

## NORTHERN AREA PLANNING COMMITTEE ADDITIONAL INFORMATION

15<sup>th</sup> February 2017

This is information that has been received since the committee report was written. This could include additional comments or representation, new information relating to the site, changes to plans etc.

### **ITEM 7) THE WILTSHIRE COUNCIL PARISH OF BOX 107A, 107B AND 107C RIGHTS OF WAY MODIFICATION ORDER 2016**

#### **Late Representation**

Following the observations made in respect of the objection to the Order contained in the Officer report, a further email has been received from the applicant's consultants raising the following points:

- From 1975 to 1995 use of the way has not been as of right. Access was by force as there were no gates or stiles. The woodland was used for grazing and gates were kept locked.
- From 1975 to 1995 recollections are unpersuasive.
- From 1975 to 1995 users are motivated to protect the woodland
- From 1995 to 2015 The owner created a permissive path.
- From 1995 to 2015 padlocks were in place between points A and B.
- From 1995 to 2015 programme sellers at event challenged walkers.
- From 1995 to 2015 Committee minutes confirm there was no intention to dedicate a public footpath.

#### **Officer Response**

Having reviewed the content of the e.mail the rights of way officers comments are:

- 1) Nothing in the document raises new evidence that has not been addressed in the officer report to Committee.
- 2) Wiltshire cannot fail to proceed with this Order which must be sent to the Secretary of State for Environment, Food and Rural Affairs (SoSEFRA) for determination.
- 3) Once the Order has been submitted to SoSEFRA an independent inspector will be appointed to determine the case and the objector will get a full opportunity to present their case. It is considered likely that they will also get an opportunity to cross examine witnesses.
- 4) A copy of the e.mail referred to above will be submitted to SoSEFRA with the Order.

Accordingly the recommendations of the officers remain unchanged and thus the recommendation is retained.

### **ITEM 8A) – 15/10682/FUL MARDEN FARM ROOKERY PARK CALNE**

#### **Officer Update**

Confirmation has now been received from the Council's Solicitor that the S106 agreement associated with this application has now been completed (as of late 14/02/17). Accordingly,

there is no need for the Committee to resolve upon the recommendations contained within the Case Officer's report to the Committee.

The planning permission is to be issued imminently.

### **ITEM 8C) 16/09353/FUL – LONDON STREETWORKS, BOX**

#### **Officer Update**

For clarity it should be noted that the proposal does not strictly accord with Policy CP58 of the Wiltshire Core Strategy, but given the less than substantial harm to heritage assets identified, para 134 of The NPPF is engaged given this and other material considerations, in particular the significant benefits arising as set out in the report, permission is recommended.

### **ITEM 8D) 16/09314/OUT - LAND AT BROCKLEAZE, NESTON**

#### **Late representations**

Following the observations made in respect of ecology in the Officer report, a further email has been received from the applicant's consultants raising the following points:

- Surveys undertaken provided no indication of protected species other than low levels of use by Lesser Horseshoe Bats;
- The overgrown condition of the site has potential to support low level use by reptiles migrating from the surrounding countryside;
- Some such species are protected by law and precautionary mitigation measures are proposed accordingly;
- Precautionary measures also recommended in respect of common bird species;
- Buildings likely to be used as roost sites for Lesser Horseshoe Bats;
- Considered that overall use by bats unlikely to have changed since earlier survey several years prior, although one identified roost no longer likely to be suitable due to deterioration of buildings;
- The evidence of use detected suggested no intensive use of buildings or recent use as a Summer roost; and
- The development proposes a secure dedicated roost for Lesser Horseshoe Bats, which will at least provide a temporary transitional roost.

#### **Officer Response**

Having reviewed the content of the email, the County Ecologist comments as follows:

##### Reptiles

*The email still provides no indication of whether reptiles are present or not, in what numbers, or how widespread across the site. I disagree with the statement that 'the proposed development includes areas of greenspace which could provide suitable habitat and cover for widespread reptile species'; the development proposals do not include any areas of 'green' space other than very small garden plots which are highly unlikely to include any suitable areas of unmanaged grassland and scrub that would be needed to support reptiles species.*

##### Bats

*There are still no details of how bats use the site for commuting or foraging, replacements roosts or lighting requirements as previously requested. There is insufficient information for the Council to carry out a Habitats Regulations Assessment of the effects of the proposals*

*upon the Bath and Bradford Bats SAC, and if I was to carry out such an assessment it would almost certainly fail on the basis of uncertainty.*

*On this basis I maintain my objection to the application and reason for refusal previously proposed.”*

Accordingly the recommendations in respect of ecology remain unchanged and thus recommended Reason for Refusal 3 is retained.