or provision of funding for, visitor facility, and related land transfer arrangements;
  - Provision of ecology Green Infrastructure, related maintenance/long term management contributions, ecological monitoring including remedial works triggered by monitoring and related land transfer arrangements;
  - Provision of, and/or provision of funding for, full time wildlife warden, and mechanism for his/her perpetual funding;
  - Agreement that no public access will be allowed through the agricultural land identified for employment use other than to areas which have been developed for that purpose. An impenetrable barrier will be maintained between housing and employment land on the east side of West Ashton Road until at least 75% of the employment site has been completed at which point a public footpath will be provided between the two which will breach the impenetrable barrier at a single point.
  - Financial contribution towards the cost of monitoring implementation and maintenance of mitigation, with bond or other means of security secured against non-delivery and/or non-maintenance of mitigation.
  - Provision for revision of the Green Lane and Biss Woods Management Plan to incorporate requirements arising from the Biodiversity Management Plan and the Habitats Regulations Assessment (including Appendix 2).
- Elements of transport infrastructure in line with the Trowbridge Transport Strategy, notably –
  - Completion of funding agreement with Wiltshire Council for the provision of YWARR and commuted sum for structures maintenance;
  - Provision and completion of Yarnbrook and West Ashton Relief Road (including works to redundant A350 and all other associated highway works), phased or in entirety, subject to the timescales set out by the HIF and LEP;
  - Provide and deliver a Bus Strategy for the site, identifying how a half hourly service between the site and the town centre can be achieved, firstly through the negotiation with commercial operators for a commercial service, or, secondly, and in the event that a commercial service cannot be initiated and/or maintained, by a supported service, funded at the reasonable cost of the developer. The bus service shall be provided for a period from occupation of the 50<sup>th</sup> dwelling to up to three years following occupation of the 2,450<sup>th</sup> dwelling, the exact period dependent on the commercial viability or otherwise of the service at the time. The Bus Strategy shall set out how the funding arrangements will work in the event that a supported service is required;

- Provision of travel plans for the separate land uses on the site;
  - Financial contributions towards the legal costs associated with making of traffic regulation orders at a cost of £6,000 per identified TRO;
  - Implementation of all made legal orders relating to highways and transport issues associated with the site;
  - 'Contingency Plan' for planned diversion of public footpaths NBRA9 and NBRA11;
  - Design and provide a wayfinding scheme aligned to the phasing of the development;
  - Construction and improvement of off-site highway works associated with the Yarnbrook and West Ashton Relief Road, alterations to West Ashton Road and improved connectivity to the town centre and to the White Horse Business Park;
  - Connectivity (vehicular) between Drynham Lane and site, unless secured by alternative means;
- Waste collection facilities contribution.
2. A legal agreement between Wiltshire Wildlife Trust and Wiltshire Council to achieve implementation and maintenance of ecology mitigation measures relevant to the Trust via a revised Management Plan for Green Lane and Biss Woods covering the following:
- To provide an account of the role the site plays in achieving the conservation objectives of the Bath and Bradford on Avon Bats SAC, and a specific objective to maintain the population of Bechstein's bats through maintenance of the structure and function of the habitats within the plan area;
  - To incorporate all relevant land transfers to WWT and commit the trust to managing these in line with the objectives of the revised plan;
  - To define the operating constraints for the ecological visitor centre and car parking arrangements which arise from the potential for recreational pressure to reduce the value of the site for Bechstein's bats;
  - To set out types and levels of acceptable amenity and educational use and the means by which these will be monitored and reviewed;
  - To set out what constitutes acceptable and unacceptable fire making and a protocol to be followed to minimise and deal with the latter;
  - To include an objective regarding the maintenance, and where necessary, replacement, redesign and / or repositioning of bat boxes for Bechstein's bat use;
  - To recognise the role of the Steering Group in reviewing the implementation of relevant aspects of the management plan, monitoring results and implementation of remedial measures;
  - To anticipate the potential effects of increased visitor numbers and identify monitoring to be undertaken, thresholds for unacceptable change and remedial measures.

**Management Plan to be implemented by Wiltshire Wildlife Trust with governance of relevant elements by the Steering Group.**

**The agreement will also commit the Trust to employ a full time warden to implement the plan and to engage with local residents in order to enhance understanding of local ecological features with a view to reducing impacts from potentially damaging behaviours.**

**And, subject to the following planning conditions including any subsequent changes agreed with the Head of Economic Development & Planning -**

- 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:

- (a) The scale of the development;
- (b) The layout of the development;
- (c) The external appearance of the development;
- (d) The landscaping of the development;

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(s) for the approval of all of the reserved matters shall be made to the Local Planning Authority before the expiration of fifteen 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 The outline element of the development hereby approved shall make provision for the following:

- (i) At least 13.6 ha of land for employment purposes (Class B1, B2 and/or B8 uses);
- (ii) Two separate sites of at least 1.8 ha each and two separate 14-class primary schools thereon, and a single serviced site of at least 5.24 ha for a secondary school;
- (iii) Two separate sites of at least 1 ha and 0.2 ha respectively for two separate 'local centres'; in combination the local centres to provide suitable premises for a mix

of convenience shops and small other shops (Class A1 uses), financial and professional services (Class A2 uses); 'food & drink', 'drinking establishments' and 'hot food & takeaway' uses (Class A3, A4 and A5 uses); if/as required, community facilities and/or 'early learning' facilities (Class D1 uses); and residential units in the form of 'flats above shops' (Class C2 and C3 uses).

- (iv) Sites for public open space to be sited, laid-out and equipped in accordance with the specifications set out in the West Wiltshire Leisure and Recreation DPD (or any subsequent replacement DPD); and to include at least 6.35 ha of formal sports pitches with pavilion / changing rooms, at least 1.2 ha of 'designation play' area, at least 44.4 ha of major open space or country park (to include an Ecological Visitors Facility), at least 14.4 ha of natural and semi-natural open space including structural planting, and at least 0.9 ha of allotments;
- (v) An 'Ecology Visitors Facility'; and
- (vi) Up to 2,500 dwellings (Class C2 and/or Class C3 uses) of which no more than 315 (including within the 'local centre') are to be provided on the north-east side of West Ashton Road.

'The scale of the development', 'the layout of the development', 'the external appearance of the development' and 'the landscaping of the development' (as to be submitted and approved under condition no. 2) shall accommodate all of the above substantially in accordance with the 'Indicative Masterplan' (drawing no. A.0223\_77-01 Rev AC) dated 20/04/17, the parameters plans ('Land Use Parameter Plan' no. A.0223\_18-1N, 'Access & Movement Parameter Plan' no. A.0223\_17-2G, 'Building Heights Parameter Plan' no. A.0223\_19-1L and Green Infrastructure Plan no. A.0223\_16-1M) (including inset plans A.0223\_105A and A.0223\_72-01C)), and the Design & Access Statement (A.0223\_26-2T dated April 2018).

REASON: To ensure the creation of a sustainable and balanced urban extension, in accordance with the requirements of the Wiltshire Core Strategy and the intentions of the Design and Access Statement accompanying the planning application.

- 5 No application for reserved matters shall be submitted until there has been submitted to and approved in writing by the local planning authority a detailed Phasing Plan for the entire application site indicating geographical Phases and/or Sub Phases for the entire development. Where relevant these Phases or Sub Phases shall form the basis for the reserved matters submissions. Each Phase or Sub Phase shall include within it defined areas and quantities of housing and infrastructure relevant to the Phase or Sub Phase. No more than 50% of the houses (or no more than a meaningful percentage of the houses to be first agreed in writing by the local planning authority) to be built in any particular Phase or Sub Phase shall be occupied until the infrastructure relevant to the Phase or Sub Phase has been completed.

The development shall be carried out strictly in accordance with the approved Phasing Plan.

REASON: To ensure the proper phasing and delivery of the development, and in particular the essential infrastructure the development has made necessary, in accordance with the overall proposal and good planning in general.

[For the purposes of this condition 'infrastructure' is defined as the schools, local centres, open space, and ecology visitors centre; and the 'means of access' to the site including the entire Yarnbrook & West Ashton Relief Road and its related new

roundabout junctions, the alterations to the existing West Ashton Road/Bratton Road/A350 junction, the new roundabout 'R4', the new spur roads and related bridges (from West Ashton Road and new roundabout R2)].

6 Before any other parts of the development hereby approved are commenced the following shall have been carried out:

- (a) The submission to the local planning authority for approval in writing of detailed schemes for 'advance ecology mitigation', broadly in accordance with the Green Infrastructure & Biodiversity Strategy dated September 2017, as follows -
  - (i) a scheme for strengthening of the hedgerow alongside West Ashton Road to the south-west corner of Biss Woods with thorny planting and fencing, and provision for future maintenance;
  - (ii) schemes for the 100m buffer between Biss Woods and the employment land and between the employment land and the east of West Ashton Road housing land, to include landscaping with appropriate impenetrable fencing and hedge planting and provision for future maintenance in accordance with Figure 6.2 of the ES Addendum Volume 1;
  - (iii) a scheme for the Attenuation pond based on Figure 6.1 of the ES Addendum Volume 1, creating a barrier to pedestrian access between the Green Lane Nature Park Extension and the east of West Ashton Road residential area to include landscaping, fencing and provision for future maintenance;
- (b) The implementation and completion of all of the above schemes as approved and continuing maintenance thereafter in accordance with the maintenance elements of the schemes.

Before 150 of the dwellings on that part of the application site to the east of West Ashton Road are first occupied the following shall have been carried out:

- (a) The submission to the local planning authority for approval in writing of detailed schemes for 'further ecology mitigation', broadly in accordance with the Green Infrastructure & Biodiversity Strategy dated September 2017, as follows –
  - (i) A scheme for a circular pedestrian footpath route which will be at least 3km in length and link the Green Lane Nature Park with the River Biss (with minimal use of roads). The scheme will include details of the footpath – its width, surfacing materials, fencing and signposting. The scheme may in the first instance offer a temporary route and temporary signposting, and in these circumstances it should include a related scheme and programme for delivery of the permanent footpath route.
  - (ii) a scheme for the laying out and equipping of the 'Biss River Corridor' and enhanced planting between Biss Woods and the River Biss and the Green Lane Nature Park Extension, to include landscaping, boundary treatments and provision for future maintenance, where relevant in accordance with the specifications set out in the West Wiltshire Leisure and Recreation DPD (or any subsequent replacement DPD);
- (b) The implementation and completion of all of the above schemes as approved.

REASON: To safeguard ecological interests, and specifically bats and their habitats.

7 The 'means of access' to the site (which for the purposes of this condition includes the entire proposed Yarnbrook & West Ashton Relief Road and its related new roundabout junctions, the alterations to the existing West Ashton Road/Bratton Road/A350 junction, the new roundabout 'R4', the new spur roads and related bridges (from West Ashton Road and new roundabout R2), and the West Ashton Road Cycleway Provision) shall be constructed substantially in accordance with the following 'PFA Consulting' drawings:

- P480/100 Figure 6.5 Rev F (Yarnbrook & West Ashton Relief Road Sheet 1 of 4) dated 18/08/17
- P480/101 Figure 6.6 Rev G (Yarnbrook & West Ashton Relief Road Sheet 2 of 4) dated 18/08/17 (as amended through an email from Aspect Ecology (AB to LK) dated 2/3/18)
- P480/102 Figure 6.7 Rev F (Yarnbrook & West Ashton Relief Road Sheet 3 of 4) dated 28/07/17
- P480/103 Figure 6.8 Rev E (Yarnbrook & West Ashton Relief Road Sheet 4 of 4) dated 18/08/17
- P480/104 Rev D (Central Roundabout (R4) Access on West Ashton Road) dated 18/08/17
- P480/105 Rev E (Northern Site Accesses & Cycleway Provision) dated 08/09/17
- P480/106 Figure 6.4 Rev F (Yarnbrook & West Ashton Relief Road Overview) dated 18/08/17
- P480/107 Rev E (Northern Junctions & Cycleway Provision Overview) dated 08/09/17
- P480/108 Figure 6.9 Rev B (Typical Section H-H through Relief Road with Elevation of Culvert) dated 07/07/17
- P480/109 Rev C (West Ashton Road Northern Cycleway Improvements) dated 09/09/17
- P480/110 Figure 6.10 Rev E (Yarnbrook & West Ashton Relief Road. Possible Planting Along Existing A350) dated 18/08/17
- P480/111 Rev C (Typical Section Through Relief Road (Roundabout R1-R2)) dated 18/08/17
- P480/112 Rev F (Primary Highway Works Plan) dated 08/09/17
- P480/113 Rev C (Access Junctions Swept Paths) dated 18/08/17
- P480/26 Figure 6.11 Rev D (Yarnbrook & West Ashton Relief Road Indicative Bridge General Arrangement) dated 18/08/17
- P480/41 Figure 6.12 Rev D (Yarnbrook & West Ashton Relief Road Southern Access Bridge General Arrangement) dated 18/08/17
- P480/51 Figure 6.13 Rev A (Northern Access Bridge General Arrangement) dated 02/04/14
- P480/114 Rev A (Highway Long Sections Sheet 1 of 4) dated 07/07/17
- P480/115 Rev B (Highway Long Sections Sheet 2 of 4) dated 07/07/17
- P480/116 (Highway Long Sections Sheet 3 of 4) dated 04/14
- P480/117 Rev A (Highway Long Sections Sheet 1 of 4) dated 07/07/17
- P843/08 Rev A (Biss Wood Scout Camp Site Access Visibility) dated 02/01/18
- P480/118 (Yarnbrook and West Ashton Relief Road. Minor amendment to R1 to access Paddock) dated 25/01/18

The means of access shall be provided in accordance with the Phasing Plan to be submitted and approved under condition 5.

REASON: To ensure proper and timely delivery of the means of access in accordance with the agreed scheme and in the interests of highway safety.

8 With regard to the reserved matter relating to the landscaping of the site, the details to be submitted for each Phase or sub Phase shall be substantially in accordance with the following documents forming part of the application:

- Green Infrastructure and Biodiversity Strategy (September 2017);
- ES Addendum Volume 1 Figures 6.1 and 6.2 showing details of design of attenuation ponds and buffer between employment and residential land;
- ES Addendum Volume 1 Figures 6.4, 6.17, 6.18 and 6.19 showing details of dark corridors through mixed use development.

The details themselves shall include where relevant the following:

- location and current canopy spread of all existing trees and hedgerows on the land;
- full details of any trees and hedgerows to be retained, together with measures for their protection in the course of development;
- a detailed planting specification for new planting showing all plant species, supply and planting sizes and planting densities;
- finished levels and contours;
- means of enclosure;
- car park layouts;
- 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 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 and ecology features.

9 Notwithstanding the landscaping details submitted for the 'access' elements of the application (including the Yarnbrook / West Ashton Relief Road), no development within any Phase or sub Phase relevant to that part of the access shall commence until a scheme of soft landscaping for that part of the access 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;
- means of enclosure;
- minor artefacts and structures (e.g. signs, etc);
- proposed and existing functional services above and below ground (e.g.

drainage, power, communications, cables, pipelines etc indicating lines, manholes, supports etc);

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

- 10 All soft landscaping comprised in the approved details of landscaping for any particular Phase or sub Phase of the development shall be carried out in the first planting and seeding season following the first occupation of any building within the Phase or sub Phase or the completion of the Phase or sub Phase 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.

- 11 No demolition, site clearance or development shall commence on site within any particular Phase or sub Phase, and; no equipment, machinery or materials shall be brought on to site for the purpose of development within the particular Phase, until a Tree Protection Plan showing the exact position of each tree/s and their protective fencing in accordance with British Standard 5837: 2012: "Trees in Relation to Design, Demolition and Construction -Recommendations"; has been submitted to and approved in writing by the Local Planning Authority, and;

The protective fencing shall be erected in accordance with the approved details. The protective fencing shall remain in place for the entire development Phase and until all equipment, machinery and surplus materials have been removed from the site. Such fencing shall not be removed or breached during construction operations.

No retained tree/s shall be cut down, uprooted or destroyed, nor shall any retained tree/s be topped or lopped other than in accordance with the approved plans and particulars. Any topping or lopping approval shall be carried out in accordance British Standard 3998: 2010 "Tree Work - Recommendations" or arboricultural techniques where it can be demonstrated to be in the interest of good arboricultural practise.

If any retained tree is removed, uprooted, destroyed or dies, another tree shall be planted at the same place, at a size and species and planted at such time, that must be agreed in writing with the Local Planning Authority.

No fires shall be lit within 15 metres of the furthest extent of the canopy of any retained trees or hedgerows or adjoining land and no concrete, oil, cement, bitumen or other chemicals shall be mixed or stored within 10 metres of the trunk of any tree or group of trees to be retained on the site or adjoining land.

[In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs above shall have effect until the expiration of five years from the date of commencement of the Phase or sub Phase].



REASON: To safeguard trees to be retained in the interests of amenity.

- 12 Where a particular Phase or sub Phase of the development includes a play area(s), before 50% of the dwellings in that Phase or sub Phase are first occupied (or before a percentage/number to be otherwise agreed in writing by the local planning authority are first occupied) the following shall have been carried out:

- (a) The submission to the local planning authority for approval in writing of a scheme for the laying out and equipping of the play area(s), to include landscaping, boundary treatment and provision for future maintenance and safety checks of the equipment; and
- (b) The laying out and equipping of the play area in accordance with the approved scheme.

REASON: To ensure that the play areas are provided in a timely manner in the interests of the amenity of future residents.

- 13 Before the first occupation of 1,250 dwellings on any part of the application site (or before a percentage/number to be otherwise agreed in writing by the local planning authority are first occupied) the following shall have been carried out:

- (a) The submission to the local planning authority for approval in writing of a scheme for the marketing of the 'Proposed Employment' land and the commercial elements of the 'Proposed Local Centres';
- (b) Implementation of the marketing scheme in accordance with the approval;
- (c) Construction and operation of the roundabout junction (R4) and at least 20m of the spur road and related services into the 'Proposed Employment' land.

REASON: To accord with the proposal and the requirements of the Wiltshire Core Strategy in that it allocates part of the application site for employment development.

- 14 With the exception of the 'Advance Ecology Mitigation', prior to the commencement of the development Stage 2 Road Safety Audit(s) shall be carried out for the Yarnbrook & West Ashton Relief Road and all other elements of the 'access' (either singly or in combination), and this/these shall be submitted to the local planning authority for approval in writing before any highway construction works begin. Thereafter, no development shall commence in any particular Phase or sub Phase of the development until full construction details/drawings of the means of access within that Phase or sub Phase have been submitted to and approved in writing by the local planning authority. Following approval the 'access' shall be constructed in accordance with the approved details/drawings and agreed Stage 2 Road Safety Audit(s).

REASON: In the interests of highway safety.

- 15 Notwithstanding the references in the Design and Access Statement, the development hereby approved shall make provision for vehicle parking in accordance with the Wiltshire Council Local Transport Plan 3 dated 2015. In this Strategy domestic garages will only count towards the parking provision if the minimum dimensions specified in the Strategy are achieved.

REASON: To ensure sufficient vehicle parking in the development in the interests of highway safety.

16 No development shall commence within any particular Phase or sub Phase of the application site until:

(a) A written programme of archaeological investigation for the Phase, 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 application contains 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 enable the recording of any matters of archaeological interest.

17 No development hereby approved shall commence in any Phase or Sub Phase of the development which includes land either adjacent to the railway line or adjacent to the 'green corridor' alongside the railway line until details of measures to safeguard the amenities of future occupants of the development within the Phase or Sub Phase from potential noise disturbance from trains have been submitted to and approved in writing by the local planning authority. The Development shall then be carried out in accordance with the approved details.

REASON: The railway line will be a potential source of noise disturbance to future nearby occupants of the development. This disturbance can be removed and/or reduced to acceptable levels through appropriate design and layout.

18 The application is supported by evidence which demonstrates that the potential for significant concentrations of contaminants to be present within the application site is low. However -

(a) If, during any Phase or sub Phase of the development, any evidence of historic contamination or likely contamination is found, the developer shall immediately cease work within the Phase or sub Phase and contact the Local Planning Authority in writing to identify what additional site investigation may be necessary; and -

(b) In the event of unexpected contamination being identified, all development within the relevant Phase or sub Phase of development shall cease until such time as an investigation has been carried out and a written report submitted to and approved in writing by the Local Planning Authority, any remedial works recommended in that report have been undertaken and written confirmation has been provided to the Local Planning Authority that such works have been carried out. Construction shall not recommence until the written agreement of the Local Planning Authority has been given following its receipt of verification that the approved remediation measures have been carried out.

REASON: To ensure that potential land contamination is dealt with adequately in the interests of protecting the environment.

- 19 Prior to the commencement of any Phase or sub Phase of the development which includes or affects public rights of way NBRA43, NBRA30, NBRA10, WASH16, NBRA11, NBRA44 and/or NBRA12 within the site, detailed schemes for the improvement of these rights of way (including, widening and/or re-surfacing) and a programme for implementing the improvements shall be submitted to the local planning authority for approval in writing. Thereafter the development shall be carried out strictly in accordance with the approved improvements and the programme.

REASON: Improvements will be required to these public footpaths as a consequence of the additional use they will endure as a result of the development. The improvements will ensure the continued safe use and enjoyment of the footpaths in the interests of amenity.

INFORMATIVE: The Design & Access Statement indicates that parts of public rights of way NBRA9, NBRA10, NBRA11 and NBRA44 may be re-routed. No works affecting these rights of way and/or no stopping-up of these rights of way may commence unless or until a stopping-up or diversion order has come into effect, unless the LPA agrees to a temporary closure or re-routing of the rights of way. The applicant must apply separately to Wiltshire Council for such an order, and it cannot be presumed that the granting of this planning permission will automatically be followed by the making of the order. If Wiltshire Council makes an order and any objections to it cannot be resolved, the matter will be referred to the Secretary of State for determination. The Planning Inspectorate will make the determination on behalf of the Secretary of State.

- 20 No later than first occupation of 90% of the dwellings in any part of a Phase or Sub Phase of the development through which public rights of way NBRA11 and NBRA9 pass, a report comprising an assessment of past and present use of these public rights of way where they cross 'at level' the railway line and, if/as necessary, a scheme of measures to ensure their continued safe operation together with a related programme for their implementation, shall be submitted to and approved in writing by the local planning authority. The development shall then be carried out if/as necessary in accordance with the approved scheme of measures and the related programme for its implementation.

REASON: To ensure the continued safe operation of the at-level railway crossings.

INFORMATIVE: The need for this condition may fall away in the event of these public rights of way being first stopped-up or diverted.

- 21 Prior to first occupation of the first 150 houses on the development hereby approved, a Public Art Strategy shall be submitted to the local planning authority for approval in writing. The Strategy shall set out how public art will be provided as part of the development, and a programme for this. Thereafter the development shall be carried out in accordance with the approved Strategy and programme.

REASON: To achieve a high quality living environment in the interests of amenity, and to accord with policies CP3 and CP57 of the Wiltshire Core Strategy.

- 22 No development shall take place within individual Phases or sub Phases of the development until a site specific Construction Environmental Management Plan, or Plans, (CEMP(s)) for that Phase or sub Phase, or an overarching CEMP for the entire application site, has been submitted to and approved in writing by the local planning authority. The CEMP(s) must demonstrate the adoption and use of the best practicable means to reduce the effects of noise, vibration, dust and site lighting. The

plan(s) should include, but not be limited to:

- Procedures for maintaining good public relations including complaint management, public consultation and liaison;
- Arrangements for liaison with the Council's Public Protection Team;
- All works and ancillary operations which are audible at the site boundary, or at such other place as may be agreed with the Local Planning Authority, shall be carried out only between the following hours: 08:00 Hours and 18:00 Hours on Mondays to Fridays and 08:00 and 13:00 Hours on Saturdays and; at no time on Sundays and Bank Holidays;
- Deliveries to and removal of plant, equipment, machinery and waste from the site must only take place within the permitted hours detailed above;
- Mitigation measures as defined in BS 5528: Parts 1 and 2 : 2009 Noise and Vibration Control on Construction and Open Sites shall be used to minimise noise disturbance from construction works;
- Procedures for emergency deviation of the agreed working hours;
- Control measures for dust and other air-borne pollutants;
- Measures for controlling the use of site lighting whether required for safe working or for security purposes;
- Construction traffic routing details.
- Ecology mitigation measures to cover –
  - protection of retained habitats;
  - creation of new habitats including provision of bat boxes;
  - management and monitoring of created and retained habitats (until taken over by management company or WWT);
  - precautionary working method statements and works to be overseen by an ecologist; monitoring requirements and details of frequency of monitoring, thresholds, remedial measures and timescales for remediation;
  - monitoring requirements for habitats, mitigation features and species including details of frequency of monitoring, thresholds, remedial measures and timescales for remediation (to cover amongst other things, establishment / width of hop-overs, habitat structure / composition of woodland in Biss and Green Lane Woods, bat use of underpasses);
  - testing and adjusting lighting, in accordance with monitoring results';
  - compliance procedures.
- And with particular regard to the Yarnbrook & West Ashton Relief Road the following specific ecology mitigation information –
  - Long and cross sections for each underpass based on site surveyed; measurements showing the relative positions of hedgerows, existing ground levels, earthworks and underpass;
  - The timetable of works required to complete the culvert works having regard to seasonal ecological and planting constraints;
  - The programme of construction works to demonstrate how the ecological constraints of the culverts works have been fully integrated into the project programme (i.e. Gantt chart) and how it affects the critical path.
  - A protocol for constructing underpasses and hop-overs including exact timescales, demonstrating removal of as little hedgerow as possible, erection of 4m high bat fencing and establishing new planting.

The approved CEMP(s) shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

A report prepared by the Ecological Clerk of Works certifying that the required ecology mitigation and/or compensation measures identified in the CEMP(s) have been completed to their satisfaction, and detailing the results of site supervision and any necessary remedial works undertaken or required, shall be submitted to the Local Planning Authority for approval within 3 months of the date of substantial completion of the development or at the end of the first planting season following this, whichever is the sooner. Any approved remedial works shall then be carried out under the strict supervision of a professional ecologist following that approval.

REASON: In the interests of the amenities of surrounding occupiers and of wildlife during the construction of the development.

- 23 A Landscape and Ecological Management Plan, or Plans, (LEMPs) for the 'River Biss Corridor', the '100m buffer' between Biss Woods and the employment land, the 'Green Lane Nature Park Extension', the 'Attenuation pond ... creating barrier to pedestrian access', other barriers to control access to Biss Woods, dark corridors through the mixed use development, and the Yarnbrook & West Ashton Relief Road shall be submitted to, and approved in writing by, the Local Planning Authority before commencement of the development. The content of the LEMP(s) shall include the following information:

- a) Description and evaluation of features to be managed;
- b) Landscape and ecological trends and constraints on site that might influence management;
- c) Aims and objectives of management;
- d) Appropriate management options for achieving aims and objectives;
- e) Prescriptions for management actions;
- f) Preparation of a work schedule (including an annual work plan);
- g) Details of the body or organisation responsible for implementation of the plan;
- h) Ongoing monitoring and remedial measures;
- i) Details of how the aims and objectives of the LEMP will be communicated to future occupiers of the development.

The LEMP(s) shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body/ies responsible for its delivery.

The LEMP(s) shall also set out (where the results from monitoring show that the conservation aims and objectives of the LEMP(s) are not being met) how contingencies and/or remedial action will be identified, agreed and implemented.

The LEMP(s) shall be implemented in full in accordance with the approved details.

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 adequate protection, mitigation and compensation for protected species.

- 24 No development in any particular Phase or sub Phase of the development shall commence on site until a scheme for the discharge of surface water from the Phase or sub Phase, incorporating sustainable drainage details, and any related programme for delivery, has been submitted to and approved in writing by the Local Planning Authority. The development within the Phase or sub Phase shall not be first occupied until surface water drainage has been constructed in accordance with the approved

scheme and related programme.

REASON: The matter is required to be agreed with the Local Planning Authority before development commences in any Phase or sub Phase in order that the development is undertaken in an acceptable manner, to ensure that the development can be adequately drained.

- 25 No development shall commence on site (save for the construction of the Yarnbrook & West Ashton Relief Road) until details of the works for the disposal of sewerage, including the point of connection to the existing public sewer and any off-site works, and any related programme for delivery have been submitted to and approved in writing by the Local Planning Authority. The details shall be substantially in accordance with the 'Proposed Foul Water Drainage Arrangements' set out in the Flood Risk Assessment by PFA Consulting dated September 2017. No dwelling shall be first occupied until the approved details have been implemented in accordance with the approved plans and related programme.

REASON: To ensure that the proposal is provided with a satisfactory means of drainage and does not increase the risk of flooding or pose a risk to public health or the environment.

- 26 There shall be no surface water drainage connection from this development to the foul water system.

REASON: To safeguard the integrity of the foul water system.

- 27 No external lighting (other than normal domestic lighting) shall be installed on site within each Phase or sub Phase 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 Institute of Lighting Engineers in their publication Guidance Notes for the Reduction of Obtrusive Light (ILE, 2005) (or any standards updating or replacing these standards), for that Phase have been submitted to and approved in writing by the Local Planning Authority.

Where lighting is proposed in ecologically sensitive areas (such as the 'dark corridors' for bats) the lighting details and related scheme shall ensure minimum impact on the ecological interests of these areas and accord with:

- 'Interim Guidance Recommendations to help minimise the impact of Artificial Lighting' (Bat Conservation Trust 03/06/14);
- ES Addendum Volume 1 Figures 6.4, 6.18 and 6.19 showing principles of lighting design;
- Lighting of the Yarnbrook & West Ashton Relief Road to be in accordance with Figure 6.17 and 6.20 of the ES Addendum Volume 1.

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

In addition there will be no lighting above or beneath bridges except at B3 where lighting will be in accordance with Figure 6.17 and 6.20 of the ES Addendum Volume 1.

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

- 28 No development shall commence in any particular Phase or sub Phase of the development hereby approved until a scheme for the provision of fire hydrants to serve the Phase or sub Phase and any related programme for delivery has been submitted to and approved in writing by the local planning authority. Thereafter no dwelling shall be occupied within the Phase or sub Phase until the fire hydrant serving the dwelling has been installed as approved.

REASON: To ensure the safety of future occupiers of the dwellings.

- 29 Notwithstanding the information set out in the Waste Management Strategy (May 2015) accompanying the planning application, a further more detailed waste management strategy shall be submitted to the local planning authority for approval in writing prior to commencement of the development. The more detailed strategy will add detail to the initial Waste Management Strategy, specifying in particular where and how construction waste (notably the waste material excavated from the site to enable construction works) will be, in the first place, re-used on site (including estimates of quantities to be re-used and where); and, in the second place, removed from the site (including quantities, end disposal locations and transportation routes thereto). Additionally, the detailed strategy will provide a 'plan' for the management of other waste arising from civil and building construction, including measures to minimise such waste generation in the first place and to re-cycle wherever possible. The development shall be carried out strictly in accordance with the original Waste Management Strategy (May 2015) and the subsequent approved and complementary more detailed waste management strategy.

REASON: The original Waste Management Strategy contains insufficient detail to enable waste management to be agreed at this stage. The requirement for a more detailed waste management strategy arises from Wiltshire Council's Waste Core Strategy Policy 6 (Waste Reduction and Auditing), and in particular its requirement to demonstrate the steps to be taken to dispose of unavoidable waste in an environmentally acceptable manner and proposals for the transport of waste created during the development process.

- 30 Prior to commencement of the local centres hereby approved a strategic level scheme for the provision of ultra low energy vehicle infrastructure (electric vehicle charging points) and a programme for delivery shall be submitted to the local planning authority for approval in writing. The approved scheme shall inform the subsequent reserved matters applications, and shall be implemented as approved and in accordance with the programme.

REASON: In the interests of air quality and reducing vehicular traffic to the development.

INFORMATIVE: It is recommended that the ultra low energy vehicle infrastructure should be provided at appropriate publicly accessible locations such as the local centres but not for individual residential dwellings.

- 31 Prior to the commencement of each Phase or sub Phase of the development hereby approved a scheme of ecology enhancement measures as identified in the Environmental Statement Addendum Volume 1, to include (as appropriate) designs, locations, numbers and sizes of each measure and a programme for their delivery, for each Phase or sub Phase shall be submitted to the local planning authority for approval in writing. The scheme shall be implemented as approved in accordance

with the programme and maintained thereafter.

REASON: In the interests of safeguarding other ecological interests.



## 15 Summary

### 15.1 Introduction

15.1.1 Ashton Park Trowbridge Ltd and Persimmon Homes Ltd (the "Applicant") are seeking to obtain outline planning permission for mixed use urban extension and relief road (the "Proposed Development") at land to the south-east of Trowbridge, Wiltshire (the "Application Site"). The Application Site lies within the administrative area of Wiltshire Council (WC).

15.1.2 The Proposed Development is for up to 2,500 dwellings of mixed house types and tenure, including a range of affordable housing and potential care home provision. The application also includes employment land, two local centres, two primary schools, a site for a secondary school, integration of secondary transport modes, sports pitches with changing rooms, green infrastructure as well as highways upgrades and access and other infrastructure to include drainage works.

15.1.3 The ES presents the findings of the Environmental Impact Assessment (EIA) which was undertaken in conjunction with the design process for the Proposed Development and various supporting studies, which have informed the design.

### 15.2 The EIA Project Team

15.2.1 This ES has been co-ordinated and managed by Pegasus Group. The consultants who have contributed to the preparation of this ES are as follows:

- Socio Economics – Pegasus Group
- Ecology and Nature Conservation – Aspect Ecology
- Landscape and Visual – Pegasus Group
- Transport and Access – PFA Consulting
- Air Quality – Air Quality Consultants
- Noise and Vibration – L F Acoustics Limited
- Hydrology, Drainage and Flood Risk – PFA Consulting
- Ground Conditions - RSK
- Cultural Heritage and Archaeology – Cotswold Archaeology
- Soils and Agriculture – Kernon Countryside Consultants

### 15.3 Need for Environmental Impact Assessment

15.3.1 EIA is a process for identifying the likely significant environmental effects (beneficial and adverse) of proposed developments before development consent is granted.

15.3.2 The Town and Country Planning (Environmental Impact Assessment) Regulations 2011 require that any proposed development falling within the description of a 'Schedule 2 development' within the meaning of the Regulations, is required to be subject to an EIA where such development is likely to have 'significant' effects on the environment by virtue of such factors as its nature, size or location (Regulation 2(b)).

15.3.3 The Application Site area is greater than the threshold of development area of 'exceeding 0.5ha' under Schedule 2 Section 10 (b) with respect to Infrastructure

Projects that would require the submission of an ES.

15.3.4 The EIA process identifies likely 'significant' environmental effects of proposed developments, by comparing the existing situation, that which pertain before development is carried out (baseline) with the situation once the proposals are in place.

15.3.5 The EIA and this ES have been undertaken and prepared with due regard to the criteria of Schedule 4 of the Regulations. The ES includes an assessment of the predicted effects of the proposed development, focussing, as required by the EIA Regulations, on those effects that have the potential to be significant. The content of the ES, as well as the overall approach to the EIA, has also been designed to reflect other requirements of the EIA Regulations as well as widely recognised good practice in EIA.

#### **15.4 Application Site Description**

15.4.1 The Application Site comprises open farmland on the south-eastern periphery of Trowbridge, some 2.2 km from the town centre.

15.4.2 The small linear village of West Ashton lies to the south – east of the Application Site, on the eastern side of the A350 which is a strategic road corridor, linking the M4 to the north with the Poole conurbation on the south coast. The small village of Yarnbrook is located to the south west of the Application Site, where the A350, A363 and B3097 intersect. Further to the west of the main railway is the village of North Bradley which is accessed from the A363.

15.4.3 The Application Site area comprises approximately 177 hectares, well connected by existing footpath/cycleways to the town centre, via the People’s Park to the north, through Biss Meadow Country Park Extension, which provides a green gateway into Trowbridge. The Application Site is also well related to residential development to the north, more recent expansion of the town at Castle Mead to the north east and the White Horse Business Park to the west.

15.4.4 The Application Site is divided either side of the West Ashton Road, which is a single carriageway that connects West Ashton, at its junction with the A350, to County Way (A36) and the town centre.

15.4.5 To the east of West Ashton Road, the Application Site is contained to the north-west by the Leap Gate, which is constructed, and links West Ashton Road to the A36 to the north, through the eastern expansion area of Trowbridge known as Paxcroft Mead and the Castle Mead development, where elements are still currently under construction.

15.4.6 To the North East of the Application Site lies the Green Lane Nature Park in association with the Castle Mead development.

15.4.7 To the east of the Application Site is Biss Wood, a broadly rectangular area of woodland comprising some 21 hectares.

15.4.8 The River Biss runs through the part of the Application Site West of West Ashton Road, from the south-western corner, arching through the Application Site (forming its southern boundary in part) and running through to the northern boundary. A tributary of the river forms part of the northern boundary to the Application Site. The remainder of the northern boundary is formed by the Drynham Lane, which is a byway open to all traffic (NBRA43), and some private properties served off the lane.

15.4.9 The western boundary of the Application Site is formed by a railway line. The southern boundary is partly delineated by the River Biss and by open agricultural land.

## **15.5 Proposed Development**

15.5.1 The Proposed Development accords with the development template within the Wiltshire Core Strategy and comprises the following:

- Up to 2,500 dwellings (Class C3) of mixed house types and tenure, including a range of affordable housing and potential care home provision (Class C2);
- 13.6 ha of employment land to support a mix of B1, B2 & B8 use classes;
- Two Local Centres to accommodate retail, social and community facilities which may include a mix of A1 – A5, D1 and C2/C3 use classes;
- Two primary schools;

- A site for a secondary school;
- An integrated network of footways and cycleways;
- The provision of public open space/green infrastructure and areas of strategic landscaping, including an extension to the Green Lane Nature Park and a corridor along the River Biss, woodland and hedgerow planting and allotments;
- A 100m ecological buffer to the western edge of Biss Wood;
- Provision of a range of play space;
- Sports Pitches and courts and associated changing rooms;
- A site for an ecological visitors facility;
- Surface water/flood management mitigation works including the creation of attenuation ponds;
- Necessary related engineering works for drainage, sewers and other infrastructure;
- The provision of the Yarnbrook/West Ashton Relief Road and associated highway infrastructure. A single carriageway scheme of 7.3 m with associated landscaping and drainage (matters not reserved);
- Downgrading of part A350 with associated landscaping and highway works; and
- Vehicular access from proposed Yarnbrook/West Ashton Relief Road, 3 x accesses from West Ashton Road and 2 x accesses from Leap Gate (matters not reserved).

**15.6 Consideration of Alternatives**

15.6.1 Schedule 4, part 1, paragraph 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 requires that "an outline of the main alternatives studied by the applicant and an indication of the main reasons for this choice, taking into account the environmental effects" are included within the ES.

15.6.2 The alternatives to the Proposed Development which the Applicants have considered include 'No Development' and 'Alternative Designs'.

15.6.3 The 'No Development' alternative refers to the option of leaving the site in its current state. If the Proposed Development were not to proceed, it is likely that the Application Site would continue to be used as agricultural land.

15.6.4 In terms of Alternative Designs the Proposed Development evolved through consideration of constraints and opportunities as discussed in detail within Chapter 4 of this ES Addendum. Once the constraints and opportunities had been identified a draft masterplan was prepared as part of the 2015 application and as part of the design evolution process a series of public consultation events were held and a broad range of comments expressed highlighting a variety of issues and concerns. There were no fundamental changes necessary to the draft masterplan arising from the community consultation.

15.6.5 During the application determination and consultation period there were suggestions from statutory bodies concerning modifications and alternatives to the design. The alternative design suggestions have been considered and accommodated where possible and now included within the overall 2017 masterplan. The changes and alternatives to the design include the relocation of the employment area from land adjacent to the railway line on the site's western boundary to land formerly identified for residential development east of West Ashton Road. The displaced residential development has been accommodated within the former employment area adjacent to the railway. Other changes to the 2017 masterplan include the relocation of the primary school away from West Ashton Road, the reconfiguration of the secondary school to avoid land within Flood Zone 3; the provision of landscape and ecological buffers; the reconfiguration of formal sports areas; and revised attenuation ponds to reflect the drainage strategy for the new housing areas. The vertical alignment of the Relief Road along the south-western section, between roundabouts R1 and R2, has been raised by an average of 4 metres to provide underpasses for bat flight paths.

**15.7 Cumulative Issues**

15.7.1 Schedule 4, part 1, paragraph 4 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 requires that a description of the likely significant effects of the development on the environment should cover cumulative effects.

15.7.2 The main aim of a cumulative assessment is to assess the additional impact of the development proposed on the baseline of projects that are either already operational or have planning permission.

15.7.3 The following sites have been identified with Wiltshire Council to be included within the cumulative assessment. The sites lie within a 2km radius of the Proposed Development and are as follows:

SITE	DESCRIPTION	PLANNING STATUS
<b>Court Street</b> (5/LPA/21)	112 dwellings on an urban site along banks of River Biss	<b>APPROVED</b>

**ENVIRONMENTAL STATEMENT**

**SUMMARY**

<p><b>Land Rear of Wesley Road Club</b> (5/LPA/25)</p>	<p>Application to replace extant planning permission (W/10/02925/S73) in order to extend time limit for implementation (Erection of 6 x 3 bedroom semi - detached dwellings).</p>	<p><b>APPROVED</b></p>
	<p>Erection of 6 no. 3 bed semi-detached dwellings (extension of time limit to permission 07/02912/FUL)</p>	<p><b>APPROVED</b></p>
	<p>Development of 6 no. 3 bed dwellings</p>	<p><b>APPROVED</b></p>
<p><b>Land at Southview Farm</b> (5/41/6491)</p>	<p>Outline application for residential development, recycling mini bank, open space, equipped children's play area, provision of landscaped flood protection area and associated infrastructure</p>	<p><b>APPROVED</b></p>
<p><b>Former Wincanton Site, Bythesea Rd</b> (5/41/6890)</p>	<p>Outline application for the mixed use redevelopment of the site for retail, B1(Office) residential development with associated servicing and landscaping</p>	<p><b>APPROVED</b></p>
	<p>Reserved matters submission relating to the mixed use redevelopment of the site for retail (A1-A5), residential, offices, car parking and associated Infrastructure.</p>	<p><b>APPROVED</b></p>
<p><b>Land N-E of Green Lane Farm</b> (5/41/7890)</p>	<p>174 residential units, garages, parking and ancillary works together with extension to the country park</p>	<p><b>REFUSED</b> <b>APPEAL ALLOWED</b></p>
	<p>Submission of reserved matters pursuant to outline permission 07/03864/OUTES for 174 residential units, garages, parking and ancillary works together with extension to the country park</p>	<p><b>APPROVED</b></p>
<p><b>Land Adjacent Scrap Yard, Green Lane</b> Castlemead (5/41/7710)</p>	<p>Outline planning application for mixed use residential development consisting of 650 dwellings</p>	<p><b>APPROVED</b></p>
<p><b>Terry's Social Club, Hill Street</b> (5/41/7580)</p>	<p>Change of use to form 16 residential apartments with associated internal alterations, on built up urban site</p>	<p><b>APPROVED</b></p>
<p><b>Cedar Grove</b> (5/LPA/43)</p>	<p>Allocation for 15 dwellings, on built up urban site</p>	
<p><b>Hilperton Rd</b> (5/LPA/45)</p>	<p>Allocation for 15 dwellings on grassland and standard trees</p>	
<p><b>South East Trowbridge</b></p>	<p>Allocation for approximately 100 dwellings</p>	

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**15.8 Socio-Economics**

15.8.1 The socio-economic effects of the Proposed Development during both the construction and operational phases have been considered. The analysis focuses on provision for housing, employment and community services primarily within Trowbridge, but also the surrounding area.

15.8.2 There are a wide range of socio-economic issues that exist and which will be affected by the Proposed Development.

15.8.3 There is no specific guidance available which establishes a methodology for undertaking an EIA of the socio-economic effects of a proposed development. Accordingly, the approach adopted for the assessment is based on professional experience and best practice, and in consideration of the policy requirement/tests set out within the National Planning Policy Framework (NPPF), and the extant and emerging development plan.

15.8.4 It considers the future baseline position rather than the current baseline position. This ensures that the potential effects are considered relative to the position that is likely to arise should the Proposed Development not occur.

15.8.5 Wiltshire is expected to experience population growth. It is expected to see the population age in accordance with national trends.

15.8.6 The area which contains the Application Site currently experiences deprivation in regards to access to housing and services, but little deprivation in other domains.

15.8.7 Trowbridge is planned to accommodate significant levels of housing development during the plan period. The Proposed Development is expected to provide a significant component of this supply. Even with the Proposed Development there will be insufficient levels of housing within Trowbridge to meet the Core Strategy requirement.

15.8.8 Trowbridge experiences high levels of home ownership (including with a mortgage), but housing is less affordable and more expensive than the national average.

15.8.9 There is currently sufficient primary and secondary education capacity in the area surrounding the Proposed Development.

15.8.10 There are also a greater number of GPs per patient than experienced on average across the nation, and Trowbridge is well provided for in terms of other healthcare facilities.

15.8.11 Trowbridge has experienced recent leisure and recreation developments in the town centre. It also accommodates a range of retail and other services.

15.8.12 Wiltshire experiences net out-commuting which will be influenced by the pay differential between people who live in Wiltshire and those that work in Wiltshire. A very high proportion of workers in Wiltshire are employed in the public administration and defence sector.

15.8.13 The key socio-economic effects of the Proposed Development can be summarised as follows:

- Provision of circa 767 to 909 additional jobs during the construction phase in the construction sector;
- Provision of 516 to 5,498 FTE jobs during the operational phase (depending upon the precise uses of the employment land);



- An increase of between £41.8M and £66M of expenditure per annum, much of which will be spent in the local economy;
- Accommodation for a population of circa 5,335 people, of which 3,375 are estimated to be new to the area;
- Provision of housing (including affordable housing) of a range of types, sizes and tenures to meet local housing needs in accordance with the Wiltshire Core Strategy;
- A positive effect on the age of the population;
- Addressing the deprivation in regards to barriers to housing and services which exists locally;
- Provision of primary schools which will more than address the needs generated by the Proposed Development and provide greater choice and flexibility across Trowbridge;
- The opportunity to provide a secondary school, which will provide a significant surplus capacity across the local area;
- The opportunity for on-site healthcare provision, which would provide greater choice for local residents;
- A positive effect on the provision of open space, with the standards being exceeded or met.

15.8.14 No mitigation has been identified in socio-economic terms given that the Proposed Development provides for beneficial and/or neutral effects. However, if mitigation is required it is considered likely that this can be addressed through appropriate financial contributions.

15.8.15 Overall the Proposed Development is considered to provide beneficial or neutral effects and will contribute to the housing and employment needs of the area supported by appropriate infrastructure.

## **15.9 Ecology And Nature Conservation**

15.9.1 An ecological survey of the Site has been undertaken, including a desk study, an extended Phase 1 survey and Phase 2 faunal studies, including specific detailed survey work in respect of Bechstein's bat.

15.9.2 The Proposed Development and mitigation measures have been designed to achieve compliance with relevant legislation and planning policy, whilst scoping of the approach taken to this assessment, particularly in respect of mitigation requirements for ecological designations, bats, Dormouse, Skylark and Great Crested Newt, has been undertaken with Wiltshire Council, Natural England and Wiltshire Wildlife Trust.

15.9.3 The nearest European level designation to the Application Site is Salisbury Plain SAC (located approximately 5.2km south east), whilst a population of Bechstein's bats within the local area is known to be linked to Bath and Bradford on Avon Bats SAC (located approximately 7.8 km north west). In addition, the statutory ecological designations Picket and Clanger Woods SSSI and Green Lane Wood LNR are present within the near vicinity of the Application Site (located 0.3km south and 0.2km north east respectively) whilst the Application Site is surrounded by a number of non-statutory ecological designations and Ancient Woodlands, of which the closest is Biss Wood LWS and WWTR located adjacent to the eastern boundary of the Application Site.

15.9.4 The Site itself is dominated by arable land and agricultural grassland, considered to be of negligible-low ecological value. Habitats within the Application Site considered to be of low to moderate ecological value include areas of pasture and field margins, marshy grassland, ruderal vegetation, hedgerows, trees, scrub, watercourses, ditches

and a pond, whilst the River Biss corridor is considered to be of moderate to high ecological value.

15.9.5 Surveys of protected species have recorded use of the Application Site and surrounds by a range of bat species, including the Annex II listed species Bechstein's bat, as well as low numbers of Dormice, Otter, Water Vole and a range of other mammals and bird species including the Species of Principal Importance in England Skylark. Furthermore, a population of Great Crested Newt was recorded within ponds located within 250m of the western Application Site boundary.

15.9.6 Local populations of Bechstein's bats are considered to represent part of the qualifying species population of the Bath and Bradford on Avon Bats SAC, and to be vulnerable to likely significant adverse effects from the proposed development, in the absence of mitigation.

15.9.7 A range of potential effects have also been identified on habitats and fauna within the Application Site, whilst the Proposed Development may also result in adverse effects on ecological designations within the local area as a result of increased recreational pressure and reduced air quality.

15.9.8 Mitigation measures in respect of ecological designations are proposed in order to minimise potential adverse effects from increased recreational pressure and reduced air quality, including provision of extensive and multi-functional green infrastructure linking the Proposed Development to other areas of greenspace in the wider surrounds, as well as an extension to Green Lane Nature Park and a site for a Visitor Facility. Further mitigation in the form of a full-time warden, access management and measures to support sustainable transport are also proposed.

15.9.9 Mitigation and enhancement measures in respect of habitats and fauna at the Site are also proposed, including new wildflower grassland, scrub, trees and ponds as part of an extensive area of green infrastructure throughout the Proposed Development. These habitats will provide significant benefits to a wide variety of faunal species. Measures are also proposed to avoid effects resulting from construction activities, anthropogenic effects and lighting.

15.9.10 In addition to large-scale habitat creation and enhancement, specific mitigation measures in respect of bats, Dormice, Skylark and Great Crested Newt are also proposed. These take the form of underpasses and vegetated hop-overs to facilitate movement across the YWARR, sensitive lighting design including dark corridors, provision of Skylark plots and contributions to off-site habitat management, as well as a number of safeguard measures and licensing, where appropriate, to avoid adverse effects during construction.

15.9.11 Following mitigation, it is considered that the Proposed Development would result in enhancements to the existing ecological interest of the Application Site, with benefits in respect of ecological designations, habitats, bats, Dormice and other mammals, birds, amphibians and invertebrates, these effects being assessed as of overall minor to moderate beneficial significance at the local to Regional level.

15.9.12 Given effective implementation of mitigation proposals, residual effects on the population of Bechstein's bats linked to the Bath and Bradford on Avon Bats SAC are considered to be non-significant, to minor beneficial.

## **15.10 Landscape and Visual**

15.10.1 The Application Site is not within or covered by any statutory or non statutory landscape designation.

15.10.2 Retention of the majority of the existing landscape features such as trees and hedgerows on the Application Site and as an integral part of the Proposed Development together with the enclosed nature of the Application Site would limit the effects of the Proposed Development on the character of the wider landscape and the Application Site itself. It is considered that the effect of the Proposed Development on landscape character would not be significant and that over time the Proposed Development would increasingly be perceived as an integral part of the Trowbridge urban area.

15.10.3 The majority of the existing landscape elements and features on the Application Site would be retained and integrated into the Proposed Development. Though there would inevitably be a certain loss of trees and hedgerows, primarily to provide access, these losses would be mitigated by new planting within the open spaces that form a Green Infrastructure framework.

15.10.4 The Application Site benefits from a high degree of physical and visual enclosure provided by substantial boundary hedgerows and tree belts. Retention of these elements and features as part of the Proposed Development together with the screening and filtering effect of land form, and vegetation in the intervening landscape between the Application Site and a particular receptor greatly restrict views into the Application Site, and consequently of the Proposed Development, from the surrounding study area.

15.10.5 Except for views from the existing public rights of way that pass through the Application Site, it is considered that there would be no significant visual effects with the Proposed Development including mitigation in place. The significance of these views would reduce over time through the growth of planting.

15.10.6 Landscape mitigation measures, including the retention of existing hedgerows and tree belts along the Application Site boundary will integrate the Proposed Development into the surrounding landscape and to provide visual screening when viewed from the surrounding landscape.

15.10.7 In summary, the Proposed Development is considered to be appropriate to the setting and landscape character of the site and offers suitable landscape mitigation measures in terms of visual amenity.

### **15.11 Transport And Access**

15.11.1 A comprehensive Transport Assessment (TA) and TA Addendum has been prepared which examines in detail the transport effects of the Proposed Development on the existing transport system and provides the basis for this assessment.

15.11.2 During the construction phase of the Proposed Development, the effects of construction traffic will be adverse, but the construction period is relatively short-term and therefore only temporary in its effects. Management control mitigation measures will be implemented during construction in the form of controls imposed by planning conditions, health and safety requirements and good construction site practices.

15.11.3 The Proposed Development during its operational phase would give rise to an increase in travel demand by all main modes of travel. To accommodate this additional demand a range of measures have been identified which includes measures to encourage walking, cycling and public transport, and the delivery of the A350 Yarnbrook and West Ashton Relief Road to mitigate the traffic impacts of the Proposed Development.

15.11.4 It is concluded that with the implementation of the mitigation measures outlined whether designed, management control or physical in nature, the additional demand will be safely and satisfactorily accommodated on the local transport network. The overall

residual effect of the Proposed Development in transport terms is likely to be minor adverse, or beneficial where mitigation measures have a wider benefit.

**15.12 Air Quality**

15.12.1 The potential for significant air quality effects caused by the Proposed Development have been assessed. The assessment has examined the potential for significant effects during both the construction and operational phases of the Proposed Development. The assessment focuses upon potential effects on both human health and sensitive ecological habitats.

15.12.2 Baseline conditions in the area show acceptable air quality with respect to the air quality objectives set out to protect human health. The Proposed Development will generate additional road traffic on local roads, and will involve a realignment of a section of the A350 road, which could lead to significant air quality effects at existing residential properties. In addition, construction activities may lead to the generation of dust and fine particles which have the potential to affect existing nearby properties.

15.12.3 The assessment of construction dust effects has concluded that, with appropriate mitigation in place, the air quality effects will be Negligible.

15.12.4 The assessment of operational air quality effects has concluded that the effects of road traffic emissions generated by the Proposed Development will also be Negligible.

15.12.5 Although the overall air quality effects of road traffic emissions are Negligible, the Proposed Development will lead to some increases in air pollutant concentrations at a number of existing residential properties. However, by contrast, properties located close to the A350 in the village of West Ashton and Yarnbrook are predicted to experience an improvement in air quality with the Proposed Development in operation, as a result of the realignment of the road.

15.12.6 The assessment has also identified that air quality at the Application Site is of acceptable quality for residential development.

15.12.7 Baseline conditions in the study area show poor air quality with respect to the air quality critical levels and critical loads set out to protect sensitive ecological habitats. Baseline concentrations of nitrogen oxides and baseline deposition fluxes of nutrient nitrogen and acid nitrogen exceed the relevant critical levels and critical loads at a number of nearby ecological designations, including the Picket and Clanger Wood SSSI.

15.12.8 The assessment of air quality effects on these sensitive ecological sites has focussed upon the addition of road traffic emissions brought about the Proposed Development.

15.12.9 The assessment has concluded that there is potentially significant adverse air quality effects at Picket and Clanger Wood, Green Lane Wood, and Biss Wood, and potentially significant beneficial air quality effects at Flowers Wood and Woodside Wood, resulting from the operation of the Proposed Development.

15.12.10 In order to mitigate the potentially significant adverse effects, a suite of mitigation measures are proposed, including ecological enhancements, and measures to encourage sustainable transport and reduce the development-related traffic generation.

15.12.11 With mitigation in place, it is judged that the overall air quality effects of the Proposed Development are Negligible.

**15.13 Noise And Vibration**

15.13.1 A noise assessment has been carried out for the Proposed Development. The assessment has taken account of potential effects during the construction and operation of the Proposed Development and the proposed Yarnbrook / West Ashton Relief Road.

15.13.2 A series of noise and vibration surveys were carried out to ascertain the noise levels around the Proposed Development and vibration associated with the operation of the railway, which have been used as the basis of the current assessment to identify potential effects.

15.13.3 Noise levels within the Proposed Development were generally low and principally influenced by road traffic on the surrounding roads and rail traffic using the railway which borders the western site boundary.

15.13.4 The construction of the Proposed Development and relief road has the potential to give rise to short term adverse effects upon existing noise sensitive receptors surrounding the site. Appropriate mitigation and control measures would be adopted during the construction to ensure any potential effects were minimised.

15.13.5 The operation of the proposed employment area within Proposed Development would have the potential to generate significant adverse noise effects. To ensure any potential effects were minimised, appropriate employment uses would be utilised to create a buffer between the employment and adjacent residential land uses. These measures would ensure that the noise levels generated by their use at surrounding noise sensitive properties achieved a satisfactory standard of noise when assessed in accordance with BS 4142.

15.13.6 Road traffic on the roads within and surrounding the Proposed Development and along the proposed relief road would change as a result of the occupation and operation of the completed scheme. The assessment of noise levels associated with the operation of the relief road indicates that the new road would provide an overall benefit to residents within Yarnbrook and West Ashton.

15.13.7 Elsewhere, the assessment of road traffic noise levels indicated that the additional road traffic would result in negligible adverse noise effects, with increases of less than 3 dB(A). Whilst permanent, this level of increase would not be discernible under normal listening conditions and no adverse significant effects have therefore been identified.

15.13.8 Dwellings to be constructed along the main spine roads through the development and adjacent to the relief road, West Ashton Road and Leap Gate have the potential to be affected by road traffic travelling along these roads. Appropriate mitigation measures would be incorporated into the design of these dwellings to ensure that the design requirements of BS 8233 were achieved.

15.13.9 The operation of the school sites has the potential to generate adverse effects upon surrounding residential receptors, particularly associated with the use of sports pitches. Consideration of the noise generated by these uses would be made during detail design to ensure potential effects were minimised.

15.13.10 Finally, the operation of the local centre and local shop sites have the potential to generate adverse effects. A design aim has been specified in relation to external plant, which seeks to ensure an acceptable noise environment is maintained. Additionally appropriate management controls would be developed which would seek to ensure any potential adverse effects associated with deliveries to the units was minimised.

15.13.11 No additional noise mitigation measures have been identified in addition to those which would be incorporated into the design of the Proposed Development and considered at detail design stage.

15.13.12 In summary, with appropriate mitigation and control measures adopted during the construction and design of the Proposed Development, potential noise and vibration effects would be reduced to an acceptable level, thus ensuring the Application Site is suitable for a residential-led mixed use development.

### **15.14 Hydrology, Drainage And Flood Risk**

15.14.1 A Flood Risk Assessment has been prepared which demonstrates that the Proposed Development would be safe from flooding for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and where possible reduces flood risk overall.

15.14.2 A desk study has been undertaken to establish the baseline hydrology (surface water), drainage (including hydrogeology), flood risk, and environmental quality of the Application Site and its immediate vicinity.

15.14.3 The River Biss bisects the Application Site and flows from the south to the north. The Stourton Brook flows through the northern portion of the Application Site and flows from the east to the west. The Stourton Brook joins the River Biss north of the Application Site. A number of small unnamed drainage ditches are present within the Application Site which drain into the River Biss.

15.14.4 None of the on-site drainage or surface water features are designated sites on a local, county, national or international level and the River Biss is classified as moderate ecological quality.

15.14.5 The majority of built development is restricted to an area at low risk of flooding and the only structures proposed within the floodplain are two road bridges with associated earthworks and a footbridge.

15.14.6 Construction of the Proposed Development will result in on-going disruption to the site's drainage regime through disrupting overland flow routes. Furthermore, a number of substances used in the construction process could affect local water quality.

15.14.7 The operation of the Proposed Development will result in the permanent change of the surface water drainage regime. There is a limited risk that the normal operation of the Proposed Development could result in a local effect on water quality.

15.14.8 Mitigation measures in construction include compliance with safe working practices, pollution prevention guidance and emergency planning. These measures ensure disruption of the surface water drainage regime and risk of water pollution are kept to a minimum.

15.14.9 Mitigation measures in operation of the Proposed Development include a surface water drainage system which includes detention basins and swales and floodplain compensation works. These measures ensure the site will not flood and not cause flooding elsewhere up to the 1 in 100 year event, including an allowance for climate change, whilst providing a degree of water quality treatment, increase habitat diversity and provide greenspace within the Proposed Development.

15.14.10 The residual effect of the Proposed Development on the Assessment Site's surface water drainage regime, flood risk and local water quality is not deemed significant with the appropriate mitigation measures in place.



**15.15 Ground Conditions**

15.15.1 The Application Site is underlain by the Oxford Clay Formation (mudstone), with exception of the south-eastern-most boundary, which is underlain by the Hazelbury Bryan Formation (interbedded sandstone and mudstone).

15.15.2 Alluvium is present in the vicinity of the River Biss that dissects the site from south-west to north and along an un-named stream in the north-eastern-most corner of the site. Head Deposits are located within the western part of the Application Site.

15.15.3 The Application Site is not located within a groundwater source protection zone and there are no recorded groundwater abstractions within the site. The Oxford Clay Formation is classed as unproductive. Alluvium is classed as a secondary A aquifer and the Head Deposits as secondary undifferentiated aquifer.

15.15.4 The Application Site comprises predominantly agricultural land currently used for arable farming and general pasture. No significant historic and current contaminative land uses have been identified within the Application Site or in the immediate wider area. The potential for significant concentrations of contaminants to be present within the Application Site (both within soil and groundwater) is considered to be low.

15.15.5 A former landfill is located within 50m of the Application Site. The nearest proposed development to this landfill within the Application Site is the proposed West Ashton/Yarnbrook relief road comprising road infrastructure. Potential risks arising from this historic landfill to the Application Site are low. The potential for onsite migration of contaminants is low owing to the bedrock geology and the absence of superficial deposits in this part of the Application Site.

15.15.6 The development of the Application Site would have a negligible to minor adverse significance of impact on the ground environment following implementation of mitigation appropriate to each potential environmental effect.

15.15.7 Committed developments within the wider surrounding area and the Application Site are unlikely to have a cumulative effect on the ground environment owing to geographic separation. Where other committed developments are located close to the Application Site, potential cumulative impacts to the ground environment are negligible to minor adverse.

**15.16 Cultural Heritage And Archaeology**

15.16.1 An assessment of the likely significant cultural heritage resource present at the Application Site and wider area has been undertaken.

15.16.2 The Application Site has been the subject of a heritage desk-based assessment, a geophysical survey and archaeological evaluation by trial trenching. The assessment has been carried out within the framework provided by section 12 of National Planning Policy Framework (NPPF) 'Conserving and Enhancing the Historic Environment', as well as other key heritage guidance including English Heritage's 'Conservation Principles' and 'The Setting of Heritage Assets'. The completed works provide a proportionate level of information with which to determine the outline application, in accordance with paragraph 128 of the NPPF.

15.16.3 Assessment has identified the below ground remains of an Early Roman agricultural complex and a discrete area of Neolithic and Bronze Age activity. Associated remains at these sites have the potential to contribute to a number of regional research aims, including improving the understanding of non-villa Roman rural settlement; the

role of agricultural intensification and diversification in later prehistory; and the impact of the Roman Empire on farming.

15.16.4 Other heritage assets recorded within the Application Site comprise areas of extant ridge and furrow earthworks, as well as the historic landscape, comprising areas of medieval enclosed land and post-medieval enclosed land.

15.16.5 No evidence for non-designated heritage assets within the Application Site of greater than medium value has been identified. NPPF Paragraph 135 states that 'the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application'. Assessment work has therefore identified no potential adverse effects upon heritage assets which would preclude development of the Application Site or be contrary to heritage planning policy, subject to appropriate archaeological conditions being carried out prior to Reserved Matters applications. It has been agreed with the Archaeology Service at Wiltshire Council that the archaeological resource of the Application Site may appropriately be managed via a condition attached to any outline planning permission granted.

15.16.6 No designated heritage assets are located within the Application Site, and no such assets will be physically affected by development. Assessment of potential development effects upon the settings of designated heritage assets in the wider vicinity of the Application Site has identified no significant non-physical development effects. Development within the Application Site therefore would not lead to 'substantial harm to or total loss of significance of a designated heritage asset' as defined within Paragraph 132 of NPPF.

15.16.7 An appropriate programme of investigation will be developed following consultation with Wiltshire Council, in accordance with current national and local planning policy. The completed trial trenching and geophysics will inform a detailed strategy for archaeology which may include measures such as monitoring and recording and archaeological excavation.

15.16.8 Overall residual effects upon below-ground archaeological remains will be minor adverse as development will lead to harm to non-designated heritage assets that can be adequately compensated through the implementation of a programme of industry standard mitigation measures. Overall residual effects upon designated heritage assets in the study area will be Negligible, as development will not lead to any adverse effects to the key elements of the setting of designated heritage assets.

### **15.17 Agricultural Circumstances**

15.17.1 The Application Site comprises predominately Grade 3b agricultural land i.e. land that is not "best and most versatile agricultural land". There are small areas of Grade 3a land, i.e. "best and most versatile agricultural land" on the western edge of the Application Site

15.17.2 The Application site, although owned by a number of separate entities, is farmed by two large farming businesses. The land is a mix of arable and permanent pasture land.

15.17.3 The Proposed Development involves the development of 23 hectares of Grade 3a land i.e. "best and most versatile agricultural land". The significance of effect as a result of this loss is Major Adverse.

15.17.4 The Proposed Development will have only minor adverse effects on the two occupying farm businesses.



15.17.5 There is little that can be done to mitigate against the loss of agricultural land or the effects of the loss on agricultural businesses. However, land at Ashton Park is representative of land quality in and around Trowbridge and any development of a similar scale on the northern or eastern edge of Trowbridge is likely to involve the loss of some Grade 3a or Grade 2 land.

**15.18 Conclusions**

15.18.1 This ES demonstrates that there are no overriding environmental constraints which would preclude the Proposed Development.

15.18.2 The design of the Proposed Development has taken account of the likely significant environmental effects and where necessary, mitigation measures form an integral part of the Proposed Development to ensure that the environment is suitably protected.

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# HABITATS REGULATIONS ASSESSMENT

## ASHTON PARK

### 27 FEBRUARY 2018 (FINAL VERSION)

Planning application 15/04736/OUT incorporating revised masterplan dated August 2017

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#### BACKGROUND

This document represents Wiltshire Council's final appropriate assessment (AA) under Section 63 of the Habitats Regulations 2017 for the mixed use urban extension and relief road at land to the south east of Trowbridge, known as "Ashton Park".

In carrying out this assessment the Council has had regard to the following documents:

- Shadow Appropriate Assessment under the Habitats Regulations of Ashton park planning application 15/04736/OUT, DTA Ecology for Wiltshire Council, 7<sup>th</sup> October 2016 ("Shadow HRA 2016")
- Shadow Appropriate Assessment under the Habitats Regulations of Ashton park planning application 15/04736/OUT, ADDENDUM, DTA Ecology for Wiltshire Council, 5<sup>th</sup> July 2017 ("Shadow HRA Addendum 2017")
- January 2016 consultation draft HRA by DTA Ecology for Wiltshire Council
- Environmental Statement Addendum Volume 1 – Main Text, August 2017
- Environmental Statement Addendum Volume 2 – Appendices, including Ecological Baseline Assessment (Aspect Ecology August 2017), Information for Habitats Regulations Assessment (HRA) with regard to potential effects upon European designations (Aspect Ecology, September 2017, Report in respect of Bechstein's Bats (including results of the 2013 radio-tracking study) (Aspect Ecology, August 2017)
- Green Infrastructure and Biodiversity Strategy September 2017
- Wiltshire Council Screening decision dated 18 September 2015
- Wiltshire Council rescreening decision dated 29 December 2017
- Technical Notes submitted by the developer in February 2017 including TN1, TN3, TN6, TN8, TN9 and supporting plans contained therein
- Correspondence with Natural England

DTA's Shadow HRA Addendum 2017 recommended that 15 provisions (further details of the proposed mitigation measures and their implementation) should be fully secured before the Council could conclude that Ashton Park would not adversely affect the Bath and Bradford on Avon Bats SAC alone<sup>1</sup>. This document sets out how each of these 15 provisions have been / will be secured and represents the final stage of the appropriate assessment for Ashton Park (15/04736/OUT). Natural England has been consulted throughout the HRA

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<sup>1</sup> Section 5.9 of Shadow Appropriate Assessment under the Habitats Regulations of Ashton park planning application 15/04736/OUT, ADDENDUM, DTA Ecology for Wiltshire Council, 5<sup>th</sup> July 2017

process and regard has been given to their written representations on the final draft version dated 29 December 2017, in accordance with Regulation 63(3).

Following on from the Council's rescreening decision of 29 December 2017, this appropriate assessment also considers the effects of the scheme on lesser horseshoe bats.

## **SHADOW HRA 2016**

In 2015, the Council commissioned DTA Ecology (DTA) to undertake a shadow assessment of Ashton Park under the Habitats Regulations following the Council's conclusion that the scheme could have likely significant effects on the Bath and Bradford on Avon Bats SAC. In October 2016, DTA's initial assessment advised that on the basis of scientific evidence, the Council could not rule out adverse effects on the SAC. The assessment focused on a detailed consideration of the extent to which the proposed mitigation measures could be relied upon to avoid or reduce effects on site integrity to acceptable levels. The appropriate assessment took account of the Council's original screening decision, the developers' application documentation, further information provided by the developer in Technical Notes dated August 2016 (see Para 1.1.19) and other sources of published research, reviews, appraisals and case law, listed at Para 4.1.5 and in Appendix 1.

The Shadow HRA 2016 discussed how the significance of the local Bechstein's bat population should be considered by the Council. DTA advised that for the purpose of the appropriate assessment "it is considered most appropriate, with reference to the recently published Site Improvement Plan<sup>2</sup>, to refer to the SAC as having an 'internationally significant population' of Bechstein's bats with the woodlands to the south of Trowbridge being 'functionally linked' to the maintenance of the population for which the SAC has been designated", because this functionally linked land is necessary for the sustenance of the population and therefore must be linked to the SAC's site integrity. DTA also highlighted recent case law which demonstrated that adverse effects occurring indirectly as a result of impacts on functionally linked land should be considered in the same way as direct effects on land within the SAC itself. Analysis of the available data and expert opinion by DTA also confirmed that the population estimate of 350-700 bats identified in the submitted ES Volume 2 (based on a sex ratio of 1:1) is a precautionary, but reasonable assumption for the purposes of the HRA.

The Oct 2016 report found there was residual uncertainty in relation to the mitigation proposed to deal with 5 key effects of development, therefore the HRA process could not be concluded. These 5 effects are discussed below in order to provide a resume of the issues which are central to this appropriate assessment.

### 1. Recreation pressure (section 4.8 in Shadow HRA 2016)

The anticipated scale of increase in visitor numbers (up to 6000 people) and the proximity of the development (up to 100m from Biss Wood) will potentially have a range of negative effects which could undermine the extent to which the woodlands continue to contribute

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<sup>2</sup> Natural England (2015) Site Improvement Plan: Bath and Bradford on Avon Bats SAC

towards achievement of the SAC's conservation objectives. DTA demonstrated limited confidence could be placed on the ability of proposed woodland management mechanisms to control impacts from residents within easy access to the woodlands on foot. This conclusion took into account evidence from the newly built development at Castlemead where there had been:

- Substantial delays in delivery of the Habitat Creation Mitigation and Management Plan (HCMMP) for Castlemead
- Work undertaken to make Biss Wood accessible for visitors in contravention of the HCMMP
- Evidence of intentional vandalism of bat boxes at Green Lane Wood
- Increased occurrence of informal fires in Green Lane Wood
- Insufficient emphasis placed by the Council on compliance and enforcement.

## 2. Severance and degradation of commuting routes (section 4.9)

Concerns over the effects of lighting in the residential development and along the YWARR had been addressed following submission of further information by the developer. However reasonable doubt remained over the effectiveness of hop-overs and the design of underpasses along the YWARR resulting in a potential threat to the extent to which the local population could continue to contribute to the conservation objectives of the SAC. The concerns were as follows:

- Underpasses / hop-overs did not meet with Defra best practice guidelines in terms of their height and vertical alignment
- There could be conflicting effects of providing hop-overs and underpasses at the same locations
- There was potential for complete abandonment of a historically significant flight line which would be crossed more than once by the road scheme
- The combined effect of a high total number of flight lines being severed could affect the way Bechstein's bats use the local landscape.

## 3. Loss or degradation of roosts (section 4.10)

Doubt was cast over the adequacy of resources being allocated to manage visitor pressure such that significant risks of vandalism of existing bat boxes, new boxes, replaced/relocated boxes and tree roosts remained.

## 4. Increased mortality and injury (section 4.11)

The potential for the YWARR to lead to an increase in the number of bat casualties due to increased traffic generated by the development was considered in detail. DTA recalculated the mortality rates submitted by the developer to include the cumulative year on year mortality effects on the viability of the local population over time. This revised the estimate from 39 bats to a minimum of 66 bats that would be killed per year across all species. Although the proportion that would be Bechstein's was unknown, the proximity of maternity roosts in the woodlands, position of the YWARR between some woodlands and the River

Biss and increased road width until highway vegetation grew up, were all factors which would tend to increase the risks for Bechstein's bats.

Mortality could also occur as a result of vandalism of bat boxes and through the effects of informal fires, which could be expected to increase in frequency with increasing visitor pressure if, as DTA argued, management resources were inadequate.

In considering the effect of the scheme on the conservation objectives for the SAC, DTA took into consideration that Bechstein's bats have low reproduction rates and that year on year mortality could therefore represent a real risk for the long term viability of the population.

#### 5. Increased disturbance (section 4.12)

To the extent that commuting routes would be severed and degraded, vandalism and other visitor behaviour would not be adequately controlled and green infrastructure would not provide effective buffers, DTA concluded that there would be a risk of causing disturbance to Bechstein's bats over and above current levels.

### **Outline Monitoring and Review Frameworks**

Having examined the scientific doubt surrounding the proposed mitigation measures, DTA reviewed whether it would be possible to rely on the two Outline Monitoring and Review Frameworks (TN6 and TN3) submitted by the developer in August 2016 to overcome the uncertainties identified. While in principle it can be possible to rely on such an approach, DTA identified that some of the measures in these frameworks did not meet the objective tests necessary to assure their effectiveness in meeting the SAC's conservation objectives. For the YWARR it was evident that monitoring could not be used to establish how effective the hop-overs were because of the difficulty in detecting Bechstein's using bat detectors and in any case, no remedial measures were likely to exist that could be relied on if they proved to be ineffective. Likewise for the woodlands, regular roost switching which is a feature of Bechstein's would limit the value of monitoring bat boxes to identify changes in the breeding population and, in addition, remedial measures were inadequately defined.

### **Interim HRA conclusion**

In view of the uncertainty surrounding the mitigation proposed by the developer and the inability of monitoring and remediation to reduce this, DTA advised it was not possible to ascertain that the scheme alone would have no adverse effect upon the integrity of the Bath and Bradford on Avon Bats SAC. The '*scale, proximity and rate of delivery of the development*' were primary reasons leading to this conclusion as well as the effects of severance from the road. In making its judgement DTA considered:

- Case law demonstrating that the woodlands and their surrounding should be considered as functionally linked land which contributes to the SAC's site integrity
- A precautionary approach in relation to the extent to which the local Bechstein's population contributes to achieving the SAC's conservation objectives
- The relative importance of the local population to achieving favourable conservation status for Bechstein's at a UK level

- The difficulties in achieving effective, reliable, timely and guaranteed mitigation measures for an adjacent development site at Castlemead
- Uncertainty resulting from the range and extent of predicted impacts, the effectiveness of mitigation measures and the risk of population scale adverse impacts arising if mitigation measures prove not to be effective
- The threat presented to achieving the SAC's conservation objectives
- The long timescale over which the site would be built out
- The proposed London to Midlands HS2 scheme where greater certainty could be attached to mitigation proposals for Bechstein's bats despite the fact that the local population was not linked to a SAC.

Finally, DTA considered whether conditions or restrictions could be imposed by planning conditions and/or obligations to address the outstanding concerns. However, the use of a Grampian style condition to hold back the quantum of housing subject to favourable monitoring outcomes proved to be impractical, probably unviable and possibly *ultra vires*. There were no measures which could overcome the potential severance issues identified in connection with the YWARR.

### **SHADOW HRA ADDENDUM 2017**

Following the interim assessment in 2016, fundamental changes were made to the masterplan for mixed residential development and the YWARR was redesigned. The effects of these changes were considered and the HRA findings reviewed in the Shadow HRA Addendum 2017.

The main changes to the masterplan were:

- Reducing the area of land allocated for housing on the east side of West Ashton Road from 21ha to 7.47ha which would reduce the number of dwellings to about 300 from a previously estimated 700.
- Relocating employment land to the east side of West Ashton Road to form a buffer between housing and Biss Wood thus extending the distance residents must walk before reaching the wood
- Including design measures to prevent residents taking short cuts to the woodland, namely an impenetrable attenuation feature on the north eastern boundary of the residential development and a 15m wide buffer with a 2m bund, impenetrable planting and a 1.8m fence to prevent residents gaining access to Biss Wood through the employment land
- Removing the previously proposed pedestrian and cycle path through the 100m buffer adjacent to Biss Wood
- Strengthening the hedgerow on the east side of West Ashton Road to prevent short cuts developing from residents living to the east of the River Biss.

These measures would significantly reduce the scale and magnitude of recreational pressure and would prevent unintended short cuts from occurring over time.

The changes to the road scheme were:

- Altering the road design to include 7 underpasses which would be designed to meet Defra best practice guidelines. In principle, all underpasses would be in alignment with existing flight lines, at least 3m high and up to 5m wide allowing for a 2m wide hedgerow and 1.5m clearance either side.
- Removing roadside planting to avoid the risk of encouraging bats to foraging along the road and increasing their risk of being hit by traffic.

### **Shadow HRA Addendum 2017 conclusion**

DTA Ecology concluded that, in view of the conservation objectives for the Bath and Bradford on Avon Bats SAC, the changes put forward had the potential to enable the Council to be satisfied that no reasonable scientific doubt remained as to the absence of adverse effects on the integrity of this SAC. However at the time of drafting there remained several important matters to be addressed. Consequently, the conclusion of no adverse effect was caveated by 15 provisions which the council would need to satisfy itself had been met before adopting the provisional conclusions of the Shadow HRA Addendum 2017. Addressing these provisions is therefore the focus of the Council's appropriate assessment below.

## **THE COUNCIL'S APPROPRIATE ASSESSMENT**

### **Outcome of rescreening**

In view of the time elapsed between the application initially being screened and the final submissions being made, the Council chose to rescreen the application in order to test the implications of new information becoming available during this period. Details of the rescreening can be found in Appendix 1.

The rescreening established that no further likely significant other than those identified in the original screening assessment would arise in relation to Bechstein's bats. However, in light of new information about lesser horseshoe bats roosting close to Green Lane Wood, likely significant effects on this species could not be excluded beyond reasonable doubt. This species has therefore been included in the appropriate assessment below.

### **Securing the provisions identified in the Shadow HRA Addendum**

In line with NPPF 2016, planning conditions will be used wherever necessary to secure the mitigation measures required on land within the red line boundary of this application. These will apply to the development of the land regardless of ownership. Where mitigation measures are required on land outside the red line, or involve land transfer or financial arrangements with a third party, or are not strictly related to land use, they will be secured by Legal agreement. One or more legal agreements will not only secure obligations from the developer and its successors in title, but will also secure obligations from the Wiltshire Wildlife Trust in relation to land which it owns outside the application boundary.

The Council has reviewed each of DTA's 15 provisions in light of the further information submitted by the developer in its Environmental Statement Addendum, August 2017. The discussion below considers the extent to which each provision (*in italics*) can now be considered to have been met. Reference is made throughout to Appendix 2 which contains a numbered list of conditions and legal agreement clauses e.g. PC1 = planning condition 1, LA2 = Legal Agreement issue 2.



1. *The revisions to TN1, TN3 and TN6 fully reflect the revisions to the Masterplan and the YWARR design and the notes of the meeting at Wiltshire Council dated 13<sup>th</sup> January 2017 and related comments from Natural England.*

TN1, TN3 and TN6 were Technical Notes prepared by Aspect Ecology on behalf of the developer dated 20 February 2017 upon which DTA based its revised assessment. The Council has checked the revised scheme and the Environmental Statement Addendum August 2017 to ensure these documents have fully incorporated the commitments given in the TNs. The following table records the mechanism by which each measure will be secured. Items raised in the notes of the meeting at Wiltshire Council dated 13<sup>th</sup> January 2017 and related comments from Natural England not covered thus far are considered at the end of the table. Any discrepancy between the TNs and the Environmental Statement Addendum is also noted and its relevance discussed.

Many of the monitoring items under TN3 and TN6 are not now relevant to the appropriate assessment, because there is sufficient confidence in the effectiveness of the measures that they could not result in the need for remedial measures. However monitoring may nevertheless be required through a condition for a Mitigation and Monitoring Implementation and Review Plan to inform on-going research of local bat populations and to comply with good practice.

#### Abbreviations

GI – Green Infrastructure

LEMP – Landscape and Ecology Management Plan

CEMP – Construction Environment Management Plan

WWT – Wiltshire Wildlife Trust

Man Co – Management Company

PC – planning condition

LA – Matter to be considered as part of a Legal Agreement

DETAILS OF MEASURES REQUIRED	SECURE BY:
TECHNICAL NOTE 1 – MITIGATION incorporating additions from ES Addendum Volume 1	
<p>1. Biodiversity Management Plan</p> <ul style="list-style-type: none"> <li>• Write plan</li> <li>• Phasing plan for GI including advance planting</li> <li>• 100m buffer and Country Park delivered before 1<sup>st</sup> occupation of land to east of West Ashton Road</li> <li>• Early provision of circular route</li> </ul>	<ul style="list-style-type: none"> <li>• Planning condition for Biodiversity Management Plan (PC1)</li> <li>• Planning conditions for LEMP and CEMP (PC3 and PC4)</li> <li>• Planning condition for phasing plan for provision of all GI (PC5). This must require 100m buffer and Country Park to be delivered before first occupation of development on land to the east of West Ashton Road and provide for a circular route for</li> </ul>

	<p>dog walkers incorporating the river.</p> <ul style="list-style-type: none"> <li>• Management of GI by developer and then WWT/ManCo with oversight by steering group secured under legal agreement (LA2)</li> </ul>
<p>2. Creation and management of extension to Biss Meadows CWS and Country Park (i.e. Green Lane Nature Park)</p> <ul style="list-style-type: none"> <li>• Transfer land to Management Company at early stage</li> <li>• Implement habitat creation measures</li> </ul>	<ul style="list-style-type: none"> <li>• Planning condition for phasing plan for delivery of these features (PC5)</li> <li>• Planning condition for landscape scheme of works (PC6)</li> <li>• Planning condition for LEMP (PC3)</li> <li>• Management of GI by developer and then WWT/ManCo with oversight by steering group secured under legal agreement (LA4, LA1, LA2 and LA3)</li> </ul>
<p>3. Visitor Management Facility</p> <ul style="list-style-type: none"> <li>• Base for warden</li> <li>• Allow engagement</li> </ul>	<ul style="list-style-type: none"> <li>• Designed, provided, maintained and overseen by steering group under legal agreement (LA2 and PC13)</li> </ul>
<p>4. Habitat creation and management of River Biss Corridor</p> <ul style="list-style-type: none"> <li>• Maintain strong habitat corridor</li> <li>• Enhance foraging and commuting</li> </ul>	<ul style="list-style-type: none"> <li>• Planning condition for phasing plan (PC5).</li> <li>• Planning condition for landscape scheme of works, (PC6)</li> <li>• Planning condition for LEMP (PC3)</li> <li>• Management of GI by developer and then WWT/ManCo with oversight by steering group secured under legal agreement (PC4, LA1, LA2 and LA3)</li> </ul>
<p>5. 100m buffer to Biss Wood</p> <ul style="list-style-type: none"> <li>• Minimise disturbance and degradation</li> <li>• Enhance connectivity (for wildlife)</li> <li>• Minimise visitor use of Biss Wood</li> </ul>	<ul style="list-style-type: none"> <li>• Planning condition for phasing plan (PC5).</li> <li>• Planning condition for landscape scheme of works (PC6)</li> <li>• Planning condition for LEMP (PC3)</li> <li>• Managed by WWT/ManCo with oversight by steering group secured under legal agreement (PC4, LA1, LA2 and LA3)</li> </ul>
<p>6. Erect small numbers of bat boxes onto retained trees within southern green infrastructure / Biss Wood / Green Lane Wood (referred to several times in TN1)</p> <ul style="list-style-type: none"> <li>• Enhanced roosting opportunities</li> </ul>	<ul style="list-style-type: none"> <li>• Provision, maintenance and monitoring agreed under legal agreement (PC3 and LA3)</li> </ul>
<p>7. Management of off-site Woodlands</p>	<ul style="list-style-type: none"> <li>• Revise and implement management</li> </ul>

<ul style="list-style-type: none"> <li>• Zoning of woods</li> <li>• Minimise vandalism</li> <li>• Warden presence</li> <li>• Remedial actions</li> <li>• Monitoring</li> <li>• Phased funding mechanism</li> </ul>	<p>plan under legal agreement (LA3)</p> <ul style="list-style-type: none"> <li>• Provide full time warden from first occupation under legal agreement (LA2)</li> <li>• WWT to undertake management, monitoring and remedial measures with funding mechanism and oversight arrangements agreed under legal agreement (LA2 and LA3)</li> </ul>
<p>8. Monitoring mitigation success</p> <ul style="list-style-type: none"> <li>• Implementation of measures</li> <li>• Success of mitigation</li> <li>• Feedback to remediation</li> </ul>	<ul style="list-style-type: none"> <li>• In accordance with Shadow HRA Addendum Appendix 1 (page 67), monitoring of mitigation success is no longer necessary under the Habitats Regulations (though may be required for other ecological reasons)</li> </ul>
<p>9. Retention of dark corridors (foraging and commuting) at levels of 1 lux or below (Residential and employment areas including railway line and dark corridors from railway to the River Biss (north and south))</p> <ul style="list-style-type: none"> <li>• Retain permeability / connectivity</li> <li>• Ensure continued functionality of commuting routes</li> <li>• Avoid disturbance to bats</li> </ul>	<ul style="list-style-type: none"> <li>• Planning condition to secure Green Infrastructure parameters Plan Rev M together with Figures 6.4, 6.18 and 6.19 of the ES Addendum Volume 1 (PC2 and PC6)</li> </ul> <p>The dark corridor along the railway has been significantly widened in the revised masterplan for noise mitigation purposes which increases the benefit for bats.</p> <p>NB There is a disparity between Figure 6.4, which shows dark corridors north and south, and Figure 6.17 which only shows a dark corridor in the south. Both corridors will be required and must therefore be secured.</p>
<p>10. Management of lighting within development site to reduce light spill and disturbance</p> <ul style="list-style-type: none"> <li>• Minimise effects on surrounding habitats</li> <li>• Avoid lighting which attracts insects</li> <li>• NB Highways Authority has confirmed that footpaths and cycleways will not require lighting (TN4, dated 4 August 2016, para 2.13)</li> </ul>	<ul style="list-style-type: none"> <li>• Planning condition for detailed lighting design to demonstrate compliance with 'Interim Guidance Recommendations to help minimise the impact of Artificial Lighting' (Bat Conservation Trust 03/06/14) and 'Guidance Notes for the Reduction of Obtrusive Light GN01:2011' published by the Institute of Lighting Professionals, Figures 6.4, 6.18 and 6.19 of the ES Addendum Volume 1 (PC7)</li> </ul>

11. Retain majority of hedgerows	<ul style="list-style-type: none"> <li>To be demonstrated through Biodiversity Management Plan and landscape schemes for green infrastructure and reserved matters applications (all of which will be secured through planning conditions, as described above)</li> </ul>
12. Restore / enhance hedgerows	
13. Replace hedgerows lost to development	
14. Replacement tree planting	
15. Hop overs / Underpasses beneath YWARR at key habitat links <ul style="list-style-type: none"> <li>At cross overs 1, 2, 3, 4, 5, 7, 11</li> <li>Appropriate height and width</li> <li>Manage hedgerows on approaches</li> <li>Unlit / reduced lighting depending on location</li> <li>Hop overs at cross overs 6 and 8 with 4m high fencing</li> </ul>	<ul style="list-style-type: none"> <li>Planning condition to secure PFA drawing Yarnbrook and West Ashton Relief Road P480/106 Rev F dated 18/08/17, PFA Highway Longsection Drawings P480/117 Rev A dated 07/07/17 and P480/114 Rev A dated 07/07/17 and PFA Typical Section H-H through Relief Road with Elevation of Culvert (Drawing P480/108) Rev B dated 07/07/17 (PC8)</li> <li>Planning condition to secure LEMP for management of YWARR after construction (by Highway Authority) (PC9)</li> <li>Planning condition for no lighting except at roundabouts in accordance with Figure 6.17 and 6.20 of the ES Addendum Volume 1 (PC11)</li> </ul>
16. Open –span road bridges (B1, B2 and B3) to be constructed over the River Biss <ul style="list-style-type: none"> <li>Bridges to be unlit, or where lit a dark corridor to be maintained below bridges at 1 lux or less</li> </ul>	<ul style="list-style-type: none"> <li>Planning condition for no lighting above or beneath bridges except at B3 where lighting will be in accordance with Figure 6.17 and 6.20 of the ES Addendum Volume 1 (PC7)</li> </ul>
<b>TECHNICAL NOTE 3 – MONITORING</b>	
1. Retention of habitats	<ul style="list-style-type: none"> <li>Planning condition for CEMP for residential, employment and informal open space areas; this would: identify frequency of monitoring, thresholds, remedial measures and timescales for remediation during the construction phase; Identify compliance procedures including liaison with appointed compliance officer (PC4)</li> </ul>
2. Stand-off widths (maintenance of construction buffer distances)	
3. Lighting (fixed point lux levels in residential and employment areas during construction period )	
4. Underpass construction and hedgerow	<ul style="list-style-type: none"> <li>Planning condition for separate</li> </ul>

<p>management (YWARR)</p> <ul style="list-style-type: none"> <li>• In compliance with underpass design parameters</li> </ul>	<p>CEMP for YWARR; this would identify those construction works which are to be overseen by an ecologist, including in relation to underpasses, hop-overs, planting, lighting, hedgerow approaches to underpasses (PC10)</p>
<p>5. Habitat Creation completion (in accordance with plans)</p> <ul style="list-style-type: none"> <li>• In compliance with Biodiversity Management Plan</li> </ul>	<ul style="list-style-type: none"> <li>• Planning condition for CEMP (residential areas of site); this would identify frequency of monitoring, thresholds, remedial measures and timescales for remediation during the construction phase. Identify compliance procedures including liaison with project appointed compliance officer (PC4)</li> </ul>
<p>6. Aftercare management completed</p>	<ul style="list-style-type: none"> <li>• Planning condition for CEMP (PC4)</li> </ul>
<p>7. Management Company in place</p>	<ul style="list-style-type: none"> <li>• Secure though legal agreement, management to be undertaken in accordance with LEMP (LA1)</li> </ul>
<p>8. Lighting (fixed point lux levels measurements)</p>	<ul style="list-style-type: none"> <li>• Planning condition for CEMP (residential areas of site); this would identify requirement for testing and adjusting lighting in accordance with condition requirements and within fixed timescale (PC4)</li> </ul>
<p>9. Record Visitor usage of Green Lane Nature Park Extension, Visitor Centre and Green Lane Wood</p>	<ul style="list-style-type: none"> <li>• Not required to demonstrate no adverse effects (Shadow HRA Addendum 2017, Appendix 5)</li> </ul>
<p>10. Record any negative physical effects on Biss Wood and Green Lane Wood e.g. new path creation, new woodland access points, damage / destruction of infrastructure</p>	<ul style="list-style-type: none"> <li>• Although this monitoring is not considered to be strictly necessary to avoid adverse effects in the Shadow HRA Addendum 2017, nevertheless on a precautionary basis the Council will obtain and agree threshold(s) and remedial measures under legal agreement (LA3)</li> </ul>
<p>11. Record habitat structure/composition – understory coverage to be reviewed against management practices (i.e. frequency / rotation of coppicing)</p>	<ul style="list-style-type: none"> <li>• Threshold(s) and remedial measures to be agreed under legal agreement (see discussion under provision 15 ) (LA3)</li> </ul>
<p>12. Monitor Bechstein's bat population use</p>	<ul style="list-style-type: none"> <li>• Although this monitoring is not</li> </ul>

of bat boxes and trees with bat potential (Biss Wood only, monitoring already being undertaken at Green Lane Wood)	considered to be strictly necessary to avoid adverse effects in the Shadow HRA Addendum 2017, nevertheless on a precautionary basis the Council will obtain and agree threshold(s) and remedial measures under legal agreement (LA3)
13. Measure vegetation height / monitor establishment (hop-overs YWARR and residential)	<ul style="list-style-type: none"> <li>Although this monitoring is not considered to be strictly necessary to avoid adverse effects in the Shadow HRA Addendum 2017, nevertheless on a precautionary basis the Council will require this information to be collected as part of the monitoring requirements of the CEMPs (PC4 and PC 10)</li> </ul>
14. Measure Crossing Gap (residential, employment and YWARR)	<ul style="list-style-type: none"> <li>Although this monitoring is not considered to be strictly necessary to avoid adverse effects in the Shadow HRA Addendum 2017, nevertheless on a precautionary basis the Council will require this information to be collected as part of the monitoring requirements of the CEMPs (PC4 and PC10)</li> </ul>
<b>TECHNICAL NOTE 6 – MONITORING BAT USE OF YWARR</b>	
1. Bat use of targeted crossing points – static detectors	<ul style="list-style-type: none"> <li>Although this monitoring is not required to demonstrate no adverse effects (Shadow HRA Addendum 2017 para 4.8.3), it will be secured by condition in order to provide an evidence base for the use of underpasses and to inform on-going research of the local Bechstein's population (PC10 and LA3)</li> </ul>
2. Bat use of targeted crossing points – radio tracking	
3. Bat use of targeted crossing points - trapping	
<b>MEETING ON 13 JANUARY 2017 AND NATURAL ENGLAND COMMENTS</b>	
<p>Optimise functionality of land south of R2 for Bechstein's bats</p> <ul style="list-style-type: none"> <li>Strengthen existing landscape features within application red line, e.g. planting poplars and show these on submitted plans</li> </ul>	<p>This information is not shown on the submitted plans, specifically P480/101 Rev G (sheet 2 of 4) dated 18/08/17 but can be obtained by condition. (LK phoned Alistair Baxter on 21/12/17 regarding this – either new plans will be submitted or Council will apply a specific condition requiring developer to submit</p>

	these details.) (PC12)
Remove extensive planting along the YWARR and hop-overs from crossings with underpasses	Shown on all relevant revised plans
Indicative details of “wet” attenuation ponds to demonstrate how they would deter people crossing	The masterplan shows the position of these. Details provided in Figure 6.1 and para 6.5.55 of the ES Addendum Volume 1 (PC2). See provision 9 below.
15m wide buffer including 2m high landscaped bund and fencing between housing an employment to be provided before occupation of land to the east of West Ashton Road	The masterplan shows the buffer to be approximately 10m wide. Details provided in Figure 6.2 and para 6.5.55 of the ES Addendum Volume 1, see also provision 9 below. Full details of the buffer design will be obtained and assessed at the reserved matters stage but in principle the Council considers that an effective buffer can be achieved at 10m wide (PC15)
Planting in the 100m buffer should follow the principles of the GI strategy	Details to be obtained by planning condition (PC6).
Landowner to restrict public access to agricultural land before implementation of employment development	Restriction to be included in legal agreement (LA5)

2. *A commitment to establishing a steering group once the application has been determined and before work commences on site to have oversight of delivery of mitigation provided for in TN1, TN3, and TN6. The membership and terms of reference of that group should be agreed with Wiltshire Council (in consultation with Natural England)*

This requirement is taken from the principles agreed between Wiltshire Council, WWT and the developers in a document dated 10/03/17<sup>3</sup>. The document sets out the mitigation measures that WWT have agreed to help deliver on land in their ownership as well as the facilities and contributions that will be provided by the developer in order to enable the trust to meet these obligations. The document notes that the membership and terms of reference of the steering group will be agreed before commencement of development. The broad remit of the steering group will be to oversee the implementation and monitoring of the mitigation and remediation measures (if needed) agreed with the Council in relation to the Ashton Park development. In order to secure this, the Council will require these details, as agreed by Natural England to be included in a legal agreement between the WWT and the Council and for the inaugural meeting to be held before works commence.

<sup>3</sup> A copy of which is contained in Appendix 3 of the Shadow HRA Addendum (DTA Ecology July 2017)

3. *Funding to implement the mitigation measures is secured and ring-fenced.*

Further to the arrangement for agreements set out for provision 2 above, one or more legal agreements will secure (LA2):

- specification for the ecological visitor facility;
- provision and funding for visitor facility and its reasonable maintenance;
- land transfer arrangements for the visitor facility and newly created habitat;
- funding for replacement of capital works;
- funding for long term management of newly created habitat;
- funding for agreed management, monitoring and remedial works triggered by the monitoring scheme;
- provision of full time warden;

For mitigation proposed within the application boundary, planning conditions will be used to secure the following before commencement of development:

1. Delivery of the submitted indicative masterplan as shown on drawing A.0223\_77-01 Rev W (PC2)
2. Delivery of the green infrastructure plan as shown on drawing A.0223\_16-1M and supported by the Green Infrastructure and Biodiversity Strategy Sept 2017 (PC6)
3. Delivery of mitigation in accordance with the ES Addendum Volume 1 – Main Text August 2017 and ES Addendum Volume 2 – Technical Appendix August 2017 (PC2)
4. Submission, approval and delivery of:
  - An overarching Strategy for Biodiversity Mitigation and delivery of green infrastructure covering land within and outside the application boundary (PC1)
  - A Landscape and Ecology Management Plan, possibly separate plans for the YWARR and mixed residential development (PC3 and PC9)
  - Construction Environment Management Plans, one for the YWARR and one for the mixed residential development (PC4 and PC10)
5. Revised plans submitted in October 2017 for the YWARR (PC8)
6. Lighting proposals for all residential / mixed development areas and the YWARR in accordance with details submitted in the ES Addendum Volume 1 (PC7 and PC11))

The above approach is normal practice in granting planning permission and has been proven to be effective for obtaining delivery against approved drawings. It will be an effective way to obtain further documents as required under item 4 above.

Experience at Castlemead, Trowbridge has demonstrated that implementation of works against approved documents can be difficult to achieve whether by planning condition or S106. In view of this, the developers have agreed to provide a Compliance Ecologist on approval of the first reserved matters application for the duration of the construction period<sup>4</sup> and this will be secured by S106. This person will regularly report back to the Council on progress against a schedule of delivery requirements which will be scored in

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<sup>4</sup> Refer to "Principles agreed between Wiltshire Council, the Applicants and Wiltshire Wildlife Trust over mitigation and monitoring to offset the effects of recreational pressure on Bechstein's bats", agreement between Wiltshire Council, version dated 10/03/17



terms of their priority for achieving compliance with the Habitats Regulations. Developers will be informed of the Council's intended approach to enforcement for the different priority categories with the strongest action taken for non-compliance which threatens to delay delivery of measures required to secure favourable conservation status of the SAC. A bond will be retained by the Council so that where the delivery of these measures exceeds a predefined period the Council will engage a third party to deliver the mitigation at the developers' expense (LA4 and LA7).

Within the application boundary, implementation of the LEMP will either be delivered by a management company, or by a combination of WWT and a management company. The allocation of these long term management responsibilities will be resolved by the time the legal agreement(s) is completed and be clearly specified in that document. The specific financial arrangements relating to WWT's future responsibilities will be set out in a legal agreement with the Council (LA1).

Mitigation beyond the application boundary, i.e. on land owned by WWT will be delivered by WWT in accordance with a legal agreement (LA3).

4. *A full time warden is appointed and will start work before the occupation of the first dwelling. The warden must be engaged full time in activities within the woodlands and associated greenspace provision and should not be employed in respect of other sites owned/managed by the Trust. (NB Although Feb 2017 version of TN1 has not been altered to this effect, the ES Addendum Volume 1 identifies that the warden will be full time from first occupation)*

The Shadow HRA Addendum 2017 recognised that the commitment to a full-time warden was an important change to the original submission. Their presence can be expected to have a positive impact on emerging usage patterns and more effective at delivering management options given the reduced scale of pressure now anticipated.

This provision will be achieved through appropriate wording of one or more legal agreements. The appointment and role of the full time warden will be included as an item in the terms of reference of the Steering Group with funding for the post secured in perpetuity. While the warden will be in place before 1st occupation, it would be unreasonable to require a visitor centre to be in place by this stage. However as the centre will provide the base for the warden to work out of, it cannot be excessively delayed. A two year delay would roughly correspond to 300 dwellings and it is proposed to require the centre to be handed over to WWT before occupation of the 300<sup>th</sup> dwelling or within two years of 1<sup>st</sup> occupation whichever is the sooner (LA2).

5. *The Management Plan for Green Lane Wood and Biss Wood is amended to fully reflect the updated versions of TN1 and TN3 and include all the commitments referred to in the Agreement with Wiltshire Wildlife Trust. In particular the management plan must be clear that informal fires of any kind within the woodlands will never be tolerated.*

The Agreement with the WWT will be secured through one or more legal agreements which will make provision for revising the management plan for the woods<sup>5</sup> and obtaining approval of the Planning Authority to the revisions before works commence (LA3)

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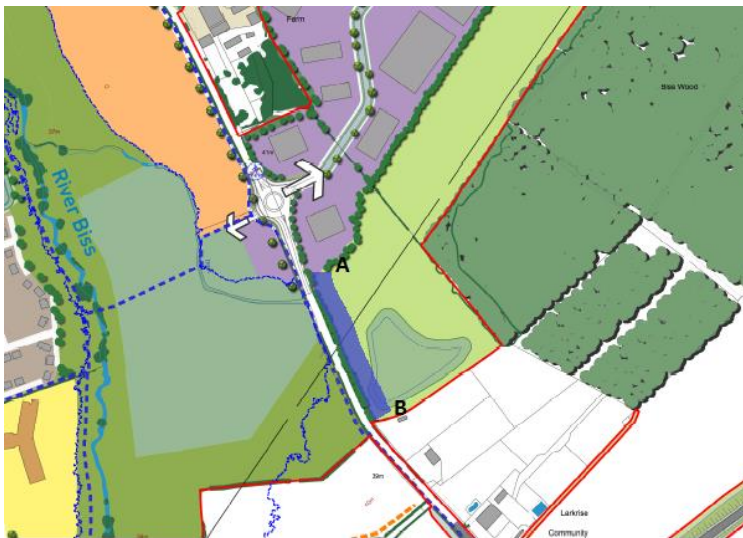
<sup>5</sup> Current management plan is the Green Lane Wood and Biss Wood Forestry Commission Management Plan (Draft 2016) prepared by WWT and emailed to Wiltshire Council on 05/12/16

6. *The S106 agreement to include an obligation on the applicant for the business park to be effectively marketed.*

This provision (which is also a requirement of the Wiltshire Core Strategy) will be achieved through a planning condition for implementation of a scheme of marketing and construction of a roundabout junction into the employment land before occupation of 25% of dwellings being occupied (PC17)

7. *The proposed strengthening of the existing hedgerow along the road to the south west corner of Biss Wood with thorny species and fencing is secured and delivered in a timely manner such that the vegetation is established and the barrier is fully effective before occupation of houses to the west of the River Biss.*

This provision relates to an impenetrable width of thorny planting between points A and B in the masterplan extract below. The Shadow HRA Addendum 2017 identified that it would be “critical to ensure that the barrier to public access is effective upon occupation of the housing to be built to the west of the River Biss”. In view of this, the timeframe for ensuring this measure is in place needs to be carefully constrained by the planning condition. Wording in PC15 would ensure and provide the maximum possible time for hedgerow planting to development before houses to the west of the river were occupied. It will be imperative that this planting connects tightly with planting along the boundary of the employment land and the 100m buffer.



8. *The provision of a public access route to the south of Leap Gate to link the River Biss corridor with the Green Lane Nature Park to minimise the likelihood of calls for provision of a circular access route and the likelihood of the hedgerow strengthening and fencing not being effective over the long term. The location of the public access route will need to be subject to agreement with the Council (in consultation with Natural England).*

This requirement stems from a careful analysis in the Shadow HRA Addendum 2017 of the benefits and drawbacks of providing a circular leisure route. On balance, provision of the route was considered to have the potential to draw users into new greenspace

provision and away from the woods provided that effective barriers across the attenuation pond and employment land could be secured (see provision 9 below). The route should ideally be designed to give the best possible pedestrian experience in terms of green space. While it would be unnecessary to have the route in place before first occupation, it would need to be established before a significant proportion of the dwellings to the east of West Ashton Road were occupied and before there was significant opportunity for unacceptable routes to form. It is proposed to meet this requirement through a carefully worded planning condition (PC14).

9. *The use of S106 to a) prevent public access to the employment allocation land until such time that the land is developed and over the long term if the employment land is not developed, and b) provide a post and wire fence with thorny planting in the 100m buffer between Biss Woods and the employment provision.*

In respect of point a) above, the S106 will include a requirement to prevent public access to those parts of the employment land that remain undeveloped through effective fencing, gates and signage and other means where appropriate (LA5).

Regarding point b), in its letter dated 30 January 2017<sup>6</sup>, Natural England provided strong support for a “*series of barriers which together are considered to be an effective part of a mitigation strategy to manage recreational and disturbance pressures on the woods*” and it provided broad details of the type of boundary treatments that would be required. Figures 6.1 and 6.2 in the ES Addendum Volume1 provide landscape buffer details. As there is little doubt effective barriers are feasible, the Council considers that full details of these can be obtained by planning condition. (PC15).

In Natural England’s response to the Final Draft version of this HRA, it noted there is planned pedestrian connectivity between the employment land and the adjoining housing (blue dotted line on masterplan extract below) and that, “Due to concerns about access to the woods, this access must not be provided (indeed must be prevented via an impenetrable barrier) prior to the development of all (or certainly most) of the employment land.”



This point will be specifically recognised in the S106 (LA5).

<sup>6</sup> Appendix 2 Shadow HRA Addendum, DTA Ecology July 2017

10. *The number of dwellings to be provided to the east of the West Ashton Road is considered by the Council (in consultation with Natural England) to be acceptable in principle, without compromising the ability of the mitigation measures to be regarded as effective and reliable.*

The Shadow HRA Addendum 2017 was undertaken on the basis of having been advised by the developer that “in the order of 300 homes” will be provided to the east of the River Biss. This redistribution of housing was critical to the HRA’s revised conclusion. The impacts of this quantum in combination with the remaining 2200 dwellings to the west and the Wiltshire Housing Site Allocations Plan needs to be fully monitored and understood before any further housing is allocated to the east of the river. Planning condition PC16 will be used to limit the quantum of housing on the east side of West Ashton Road.

11. *All other commitments in the Agreement with Wiltshire Wildlife Trust are fulfilled.*

The only outstanding commitments in the agreement not already dealt with above are:

- a) “A timetable for all green infrastructure planting will be agreed before the first reserved matters application is submitted and will be secured by relevant planning conditions / S106”

This matter can be dealt with by condition (PC5)

In addition, further landscaping conditions will be required for submission of planting details and aftercare of the above features (PC6)

- b) “The Applicants will provide a Compliance Ecologist on approval of the first reserved matters application for the duration of the construction period.”

- a. This requirement will be resolved in the S106 with the developer. Details to be resolved include the amount of resource required, recruitment and line management arrangements. The Council considers this post to be critical and will only agree to arrangements which it considers to be workable and adequate to fulfil the requirements of the HRA (LA4).

12. *Advance planting is delivered as soon as reasonably practicable following determination, and before work commences on the road, to strengthen the proposed hop-overs at crossings 6 and 8.*

Following redesign of the YWARR, four of the six known Bechstein’s crossing points will include an underpass designed to best practice standards. However underpasses will not be provided at bat crossing positions 6 and 8. The Shadow HRA Addendum concluded at paragraph 4.3.16 that “...if underpasses are provided at crossing points 1, 3, 5 and 7, having regard to the advice provided by Natural England as quoted at 4.3.13 above, and in the absence of cogent and compelling reasons for departing from that advice, the Council can have sufficient confidence that the use of a hop over at crossing points 6 and 8 would not represent reasonable scientific doubt as to the absence of adverse effects from severance of flight lines.”

The principles of the provision at all 4 hop-overs is discussed in the ES Addendum Volume 1 para 6.5.147 – 6.5.151 and they are shown on PFA drawings Yarnbrook and West Ashton Relief Road P480/100 Rev F dated 18/08/17, P480/101 Rev G 18/08/17,

P480/102 Rev F 28/07/17 and P480/103 Rev E 18/08/17 which will be secured by condition (PC8).

4 m high fencing will be erected on the roadside of the hop-overs to discourage bats from flying straight across but no information has been provided regarding timing of advance planting outside the highway fencing.

This issue will be further resolved by planning condition (PC15)

13. *With reference to 1878/CUL1 (rev B) the detailed design for the underpasses conforms with Defra Best Practice guidelines in terms of the height of the underpass (at least 3m) and agreement is reached with Natural England that any change in flight height is not sufficient to raise reasonable scientific doubt over their effectiveness.*

The position of all cross-overs and their treatment (i.e. as a hop-over or underpass) is shown on PFA drawing Yarnbrook and West Ashton Relief Road P480/106 Rev F dated 18/08/17. This complies fully with figure 1878/CUL1 (rev B) in terms of the locations of underpasses.

The Highway Long Section Drawings P480/117 Rev A dated 07/07/17 and P480/114 Rev A dated 07/07/17 submitted with the revised scheme show the height and vertical position of the 7 proposed underpasses in relation to existing ground level. All the underpasses are 3.125m in height and all sit on existing ground level with the exception of underpass 11 approximately half of which is below existing ground level. Bechstein's bats have not been recorded at crossing point 11 and therefore this underpass is provided as an enhancement for bats crossing the existing West Ashton Road towards the south east corner of Biss Wood.

It is clear that no change in flight height is required by the bats to access the underpasses, and all underpasses meet the minimum height requirement. Underpass 11 will not be full height during periods of high rainfall if groundwater levels rise but this is unlikely to affect use of the culvert to any great extent during the main breeding season.

Typical Section H-H through Relief Road with Elevation of Culvert (Drawing P480/108) Rev B dated 07/07/17 suggests that the hedgerows will be retained in their existing positions as far as the headwalls. However further details will be obtained through the CEMP for the YWARR to provide full assurance that this requirement can be met (PC10).

While the culverts meet best practice guidelines, further details are required of how the works will be implemented in the vicinity of the culverts, including the timing of the placement of culverts and subsequent earthworks, in order to minimise disruption during the main bat breeding period. The ES Addendum Volume 1 para 6.5.155 suggests the culverts could be put in place shortly after the hedgerow sections are removed. Further details will be obtained through the CEMP (PC10).

14. *Further mitigation measures are provided to strengthen the existing landscape features within the green infrastructure provision and the Green Lane Nature Park Extension and, in particular, along the River Biss corridor and existing flight lines to enhance the foraging opportunities for the local population of Bechstein's bat. These measures should be agreed with Wiltshire Council in consultation with Natural England but could include:*

- i. *Planting of a woodland corridor between Biss Woods and the River Biss corridor, designed to increase connectivity to key foraging habitat and encourage the crossing of the West Ashton Road at a safe height once mature.*
- ii. *Tree planting between Green lane Wood and Biss Wood*
- iii. *Woodland corridors along the River Biss to enhance the landscape and foraging opportunities.*
- iv. *New woodland (or enhancement of existing tree planting areas) within the Green Lane Nature Park Extension and along the 100m buffer between Biss Wood and the employment allocation.*

This requirement stems from the need to offset the landscape scale loss of habitat over the 71 ha of urban development. Insufficient detail has been provided in the application to date to demonstrate where and how this will be offset. However, given the scale of informal open space provision, there is no doubt this mitigation requirement can be achieved (PC5 and PC6).

15. *The threshold for observed changes in habitat structure/composition within the woodlands to trigger remedial measures is subject to review and an alternative approach is agreed with the Council (in consultation with Natural England)*

The purpose of this provision is to ensure that the Council can be alerted to anything that presents a risk to site integrity before it occurs and for the developer to demonstrate that suitable remedial measures exist and can be employed in a timely manner. This requirement affects land outside the application boundary and will have implications for how Green Lane and Biss Woods are managed by WWT. For these reasons, while details of thresholds and remedial measures can be obtained by condition as part of the condition for the CEMP (PC4), delivery of monitoring needs to be secured as part of the legal agreement(s) (LA3).

In order to ensure thresholds and suitable remedial measures are meaningful and effective, the Council will first expect the developers' ecologists to test and finalise a methodology for monitoring habitat structure / composition (item 11 of Table 1 in TN 3 which is more broadly referenced in the ES Addendum Volume 1 at paragraph 6.5.202) with WWT. The legal agreement(s) will require monitoring results to be reviewed by the Steering Group and amendments to the protocol agreed as necessary against the overall objectives of the management plan (LA3).

## **Assessment of effects on Lesser Horseshoe Bats**

### Background

The ES Addendum Volume 2 (Ecological Baseline Assessment) provides an in depth assessment of the value of the application site to lesser horseshoe bats. In summary, the use of the habitats within the survey area by lesser horseshoe bats was considered to be of low to moderate conservation value. While low levels of activity were recorded across the survey area throughout the majority of the season, there were occasional and localised bursts of activity. The rate of detection of this species is inherently low due to the nature of its echolocation calls and it is in any case much rarer than other species such as pipistrelles which make up the bulk of detector recordings during bat detector surveys. Therefore,

despite low levels of activity, repeated use of the area throughout the survey season was considered to be of some significance.

The majority of the application site lies within 2km of the maternity roost at Rood Ashton Manor. While records indicate this roost does not meet the threshold for being included as a core roost<sup>7</sup> for lesser horseshoe bats, it is reasonable and in accordance with the precautionary principle to presume this roost is functionally linked to the SAC<sup>8</sup>. Several other smaller day and maternity roosts have been recorded for this species in the local area at West Ashton, Steeple Ashton, including a roost at Armouracre Farm at the south end of Green Lane Wood. Other roosts connected to the SAC include a maternity in Bradford on Avon (150-180 females) and several underground sites across Bradford on Avon, Corsham, and Bath and Box. Together the underground sites in the Wiltshire part of the SAC support upwards of 250 bats based on autumn counts taken under a project licence held by Fiona Mathews. These counts are made by trapping at selected sites and represent a considerable underestimate as they omit the following: counts made at sites in Bath and North East Somerset; unknown roosts; smaller known roosts; and bats which escape being caught in the traps.

The quality of foraging across the application site is likely to be relatively poor for this species due to the lack of woodland which is its strong preference. While single bats undoubtedly use the hedgerows and river corridor on a regular basis it seems unlikely that the site contributes significantly to the sustenance of more than a few bats.

Although the River Biss may be expected to be one of several sites offering drinking water to the local population few records derive from the river corridor, most records during the developer surveys were close to the woodlands outside the application site.

#### Severance and degradation of commuting routes

The use of the site by lesser horseshoes bats is summarised in Plan 1878/EB9<sup>9</sup>. Key locations for lesser horseshoe activity were as follows:

Along a hedgerow which will be breached by the YWARR at bat crossing point 9<sup>10</sup>. The static detector at P6 recorded 103 lesser horseshoe passes over 4 days between 5 and 8 August with 78 passes on 8 August 2013 alone.

Along a hedgerow between Biss Wood and Biss Farm which will be breached by a road leading off West Ashton Road into the proposed Business Park. Static detector P2 recorded 30 passes over three nights from 5 to 7 August, 55 passes over 4 nights from 24 to 28 September and 14 passes over 4 nights from 3 to 6 October.

Crossing West Ashton Road between West Ashton cross roads and proposed roundabout 3. There is no obvious feature here to act as a flight line and bats may therefore cross West Ashton Road at a number of positions where conditions are dark. At static detector P8 between 4 and 10 lesser horseshoes were recorded here each month between June and October.

<sup>7</sup> Special Areas of Conservation Planning Guidance for Wiltshire, Wiltshire Council, September 2015

<sup>8</sup> See rescreening assessment in Appendix 1. A recovered ringed lesser horseshoe bat now links Gripwood and land to the north of the application site.

<sup>9</sup> Environmental Statement Addendum Volume 2 – Ecological Baseline Assessment (Aspect Ecology August 2017)

<sup>10</sup> See PFA drawing P480/101 Rev G for location of crossing point 9 (Bat Hop-over 9-BHO9)

Crossing the A350 from Biss Wood to Castle Lane Wood in the area where the proposed relief road will join the existing A350. At static detector P5, 15 lesser horseshoe passes were recorded in September and 13 in October. There is no obvious single commuting route in this area and it seems likely that bats cross at a range of locations between these two woodlands.

The hedgerow breached by the YWARR at bat crossing point 9 does not lie on an obvious flight line from Rood Ashton Manor or any other known maternity roost within 2km of the application site. This lends weight to the view expressed in the ES Addendum Volume 2<sup>11</sup> that the records relate to “sustained foraging activity by the detector from one or a small number of bats (rather than commuting activity from a large number of bats).” This can be justified because early August is the peak of the breeding season.

The YWARR will incorporate a hop-over rather than an underpass at this location. Each hop-over is specified with a 4m high close mesh fence in line with guidance<sup>12</sup> in Limpens 2005 serving to lift the bats up before they attempt to cross over the carriageway before planting at the hop-over becomes established. Advance planting of the hop-over may also be possible at this location within the red line boundary. As discussed in the Shadow HRA 2016, the effectiveness of hop-overs is untested<sup>13</sup> and it is possible that lesser horseshoe bats will drop down to the carriageway regardless of fencing and tree planting either side. However as this section of the road is unlit, bats are unlikely to be deterred from continuing to cross it except at busy periods when headlights may act as a deterrent.

The hedgerow between Biss Wood and Biss Farm seems to be a commuting route for lesser horseshoes, and could be a route to a possible mating roost at the farm, although no evidence has been presented to this effect. Removal of a section of the hedgerow would be necessary for the access road to the employment site. This is unlikely in itself to deter bats but severance effects could occur if the new access road is insensitively lit. This could cause any mating roost, if present, to be abandoned. The conservation status of the SAC population is unlikely to depend to any significant extent on a mating roost at this particular location.

At West Ashton Road, the YWARR works will deter lesser horseshoe bats from crossing in the vicinity of the new roundabout which will be lit. However bats will be able to continue to cross to either side of the roundabout. A new footway/cycleway running from Trowbridge to West Ashton on the west side of West Ashton Road will entail removal of one of the roadside hedgerows. However, as this roadside hedgerow was not recorded as being used by lesser horseshoes, it seems unlikely this would affect these bats. Any lighting scheme for the path would need to be sensitively designed to provide lighting at a low level with no upward reflection of light. Replacement planting should also be provided where land take allowed.

The road section between Biss Wood and Castle Lane Wood will remain unlit and the scheme will in effect move the existing A350 closer to Biss Wood; the existing stretch from West Ashton Road will be dismantled and planted up. As there is only a marginal additional width in the new road, the long term consequences are expected to be of low significance. The location where the two woods are at their closest will remain unaffected by the scheme

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<sup>11</sup>Information for Habitats Regulations Assessment (HRA) with regard to potential effects upon European designations (Aspect Ecology, September 2017)

<sup>12</sup> H.J.G.A Limpens, P. Twisk and G. Veenbaas, 2005. Bats and Road Construction, Rijkswaterstaat

<sup>13</sup> A. Berthinussen and J. Altringham. Development of a cost-effective method for monitoring the effectiveness of mitigation for bats crossing linear transport infrastructure. Final report 2015



and reinforcement planting of the hedgerow along Biss Wood track<sup>14</sup> will provide a potential commuting route when it becomes established.

To the extent that lesser horseshoes commute across other parts of the application site, the measures incorporated into the scheme as mitigation for Bechstein's bats will also provide mitigation for lesser horseshoes. In particular the 7 underpasses which will be 3m in height and located along the line of existing hedgerows can be expected to maintain flight lines used by lesser horseshoes as they meet best practice principles for bat mitigation along linear transport routes<sup>15</sup> and have been shown to be effective for this species<sup>16</sup>. New planting in the Nature Park Extension and along the River Biss will provide enhanced foraging opportunities. Dark corridors through residential parts of the site will also cater for this species.

### Recreational Pressure

There are no detailed studies of how this species uses Green Lane and Biss Woods but they are occasionally caught during trapping surveys for Bechstein's. The only mechanism by which lesser horseshoes could be impacted by increasing recreational pressure is through changes in the structure and composition of the woodland habitat which, if significant, could compromise the quality of foraging habitat. The potential for this to occur was examined in the Shadow HRA 2016 and was largely removed as an impact in the Shadow HRA Addendum 2017 as a result of changes to the masterplan and provision of a full time warden post.

Monitoring has been identified as an acceptable mitigation measure for any residual impacts to woodland composition and structure as thresholds for unacceptable change can be set and remedial measures identified and put in place as necessary. The habitat requirements for lesser horseshoes are similar to those of Bechstein's and the thresholds and remedial measures derived for Bechstein's are not expected to conflict with those required for lesser horseshoes.

It is possible that with increasing numbers of visitors there may be a tendency for people to access Green Lane Wood along the track to Armouracre Farm. This would not cause disturbance to the horseshoe roost unless people left the track and entered private buildings. Unauthorised access is unlikely to be acceptable to the landowner who would quickly seek to resolve the matter with WWT. A padlocked fence between the woodland and the track would be an obvious and practical solution.

### Mortality and Injury

The risk of mortality and injury can be expected to reduce in the section of the YWARR between roundabouts 1 and 2 where the speed limit will be reduced to 40 mph (from 50mph on the existing A350) and along the section of West Ashton Road between the existing cross roads and roundabout 3 where the limit will be reduced to 30 mph (from 40mph). In addition, roundabouts 2 and 3 will serve to reduce speeds as cars approach and leave these junctions. Underpasses will bring bats out of the path of traffic completely. Overall therefore bat mortality can be expected to be reduced compared to the existing situation.

<sup>14</sup> Shown on PFA drawing P480/103 Rev E

<sup>15</sup> A. Berthinussen and J. Altringham. Development of a cost-effective method for monitoring the effectiveness of mitigation for bats crossing linear transport infrastructure. Final report 2015

<sup>16</sup> See discussion in ES Addendum Volume 1 at 6.5.116

Traffic along the new access road into the business park can be expected to be travelling at below 30 miles an hour as it approaches the hedgerow forming the bat commuting route which lies less than 100m from the roundabout junction. Traffic volumes will be comparatively low especially at night. These two factors considerably reduce the risk of bat fatalities from collisions along this new road.

The hedgerow breached by the YWARR at bat crossing point 9 lies between roundabouts 2 and 3 where the speed limit will be 50 mph. Although not all traffic will reach this speed, a proportion will and there will be a risk of injury or mortality if bats drop down to carriageway level at the hop-over.

### Mitigation

The residual risks of the scheme to lesser horseshoe bats arising out of the above analysis are as follows:

- Abandonment of commuting route between Biss Wood and Biss Farm if lighting along the employment access road affects the hedgerow between these two woods
- Reduced use of flight routes across West Ashton Road depending on the extent to which the footway / cycleway between Trowbridge and west Ashton is lit.
- An increased risk of mortality and injury at bat crossing point 9 on the YWARR if bats drop down to carriageway level.

The following additional mitigation would address these issues:

- A planning condition requiring the road to remain unlit other than in accordance with a lighting scheme approved by the Council (PC7) which demonstrates no additional light spill above background levels onto the hedgerow between Biss Wood and Biss Farm
- A planning condition requiring the footway / cycleway to remain unlit other than in accordance with a scheme of lighting and planting approved by the Council which demonstrates minimal increase in light levels over background levels.

No further mitigation can be put forward to remove the residual risks of low levels of mortality and injury at YWARR crossing point 9. These arise due to the uncertainty surrounding the response of lesser horseshoe bats to the hop-over design.

### **Council appropriate assessment conclusion in relation to Ashton Park alone**

As competent authority under the Habitats Regulations, the Council accepts the reasoning and findings of the DTA's shadow HRA which represent independent analysis of the available information without prejudice or bias in light of best practice, case law and relevant policy and guidance.

The Council considers that the provisions on which the conclusion of the Shadow HRA is based can be effectively secured through planning conditions and S106 clauses as specified above. The Council is therefore confident that all necessary mitigation measures for Bechstein's bats will be delivered in an effective and timely manner and that the scheme would not therefore lead to adverse effects on the Bath and Bradford on Avon Bats SAC in respect of its conservation objectives for Bechstein's bats.

The Council considers that impacts to lesser horseshoe bats can be avoided, mitigated and offset by the measures primarily intended for Bechstein's bat and by the incorporation of two additional conditions to minimise the effects of highway lighting.

Residual effects remain at crossing point 9 of the YWARR where there is a low risk that low numbers of lesser horseshoe bats may be killed or injured by traffic depending on how bats respond to the hop-over design. This route is considered to be used by one or a small number of bats for foraging and is not a regular commuting route nor located within the core area for lesser horseshoe bats. Any loss should be balanced against the reduced risks which will be experienced by the reduced car speeds and underpasses elsewhere along the scheme and the habitat gains which will increase foraging resources across the application site. On balance the Council considers that these residual effects are below the threshold that would lead to an adverse effect on the integrity of the Bath and Bradford on Avon Bats SAC in respect of its conservation objectives for lesser horseshoe bats.

### **In-combination Assessment**

Although it has been demonstrated above that planning conditions and obligations can be applied to the Ashton Park permission to ensure no adverse effects alone, there are nevertheless residual impacts below this threshold which could have significant effects in combination with other plans and projects. The approach to the in-combination assessment is detailed in the Shadow HRA Addendum 2017 in section 6 and is modified here as necessary to take account of the latest situation with regards to plans and projects which could act in-combination and to take account of the inclusion of lesser horseshoe bats in the appropriate assessment.

Since the Shadow HRA Addendum 2017 was completed, further information has become available to demonstrate how far visitors are prepared to travel for recreation and this is relevant to the in-combination assessment. A visitor survey of open spaces and woodlands used by roosting Bechstein's bats in the Trowbridge area was commissioned by the Council in 2017<sup>17</sup>. This indicated that all development in Trowbridge and Westbury has the potential to give rise to increased recreational pressure on publicly accessible woodlands either directly or indirectly. While the majority of visitors on foot tend to live within 0.6km of the woodlands, people living beyond 0.6km access recreation sites by car if no closer alternatives are available.

The four key areas of in-combination effects are as follows:

- Recreational pressure
- Severance/degradation of commuting routes
- Mortality / injury
- Loss / degradation of foraging habitat

#### Plans and projects relevant to in-combination assessment

Key plans and projects are discussed below while a full list is provided in the Rescreening Assessment in Appendix 2.

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<sup>17</sup> Panter, C., Lake, S. & Liley, D. (2017) Trowbridge Visitor Survey and Recreation Management Strategy. Unpublished report by Footprint Ecology for Wiltshire Council

- Wiltshire Housing Site Allocations Plan, pre-submission draft June 2017 allocates 6 sites at Trowbridge with a combined total of 800 dwellings. The Council's HRA identified impacts on the SAC from these developments alone and in-combination with other plans and projects. Mitigation included revisions to the wording of policies to ensure existing bat habitat is protected within the development sites and a commitment to offsetting recreational pressure and loss of habitats through the preparation and implementation of a Trowbridge Recreation Management and Mitigation Strategy.
- Hilperton Neighbourhood Plan 2017-2026 submission draft is currently at the formal consultation stage prior to independent examination. This plan identifies that the landscape setting of the Hilperton Gap should be protected from development but that development may come forward as a rural exemption site. It also proposes improved links that facilitate safe foot or cycle journeys to and from Trowbridge. Both policies have potential implications for the SAC as they could lead to disruption of commuting and foraging routes used by SAC species and potentially affect Bechstein's tree roosts.
- Biss Farm, Trowbridge application 17/09961/OUT for 267 dwellings, a school, extra care facility and a pub/restaurant. Council HRA yet to be completed
- Elizabeth Way, Trowbridge, application 16/00672/OUT for 180 dwellings, screened in, favourable HRA dependant on adequate mitigation coming forward
- Wynsome Street, Southwick, application 17/03269/OUT for 140 dwellings, appropriate assessment identified potential for adverse effects
- Drynham Lane, Trowbridge, application 16/00547/OUT for 91 dwellings (part of the strategic allocation for 2600 dwellings), screened in, favourable HRA dependant on adequate mitigation coming forward
- Land South West of Ashton Road, Trowbridge, application 16/04468/OUT for 200 dwellings, appropriate assessment identified potential for adverse effects
- Land at the Junction of Westbury Road and Phillips Way, Yarnbrook, application 16/12347/FUL for a petrol filling station. No likely significant effects subject to conditions. Application approved
- Land North of Bitham Park, Westbury, application 17/01643/REM for 300 dwellings, approved
- Land at Westbury Sailing Lake, application 15/12551/OUT for up to 300 dwellings, approved
- Land North of Holt Road and Cemetery Lane, Bradford on Avon, application 17/03844/REM for 60 dwellings, Council HRA yet to be completed
- Conversion of Building A at Kingston Mills, Bradford on Avon, application 17/03162/FUL, conversion of carpenters workshop into two dwellings, appropriate assessment concluded no adverse effects subject to conditions.

#### Analysis of effect mechanisms

##### a) *Recreational pressure*

The Council considered the effects of recreational pressure through the HRA for the Wiltshire Core Strategy and concluded that effects could be avoided provided that an

appropriate mitigation strategy was provided for Ashton Park. A further 950 houses at Trowbridge on top of the allocation of 5860 would only come forward once further assessment had resolved this could be mitigated.

The table below provides a comparison of delivery during the period 2006 – 2017 against housing allocations in CP 1 and CP 29.

	<b>Core strategy housing allocations</b>	<b>Potential for additional housing provided certain conditions are met</b>	<b>Completions to March 2017</b>
Trowbridge town	5860 (including 2500 for Ashton Park)	950	3093
Trowbridge remainder	165		260
Westbury town	1500		940
Westbury remainder	115		51

It is evident that Ashton Park will not exceed the total allocation figure for Trowbridge (i.e. 3093 + 2500 + 260 = 5853) but completions which are forecast for March 2017-2018 are likely to mean the allocation will be met quickly if Ashton Park is approved, well before Ashton Park is completed. As recognised in the core strategy HRA, there is a potential for impacts to arise if development exceeds the allocation.

Both the visitor survey and the Shadow HRA Addendum identify two zones of potential impact: a zone within close proximity to the woodlands where people may be expected to make frequent visits and a zone where access on foot or by car would be reduced. Development in close proximity will be inherently more difficult to mitigate as there will be limited options for directing people to alternative sites.

Outside the zone of easy access, further development beyond the core strategy allocation would be possible, provided that it was located and designed to avoid key potential flight lines / foraging habitat and measures were put in place to offset residual cumulative impacts which would otherwise occur from a progressive increase in recreational pressure and degradation of habitats.

*b) Severance / degradation of commuting routes*

There is potential to cause in-combination effects on commuting corridors where Ashton Park lies close to other applications. The Shadow HRA Addendum 2017 considered two such applications; Drynham Lane (16/00547/FUL) and Land South West of Ashton Road (16/04468/OUT). At Drynham Lane the Council will require retention of dark corridors along the hedgerows which will minimise the potential for degradation of flight lines on the boundary between it and Ashton Park, while Land South West of Ashton Road has the potential to impact on current and further Bechstein's habitat if it is permitted. A third application in proximity to Ashton Park has been submitted since the Shadow HRA Addendum was completed. Land West

of Biss Farm has the potential to maintain the most likely bat flight line as the application buffers Blackball Brook with an undeveloped corridor of a minimum 50m in width.

c) *Mortality / injury*

The Shadow HRA Addendum considered that such effects were less likely to be cumulative and there was no potential for cumulative effects to arise in respect of mortality from the YWARR.

Vandalism of bat boxes / trees which could lead to mortality effects for Bechstein's bats come under consideration of the effects of increased recreational pressure above.

d) *Loss / degradation of foraging habitats*

These effects would be cumulative if the plans and projects identified above were added to the losses expected at Ashton Park.

In conclusion all four effect mechanisms have the potential to give rise to cumulative effects.

### Wiltshire Housing Site Allocations Plan

This plan identifies specific development sites in order to provide greater certainty that the quantum of housing proposed in the core strategy housing allocations can be achieved before 2026. In relation to Trowbridge the plan aims to provide the necessary evidence to demonstrate that additional housing over and above the allocation of 6025 can come forward. The plan is informed by a HRA prepared by the Council<sup>18</sup>. This sought to remove applications which would cause the greatest number of recreational visits at an early stage of the plan process. Consequently sites within 500m of Green Lane and Biss Woods were removed at the site selection stage. This is consistent with the approach taken by the Shadow HRA Addendum 2017 and the recommendations of the visitor's survey.

As a consequence, development at Land South West of Ashton Road which lies well within 500m of Green Lane Wood was excluded from the plan. This site is currently the subject of application 16/04468/OUT for 200 dwellings where the Council's appropriate assessment concluded adverse effects would arise due to recreational pressure and loss of landscape features to support continuity of bat habitat in the long term. It is also evident that development at this location would reduce options available to maintain and / or restore the population if such a need arises in the future.

The Plan took the six sites at Trowbridge which remained after the screening stage to a full appropriate assessment<sup>19</sup> which concluded that adverse effects on site integrity could be avoided from the developments alone provided that policy wording was inserted to ensure key flight lines and foraging habitat would be retained as dark corridors. However the assessment concluded that "*...there is likely to be an unavoidable residual cumulative effect of ongoing urbanisation at a Landscape scale around Trowbridge.*" In order to address this the Council has committed to developing a Trowbridge Recreational Management and Mitigation Strategy (TRMMS). Phase 1 of the strategy will support the Wiltshire Housing Site Allocations Plan through Examination in Public in summer 2018. Phase 2 will deal with housing numbers over and above 6975 (i.e. the total allocation for Trowbridge in the

<sup>18</sup> Wiltshire Housing Site Allocations Plan (pre-submission draft Plan) Habitats Regulations Assessment June 2017

<sup>19</sup> Wiltshire Housing Site Allocations Plan (pre-submission draft Plan) Habitats Regulations Assessment June 2017

Wiltshire Core Strategy 2006-2016) as the Council moves forward with its Local Plan (Core Strategy) Review.

The TRMMS will provide mitigation to offset the cumulative effects identified above. In particular it will offset:

- any residual impacts arising from Ashton Park which are below the threshold for adverse effects on site integrity
- the unavoidable increase in visitor pressure on publicly accessible woodlands arising from developments located beyond easy walking distance
- unavoidable changes in the landscape arising from developments beyond 500m which cumulatively would lead to degradation and loss of foraging habitats and commuting routes

The TRMMS will be informed by evidence of existing bat surveys and records and by evidence and views from consultative groups formed of local bat experts, developers and local community groups. The first consultative meetings with bat experts and Natural England have been fixed for January 2018. A robust monitoring scheme will be required in order to assess the effectiveness of the mitigation and feedback into future assessments. Implementation of the plan will be paid for through developer contributions; i.e. S106 obligations and CIL.

Until the TRMMS phase 1 is available, applications for new housing (not including Ashton Park which has its own bespoke mitigation package) will only be approved if:

- a) a bespoke mitigation package is provided which Natural England agrees is likely to be equivalent to that proposed by the TRMMS, and;
- b) the total quantum of housing does not exceed the allocation in the Wiltshire Core Strategy or, once TRMMS Phase 2 is completed, the allocation in the Local Plan review

It is relevant to note that at this point in time there are no permissions yet to be implemented which have the potential for in-combination effects on Bechstein's bat through recreational pressure in the Trowbridge area. Therefore while this appropriate assessment considers the effects of pending plans and projects, none of these with potential for effects on Bechstein's could be implemented until the TRMMS is approved or conditions a) and b) above are met.

### **Council appropriate assessment conclusion in relation to Ashton Park in-combination with other plans and projects**

In conclusion, the Council considers that the approach established above, of excluding development within easy walking distance of Green Lane and Biss Woods and having a strategy approved by Natural England to address impacts arising from developments further afield, will address the residual cumulative effects of all four effects mechanisms discussed above. Where applications for development are submitted within the zone of easy walking distance developers will need to demonstrate beyond reasonable scientific doubt that informal access routes to the woodland will not develop in further decades and that the habitat requirements for Bechstein's bats will not be compromised now or in the long term.

### **Integrity test**

In considering whether Ashton Park would adversely affect the Bath and Bradford on Avon Bats SAC, the Council has had regard to principles identified in the DTA guidance<sup>20</sup> in relation to the integrity test. A site's integrity relates to its capacity for meeting the SAC Conservation Objectives as well as its capacity for self-repair and self-renewal under dynamic conditions with a minimum of external management support. Any proposals that reduce these capacities can be considered to affect site integrity. Effects may become manifest in the short, medium and long term, may be of short or long duration and may or may not be reversible. In considering these effects the Council must adopt the precautionary principle and be certain the project will not have an adverse effect on site integrity. This will only exist where the Council is convinced there is no reasonable scientific doubt as to the absence of effects on site integrity.

While development at Ashton Park would be reliant on increasing the level of management at Green Lane and Biss Woods, the Council must take into consideration their small size and edge of urban location of the woodlands which significantly compromises their ability to be managed with minimum external management support. The package of measures which would be secured from the developer and the Wiltshire Wildlife Trust will focus greater attention on the needs of Bechstein's bats such that it will become possible to track short, medium and long term effects and use identified oversight mechanisms to bring about timely and effective remedial measures as deemed appropriate. The underpasses at the YWARR are capable of maintaining connectivity across the landscape used by Bechstein's and lesser horseshoe bats for the lifetime of the road scheme. The range of mitigation and the mechanisms proposed to secure it are sufficient to remove any doubt that the Council may otherwise have had as to the absence of adverse effects on the integrity of the Bath and Bradford on Avon Bats SAC. As such, the Council concludes that the project (as proposed in planning application 15/04736/OUT) would not have an adverse effect on the integrity of the Bath and Bradford on Avon Bats SAC, either alone or in combination with other plans and projects.

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<sup>20</sup> Essential guidance for the assessment of plans and projects under the UK Habitats Regulations  
<https://www.dtapublications.co.uk/>



**APPENDIX 1****HABITATS REGULATIONS ASSESSMENT  
ASHTON PARK, TROWBRIDGE****Rescreening for likely significant effects July 2017**

The Council's screening assessment for planning application 15/04736/OUT under Regulation 61 of the Habitats Regulations 2010 (as amended) considered the various elements of the scheme as submitted in May 2015. The assessment identified uncertainty with respect to the mitigation proposed for Bechstein's bats, a species with several maternity roosts close to the application site which are considered to be functionally linked to the Bath and Bradford on Avon Bats SAC.

Consequently, the Council appointed DTA Ecology to undertake a Shadow Appropriate Assessment<sup>21</sup> in order to identify whether the scheme would lead to adverse effects on the SAC's integrity in view of the sites conservation objectives as far as they relate to Bechstein's bats, using the Council's screening assessment as the starting point for the appropriate assessment. Further to an iterative assessment process, sources of potential adverse impact have been removed and reduced through revisions to the masterplan layout and the design of the relief road. In July 2017 DTA Ecology advised the Council that these changes, together with a number of other specific provisions which can be secured by planning conditions and legal agreements could be sufficient to allow the Council to conclude no adverse effects on the integrity of the Bath and Bradford on Avon Bats SAC<sup>22</sup>.

In light of the time which has elapsed since the screening assessment and the considerable changes that have occurred resulting in the submission of revised plans and a revised Environmental Statement (August 2017), the Council has taken this opportunity to rescreen the application for potential effects on European Sites.

The purpose of this rescreening judgement is to determine whether there are any further issues that should be screened into the appropriate assessment in addition to those already dealt with by DTA's shadow HRA. These might include:

- European sites other than the Bath and Bradford on Avon SAC
- other features of the Bath and Bradford on Avon Bats SAC
- additional aspects of Bechstein's ecology

These may give rise to the potential for significant effects either alone or in-combination with other plans or projects.

**Changes since the initial screening in 2015****The scheme**


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<sup>21</sup> Shadow Appropriate Assessment under the Habitats Regulations of Ashton Park planning application 15/04736/OUT, 7 October 2016, Confidential Final Draft. DTA Ecology for Wiltshire Council

<sup>22</sup> Shadow Appropriate Assessment under the Habitats Regulations of Ashton Park planning application 15/04736/OUT, Addendum July 2017, Final. DTA Ecology for Wiltshire Council

Details of how the scheme has changed since May 2015 are described in a letter from Pegasus to the Council dated 28<sup>th</sup> September 2017. Key changes which could have a bearing on ecology are as follows:

- Detailed plans for the Yarnbrook / West Ashton Relief Road have been revised. The road will be raised between R1 and R2 by approximately 4m in order to accommodate 7 bat underpasses.
- Business park relocated to land on the east side of West Ashton Road with a corresponding reduction in the area of land allocated for housing from approximately 25 ha to 11 ha. Although the amount of housing east of the Biss was unspecified in the original submission, the shadow HRA has been undertaken on the basis that the maximum number of dwellings will be approximately 300.
- Specific measures incorporated east of the Biss to prevent easy access to Green Lane and Biss Wood. Measures include planting, fencing and housing layout.
- 100m ecological buffer to Biss Wood laid out to discourage it becoming part of a well-used circular walk.
- Ecological Visitors Facility relocated to Leap Gate
- Displaced housing relocated adjacent to the railway where the business park was previously proposed.
- Footpath links to direct pedestrians to two existing railway underpasses rather than at-grade crossings and foot/cycle link added on the west side of West Ashton Road and along the section of the existing A350 which will be bypassed.

The following reports have also been revised and taken into account in this rescreening assessment.

ES Addendum Volume 1 Main Text (August 2017)

ES Addendum Volume 2 Technical Appendix (August 2017) including Ecological Baseline Assessment (August 2017), Report in Respect of Bechstein's Bats (including results of the 2013 radio-tracking study) (August 2017) and Information for Habitats Regulations Assessment (HRA) with regard to potential effects upon European designations (Sept 2017)

### **SAC bat surveys**

Since the 2013 Ashton Park bat surveys, further survey work has been undertaken at Green Lane and Biss Woods in 2014, 2015, 2016 and 2017 to fulfil the requirements for Castlemead planning permission.

Some key findings from these studies are:

- The main Bechstein's maternity roost for Green Lane Wood appears to be an ash tree 500m north of the wood.

- Recovery of ringed Bechstein's bats has altogether found 4 bats in Green Lane or Biss Wood which were ringed in the SAC at Box. A further bat ringed in Green Lane Wood was recaptured at Gripwood.
- The Bechstein's population estimates for Green Lane and Biss Woods currently stand at 56 and 45 female bats respectively. In addition other large roost records include 58 bats at Clanger and Picket, 45 at Flowers Wood and 30 at Church Lane Wood at. Assuming a sex ratio of 1:1, the population dependant on this group of woodlands may be in the order of 400 bats.
- A maternity roost of lesser horseshoe bats was found in a building close to Green Lane Wood in 2016. The roost was also present in 2017.
- A lesser horseshoe bat trapped during surveys for planning application 16/04468/OUT between Green Lane Wood and Ashton Road was found to have been ringed at Gripwood. Although not included in the SAC, Gripwood is functionally linked to it. It supports large numbers of hibernating greater and lesser horseshoe bats and is used by *Myotis* sp. bats for swarming.

### **Other plans and projects**

The following applications are in the planning process:

- 180 dwellings at Land of Elizabeth Way (16/00672/OUT)
- 91 dwellings at Drynham Lane (16/00547/FUL)
- 200 dwellings at Land South West of Ashton Road (16/04468/OUT)
- 140 dwellings at Wynsome Street (17/03269)
- Up to 100 dwellings at Blind Lane (16/12279/OUT)
- 79 dwellings at Former Council Officers, Bradley Road (17/05669/FUL)
- Mixed use development including 267 dwellings at Land West of Biss Farm (17/09961/OUT).
- 26 dwellings at P8 and P9b Castlemead (15/11267/FUL)
- 47 dwellings at Land at Bratton Road, Westbury, (16/06413/OUT). Refused, Public Inquiry set for 2018.
- 60 dwellings at Land North of Holt Road and Cemetery lane, Bradford on Avon (17/03844/REM)
- Conversion of Building A at Kingston Mills, Bradford on Avon (17/03162/FUL)
- Mixed development and 170 dwellings at Land at Bradford Road Corsham (17/11032/REM)

The following applications have been approved:

- Land at the junction of Westbury Road and Phillips Way, Yarnbrook, application 16/12347/FUL for a petrol filling station
- 300 dwellings at Land North of Bitham Park, Westbury, 17/01643/REM
- Up to 300 dwellings at Land at Westbury Sailing Lake, application 15/12551/OUT
- 138 dwellings at Kingston Farm, Bradford on Avon (15/04134/VAR)

- 150 dwellings at Land North of Bath Road Corsham (16/03721/REM)
- Up to 180 dwellings at Former MoD Rudloe No. 2 Westwells Road, Rudloe (14/11354/OUT)
- Mixed development and up to 170 dwellings at Land at Bradford Road Corsham (17/06091/VAR)
- 2 data centres, Spring Park, Corsham (17/08760/FUL)
- Retirement Care Village at Royal Arthur Park, Westwells Corsham (N/10/04093/FUL)
- 39 dwellings at former Bath and Portland Stoneworks, Westwells, Corsham (14/03177/REM)
- Business and Technology park, Spring Park, Westwells Road, Corsham, (N/11/02034/S73)

The following developments have recently been completed:

- 650 dwellings at Castlemead (W/04/2105/OUTES)
- 174 dwellings at Land North East of Green Lane Farm (W/11/01932/REM)

The following applications have been withdrawn / lost at appeal:

- Up to 26 dwellings at The Grange, Trowbridge (16/01633/OUT)
- 272 dwellings at Land South of Green Lane (16/03420/FUL)

The following spatial planning documents are relevant:

- Wiltshire Core Strategy 2006-2016 adopted January 2015
- Wiltshire Housing Site Allocations Plan (pre-submission draft June 2017)
- The Hilperton Neighbourhood Plan 2017-2016 (submission draft)

### **Other matters**

The Council has maintained regular dialogue with Natural England over the Ashton Park application since it was first submitted in 2015. Natural England's local team and national mammal specialist have been consulted on iterations of the HRA and mitigation design and on the significance of the local Bechstein's population, while the developer has sought advice through Natural England's Discretionary Advice Service.

A visitor survey of open spaces and woodlands used by roosting Bechstein's was commissioned by the Council in 2017<sup>23</sup>. This examined the patterns of use of informal recreation sites in Trowbridge including local publicly accessible woodlands with a view to identifying measures to avoid and mitigate the impacts of further housing growth on Bechstein's bats.

A small piece of oak woodland next to Biss Farm, known as Biss Barn Wood, was illegally felled in 2017. The woodland is believed to have been ancient and had been contiguous with Biss Wood until large scale felling took place in the twentieth century. A lesser horseshoe bat was caught in a trap at the corner of Biss Barn Wood during developer surveys in August 2013.

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<sup>23</sup> Panter, C., Lake, S. & Liley, D. (2017) Trowbridge Visitor Survey and Recreation Management Strategy. Unpublished report by Footprint Ecology for Wiltshire Council

## Other European Sites

Using the screening criteria set out Table 2 of the HRA for the Wiltshire Housing Site Allocations Plan, the only other sites which could be affected by the plan are Salisbury Plain SPA and Salisbury Plain SAC.

### Salisbury Plain SPA

#### Recreational Pressure

The HRA screening undertaken for the Wiltshire Housing Site Allocations Plan confirmed that the screening criterion for Salisbury Plain SPA has changed from 4 km to 6.4 km since the Ashton Park planning application was first screened. Approximately half of the residential development at Ashton Park would lie within this distance while none lay within the previously identified limit of 4 km as established in the HRA and Mitigation Strategy for Salisbury Plain SPA<sup>24</sup>.

Salisbury Plain SPA is designated for 4 species of bird listed on Annex II of the Habitats Directive but only the breeding population of stone curlew has been identified as being sensitive to urbanisation as proposed by the core strategy. Research has shown stone curlews are sensitive to disturbance, particularly by dog walkers<sup>25, 26</sup> and also to structures built in the landscape<sup>27</sup>. The 2015 visitor's survey demonstrates that Salisbury Plain SPA attracts a large number of visitors, with the majority of visits (75%) originating from a radius of 6.4 km<sup>28</sup>. Recreational use is greatest on the eastern plain as public access on much of the central and western plains is limited due to military restrictions. However the margins of these plains and surrounding land are still widely used by local people for recreation. 74% of visits are for dog walking.

Ongoing monitoring at the site demonstrates that the stone curlew population is relatively stable, but that productivity has often fallen below the 0.61 chicks per pair required to maintain a stable population, suggesting that immigration is maintaining numbers within the SPA. Non-designated land outside the SPA (within 5km) has been found to be of vital importance to maintaining the overall population, with productivity generally higher on the surrounding farmland than within the SPA itself<sup>29</sup>. The site is currently understood to be in favourable condition.

Following the analysis set out in the HRA for the Wiltshire Housing Site Allocations Plan, the whole of the Ashton Park development of 2500 dwellings would lead to approximately 56.7 additional visits to Salisbury Plain every day. This is likely to be an overestimate as the development is at the outer limit of the 6.4 km zone, with half lying beyond 6.4 km, and residents will have a number of other, closer and / or equally interesting sites to use for daily dog walking activities. The 2015 visitor's survey demonstrates that Trowbridge residents comprised a small percentage of visitors interviewed with most visitors to the western part of

<sup>24</sup> HRA and Mitigation Strategy for Salisbury Plain SPA in relation to recreational pressure from redevelopment, Wiltshire Council March 2012

<sup>25</sup> Taylor, E. (2006) Stone curlews *Burhinus oedicnemus* and human disturbance: effects on behaviour, distribution and breeding success. (Doctoral Thesis)

<sup>26</sup> Taylor *et al* (2005) *Dogs, access and nature conservation* (English Nature Research Report 649)

<sup>27</sup> Clarke, R., & Liley, D. (2013). Further assessments of the relationship between buildings and stone curlew distribution. Unpublished report by Footprint Ecology for Breckland Council.

<sup>28</sup> Panter, C., & Liley, D. (2015). *Salisbury Plain Visitor Survey 2015* Unpublished report by Footprint Ecology for Wiltshire Council

<sup>29</sup> Tomalin, N (2014) *Stone Curlew CIL Monitoring Area Report 2014*

the plain travelling from Westbury and Warminster. Westbury White Horse was the most frequented site across the entire survey and this is the closest part of the plain to Trowbridge. Routes recorded of people visiting this site suggest they make very limited use of the SPA. Most people stay within the near vicinity of the White Horse and the Mid Wilts Way, both of which are off the SPA. The only route recorded on the SPA is a path across the Thirteen Hundred Down towards Upton Scudamore where there have only been 2 recorded stone curlew breeding attempts since 2000.

While the increase in visitors on foot is likely to be relatively low, it is not possible to predict the impact of people intending to drive 4X4's across the plain. The 2015 survey included limited data from the off-roading community, as they were difficult to interview, but surveyors noted several parties of 4X4s at different locations throughout the survey. The MoD is aware of the issue with increasing numbers of 4X4s but so far there is no data on the scale of the issue or the impact it might be having relative to military activity.

The number of visitors arising from the Wiltshire Housing Site Allocations Plan and Army Basing Plan together is 52.4 visits per day. Mitigation for Army Basing outlined in the HRA for the Site Allocations Plan is progressing as developments come forward. The Recreation Access Action Plan is virtually complete with a few details to be agreed before this is finalised and all actions will be in place before 130 dwellings are occupied. Information packs encouraging responsible access will be available before first occupation.

The mitigation strategy<sup>30</sup> which the Council is implementing to offset impacts from the core strategy as agreed with Natural England, is progressing as intended and the approach is still considered to be an effective and reliable means for ensuring the favourable conservation status of the stone curlew population on Salisbury Plain. The strategy will need to be revised to take the latest visitor survey results into account, particularly the change in the distance from which 75% of visitors are predicted to arrive from 4 to 6.4 km. Although the numbers will increase as the new limit takes in Devizes, Pewsey and more of Warminster, at present, the evidence of the annual stone curlew surveys suggests that effects will not be significant. Considering Ashton Park alone and in combination with development proposed in the Wiltshire Core Strategy, the Sites Allocations Plan and Army Basing Plan, the scheme is unlikely to lead to significant effects while the mitigation strategy agreed with Natural England is being implemented.

#### Visual disturbance

Ashton Park is unlikely to lead to significant visual disturbance effects as new development will be at least 5km away from the SPA and therefore beyond the 1.5km where buildings have been shown to affect breeding densities. There are no records of breeding stone curlew between the plain and Ashton Park and the birds are therefore not expected to be traversing this area. The main areas they use off the SPA are to the south and east of the plain where farmland is more suitable for breeding and land is within the flightpaths to other SPA breeding sites at Porton Down and further east.

## **Salisbury Plain SAC**

### Nitrogen pollution

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<sup>30</sup> HRA and Mitigation Strategy for Salisbury Plain SPA in relation to recreational pressure from redevelopment, Wiltshire Council March 2012

The Site Improvement Plan for Salisbury Plain SAC / SPA identifies atmospheric nitrogen deposition as a pressure on two of the qualifying features of the SAC; juniper formations and marsh fritillary butterfly.

Best practice guidance indicates that the effects of NO<sub>x</sub> and nitrogen deposition can be significant up to 200m from a main road (a road or motorway). Nitrogen deposition effects fall off rapidly within the verge and typically can extend up to approximately 20m from the road. Atmospheric nitrogen (NO<sub>x</sub>) can be carried further but typically occurs within 100m of a main road. Potential effects of atmospheric nitrogen include direct phytotoxic effects as well as eutrophication and acidification of soils due to deposition.

Although the vast majority of the SAC lies more than 200m from main roads, there are four areas where the SAC boundary lies within 200m of a main road:

- The A360 to the north and south of Tilshead, located 16-20km from Ashton Park;
- The A342 located 29km from Ashton Park; and
- The A303 located 22km from Ashton Park.

In Local Plan HRAs, 15km (as the crow flies) is typically used as the distance for screening sites for potential effects of traffic related atmospheric nitrogen, unless there are local reasons to look beyond this distance. In Wiltshire, the average distance travelled to work is 18.9km<sup>31</sup>, however the distance from Trowbridge to Tilshead by road is 29.2km, therefore it can reasonably be concluded that effects of proposed growth at Ashton Park on traffic flows through the SAC at Tilshead and elsewhere would be *de minimis* and can be screened out of this HRA.

## Other features of the Bath and Bradford on Avon Bats SAC

The primary reasons for designation of the SAC are:

- Bechstein's bat, small numbers of which have been recorded hibernating in abandoned mines in the area; and,
- greater horseshoe bats, the site being associated with 15% of the UK population and supporting an exceptionally large overwintering population
- lesser horseshoe bats, the site supports a significant presence but this species is not the primary reason for site selection.

The Council's screening assessment of December 2015 concurred with Aspect Ecology's HRA report<sup>32</sup> in its conclusion that the HRA need only consider Bechstein's bats. Although greater horseshoe and lesser horseshoe bats were recorded in the study area, they were present in low numbers and the Application Site did not lie within the Core Area for any roosts of these species in the Council's planning guidance<sup>33</sup>. Accordingly the Council scoped these two species out of the assessment.

Since then, further information has come to light to demonstrate that a maternity roost of lesser horseshoe bats is using buildings at Armouracre Farm close to the southern end of Green Lane Wood. The maternity was recorded with up to 22 mothers and 16 young during

<sup>31</sup> Official Labour Market Statistics accessed on 21/12/17 at

[http://www.nomisweb.co.uk/census/2011/QS702EW/view/1946157357?rows=cell&cols=rural\\_urban](http://www.nomisweb.co.uk/census/2011/QS702EW/view/1946157357?rows=cell&cols=rural_urban)

<sup>32</sup> Information for Habitats Regulations Assessment (HRA) with regard to Potential Effects upon European Designations" ECO-1878.HRA.vf (May 2014)

<sup>33</sup> Bat Special Areas of Conservation, Planning Guidance for Wiltshire, Version 3.0 10 September 2015

surveys undertaken by Keith Cohen Ecology in 2016 (Keith Cohen pers. com.). It was not recorded during Aspects surveys in 2013 as there were no systematic checks for horseshoe roosts at that time. However a volunteer warden for WWT has confirmed “We first noticed them about five years ago and there have generally been between 5 and 12...”<sup>34</sup> It can be assumed therefore that the roost was in existence at the time of the 2013 surveys.

In addition an adult female lesser horseshoe was caught on 20-21 August 2015 in fields north of Green Lane Wood which had been ringed at Gripwood in 2011 (Keith Cohen pers. comm.). Although not part of the SAC, Gripwood supports large numbers of horseshoe bats and is functionally linked to the SAC. It is reasonable, and in accordance with the precautionary principle, to assume the maternity colony is linked to the SAC and it has been suggested that the roost may be a satellite to the maternity roost at Rood Ashton Manor which was recorded in 2006 as a nursery colony with at least 60 bats in an outbuilding<sup>35</sup>.

The question for this re-screening assessment is does the presence of this roost alter the conclusion of the screening assessment that lesser horseshoe bats should NOT be screened into the appropriate assessment?

Manual transect surveys and static detector surveys by Aspect Ecology in 2013 found generally low numbers of greater and lesser horseshoe crossing the site. Aspect’s HRA report contains Figure 1878/HRA2 which summarises the results of the static detector survey. The number of lesser horseshoe passes was low except at two detectors<sup>36</sup>.

P6; positioned on a hedgerow which will be breached by the relief road at crossing point 9. This crossing point will be mitigated by inclusion of a hop over rather than an underpass. Notably this detector recorded 103 lesser passes over 4 days between 5 and 8 August with 78 passes on 8 August 2013 alone.

P2; positioned on the hedgerow between Biss Wood and Biss Farm which will be breached by a road leading off West Ashton Road into the proposed Business Park. This detector recorded 30 passes over three nights from 5 to 7 August, 55 passes over 4 nights from 24 to 28 September and 14 passes over 4 nights from 3 to 6 October.

The report notes that these peaks were likely to represent “regular or sustained foraging activity by the detector from one or a small number of bats (rather than commuting activity from a large number of bats).” This can be justified at P6 because early August is the peak of the breeding season. However at P2 the pattern of bat passes in September may represent commuting activity connected to mating or hibernation sites. This hedgerow is not on a direct route from the roost to swarming sites in the SAC but as it connects Biss Wood with Biss Farm, it possibly points to there being a mating roost in Biss Farm buildings. In addition, the adjacent Biss Barn Wood, now felled by the owner and recently subject to a restocking notice<sup>37</sup>, could have been used by small numbers of lesser horseshoe bats for foraging.

It is impossible to directly link the Armouracre maternity roost with Aspect Ecology’s bat surveys in 2013 but the roost lends greater weight to the importance of the landscape

<sup>34</sup> Email from Mark Newbery to Ashley White dated 31 October 2017

<sup>35</sup> Report on a study of bats by radio-tracking at Westbury Wiltshire and along the route of the proposed Westbury Eastern Bypass. Draft Version 8 November 2006. Green Ecological Consultancy

<sup>36</sup> Information for Habitats Regulations Assessment (HRA) with regard to potential effects upon European designations” ECO-1878.HRA2017.dv2 (September 2017)

<sup>37</sup> Confirmed in email from Mark Malins, Woodland Officer, Forestry Commission 24/10/17) to Louisa Kilgallen, Wiltshire Council



surrounding Green Lane Wood for sustaining lesser horseshoes and suggests the bats commute across the landscape for breeding, mating and foraging.

In making a judgement as to whether lesser horseshoe bats should now be included in the appropriate assessment, the following factors have been taken into account:

1. The Shadow HRA has not examined the extent to which the extensive range of mitigation and habitat creation and management measures which are being proposed for Bechstein's bat will also be relevant to lesser horseshoes.
2. While the development site lies outside the core area for lesser horseshoe bats identified in the Council's guidance document<sup>38</sup>, the roost suggests that land within the application boundary for Ashton Park may be of particular significance to a small number of lesser horseshoes linked to the SAC.
3. Annual counts from hibernation sites and other roost sites show the lesser horseshoe population in England and Wales is increasing and in England this is considered to be a significant increase against the 1999 population<sup>39</sup>. The current population estimate is considered to be in the order of 50,000 bats<sup>40</sup> compared with a population estimate of 18,000 in 1999<sup>41</sup>. The reason for the increase is considered to be partly genuine and partly due to better data.
4. Although in favourable condition, the SAC is subject to pressures which are recorded in the Site Improvement Plan as: changes to grazing / agricultural land-holdings and urbanisation. In addition the SIP identifies the following threats: use of biocides and chemicals, changes, forest and plantation management and use and urbanisation including the effect of artificial lighting.
5. Biss Barn Wood was unlawfully felled in the last 12 months and although a restocking notice has been issued, it is unclear how this might affect bats. Lesser horseshoes are known for being particularly faithful to commuting routes. It seems reasonable to assume they will continue to commute to Biss Farm if indeed the farm is a mating roost. However any foraging activity is likely to cease, at least until the new woodland has been established long enough to support sufficient invertebrate biomass to make foraging energetically worthwhile. It may be several decades before it supports biomass equivalent to that lost.
6. The development has the potential to cause severance of commuting routes, in particular through construction of the access road into the employment area and through construction of the YWARR. The extent to which these effects may be significant has been raised by the finding of a maternity roost next to Green Lane Wood.
7. The development would not impact on lesser horseshoe roosts in underground sites as these are several kilometres from the development nor have any direct effect on other roosts for this species including the newly discovered maternity roost as all roosts are on privately owned land.

<sup>38</sup> Bat Special Areas of Conservation, Planning Guidance for Wiltshire, Version 3.0 10 September 2015

<sup>39</sup> National Bat Monitoring Programme Annual Report 2016, Lesser Horseshoe Bat Trends, accessed from the Bat Conservation Trust website on 26 October 2017 [http://www.bats.org.uk/pages/results\\_and\\_reports.html](http://www.bats.org.uk/pages/results_and_reports.html)

<sup>40</sup> Third report by the United Kingdom under Article 17 on the implementation of the Directive from January 2007 to December 2012 Conservation status assessment for S1303 Lesser horseshoe bat (*Rhinolophus hipposideros*)

<sup>41</sup> The current status and distribution of EC habitat directive features, Lesser Horseshoe bat, accessed from the JNCC website on 26 October 2017 <http://jncc.defra.gov.uk/publications/JNCC312/species.asp?FeatureIntCode=S1303>

8. Lesser horseshoe roosts are not expected to be impacted by recreational pressure as roosts are located outside the publicly accessible woodlands. The roost at Armouracre Farm is on private land and there are no public rights of way from the woodland to the farm.
9. Lesser horseshoe bats forage in Green Lane and Biss Wood and their foraging activity may therefore be affected by changes in habitat brought about by intense recreational pressure in the same way that Bechsteins' bats were considered to be vulnerable to such effects in the Shadow HRA.

Taking these factors into account, it is not possible to exclude the risk of likely significant effects and the following impacts will therefore be carried through to the appropriate assessment:

- Severance and degradation of commuting routes (including the effects of lighting)
- Recreational pressure to the extent that foraging habitat may be degraded
- Mortality and injury

## **Additional aspects of Bechstein's ecology**

### **Nitrogen Pollution**

Since the original screening assessment was made, the woodlands to the south of Trowbridge have assumed increased importance for Bechstein's bats as their significance to the SAC population has become more evident. The Council has therefore taken this opportunity to re-examine the air quality effects of the scheme for the local Bechstein's population.

The effect of the proposed development on levels of atmospheric nitrogen and nitrogen deposition loadings was considered in the ES Addendum Volume 1 sections 6 (Ecology) and 9 (Air Pollution). The assessment considered the cumulative air quality effects of traffic emissions generated by other committed schemes in the area for the future baseline year of 2020.

The air quality assessment has taken a precautionary approach to screening for potential impacts by applying the more stringent criterion of 1% across all potential woodland receptors rather than restricting it to national and European sites. Consequently further assessments were conducted as follows:

- Nitrogen oxides: Picket and Clanger Woods SSSI, Green Lane Wood, Biss Wood and Round Wood
- Nitrogen deposition: Picket and Clanger Woods SSSI, Green Lane Wood, Biss Wood

The assessment of impacts of the scheme on particulate matter was restricted to looking at effects on human health only as there are no ecosystem standards for particulate matter. Dust generated by construction is unlikely to be significant due to the limited duration of road construction and the distance from the development site to the woodlands.

In the further assessment of nitrogen oxides concentrations, the site was examined with the proposed development in place in 2020 (using traffic flows for 2026) under two scenarios; "in-line with Defra's forecasts" and "worst-case sensitivity test". The latter takes account of the fact that reductions in nitrogen oxides have been slower than Defra's predictions. Annual mean concentrations at three of the woods were found to be below the critical level and the impacts of development thus judged to be insignificant in accordance with Environment

Agency guidance. Only at Green Lane Wood would the critical level be exceeded in the worst-case sensitivity test.

In the further assessment of nitrogen deposition, all three sites exceeded critical loads in both scenarios. This is primarily due to the fact that background levels at all three sites are already approximately 400% above the critical loads. However, even in the worst case scenario, the 2020 loads will remain below the baseline loadings in 2015 due to the ongoing improvement in vehicle emissions.

The available evidence on the ecological effects of nitrogen deposition relates almost entirely to plant species and habitat composition, with no evidence identified which has recorded any direct effects on animal species. At significant levels, long-term nitrogen deposition can lead to changes in the species composition of lower plants and ground flora, however there would need to be major shifts in species composition to result in an impact on its value for foraging bats. Given that the woodlands are currently well used by Bechstein's bats, it can be assumed they provide high quality bat foraging habitat despite existing high levels of background nitrogen deposition. As the overall rates of nitrogen deposition are predicted to decrease despite increasing traffic levels due to planned growth, it is highly unlikely that traffic related nitrogen deposition due to Ashton Park could result in any likely significant effects upon the Bechstein's population using the woods.

The air quality assessment demonstrates that even with the road in place increases in atmospheric nitrogen levels will be insignificant for Picket and Clanger Woods, Biss Wood and Round Wood. The potential for significant adverse effects at Green Lane Wood is likely to be localised to the near vicinity of the road and would at least be partially offset by significant beneficial effects at Woodside Wood and Flowers Wood where the scheme will take traffic further away. The contribution of the scheme to nitrogen deposition is for the most part well below 1% of baseline loadings. As discussed in the ES air quality assessment vehicle related pollutant emissions can be expected to decline in the long term due to more stringent emission standards and the uptake of low and zero-emission vehicles.

In conclusion, the air quality assessment demonstrates that the road would not trigger a likely significant effect in the medium to long term due to the fact that:

- The total annual mean contribution of nitrogen deposition loading would for the most part be less than 1% of 2015 baseline loadings.
- Effects of increased atmospheric nitrogen at Green Lane Wood would be partially offset by reductions at Woodside Wood and Flowers Wood
- Government policy shift towards more stringent emission standards which will encourage the uptake of zero and low emission vehicles.

## **Conclusion of rescreening assessment**

The conclusion of this rescreening is as follows:

European sites other than the Bath and Bradford on Avon SAC – there are no likely significant effects on any European sites other than the Bath and Bradford on Avon Bats SAC

Other features of the Bath and Bradford on Avon Bats SAC – in addition to Bechstein's bats, likely significant effects cannot be excluded from occurring in relation to lesser horseshoe bats. Both species should be carried forward to an appropriate assessment.

Additional aspects of Bechstein's ecology – there are no additional aspects of Bechstein's ecology that could give rise to significant effects.

## APPENDIX 2

### SUMMARY OF RECOMMENDED CONDITIONS AND ISSUES TO BE SECURED BY LEGAL AGREEMENT(S)

**Wording to be finalised with case officer and where possible the number of conditions will be reduced by amalgamation of similar conditions. The Council would be pleased to consult Natural England on further iterations of draft wording for specific conditions on request.**

### CONDITONS

PC1	Biodiversity Management Plan to be approved before commencement to demonstrate habitats to be retained, restored, enhanced and replaced. Also to summarise approach and delivery mechanisms for all off site measures.
PC2	Mixed use development to be delivered in accordance with the Indicative Masterplan A.0223_77-01 Rev W , the ES Addendum Volume 1 – Main Text August 2017 and ES Addendum Volume 2 – Technical Appendix August 2017
PC3	<p>LEMP (long term management of on-site habitats) for mixed use development site to include:</p> <ul style="list-style-type: none"> <li>• River Biss corridor</li> <li>• 100m buffer</li> <li>• Green Lane Nature Park extension</li> <li>• Dark corridors through residential areas</li> <li>• Barriers to control access to Biss wood including attenuation ponds and hedgerow/planting barriers</li> </ul>
PC4	<p>CEMP for mixed use development site to cover:</p> <ol style="list-style-type: none"> <li>a) protection of retained habitats;</li> <li>b) creation of new habitats including provision of bat boxes;</li> <li>c) management and monitoring of created and retained habitats (until taken over by Man Co);</li> <li>d) precautionary working method statements and works to be overseen by an ecologist; monitoring requirements and details of frequency of monitoring, thresholds, remedial measures and timescales for remediation</li> <li>e) monitoring requirements for habitats, mitigation features and species including details of frequency of monitoring, thresholds, remedial measures and timescales for remediation (to cover amongst other things, establishment / width of hop-overs and habitat structure / composition of woodland in Biss and Green Lane Woods);</li> <li>f) testing and adjusting lighting in accordance with condition requirements</li> <li>g) compliance procedures including liaison with appointed compliance officer; aftercare management during the construction phase</li> </ol>

PC5	<p>Phasing Plan for delivery of GI including advance planting of hop-overs and barriers to control access to Biss Wood</p> <p>“Prior to the submission of any reserved matters application, separately detailed location plans and an order of delivery schedule for non-phase specific ecology mitigation measures shall be submitted to and approved in writing by the local planning authority. These shall specify where and when the non-phase specific ecology mitigation measures will be provided and/or constructed. The non-phase specific ecology measures are:</p> <ul style="list-style-type: none"> <li>• Enhanced planting between Biss Wood and the River Biss</li> <li>• Planting within the Biss corridor</li> <li>• Planting within the Green Lane Nature Park extension</li> </ul> <p>The development shall be carried out strictly in accordance with the approved phasing plan / location plan and order of delivery schedules”</p>
PC6	<p>Landscape scheme of works for informal open space to be submitted in accordance with:</p> <ul style="list-style-type: none"> <li>• Green Infrastructure and Biodiversity Strategy (Sept 2017);</li> <li>• ES Addendum Volume 1 Figures 6.1 and 6.2 showing details of design of attenuation ponds and buffer between employment and residential land;</li> <li>• Green Infrastructure parameters plan Rev M;</li> <li>• ES Addendum Volume 1 Figures 6.4, 6.17, 6.18 and 6.19 showing details of dark corridors through mixed use development.</li> </ul> <p>A further standard condition will be required to secure the implementation, aftercare and maintenance of the approved landscape schemes.</p>
PC7	<p>Reserved matters applications to include detailed lighting design to demonstrate compliance with:</p> <ul style="list-style-type: none"> <li>• ‘Interim Guidance Recommendations to help minimise the impact of Artificial Lighting’ (Bat Conservation Trust 03/06/14);</li> <li>• ‘Guidance Notes for the Reduction of Obtrusive Light GN01:2011’ published by the Institute of Lighting Professionals;</li> <li>• ES Addendum Volume 1 Figures 6.4, 6.18 and 6.19 showing principles of lighting design;</li> </ul> <p>In addition there will be no lighting above or beneath bridges except at B3 where lighting will be in accordance with Figure 6.17 and 6.20 of the ES Addendum Volume 1.</p> <p>The access road into the employment site will remain unlit other than in accordance with a scheme approved by the Council demonstrating through detailed design and lux plots, that there will be no additional light spill above background levels onto the hedgerow between Biss Wood and Biss Farm.</p> <p>The footway / cycleway between Trowbridge and West Ashton will remain unlit other than in accordance with a scheme approved by the Council demonstrating through detailed design and lux plots, that there will be minimal increase in light levels over background levels.</p>

PC8	<p>Development of the road to be in accordance with the submitted plans:</p> <ul style="list-style-type: none"> <li>• Yarnbrook and West Ashton Relief Road P480/106 Rev F dated 18/08/17 (and the 4 detailed design plans West Ashton Relief Road P480/100 Rev F dated 18/08/17, P480/101 Rev G 18/08/17, P480/102 Rev F 28/07/17 and P480/103 Rev E 18/08/17)</li> <li>• Highway Longsection Drawings P480/117 Rev A dated 07/07/17, P480/114 Rev A dated 07/07/17 and Typical Section H-H through Relief Road with Elevation of Culvert (Drawing P480/108) Rev B dated 07/07/17</li> </ul>
PC9	<p>LEMP (long term management of on-site habitats) for YWARR to include:</p> <ul style="list-style-type: none"> <li>• Hop-overs including 4m high fencing and hedgerows within highway fence</li> <li>• Underpasses including hedgerows within highway fence</li> <li>• Dark corridors (i.e. between roundabouts)</li> </ul>
PC10	<p>CEMP for YWARR to cover:</p> <p>“No development shall take place for the relief road (including demolition, ground works, vegetation clearance) until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the local planning authority to cover the works associated with construction of the relief road. The ‘relief road CEMP’ shall include, but not necessarily be limited to, the following:</p> <ol style="list-style-type: none"> <li>a) protection of retained habitats;</li> <li>b) creation of new habitats;</li> <li>c) management of created and retained habitats (until taken over by Highways Authority);</li> <li>d) monitoring requirements for habitats, mitigation features and species including details of frequency of monitoring, thresholds, remedial measures and timescales for remediation (to cover amongst other things, establishment and width of hop-overs and bat use of underpasses);</li> <li>e) testing and adjusting lighting in accordance with condition requirements monitoring;</li> <li>f) compliance procedures including liaison with appointed compliance officer; aftercare management during the construction phase</li> <li>g) precautionary working method statements and works to be overseen by an ecologist,</li> <li>h) the following specific works in relation to underpasses and hop-overs; <ol style="list-style-type: none"> <li>i. Long and cross sections for each underpass based on site based measurements showing the relative positions of hedgerows, existing ground level, earthworks and underpass</li> <li>ii. The timetable of works required to complete the culvert works incorporating the seasonal ecological constraints</li> <li>iii. A protocol for constructing underpasses and hop-overs including exact timescales, demonstrating removal of as little hedgerow as possible, erection of 4m high bat fencing and establishing new</li> </ol> </li> </ol>

	<p>planting.</p> <p>iv. The programme of construction works to demonstrate how the ecological constraints of the culverts works have been fully integrated into the project programme (i.e. Gantt chart) and how it affects the critical path.</p> <p>The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.</p> <p>A report prepared by the Ecological Clerk of Works certifying that the required mitigation and/or compensation measures identified in the CEMP have been completed to their satisfaction, and detailing the results of site supervision and any necessary remedial works undertaken or required, shall be submitted to the Local Planning Authority for approval within 3 months of the date of substantial completion of the development or at the end of the next available planting season, whichever is the sooner. Any approved remedial works shall subsequently be carried out under the strict supervision of a professional ecologist following that approval.”</p>
PC11	Scheme to be submitted for lighting of YWARR, to be in accordance with Figure 6.17 and 6.20 of the ES Addendum Volume 1.
PC12	Submit revision of PFA drawing P480/101 Sheet 2 of 4 to demonstrate strengthened landscape features on land south of R2 in accordance with NE’s DAS advice. (no need for this condition if information is submitted in advance)
PC13	Design for Visitors Centre to be submitted for approval with the first reserved matters application.
PC14	Before the first reserved matters application for land to the east of the River Biss is approved, details of a circular pedestrian footpath route which will be at least 3km long linking the Green Lane Nature Park with the River Biss and minimising the use of roads, will be submitted for planning authority approval. Details of the footpath will include the route taken through the development, its width, fencing requirements, surfacing, signposting and phasing. The Works will be completed in accordance with the details thus approved and before 50% of the dwellings included in the first reserved matters application on land to the east of the River Biss are occupied
PC15	<p>Prior to the submission of any reserved matters application, details of the location, design, species, planting layout, fencing and aftercare requirements of the following ecological protection and mitigation features will be submitted to and approved by the local planning authority:</p> <ul style="list-style-type: none"> <li>• attenuation ponds;</li> <li>• boundary between residential and employment land;</li> <li>• boundary between employment land and the Green Lane Nature Park / 100m ecological buffer;</li> <li>• boundary between Biss Wood and the 100m ecological buffer;</li> <li>• provision of planting and fencing for bat hop-overs along the YWARR</li> <li>• Strengthening the existing hedgerow alongside West Ashton Road on the south west side of Biss Woods with thorny planting and fencing</li> </ul>



	The development will be carried out strictly in accordance with the approved details within the first available planting season following approval and before first commencement. Once in place, the ecological protection features will be maintained at all times to provide an effective barrier to public access.
PC16	The outline element of development hereby approved shall make provision for the following: Up to 2,500 dwellings of which no more than 300 (including within the local centre) are to be provided on the north-east side of West Ashton Road
PC17	Submission and implementation of a scheme to be approved by the planning authority demonstrating effective marketing of the employment site.
PC18	Mitigation and Monitoring Implementation and Review Plan to be provided before works commence

### LEGAL AGREEMENT(S)

LA1	Establishment, role and duties of management company to take over management of informal open space including GI which is not conveyed to WWT. Depending on final funding arrangements, clauses required to secure adequate funding for WWT to deliver management on land which is transferred to it under the agreement.
LA2	Secure all items in agreement between WWT, developers and the Council dated ** including: <ul style="list-style-type: none"> <li>• specification for the ecological visitor facility and delivery timescale before occupation of the 300<sup>th</sup> dwelling or within two years of 1<sup>st</sup> occupation whichever is the sooner;</li> <li>• provision and funding for visitor facility and its reasonable maintenance;</li> <li>• land transfer arrangements for the visitor facility and land identified for transfer to WWT</li> <li>• funding for replacement of capitol works;</li> <li>• funding for long term management of newly created habitat;</li> <li>• funding for agreed management, monitoring and remedial works triggered by the monitoring scheme;</li> <li>• provision of full time warden</li> </ul>
LA3	Management plan for Green Lane and Biss Woods to be revised to include: <ul style="list-style-type: none"> <li>• Include an account of the role the site plays in achieving the conservation objectives of the Bath and Bradford on Avon Bats SAC, and a specific objective to maintain the population of Bechstein's bats through maintenance of the structure and function of the habitats within the plan area</li> <li>• Incorporate all relevant land transfers to WWT and commit the trust to managing these in line with the objectives of the revised plan</li> <li>• Define the operating constraints for the ecological visitor centre and car</li> </ul>

	<p>parking arrangements which arise from the potential for recreational pressure to reduce the value of the site for Bechstein's bats</p> <ul style="list-style-type: none"> <li>• Set out types and levels of acceptable amenity and educational use and the means by which these will be monitored and reviewed.</li> <li>• Set out what constitutes acceptable and unacceptable fire making and a protocol to be followed to minimise and deal with the latter.</li> <li>• Include an objective regarding the maintenance, and where necessary, replacement, redesign and / or repositioning of bat boxes for Bechstein's bat use.</li> <li>• Recognise the role of the Steering Group in reviewing the implementation of relevant aspects of the management plan, monitoring results and implementation of remedial measures.</li> <li>• Anticipate the potential effects of increased visitor numbers and identify monitoring to be undertaken, thresholds for unacceptable change and remedial measures. Most of this information will be contained in information to be submitted by the developer to fulfil planning conditions and will cover monitoring Bechstein's bat population, negative physical effects in the woodlands and habitat structure / composition.</li> </ul> <p>Management Plan to be implemented by WWT with governance of relevant elements by the steering group.</p>
LA4	<p>Provide compliance officer (ecologist) on approval of the first reserved matters application or before works commence (i.e. road) whichever is the sooner. The legal agreement will identify the recruitment and employment arrangements for this post and the Councils approach to enforcement in relation to matters required to ensure compliance with the Habitats Regulations. A bond will be retained against non-delivery of high risk mitigation measures against an agreed timeframe consistent with the phasing plan.</p>
LA5	<p>No public access to be granted to, within or through agricultural land identified for employment use other than to areas which have been developed for that purpose. Appropriate measures to be used at all times including effective fencing, gates, signage and other means as necessary to deter the public from gaining access. An impenetrable barrier will be maintained between housing and employment land on the east side of West Ashton Road until at least 75% of the employment site has been completed at which point a public footpath will be provided between the two which will breach the impenetrable barrier at a single point.</p>
LA6	<p>Details of Steering Group including terms of reference, membership and frequency of meetings to be set out in the legal agreement with inaugural meeting held before works commence. Terms of reference to include reviewing work programme for the full time warden and the results of monitoring.</p>
LA7	<p>Bond secured against non-delivery / delays of works required to secure favourable conservation status of the SAC under the appropriate assessment dated 29 December 2017 i.e. all GI, measures to minimise severance and measures manage public access to the woodlands</p>



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## **ASHTON PARK TROWBRIDGE**

### **Principles agreed between Wiltshire Council, the Applicants and Wiltshire Wildlife Trust over mitigation and monitoring to offset the effects of recreational pressure on Bechstein's bats**

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The following matters which have a bearing on the Habitats Regulations Assessment for Ashton Park are agreed between Wiltshire Council, Wiltshire Wildlife Trust and the Applicants.

Ecology Technical Note 1, Mitigation Measures (11 August 2016), Ecology Technical Note 3, Outline Monitoring Framework (4 August 2016) and Ecology Technical Note 6, Outline Monitoring Framework for YWARR (26 July 2016) were prepared by Aspect Ecology to support the submission masterplan. These documents will be revised to take account of the revised masterplan, the transition from hop-overs to underpasses along the Yarnbrook to West Ashton Relief Road and WWT's observations before the application is determined. In particular, the option to prevent access to Green Lane and Biss Woods will not exist while they are under WWT ownership and bylaws are unlikely to be enforceable. Options to replace bat boxes with more robust and / or discrete roosts in less accessible places will therefore be considered as remedial action for worst case scenarios.

A Steering Group will be established once the application has been determined which will have oversight of the implementation of TN1, TN3 and TN6 in order to ensure the timely delivery of mitigation, monitoring and remedial measures during and post construction. Minutes of meetings will be circulated and a joint site visit will be held once a year. Terms of reference and membership will be agreed before commencement.

Membership will include:

- WWT – responsible for managing Green Lane Wood, Biss Wood and ecological open space transferred into WWT ownership or Management Company. The precise land to be transferred to be agreed.
- WWT Warden – responsible in accordance with job description
- Council Ecologist - responsible for discharging Ecology conditions, completing HRA for Reserved Matters applications and enforcement
- Applicants' Compliance Ecologist – responsible for timely delivery of mitigation and monitoring, liaison with Steering Group members
- Applicant or anyone they choose to nominate

Other members will be considered, either for permanent membership when Terms of Reference are agreed or to support the Steering Group on occasions as necessary. Typical candidates may include:

- Resident's representative
- Management Company representative
- Technical experts as and when required
- Natural England

A timetable for all green infrastructure planting will be agreed before the first reserved matters application is submitted and will be secured by relevant planning conditions/S106

The Section 106 will secure:

- Long term management of nature park extension and GI landscape works
- Provision and reasonable maintenance of the Ecological Visitors Facility
- Replacement of capital works
- Remedial works triggered by TN3

The mechanism by which funds for remedial measures will be ring-fenced and released, will be agreed between the Applicants and the Council as part of the S106 and with WWT under a separate agreement.

A full time equivalent warden will be appointed and will start work before the occupation of the first dwelling. The warden will be engaged full time in activities within the woodlands and open space complex or in schools within 2km of the woodlands. WWT's agreed location for the Ecological Visitors Facility is off Leap Gate next to the attenuation ponds on the revised Masterplan. The specification for the Ecological Visitor's Facility will be attached to the S106 and will deal with the overall parameters e.g. size of building, size of site, number of car parking spaces etc as agreed with WWT. WWT and the Applicants will agree the full financial costs and mechanism by which the Facility will be built and it will be completed before occupation of the xx (TBC) dwellings. The Facility will not be designed to draw people from outside South Trowbridge and will promote informal access of the open spaces rather than the woodlands.

WWT is amenable to using a fence and robust thorny planting along the sides of Green Lane and Biss Woods to prevent unauthorised access routes being opened up.

WWT will amend its Management Plan(s) for Green Lane and Biss Wood to incorporate measures arising from TN1 and TN3 and will provide a copy of the revised plan for Planning Authority approval. The revised plans will also include the following commitments:

- Unsupervised informal fires (not burning of brash etc. from routine management), camp building, BBQs will never be tolerated as part of the management plan.
- Amenity and educational use of the woodlands will be recorded and kept under review to provide data on all potential sources of human disturbance. If bat monitoring suggests human disturbance could be contributing to impacts, remedial strategies will be reviewed with the Steering Group or Wiltshire Council Ecologists, implemented and monitored.
- Where monitoring demonstrates boxes are vulnerable to being lost, alternative roost designs and locations will be agreed with the Steering Group or Wiltshire Council Ecologists.

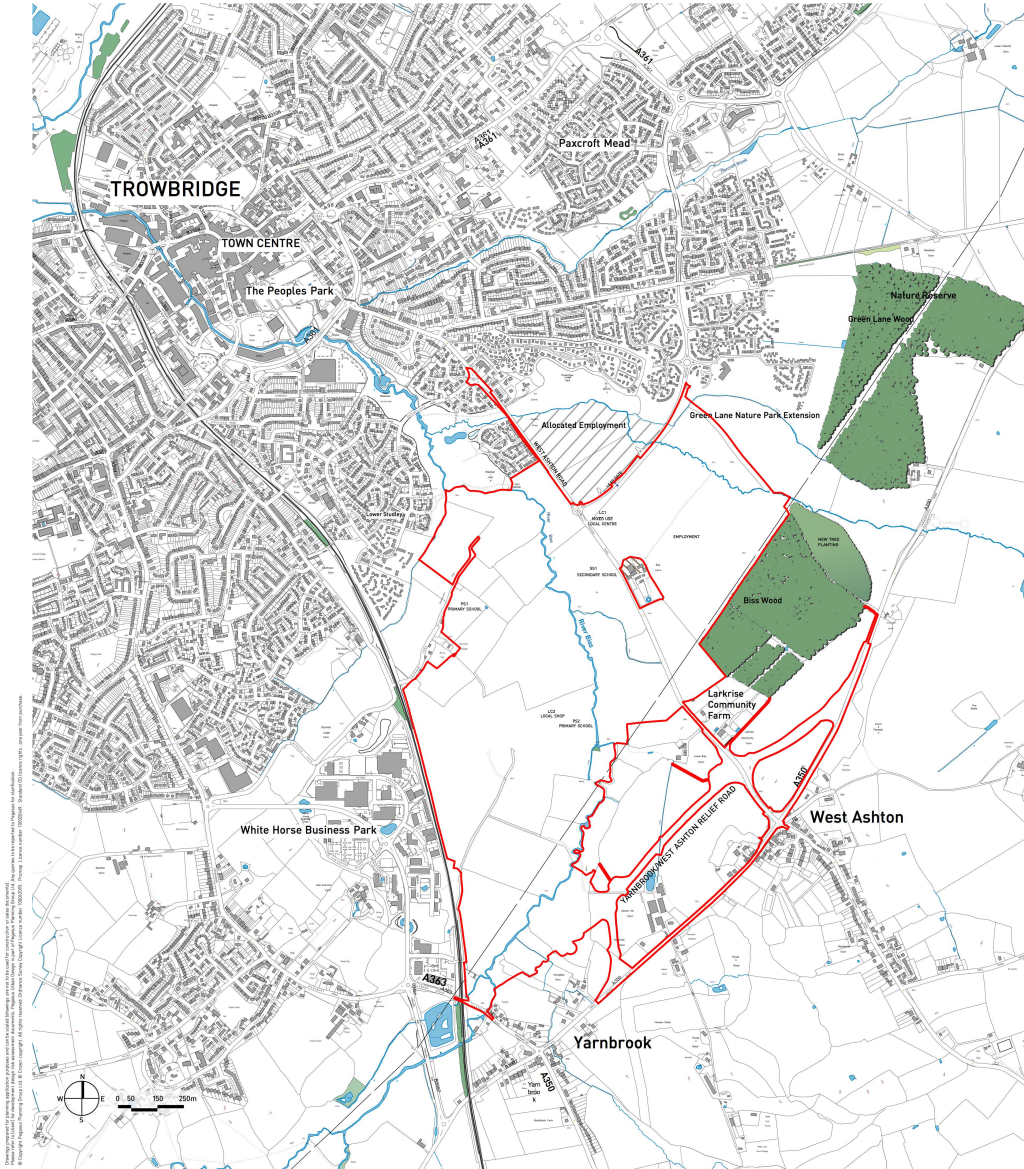
The amount of car parking currently available to WWT members will not be increased above existing levels, although the location may change from the existing site off the A350. Specific car parking and toilet facilities will not be provided to facilitate informal recreational access.

Funds obtained from the Applicants and rent charges on properties will be ring-fenced for delivery of the agreed measures.

The Applicants will provide a Compliance Ecologist on approval of the first reserved matters application for the duration of the construction period.

LK/31/01/17

Final amendments made following comments by the Applicants and WWT on 8 March 2017  
Further final amendments made following comments from Glenn Godwin and Stephen Davis in separate emails both dated 10.03.17



KEY  
 SITE LOCATION

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