

AGENDA

Meeting: Strategic Planning Committee

Place: Council Chamber - County Hall, Bythesea Road, Trowbridge, BA14 8JN

Date: Thursday 23 January 2025

Time: 10.30 am

Please direct any enquiries on this Agenda to Tara Hunt of Democratic Services, County Hall, Bythesea Road, Trowbridge, direct line 01225 718352 or email tara.hunt@wiltshire.gov.uk

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

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Membership

Cllr Howard Greenman (Chairman)

Cllr Christopher Newbury (Vice-Chairman)

Cllr Ernie Clark

Cllr Adrian Foster

Cllr Carole King

Cllr Stewart Palmen

Cllr Pip Ridout

Cllr Jonathon Seed

Cllr James Sheppard

Cllr Elizabeth Threlfall

Cllr Robert Yuill

Substitutes:

Cllr Helen Belcher OBE

Cllr Richard Britton

Cllr Steve Bucknell

Cllr Clare Cape

Cllr Ruth Hopkinson

Cllr George Jeans

Cllr Dr Nick Murry

Cllr Andrew Oliver

Cllr Nic Puntis

Cllr Bridget Wayman

Cllr Stuart Wheeler

Cllr Graham Wright

Cllr Tamara Reay

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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](#).

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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 - 70)

To approve and sign as a correct record the minutes of the meeting held on 11 December 2024.

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 **no later than 10.20am on the day of the meeting**. If it is on the day of the meeting registration should be done in person.

The rules on public participation in respect of planning applications are linked to 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. Representatives of Parish Councils are included separately in the speaking procedure, please contact the officer listed for details.

Members of the public and others will have had the opportunity to make representations on planning applications and other items on the agenda, and to contact and lobby their local elected member and any other members of the planning committee, prior to the meeting.

Those circulating such information prior to the meeting, written or photographic, are advised to also provide a copy to the case officer for the application or item, in order to officially log the material as a representation, which will be verbally summarised at the meeting by the relevant officer, not included within any officer

slide presentation if one is made. Circulation of new information which has not been verified by planning officers or case officers is also not permitted during the meetings.

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 Thursday 16 January 2025 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 Monday 20 January 2025. 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 Planning Appeals and Updates

To receive details of completed and pending appeals, and any other updates as appropriate.

Planning Applications

To consider and determine the following planning applications.

7 PL/2023/11188 - Land at Blackmore Farm, Sandridge Common, Melksham, SN12 7QS (Pages 71 - 164)

Demolition of agricultural buildings and development of up to 500 dwellings; up to 5,000 square metres of employment (class E(g)(i) & class E(g)(ii)); land for primary school (class F1); land for mixed-use hub (class E / class F); open space; provision of access infrastructure from Sandridge Common (A3102); and provision of all associated infrastructure necessary to facilitate the development of the site (Outline application relating to access)

8 PL/2023/08640 - Land South of Stanley Lane, Chippenham (Pages 165 - 212)

Outline planning application for the development of up to 150 residential dwellings with associated parking, green infrastructure, engineering works and other infrastructure with all matters reserved except access.

9 PL/2023/08481 - Land at Red Barn, East of Kington St Michael, Chippenham (Pages 213 - 306)

Development of a solar farm of up to 40MW ac of export capacity, comprising the installation of solar photovoltaic panels, associated infrastructure and

associated works including grid connection.

10 **PL/2024/06897 - Land off Sherston Road, Malmesbury** (Pages 307 - 334)

Application for outline planning permission for up to 55 residential units (all matters reserved other than access)

11 **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

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Strategic Planning Committee

MINUTES OF THE STRATEGIC PLANNING COMMITTEE MEETING HELD ON 11 DECEMBER 2024 AT COUNCIL CHAMBER - COUNTY HALL, BYTHESEA ROAD, TROWBRIDGE, BA14 8JN.

Present:

Cllr Howard Greenman (Chairman), Cllr Ernie Clark, Cllr Adrian Foster, Cllr Carole King, Cllr Stewart Palmen, Cllr Jonathon Seed and Cllr Elizabeth Threlfall

Also Present:

Cllr Chuck Berry, Cllr Ian Blair-Pilling, Cllr Nick Botterill, Cllr Trevor Carbin and Cllr Tony Jackson

71 **Apologies**

Apologies for absence were received from the following:

- Cllr Chirstopher Newbury
- Cllr Pip Ridout
- Cllr James Sheppard
- Cllr Rob Yuill

72 **Minutes of the Previous Meeting**

The minutes of the previous meeting were presented for consideration, and the Chairman noted that for minute number 68, related to 20/06554/FUL - Land At Empress Way, Ludgershall, Wiltshire, there were 2 instances where what was recorded in the resolution was different to what was contained in the agenda reports. These instances were:

- Within the heads of terms for the S106 agreement, the figure stated for Waste & Recycling Facilities was £17,290 within the agenda report, this was updated to £19,190 in the resolution in the minutes. This was due to an increase in fees. This could be seen at page 10 of the agenda pack; it had been noted within the minutes that the figure was different.
- The plans list at the end of the conditions (pages 19-22 in the agenda pack) was different to that published with the agenda due to an administrative error. Again, this had been noted within the minutes. The applicant was aware.

Members had no comments on the minutes, and it was,

Resolved:

To approve and sign the minutes of the meeting held on 22 October 2024 as a true and correct record, subject to the noted amendments.

73 **Declarations of Interest**

Cllr Ernie Clark stated that for the Trowbridge leisure centre application (PI/2024/08255, Land at the former East Wing Site, Bythesea Road, Trowbridge, BA14 8 JN), he had received a leaflet at his home address recently regarding the leisure centre, whereby the leaflet stated that the proposed leisure centre was being promoted by the Wiltshire Conservative Cllr group, on behalf of Wiltshire Conservative Cllrs, and stated that the Conservatives were investing £25 million into the new leisure centre. Cllr Clark raised concern over this publication given that the application had not yet been reported to committee or given permission, and asked the Chairman if that would mean that all the Conservative Cllrs forming part of the Committee were predetermined.

Some of the Conservative Cllrs on the Committee responded by confirming that they had not seen the leaflet and would consider the application with an open mind, regardless of what was stated in the leaflet.

Advice was sought from the legal officer in attendance. Sarah Hickey, Council Solicitor, who advised the Committee that the financial issues relating to the leisure centre were a separate (non-planning) matter and invited all Committee Cllrs to only consider the planning merits of the application and come to their own decision.

The Chairman summarised that if everyone approached the application with an open mind that would be acceptable, and the legal officer agreed.

There was some further discussion, with Cllr Clark highlighting that the leaflet seemed to suggest that the leisure centre had been approved already, and that Conservative Cllrs needed to state that they had an open mind.

The legal officer reiterated that it was for every Member of the Committee to reach their decision based on the planning application that was being presented.

The Chairman asked whether anyone had concerns relative to determining the application with an open mind, and no one responded.

74 **Chairman's Announcements**

The Chairman announced that there were mince pies on the table outside the Council Chamber for attendees as this was the last meeting of the Committee prior to Christmas.

75 **Public Participation**

The procedure for public participation was noted.

76 **Planning Appeals and Updates**

The Chairman noted that as well as the usual planning appeals report, under this item there were a couple of planning updates as well. Both of those items had been to Strategic Planning before and there were updates to conditions to be noted.

77 **Planning Appeals**

Kenny Green, Planning Manager, spoke to the appeals report and highlighted the appeal detailed in the agenda report, for PL/2023/07368, Land At Old Sarum Airfield, Old Sarum, Salisbury, Wilts, SP4 6DZ, which had been refused planning permission at the [14 August 2024 Strategic Planning Committee](#). The Committee was informed that this appeal would be heard as a planning inquiry held which was scheduled to start on 18 February 2025.

A further update was given on another appeal for application PL/2021/09013, Land West of Westbury Road, Warminster, pertaining to a refused application for 205 dwellings which had come to the [6 March 2024 Strategic Planning Committee](#). Members were informed that the Inquiry for that appeal commenced in October, however the inspector had adjourned the inquiry to allow the appellant and the Council to submit more detail to the Inspector to assist him in his understanding of the appealed development including matters relating to ecology, public health and flood risk. There was also a question raised by the inspector to the appellants as to whether the appeal was valid in the first place. Members were further informed that a 3-day session has been scheduled for the appeal to be re-opened in mid-January 2025.

78 **PL/2022/04875 - Land at Salisbury Retail Park, London Road, Salisbury, SP1 3YX - UPDATE ON ADJUSTED BNG AREAS**

Public Participation

Adam Cundale (applicant) spoke in support of the proposal.

Kenny Green, Planning Manager, presented the item. It was explained that he was not the case officer but was covering the item as the case officer was involved with a meeting with the Planning Inspectorate regarding the aforementioned Old Sarum Airfield appeal.

Firstly, members attention was drawn to agenda supplement 1, which contained the final officer recommendation, which was to note the updates to the Biodiversity Net Gain (BNG) provision and subsequent changes to the S106 and conditions.

It was further explained that under the planning scheme of delegation (in [Part 3, section D3 of the constitution, para 1.13](#)), officers were able to adjust the legal agreement and conditions, providing the modifications were in line with the principles of the Committee's decision, and that changes would be reported back to a subsequent meeting of the Committee. As such, officers wanted to the Committee to note the update.

The officer stated that there had been no changes at all to the development site. However, the location for the off-site BNG provision located within the adjacent country park had changed slightly. Although not mandated to provide 10% BNG at all due to the date of the application submission, members were informed that the applicant wanted to do so.

Following endorsement of the application at the [17 April 2024 Strategic Planning Committee](#), further survey work was undertaken to survey the parcels of land within the country park adjoining the application site, that were previously identified for BNG provision.

Following the surveys, it was revealed that the land parcel to the north of the site was of higher quality than was previously thought, and as such delivering BNG on such a land parcel was no longer supported. Therefore, a different parcel of land within the country park close to the previously identified southernmost land parcel was identified to deliver the off-site 10% BNG, and this was presented to the Committee as part of the application update.

The officer then highlighted late correspondence officers had received from Cllr Ian McLennan, representing the Laverstock division, who advised he would be unable to attend the meeting, and emailed his thoughts to officers. The email was read out by the officer.

In summary Cllr McLennan referenced the environmental impacts and supported the updated proposals, although he referenced additional funding being required for transport/highways improvements, in relation to the crossing point at the A30 junction with Church Road, and Automatic Number Plate Recognition (ANPR) provision for Milford Mill Road.

At this point the officer explained to members that the application when it was previously reported to Committee had previously established the reasonable and necessary developer obligations in terms of sums of money to be paid by the developer when tested against the three legal tests. Moreover, Members were informed that the S106 legal agreement had reached a very advanced stage, and Members were informed it would be unreasonable to add further obligations to the agreement at this very late stage.

Members were advised that there was no substantiated requirement for new or further obligations, and the late request would materially deviate from that which was previously endorsed by the Strategic Planning Committee.

Furthermore, Members were reminded that this item was being presented as an update report, and it was not considered reasonable to add additional funding burdens on the developer given the unsubstantiated, uncosted request, which also appeared to have no local highway authority participation.

Members were however advised that the request could be brought forward through different funding avenues, and it was suggested that Members note

Cllrs McLennan's request, but it would be for other funding streams to be used should the two identified highway improvements be considered necessary.

Members then had the opportunity to ask technical questions. In response it was confirmed that the applicant did not own the land where the off-site BNG parcels were to be located, and it was confirmed that applicant was committed to providing some on site BNG but that would not result in a 10% betterment, and through their separate engagement with the Land Trust that had a 99 year lease to maintain the Castle Hill Country Park, the off-site BNG provision was not objected to. Moreover, members were informed of a letter that officers had received from The Land Trust that set out their support for the applicant's commitment to deliver the BNG enhancement within the country park.

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

Cllr Adrian Foster, seconded by Cllr Jonathon Seed, proposed the officer recommendation, and to additionally note the division Member's (Cllr McClennan's) suggestions.

During debate Members queried whether they could do more than just noting the division Members suggestions, such as sharing them with the highways team as a possible use for Community Infrastructure Levy (CIL) funds.

Following the debate it was,

Resolved:

That Members note:

- **Cllr Ian McLennan's request for additional highways improvements, in relation to the crossing point at the A30 junction with Church Road, and Automatic Number Plate Recognition (ANPR) provision for Milford Mill Road, although the officer had explained it would not be possible to add this to the S106 at this point.**
- **The report, adjustments to the Biodiversity Net Gain Provision, the change to the S106 agreement heads of terms criteria D and the consequent change to condition 2 (highlighted)**

D) OFF SITE BIODIVERSITY MITIGATION

A SCHEME TO SECURE THE OFF SITE ECOLOGICAL MITIGATION/BIODIVERSITY LAND AT THE ADJACENT RIVERDOWN PARK/CASTLE HILL SITE IDENTIFIED IN THE SUBMITTED OFF-SITE BIODIVERSITY NET GAIN REPORT, AND THE MANAGEMENT AND MAINTENANCE PLAN DATED 19TH NOVEMBER 2024 BY LAND TRUST, REPORT REFERENCE 22714

AND SUBJECT TO THE FOLLOWING ADJUSTED CONDITIONS:

- 01 The development hereby permitted shall begin no later than three years from the date of this decision.

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.

Approved details

- 02 Unless otherwise specified by the subsequent conditions, the development shall be carried out in accordance with the following approved plans and details:

Ref: 0000_01 Rev P8- Location Plan
Ref: 0000_02 Rev P8- Existing Site Plan
Ref: 0000_04 Rev P20 Proposed site layout
Ref: 0000_05 Rev P6- Asda Store- Ground Floor Layout
Ref: 0000_06 Rev P7- Asda Store- Proposed Roof Plan
Ref: 0000_07 Rev P4- Proposed Site Sections
Ref: 0000_08 Rev P7- Asda Store- Elevations
Ref: 0000_09 Rev P5- Asda Store- Elevation Callouts
Ref: 0000_10 Rev P4- Click and Collect structure
Ref: 0000_30 Rev P3- Petrol Filling Station floor Plan
Ref: 0000_31 Rev P2- Petrol Filling Station Elevations
Ref: 0000_32 Rev P2- Petrol Filling Station Roof Plan
Proposed Landscaping Scheme Drawing No. 04 Rev L

Biodiversity

Biodiversity Metric 3.1 V6

Biodiversity Net Gain Plan Rev F. 5th December 2023.

Highways Plans - Proposed modifications to site access and Pearce Way:

Drawing 001 Rev A (Site Plan showing all areas of works)
Drawing 002 Viewport 01
Drawing 003 Viewport 02
Drawing 004 Viewport 03
Drawing 005 Rev A Viewport 04

REASON: In order to ensure that the scheme is constructed in accordance with the details previous agreed.

Materials and landscaping

- 03 No external materials or external facade works shall take place/be applied until full details or samples of the materials for the external elevations of the buildings and walling, have been submitted to and

approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

No landscaping works shall take place until a scheme detailing the hard and soft landscaping has been submitted to and approved by the LPA. This should include details of surface materials; shrub and tree planting including details of tree pits confirming that such pits will be adequate to allow the trees to flourish; and details of times of planting, species and size. The landscaping shall be carried out and maintained in accordance with the approved scheme.

REASON: In the interest of visual amenity of the site and surrounding area.

Restrictions on operation of use

- 04 The retail supermarket store shall not be open to the public (trading hours) other than between the hours of Monday to Saturday: 0700 hrs to 2300 hrs and Sunday: a maximum six-hour period between 0900hrs to 1700hrs

REASON: In the interests of amenity.

- 05 The drive-through coffee shop shall not be open to the public (trading hours) other than between the hours of Monday to Saturday: 0700 hrs to 2300 hrs and Sunday: 0900hrs to 2000hrs

REASON: In the interests of amenity

- 06 Petrol filling station tanker deliveries will only take place between 0700hrs and 2100hrs Monday to Sunday. There shall be no tanker deliveries outside of these times.

REASON: In the interests of amenity.

- 07 The jet wash, air, water and vacuum units associated with the petrol filling station shall only operate between 0900hrs and 1800hrs Monday to Sunday. They shall not be operational outside of these times.

REASON: In the interests of amenity.

- 08 No deliveries shall be made to, or waste collections made from, the petrol filling station or coffee drive through hereby approved except between the hours of 0800hrs and 2100hrs Monday to Sunday.

REASON: In the interests of amenity.

- 09 No construction or demolition work shall take place on Sundays or Public Holidays or outside the hours of 0800hrs to 1800hrs Monday to Friday and 0800hrs to 1300hrs on Saturdays.

REASON: In the interests of the protection of amenity.

10 No development shall commence on site including demolition, ground works/excavation, site clearance, vegetation clearance and boundary treatment works, until a Construction and Environmental Management Plan has been submitted to and approved in writing by the local planning authority. The plan shall include details of the measures that will be taken to reduce and manage the emission of noise, vibration and dust during the demolition and/or construction phase of the development. It shall include details of the following:

- i. The movement/routing of construction vehicles;**
- ii. Construction staff parking**
- iii. The cutting or other processing of building materials on site;**
- iv. Wheel washing and vehicle wash down facilities;**
- v. The transportation and storage of waste and building materials;**
- vi. The recycling of waste materials (if any)**
- vii. The loading and unloading of equipment and materials**
- viii. The location and use of generators and temporary site accommodation**
- ix. Where piling is required this must be Continuous flight auger piling wherever practicable to minimise impacts**
- x. Details of the avoidance, mitigation and protective measures to be implemented before and during the construction phase, including but not necessarily limited to, the following:**
 - a. Identification of ecological protection areas/buffer zones and tree root protection areas and details of physical means of protection, e.g. exclusion fencing. This is particularly pertinent to the hedgerow, trees and buffer area along the western edge of the site and the southern and eastern areas set aside for grassland creation and enhancement.**
 - b. Working method statements for protected/priority species, such as nesting birds and reptiles.**
 - c. Mitigation strategies already agreed with the local planning authority prior to determination, such as for great crested newts, dormice or bats; this should comprise the pre-construction/construction related elements of strategies only.**
 - d. Work schedules for activities with specific timing requirements in order to avoid/reduce potential harm to ecological receptors; including details of when a licensed ecologist and/or ecological clerk of works (ECoW) shall be present on site.**
 - e. Key personnel, responsibilities and contact details (including Site Manager and ecologist/ECoW).**
 - f. Timeframe for provision of compliance report to the local planning authority; to be completed by the ecologist/ECoW and to include photographic evidence.**

The exact prescriptions of the CEMP should be drawn from the submitted Ecological Assessment Report by Encon Associates (Revision E) dated 20/12/23 and based on the Tree Survey Report and AIA Method Statement Rev B Dated 12/5/2022 By Encon.

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

REASON: In the interests of the protection of amenity and to ensure adequate protection and mitigation for ecological receptors prior to and during construction, and that works are undertaken in line with current best practice and industry standards and are supervised by a suitably licensed and competent professional ecological consultant where applicable.

- 11 Prior to the installation of any air extraction system which discharges air that is likely to be odorous, including from food or drink preparation rooms, a scheme of works for the control and dispersal of atmospheric emissions, and in particular odours has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full before the development is first brought into use and shall be maintained in effective working condition at all times thereafter.**

REASON: In the interests of the protection of amenity. In discharging this condition, the applicant should ensure that the ventilation system discharges vertically at a height of at least 1m above the height of any nearby sensitive buildings or uses and not less than 1m above the eaves. We also recommend the applicant consults EMAQ ref "Control of odour and noise from commercial kitchen exhaust systems.

- 12 No building shall be occupied until an assessment of the acoustic impact arising from activities within the enclosed warehouse and any fixed plant associated with main supermarket, Petrol Filling Station shop and the Coffee Drive Through is undertaken in accordance with BS 4142: 2014 +A1:2019, and that assessment has been submitted to the Local Planning Authority together with a scheme of attenuation measures to demonstrate the rated level of noise shall not exceed background and is protective of local amenity.**

The assessment is to be based on the background levels (L_{A90T}) recorded in the predevelopment noise survey, as provided in Table 1 of the submitted Acoustic Consultancy Partnership Ltd report ref 11679, dated 16th May 2022.

The scheme shall be submitted to and approved in writing by the Local Planning Authority. A post installation noise assessment shall be carried out within 3 months of completion of the development to confirm compliance with the noise criteria and additional steps required

to achieve compliance shall be taken, as necessary. The assessment shall provide confirmation of the as installed details, with calculated noise levels updated as necessary. The details as approved shall be implemented prior to occupation of the development and thereafter be permanently retained.

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

Customer trolleys

- 13 Before the retail use hereby permitted first comes into operation, a scheme to restrict the removal of customer trolleys from the retail park site shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved scheme.

REASON: To limit the impact of the development on adjacent residential amenity

Landscape and Ecological Management Plan (LEMP)

- 14 Prior to the start of construction, a Landscape and Ecology Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority. The LEMP will include long term objectives and targets, management responsibilities and maintenance schedules for each ecological feature within the development, together with a mechanism for monitoring success of the management prescriptions, incorporating review and necessary adaptive management in order to attain targets.

The LEMP shall be implemented in full and for the lifetime of the development in accordance with the approved details.

REASON: To ensure the long-term management of landscape and ecological features retained and created by the development, for the benefit of visual amenity and biodiversity for the lifetime of the scheme.

Lighting

- 15 Notwithstanding the information and details within the submitted Lighting Statement by DDA dated 25th March 2022, prior to the installation of any lighting, a complete Lighting Strategy for the site, which contains lux contour plots demonstrating that light levels of 0.5 Lux or less can be achieved at the edges of key habitat features, together with location, type and model of all lighting units to be installed, shall be submitted to and approved in writing by the Local Planning Authority. The lighting scheme shall be carried out in accordance with the agreed scheme.

REASON: In the interests of conserving biodiversity.

Contamination

- 16 In accordance with conclusions of the submitted Preliminary Risk Assessment report, (Preliminary Risk Assessment by DTS Raeburn Ltd November 2021), no development shall commence on site until a more detailed site investigation and risk assessment has been carried out in accordance with DEFRA and Environment Agency's "Model Procedures for the Management of Land Contamination CLR11" and other authoritative guidance and a report detailing the site investigation and risk assessment shall be submitted to and approved in writing by the Local Planning Authority.**

If the report submitted pursuant to above indicates that remedial works are required, full details must be submitted to the Local Planning Authority and approved in writing and thereafter implemented prior to the commencement of the development or in accordance with a timetable that has been agreed in writing by the Local Planning Authority as part of the approved remediation scheme. On completion of any required remedial works the applicant shall provide written confirmation to the Local Planning Authority that the works have been completed in accordance with the agreed remediation strategy.

REASON: Core policy 56, To reduce the risks associated with land contamination

Retail use restrictions

- 17 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 retail store shall be used solely for purposes within Class(es) E (a) retail and (b) food and drink, 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). There shall be no subdivision of the main retail unit (with the exception of the internal café/restaurant) hereby approved, or any additional internal floor space created (including any insertion of mezzanine floors) for the purposes of additional net retail sales area, not covered by this permission.**

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 and in order to limit the impact of the development on the vitality and viability of Salisbury city centre, including the planned Maltings and Central Car Park development.

- 18 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (or any Order revoking or re-enacting or amending that Order with or without modification), there shall be no additions to, or extensions or enlargements of any building forming part of the development hereby permitted for the purposes of the creation of additional net retail sales floor area.**

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 enlargements and in order to limit the impact of the development on the vitality and viability of Salisbury city centre, including the planned Maltings and Central Car Park development.

Highways and parking

- 19 The main retail unit and the drive through unit shall not be occupied (open for trading) until the vehicular access has been amended as outlined on drawing ref: 'Proposed Modifications to Site Access and Pearce Way Viewpoint 04' drawing number: 005 Rev A. This includes widening of the lane to provide a two-lane entry onto Hampton Park Roundabout, provision of a traffic calmed pedestrian/cycleway crossing of the access and alterations to street lighting.**

REASON: To ensure that adequate pedestrian and cycle routes are provided to the site in the interests of highway safety.

- 20 The main retail unit and the drive through unit shall not be occupied (open for trading) until the new shared use footway/cycleways on Pearce Way and London Road and the upgrade of the existing footways to shared use footway/cycleways on Pearce Way and London Road as outlined on drawing ref: 'Proposed Site Layout' rev P20, together with associated lining and signing, and street lighting alterations over the entire site frontage are provided.**

REASON: To ensure that adequate pedestrian and cycle routes are provided to the site in the interests of highway safety. Note the above details will need to be agreed as part of a separate S278 Agreement with the Council as Highway Authority.

- 21 The main retail unit and the drive through unit shall not be occupied (open for trading) until details of the direct pedestrian/cycle links from Green Lane into the western boundary of the site have been submitted to and approved in writing by the Local Planning Authority. No part of the development hereby approved shall be first brought into use until the links have been completed in accordance with the approved details.**

REASON: To ensure that adequate pedestrian and cycle routes are provided to the site in the interests of highway safety.

- 22 No part of the development of hereby permitted shall be first brought into use until the access, and turning areas, servicing area, internal pedestrian and cycle paths, parking spaces and cycle spaces have been completed in accordance with the details shown on the approved plans, including surfacing and demarcation of parking spaces. The areas shall be maintained for those purposes at all times thereafter.**

REASON: In the interests of highway safety and to ensure that satisfactory facilities for the parking of cycles are provided, and to encourage travel by means other than the private car.

- 23 Within 6 months of the development hereby approved opening for trading, a Full Travel Plan based on the submitted framework travel plan (ref GB01T21E36/002/V4 by Systra) shall be submitted to and approved in writing by the Local Planning Authority. The full travel plan when approved shall be implemented (including the appointment of a travel plan co-ordinator) from the date of approval.**

REASON: In the interests of promoting sustainable patterns of travel to and from the development.

Drainage

- 24 Notwithstanding the details shown on the Proposed Schematic Drainage Option 03 – Infiltration and SUDS dated September 2022 by MJM ref 7163-MJM-01-00- DR-C-15204 Rev P03, no development shall take place regards the drainage scheme/works for the site, until a scheme for the discharge of surface and foul water from the buildings hereby permitted has been submitted to and approved in writing by the Local Planning Authority. The scheme submitted shall provide the following:**

- Geotechnical factual and interpretive reports, including infiltration tests in accordance with British Research Establishment (BRE) Digest 365 – Soakaway Design.**
- Demonstrate 20% betterment has been achieved on post-development discharge rates for both peak flow and volume on existing greenfield rates for all storm events between the 1 in 1 year and the 1 in 100 year return period storm events.**
- Drawings which demonstrates mitigation of potential pollutants from the proposed petrol station, and calculations which demonstrate the drainage design provides a sufficient level of water treatment to prevent pollution of groundwater.**
- Detailed cross and long section drawings or the proposed attenuation pond and its components.**
- Detailed calculations for the attenuation pond, and demonstrate a freeboard has been applied.**

and the drainage scheme shall be carried out and retained in accordance with the approved details.

REASON: To limit the impact of the scheme on the drainage system and surrounding natural habitats.

Archaeology

25 No development shall take place within the application area until the applicant has secured and implemented a programme of archaeological field evaluation in accordance with a written scheme of investigation, which has been submitted by the applicant and approved in writing by the Local Planning Authority. The results of the evaluation will inform the preparation of a mitigation strategy which will be submitted by the applicant and approved in writing by the Local Planning Authority prior to the commencement of the development. The mitigation strategy will provide for:

- i. A programme of site investigation and recording, or alternative appropriate mitigation, within any areas of archaeological interest. Development will not commence within any area of archaeological interest until the site investigation has been satisfactorily completed.**
- ii. A programme of post investigation assessment, analysis, publication, dissemination and archiving. This part of the condition shall not be discharged until these elements of the programme have been fulfilled in accordance with the programme set out in the mitigation strategy or unless otherwise agreed in writing by the Local Planning Authority.**

REASON: To enable the recording of any matters of archaeological interest.

Sustainable design

26 The main retail unit hereby permitted shall achieve a BREEAM (Building Research Establish Environment Assessment Method) rating of 'Excellent'. Unless otherwise agreed in writing with the Local Planning Authority, the retail unit shall not be occupied until the post-construction state assessment and subsequent BREEAM Certificate certifying that 'excellent' status has been achieved has been submitted to and agreed in writing by Local Planning Authority.

REASON: In order to produce a scheme with a high level of sustainable design in accordance with adopted Wiltshire Core Strategy Policy CP41.

INFORMATIVES

S106

**The development shall be carried out in accordance with the S106 dated

Highways

The applicant will be required to enter into a S278 Agreement with the Highway Authority before commencement of the works identified in conditions above.

Drainage

- If the applicant intends to offer SuDS features for adoption, their designs will need to be in accordance with Wessex Water's SuDS Adoption Guidance.
- The site is likely to be underlain by chalk. In chalk, or any other fill material prone to instability, soakaways should be sited in accordance with the chalk density in accordance with CIRIA C574 "Engineering in Chalk"; this may result in min 10m clearances being required from any building, road or structure foundations.
- The drainage strategy will need to consider the increased contamination risk to groundwater / surface waterbodies posed by the petrol forecourt, and propose suitable pollutant mitigation for this area of the site.
- The applicant is referred to Wiltshire Council's Surface Water Soakaway Guidance for the standards that must be met for planning approval and adoption of infiltration drainage features.
- The surface water disposal hierarchy is set out below (as per the Sewerage Sector Guidance, paragraph C.3.12):
 - Surface water runoff is collected for use.
 - Discharge into the ground via infiltration.
 - Discharge to a watercourse or other surface water body.
 - Discharge to surface water sewer or other drainage system, discharging to a watercourse or other surface water body.
 - Discharge to a combined sewer.

78a PL/2021/08064 - Innox Mills, Stallard Street, Trowbridge, BA14 8HH - PHASING UPDATE

Public Participation

No members of the public had registered to speak.

Ruaridh O'Donoghue, Principal Planning Officer, introduced an update report for PL/2021/08064 - Innox Mills, Stallard Street, Trowbridge, BA14 8HH, which had come to the [29 November 2023 Strategic Planning Committee](#) and members were reminded that at that meeting the Committee had endorsed the application, with authorisation to grant planning permission delegated to the Head of Development Management, subject to completion of an S106 agreement and conditions. The Committee also heard that the application had

been reported to the [17 April 2024 Strategic Planning Committee](#) to update members following changes made to the National Planning and Policy Framework (NPPF) in December 2023 which resulted in the Council benefitting from a revised and reduced housing land supply requirement in recognition of the Council's advanced local plan preparation stage.

At that meeting, the Committee resolved to endorse the application with authorisation to grant planning permission continuing to be delegated to the Head of Development Management, subject to the completion of a S106 legal agreement and conditions.

The officer explained that the S106 agreement was still being progressed. However, the applicant wanted to change the application at this stage so that once the legal agreement was complete, they could proceed on a varied phased basis and to implement Block A, the Stallard Street Buildings and Innox Place in advance of the outline permission for the balance of the site.

The previous Committee endorsed phasing plan for the site was shown to Members as were the revised parameters, and it was explained that to enable the applicant to do what they requested, site wide pre-commencement conditions such as for surface water drainage and contaminated land would need to be split, and it was the phasing and re-wording of the conditions that the Committee was being updated on.

Members of the Committee then had the opportunity to ask technical questions of the officer. In response the officer explained by way of an example, that there was no Japanese Knotweed within the phase 1 areas, and that the suggested revised condition wording for the on-site handling and requirement for the developer to produce a management plan for this invasive plant for the parts of the site where it does exist, was a matter for a later phase. Likewise, there were no reptiles within the phase 1 area, so a mitigation strategy was not required for phase 1, and this too would be more reasonably left for a later phase.

Members expressed some concerns regarding whether the rest of the site would actually get developed if the phasing was changed in the way being proposed. However, Members were reassured that conditions must be reasonable and under what was being proposed now, the first phase of development would likely commence sooner and proceed stage by stage, rather than requiring the developer to commission surveys that were not technically required for the first phase.

Further questions were asked regarding the S106, and various conditions.

At the Chairman's invitation, Cllr Nick Botterill, Cabinet Member responsible for Strategic Planning, spoke regarding the application. He highlighted that this was a strategic site; that the administration was supportive of its site wide regeneration, and this site and application was key to improving this part of central Trowbridge. The application was a complex scheme and demonstrated how difficult regeneration of a brownfield site was and argued that some flexibility in the manner being proposed appeared reasonable. The proposed

changes were considered at the lesser end of the scale, and were in line with making sure the site was regenerated.

No Members of the public had registered to read a statement.

Cllr Stewart Palmen, seconded by Cllr Carol King, proposed the officer recommendation.

There was no further debate, and it was,

Resolved

That the Head of Development Management continues to be authorised to grant planning permission and listed building consent, subject to completion of the planning obligation / Section 106 agreement currently in preparation covering the matters set out below, and subject also to planning conditions listed below.

Planning Obligations

- **Securing a review of the viability of the scheme prior to occupation of the 200th dwelling**
- **Safeguarding the provision of the Station Car Park link road and access to ensure no ransom strip is formed and that any land required to facilities it is transferred to the Council at nil cost.**
- **The setting up of a management company to manage all the public open space and strategic landscaping within the site as well as ensuring it is managed in accordance with the approved LEMP details.**

Full and Outline Planning Conditions

1. **The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or, where relevant, 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. **With regard to those elements of the application in outline form, no development shall commence on those part of the site until details of the following (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 site;
- (e) The means of access to the site.

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

REASON: The application was made in part 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. With regard to those elements of the application in outline form, 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. The development hereby permitted shall be carried out in accordance with the following approved plans and documents:

Location, demolition and application type plans:

- Dwg Ref: Site Location Plan: 1249-E-001
- Dwg Ref: Demolition Plan: 1249/E/003
- Dwg Ref: Boundaries for the Application: 12149.E.002

Parameter Plans:

- Dwg Ref: Phasing Parameter Plan: 1249-P-005_Rev C
- Dwg Ref: Parameter Plan: 128-005-P3
- Dwg Ref: Land Use Parameter Plan: 1249-P-003
- Dwg Ref: Height Parameter Plan: 1249-P-004

Access and Drainage Plans:

- Dwg Ref: Proposed Stallard Street Access: 18016-SK02 Rev C
- Dwg Ref: Proposed Drainage Plan: 13310-CRH-XX-XX-DR-C-5050-P

Innox Mills Building:

- Dwg Ref: 1249.2.IMW.01 Innox Mills Works Ground Floor Plan
- Dwg Ref: 1249.2.IMW.02 Innox Mills Works First Floor Plan
- Dwg Ref: 1249.2.IMW.03 Innox Mills Works Second Floor Plan
- Dwg Ref: 1249.2.IMW.04 Innox Mills Works Third Floor Plan
- Dwg Ref: 1249.2.IMW.05 Innox Mills Works Elevations

Innox Place Building:

- Dwg Ref: 1249.3.IPW.01 Innox Place Works Ground Floor Plan
- Dwg Ref: 1249.3.IPW.02 Innox Place Works First Floor Plan
- Dwg Ref: 1249.3.IPW.03 Innox Place Works Second Floor Plan
- Dwg Ref: 1249.3.IPW.04 Innox Place Works Elevations

The Brewery and Dyehouse Buildings:

- Dwg Ref: 1249.4.FBW.01 Factories Building Works Ground Floor Plan
- Dwg Ref: 1249.4.FBW.02 Factories Building Works First Floor Plan
- Dwg Ref: 1249.4.FBW.03 Factories Building Works Second Floor Plan
- Dwg Ref: 1249.4.FBW.04 Factories Building Works Elevations
- Dwg Ref: 1249.4.FBW.05 Bat Mitigation Proposal

The Cloth Factory Building:

- Dwg Ref: 1249.5.CFW.01 Cloth Factory Existing Ground Floor Plan
- Dwg Ref: 1249.5.CFW.02 Cloth Factory Existing First Floor Plan
- Dwg Ref: 1249.5.CFW.03 Cloth Factory Existing Second Floor Plan
- Dwg Ref: 1249.5.CFW.04 Cloth Factory Existing Elevations

The Gateway Building:

- Dwg Ref: 1249.HT.BlockA 100 Gateway Building – Lower GND Floor Plan
- Dwg Ref: 1249.HT.BlockA 101 Gateway Building – Upper GND Floor Plan
- Dwg Ref: 1249.HT.BlockA 102 Gateway Building First Floor Plan
- Dwg Ref: 1249.HT.BlockA 103 Gateway Building Second Floor Plan
- Dwg Ref: 1249.HT.BlockA 104 Gateway Building Third Floor Plan
- Dwg Ref: 1249.HT.BlockA 200 - Gateway Building Front Elevation
- Dwg Ref: 1249.HT.BlockA 201 - Gateway Building Rear Elevation
- Dwg Ref: 1249.HT.BlockA 202 - Gateway Building Side Elevations
- Dwg Ref: 1249.HT.BlockA 203 - Gateway Building Stallard Street Elevation

The Old Chapel Building:

- Dwg Ref: 1249.HT.OC.100 Old Chapel Floor Plans
- Dwg Ref: 1249.HT.OC.200 Old Chapel Proposed Elevations

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

5. Those elements subject to the outline application shall be carried out in general accordance with the design and layout principles in the following:

Dwg Ref: Inox Mills Design and Access Statement (August 2021)

Dwg Ref: 1249.P001 Illustrative Masterplan

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

6. The development hereby permitted shall make provision for the following:

(a) Up to 255 dwellings;

(b) Up to 4078 sqm of commercial space;

(c) Public open space to be sited, laid-out and equipped in accordance with the West Wiltshire Leisure and Recreation DPD (or any subsequent replacement DPD); and to include at least 6,727.3 sq m of general public open space and at least 430.11 sq m of equipped play space.

The 'layout of the development' (as to be submitted and approved under condition no. 2) shall accommodate the above broadly in accordance with the Illustrative Masterplan (no. 1249.P.001 and the Parameter Plan (128-005).

Prior to commencement of the development, a programme, or phasing plan (in accordance with drawing No. 1249.P.005 Rev C – Phasing Parameter Plan), for the delivery and completion of the dwellings, the commercial space and the public open space(s) shall be first submitted to, and approved in writing by, the local planning authority. The dwellings, the commercial space and the public open space(s) shall then be delivered and completed in accordance with the approved programme.

REASON: To ensure the creation of a sustainable development which is in character with its surroundings and in accordance with the terms of the planning application.

7. No development approved by this planning permission shall commence until a remediation strategy to deal with the risks associated with contamination of the site in respect of the development hereby permitted, has been submitted to, and approved in writing by, the local planning authority. This strategy will include the following components to be submitted pursuant to Phase 1 and Phases 2-6 respectively, as identified on the approved Phasing Plan

1. A preliminary risk assessment which has identified:

a. all previous uses

b. potential contaminants associated with those uses

c. a conceptual model of the site indicating sources, pathways and receptors

d. potentially unacceptable risks arising from contamination at the site

2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site.

3. The results of the site investigation and the detailed risk assessment referred to in (2) to be submitted pursuant to Phase 1 and Phases 2-6 respectively, as identified on the approved Phasing Plan,, based on

these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) to be submitted pursuant to Phase 1 and Phases 2-6 respectively, as identified on the approved Phasing Plan are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the written consent of the local planning authority. The scheme shall be implemented as approved.

REASON

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

8. Prior to any Phase of development being brought into use, a verification report demonstrating the completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to, and approved in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.

REASON

To protect the water environment from pollution in line with paragraph 170 of the National Planning Policy Framework.

9. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to, and approved in writing by, the local planning authority. The remediation strategy shall be implemented as approved.

REASON

To protect the water environment from pollution in line with paragraph 170 of the National Planning Policy Framework.

10. No drainage systems for the infiltration of surface water to the ground are permitted other than with the written consent of the local planning authority. Any proposals for such systems must be supported by an

assessment of the risks to controlled waters. The development shall be carried out in accordance with the approved details.

REASON

To protect the water environment from pollution in line with paragraph 170 of the National Planning Policy Framework.

- 11. Piling and other foundation methodologies using penetrative methods shall not be carried out other than with the written consent of the local planning authority. The development shall be carried out in accordance with the approved details.**

REASON

To protect the water environment from pollution in line with paragraph 170 of the National Planning Policy Framework.

- 12. No development shall commence on Phases 2-6, as identified in the approved Phasing Plan, until a management plan for the treatment and monitoring of Japanese knotweed on the site has been submitted and approved by the LPA. The plan shall be submitted as agreed.**

REASON

It is an offence to allow the spread of Japanese knotweed in the wild (Wildlife & Countryside Act, 1981 as amended).

- 13. No development shall commence on Phases 2-6 as identified in the approved Phasing Plan, until a detailed management plan for the enhancement of the River Biss and its corridor is submitted and approved by the Local Planning Authority, in consultation with the Environment Agency. This shall include the provision of an 8m wide buffer strip alongside all banks of the river within the site. The management plan shall be implemented as agreed.**

REASON

To improve the biodiversity value of the river and its corridor, and contribute to biodiversity net gain.

- 14. No development approved by this permission shall be commenced until plans and cross-sections pursuant to Phase 1 and Phases 2-6 respectively, as identified on the approved Phasing Plan, to demonstrate that finished floor levels across the site are set to at least 300mm above the 100yr 35% climate change flood level, have been submitted to and approved in writing by the local planning authority, in consultation with the Environment Agency. The agreed plans shall be fully implemented in any timescales agreed.**

REASON

To reduce the risk of flooding to people and property.

15. There shall be no development or ground raising on existing land within the flood zone 3 35%cc outline as per the submitted model outputs. If ground raising or re-profiling is necessary no development approved by this permission shall be commenced until an updated flood risk model and detailed plans are submitted to, and approved in writing by the local planning authority, in consultation with the Environment Agency. The agreed plans and ground treatment shall be implemented as agreed.

REASON

To ensure flood risk is not increased.

INFORMATIVE - Environmental permit

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

- on or within 8 metres of a main river (16 metres if tidal)**
- on or within 8 metres of a flood defence structure or culverted main river (16 metres if tidal)**
- on or within 16 metres of a sea defence**
- involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert**
- in a floodplain more than 8 metres from the river bank, culvert or flood defence structure (16 metres if it's a tidal main river) and you don't already have planning permission**

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

16. No development approved by this permission shall be commenced on Phases 2-6 until plans, drawings and cross-sections showing a vehicular access point, including a suitable ramp down to the River Biss channel, have been submitted to and approved in writing by the local planning authority, in consultation with the Environment Agency. The approved plans/drawings/cross-sections shall be implemented as agreed.

REASON

To allow the Environment Agency to safely maintain the River Biss channel in order to prevent any increase in flood risk to the development site and surrounding areas.

INFORMATIVE

- Access must be for Environment Agency vehicles via a road through the development and must be available/accessible 24 hours a day, every day of the year**

- Access must be at least 5 metres wide
- The ramp gradient must have a 1 in 12 slope
- Surfacing must be grasscrete down to below-normal river level
- Edge protection fencing must be provided
- Access to the river channel should be for use by the Environment Agency only. We would prefer it to be gated off and locked with our padlock.

We would encourage the developer to work with our Asset Performance team on the details of the design at an early stage. The developer should first email Sustainable Places on swx.sp@environment-agency.gov.uk to arrange contact.

17. The dwellings shall be constructed to meet as a minimum the higher Building Regulation standard Part G for water consumption limited to 110 litres per person per day using the fittings approach.

REASON: The site is in an area of serious water stress requiring water efficiency opportunities to be maximised, to mitigate the impacts of climate change in the interests of sustainability, and to use natural resources prudently in accordance with the National Planning Policy Framework.

INFORMATIVE

The development should include water-efficient systems and fittings. These should include dual-flush toilets, water butts, water-saving taps, showers and baths, and appliances with the highest water efficiency rating (as a minimum). Greywater recycling and rainwater harvesting should be considered.

18. The development hereby permitted shall be carried out in accordance with the Parameters Plan (PP) Drawing no. 128-005. P1 (Greenhalgh, 21.12.2023). This document will form the basis for the site layout and will not be altered at Reserved Matters without detailed justification based on additional habitat and wildlife species surveys.

REASON: To protect the ecology on the site

19. As Building E will be demolished under an EPS Mitigation Licence, an artificial roost has been designed into an adjacent building (Building D). This replacement bat roost in Building D which is located within the River Biss 15m buffer zone will take place prior to the commencement of demolition of the existing roost.

The lesser horseshoe and common pipistrelle bat roost will be incorporated into the development in accordance with Bat Mitigation Proposal Drwg. No. 1249.4.FBW.05 (Keep Architecture, 26/07/2021) and Appendix 4 Artificial Briefing Note of the Ecological Mitigation Strategy (Engain, 13th October 2021) or as otherwise specified in a relevant European Protected Species Licence superseding this permission. The

installation of these bat roosts and access features will be supervised by a professional ecologist and this part of the condition will be discharged when photographic evidence of installed features have been submitted to and approved in writing by the local planning authority. These bat roosts and access points will continue to be available for bats for the lifetime of the development.

REASON: To mitigate for impacts to bats arising from the development

- 20.** The development hereby approved shall not commence pursuant to Phase 1 and Phases 2-6 respectively, as identified on the approved Phasing Plan until a Construction and Environmental Management Plan (CEMP) has been submitted to and approved in writing by the local planning authority. The CEMP shall include details of the following relevant measures:
- i.** An introduction consisting of a construction Phase environmental management plan, definitions and abbreviations and project description and location;
 - ii.** A description of management responsibilities;
 - iii.** A description of the construction programme;
 - iv.** Site working hours and a named person for residents to contact including telephone number;
 - v.** Detailed Site logistics arrangements;
 - vi.** Details regarding parking, deliveries, and storage;
 - vii.** Details regarding dust mitigation;
 - viii.** Details of the hours of works and other measures to mitigate the impact of construction on the amenity of the area and safety of the highway network;
 - ix.** Communication procedures with the LPA and local community regarding key construction issues – newsletters, fliers etc;
 - x.** Details of how surface water quantity and quality will be managed throughout construction;
 - xi.** Details of the safeguarding measures to deal with the following pollution risks:
 - the use of plant and machinery
 - wheel washing and vehicle wash-down and disposal of resultant dirty water
 - oils/chemicals and materials
 - the use and routing of heavy plant and vehicles
 - the location and form of work and storage areas and compounds
 - the control and removal of spoil and wastes
 - xii.** Details of safeguarding measures to highway safety to include:
 - A Traffic Management Plan (including signage drawing(s))
 - Routing Plan and vehicle log and means to submit log to the Highway Authority upon request
 - Details of temporary/permanent Traffic Regulation Orders
 - pre-condition photo survey - Highway dilapidation survey
 - Number (daily/weekly) and size of delivery vehicles.
 - Number of staff vehicle movements.

xiii. In addition, the Plan shall provide details of the ecological avoidance, mitigation and protective measures to be implemented before and during the construction Phase, including but not necessarily limited to, the following:

- **Pre-development species surveys including but not exclusively roosting bats, otter, water vole and birds.**
- **Phasing plan for habitat creation and landscape works including advanced planting proposals including pre-development provision of TBMS zones A and B and predevelopment provision of hedgerow mitigation/ translocation along Firs Hill A361.**
- **Identification of ecological protection areas/buffer zones and tree root protection areas and details of physical means of protection, e.g. protection fencing.**
- **Method statement to include pollution prevention measures for construction of causeway over Lambrok Stream to minimise harm to the watercourse and protected and notable species.**
- **Working method statements for protected/priority species, such as nesting birds, reptiles, amphibians, roosting bats, otter, water vole, badger and dormice.**
- **Work schedules for activities with specific timing requirements in order to avoid/reduce potential harm to ecological receptors; including details of when a licensed ecologist and/or ecological clerk of works (ECoW) shall be present on site.**
- **Key personnel, responsibilities and contact details (including Site Manager and ecologist/ECoW).**
- **Timeframe for provision of compliance report to the local planning authority; to be completed by the ecologist/ECoW and to include photographic evidence.**

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

Construction and demolition hours shall be limited to 0730 to 1800 hrs Monday to Friday, 0730 to 1300 hrs Saturday and no working on Sundays or Bank Holidays.

The development shall subsequently be implemented in accordance with the approved details of the CEMP.

REASON: To minimise detrimental effects to the neighbouring amenities, the amenities of the area in general, and detriment to the natural environment through the risks of pollution and dangers to highway safety, during the construction Phase and in compliance with Core Strategy Policy 62.

INFORMATIVE: PRE CONDITION SURVEY

A photographic pre-condition highway survey to be carried out and copies of pre and post condition survey to be supplied to WC.

The applicant should be informed that the Highway Authority will pursue rectification of any defects identified by the highway condition survey which can be attributed to the site construction traffic under the provision of S59 of the Highways Act.

- 21. Prior to the commencement of development of Phases 2-6, as defined on the approved Phasing Plan, including demolition, ground works/excavation, site clearance, vegetation clearance and boundary treatment works, a Reptile Mitigation and Translocation Strategy shall be submitted to the local planning authority for approval.**

REASON: To protect the ecology on the site.

- 22. Prior to the start of construction of Phase 1 and Phases 2-6, as defined on the approved Phasing Plan, a Landscape and Ecology Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority. The LEMP will include long-term objectives and targets, management responsibilities and maintenance schedules for each ecological feature within the development, together with a mechanism for monitoring the success of the management prescriptions, incorporating review and necessary adaptive management in order to attain targets.**

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

REASON:

To ensure the long-term management of landscape and ecological features retained and created by the development, for the benefit of visual amenity and biodiversity for the lifetime of the scheme.

- 23. No external lighting shall be installed on Phase 1 and Phases 2-6, as defined on the approved Phasing Plan, until plans showing the type of light appliance, the height and position of fitting, illumination levels and light spillage have been submitted to and approved in writing by the Local Planning Authority. The plans will be in accordance with the appropriate Environmental Zone standards set out by the Institute of Lighting Engineers in their publication GN01:2011, 'Guidance for the Reduction of Obtrusive Light' (ILP, 2011), and Guidance note GN08-18 "Bats and artificial lighting in the UK", issued by the Bat Conservation Trust and Institution of Lighting Professionals.**

Where light spill has the potential to impact bat habitat, a lighting impact assessment must be submitted with the reserved matter application(s) to demonstrate the requirements of section 8.3 of the Trowbridge Bat Mitigation Strategy (adopted February 2020) are met.

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

This condition will be discharged when a post-development lighting survey conducted in accordance with section 8.3.4 of the Trowbridge Bat Mitigation Strategy has been submitted to the Local Planning Authority demonstrating compliance with the approved lighting plans, having implemented and retested any necessary remedial measures.

REASON:

In the interests of the amenities of the area, the appearance of the heritage assets on the site, and to minimise unnecessary light spillage above and outside the development site and to ensure lighting meets the requirements of the Trowbridge Bat Mitigation Strategy.

24. Prior to the commencement of development the buildings referred to as Innox Mills, Innox Place, The Dye House and The Brewery on the Illustrative Masterplan (ref: 1249.P.001) shall be made wind and water tight with protection in place to prevent damage during construction.

REASON: To prevent further decay of the heritage assets on the site.

25. The buildings referred to as Innox Mills, Innox Place, The Dye House and The Brewery on the Illustrative Masterplan (ref: 1249.P.001) shall be fitted out to a standard capable of occupation in accordance with the following timetable, unless otherwise agreed in writing by the Local Planning Authority:

- prior to occupation of the 50th dwelling for Innox Place**
- prior to occupation of the 100th dwelling for the Brewery**
- prior to occupation of the 150th dwelling for the Dye House**
- prior to occupation of the 200th Dwelling for Innox Mills**

REASON: To ensure the heritage benefits associated with the application are delivered alongside the outline planning consent in the interests of securing the vitality and viability of the heritage assets in the long term.

26. No development shall commence on each Phase of the development (as per the phasing plan (Dwg Ref: 1249.P.005 Rev C) above ground floor slab level until details and samples of the new materials 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: In the interests of the visual amenities of the area and preserving the character, appearance and setting of heritage assets subject to and/or affected by this proposal.

27. No development shall commence on each Phase of the development (as per the phasing plan (Dwg Ref: 1249.P.005 Rev C) until a sample wall panel/s for all new brick work, not less than 1 metre square, has been constructed on site, inspected and approved in writing by the Local Planning Authority. The panel shall then be left in position for comparison whilst the development is carried out. Development shall be carried out in accordance with the approved sample.

REASON: In the interests of the visual amenities of the area and preserving the character, appearance and setting of heritage assets subject to and/or affected by this proposal.

28. No development shall commence on each Phase of the development (as per the phasing plan (Dwg Ref: 1249.P.005 Rev C) until large-scale details of architectural features including parapets, windows, (including elevations and sections of the windows, head, sill and window reveal details), external doors, vents and extracts, rainwater goods have been submitted to and approved in writing by the Local Planning Authority.

REASON: In the interests of the visual amenities of the area and preserving the character, appearance and setting of heritage assets subject to and/or affected by this proposal.

29. No new signage or wayfinding shall be erected on each Phase of the development (as per the phasing plan (Dwg Ref: 1249.P.005 Rev C) until details 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: In the interests of the visual amenities of the area, preserving the character, appearance and setting of heritage assets subject to and/or affected by this proposal, and in the interests of sustainable development.

30. No development on each Phase of the development (as per the phasing plan (Dwg Ref: 1249.P.005 Rev C) shall commence until a scheme of hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority, the details of which shall include:-

- 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;

REASON: To ensure a satisfactory landscaped setting for the development in the interest of visual amenity and the character and appearance of the area.

INFORMATIVE:

The central spine road on the parameter plan (128-005) is situated over a Wessex Water easement. It is shown with limited to no tree planting as a result. There are a number of ways to successfully integrate tree planting into utility wayleaves which use industry standard best practice. The Trees and Design Action Group (<https://www.tdag.org.uk/>) is a cross industry organisation that provides detailed guidance on the design of tree pits and tree trenches to successfully integrate them into the urban realm. Of particular use would be their guidance on 'trees in hardscape' (https://www.tdag.org.uk/uploads/4/2/8/0/4280686/tdag_tihl.pdf) along with 'Trees in the Townscape' (https://www.tdag.org.uk/uploads/4/2/8/0/4280686/tdag_treestownscape2021.pdf).

The Local Planning Authority would expect any detailed landscaping plans to consider tree planting within this easement in line with the advice above, unless it is demonstrated not to be feasible in consultation with Wessex Water.

31. All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following:

- a) the first occupation of the building(s) of a particular Phase of the development (as per the phasing plan (Dwg Ref: 1249.P.005)); or,
- b) the completion of each Phase of the development (as per the phasing plan (Dwg Ref: 1249.P.005));

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 for each Phase of the development (as per the phasing plan (Dwg Ref: 1249.P.005)) shall be carried out in accordance with the approved details prior to the occupation of any part of that Phase 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 in the interest of visual amenity and the character and appearance of the area.

32. Prior to the commencement of development of Phase 1 and Phases 2-6, as defined on the approved Phasing Plan, a scheme for the delivery of public art across the site shall be submitted to and approved in writing by the local planning authority. The scheme can comprise but is not limited to, bespoke street furniture, hard surfacing materials and boundary treatments and/or stand-alone art installations, and should be reflective of the history of the site (as indicated in section 7.4 of the Design and Access Statement). The scheme shall also include a programme for delivery which should be set out to ensure public art is delivered in line with each Phase of the development. The development shall be carried out in accordance with the approved scheme and programme for delivery.

REASON: To ensure an integrated approach to the delivery of public art across the site in the interests of good design and place-shaping, to enable harmonious treatment of the public realm and to respect the character and setting of the heritage assets on the site.

33. No development shall commence on Phase 1 and Phases 2-6, as defined on the approved Phasing Plan, until a final drainage strategy incorporating sustainable drainage details has been submitted to and approved in writing by the Local Planning Authority. No Phase of the development (as set out on the phasing parameters plan ref: 1249.P.005) shall be first occupied until the means of drainage for that Phase has been constructed in accordance with the approved strategy.

REASON: To ensure that surface water runoff from the site can be adequately drained with no flooding on site for a 1 in 100 year plus climate change rainfall event and that the flood risk from all sources will be managed without increasing flood risk to the development itself or elsewhere.

34. With regards to those elements of the application in full form in Phase 1 as defined on the approved Phasing Plan, no development shall commence until a plan is provided demonstrating overland exceedance flow routes overlayed onto the finalised development masterplan. The plan shall include topographical and finished floor levels in order to demonstrate that overland exceedance will be safely managed on-site.

REASON: To minimise the risk to people and property during high return period storm events.

35. With regards to the elements of the application proposed in full form defined as Phase 1 on the approved Phasing Plan, no development shall commence until the applicant has submitted calculations which demonstrate that the proposed drainage design provides a sufficient level of water treatment / pollution control for those parking bays that drain to the storage tank and are not designated as permeable paving.

REASON: Based on the masterplans submitted, it appears that some of the proposed parking throughout the development will not be drained via permeable paving and this matter is required to be agreed prior to the commencement of development to prevent pollution of the receiving watercourse.

- 36.** Notwithstanding the diversion details of the Strategic Wessex Water Sewers crossing the site that are shown on the Proposed Drainage Strategy (ref: 13310-CRH XX-XX-DR-C-5050-P5), no development shall commence on Phases 2-6 on the approved Phasing Plan until an alternative diversion route, strategy and timetable for implementation is submitted to and agreed in writing by the Local Planning Authority. The details shall include the provisions for access to the infrastructure for maintenance and repair purposes. Development shall be carried out in accordance with the agreed details, strategy and timetable.

REASON: To ensure Wessex Water's existing customers are protected from a loss of service and sewer flooding, to ensure Wessex Water have suitable access arrangements to maintain their infrastructure on site, and to ensure there is no pollution to the River Biss.

- 37.** Prior to use commencing in any non-residential building an assessment of the acoustic impact arising from the operation of the use and any externally mounted plant shall be submitted to and approved in writing by the Local Planning Authority. The assessment shall:

- be undertaken in accordance with BS 4142: 2014+A1:2019; and,
- include a scheme of attenuation measures to demonstrate the rated level of noise shall be -5dB (LAeq) below typical background (LA90) level at the nearest noise sensitive location.

If the precise detail of the scheme, such as specific use or plant specifications, is not known, then likely worst-case scenarios with respect to noise impact on residential premises should be assumed. Development shall be carried out in accordance with the approved details prior to the use commencing.

Background levels are to be taken as a LA90 1 hour and the ambient noise levels shall be expressed as a LAeq 1 hour during the daytime (0700 – 2300) and shall be expressed as an LA90 and LAeq 5 minutes during the night (2300 – 0700) at the boundary of the nearest residential noise-sensitive receptor.

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.

- 38.** Prior to use commencing in any non-residential building that requires mechanical air extraction or ventilation systems, a scheme of works

for the control and dispersal of any atmospheric emissions from them, including odours, fumes, smoke & other particulates, shall be submitted to and approved in writing by the Local Planning Authority. The works detailed in the approved scheme shall be installed in their entirety before the operation of the use hereby permitted. The equipment shall thereafter be maintained in accordance with the manufacturer's instructions for the lifetime of the development.

The scheme must include full technical details and a risk assessment in accordance with Appendix 2 and 3 respectively of the EMAQ "Control of odour and noise from commercial kitchen exhaust systems" Guidance (Gibson, 2018).

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.

INFORMATIVE:

In discharging this condition we recommend the applicant ensures that the ventilation system discharges vertically at a height of at least 1m above the heights of any nearby sensitive buildings or uses and not less than 1m above the eaves.

39. Prior to occupation of the first non-residential building, a schedule of opening hours for each commercial unit on the site shall be submitted to and approved in writing by the Local Planning Authority. The non-residential uses on the site shall be operated in accordance with the approved schedule of opening hours.

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.

40. Deliveries and collections for all non-residential uses on the site shall be restricted to 08:00 – 21:00 Monday to Sunday (including Bank Holidays). No deliveries or collections shall take place outside of these hours.

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.

41. Prior to commencement of works on Phase 1 and Phases 2-6, as defined on the approved Phasing Plan, an Acoustic Design Scheme for the protection of the proposed dwellings from road traffic noise, railway noise and ground borne vibration is submitted to and approved in writing by the Local Planning Authority. The Acoustic Design Scheme shall use Good Acoustic Design (in accordance with the Professional Practice Guidance: Planning and Noise New Residential

Development (May 2017 or later versions)) to achieve the following noise limits:

- a) bedrooms shall achieve an 8-hour LAeq (23:00 to 07:00) of 30dB(A) and an L_{max,F} of 45dB**
- b) living rooms and dining rooms shall achieve a 16-hour LAeq (07:00 to 23:00) of 35dB(A)**
- c) external noise levels within private external amenity spaces shall not exceed 55 dB LAeq,16hr (0700 – 2300)**

The details as approved shall be implemented prior to occupation of the development and thereafter be permanently retained. For the avoidance of doubt, using closed windows to achieve the internal noise level target shall only be considered once all other good acoustic design acoustic mitigation measures have been utilised. Should windows need to be closed to meet the noise criteria above full details of the ventilation scheme will be included with the assessment.

A post completion report, prepared by the acoustic consultancy who designed the Acoustic Design Scheme or other suitably qualified expert, shall be submitted to the LPA to a timetable as detailed within the approved Acoustic Design Scheme to confirm compliance with the approved scheme and approved in writing by the LPA. Any additional steps required to achieve compliance shall be taken, as necessary. The report shall provide evidence that the approved Acoustic Design Scheme has been fully implemented.

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.

INFORMATIVE:

A good acoustic design process should be followed to ensure that the internal noise criteria are achieved with windows open. Using closed windows to achieve the internal noise level target shall only be considered once all other good acoustic design acoustic mitigation measures have been utilised. When relying on closed windows to meet the internal guide values, there needs to be an appropriate method of ventilation that does not compromise the façade insulation or the resulting internal ambient noise level.

- 42. Notwithstanding the submitted details, no works shall commence on Phases 2-6 until details of the Railway Station access road have been submitted to and approved by the Local Planning Authority. The road shall be no less than 6.5m wide with segregated footway/cycleway provision as necessary in broad compliance with the 'main road' detail within the submitted masterplan. The details shall include full construction and geometric details including vehicle swept path analysis for a 11.3m refuse truck and Coach Rail Replacement. Prior to**

occupation of the first dwelling unit served from the road, the road shall be completed in all respects with the approved details up to the site boundary with the railway station and maintained as such thereafter.

REASON: To ensure satisfactory and safe vehicular access is provided to the railway station in the interests of highway safety, highway capacity enhancement and in compliance with Core Strategy Policy 60, 61 and 62.

- 43. Prior to commencement of development full design and construction details of the proposed vehicular access shall be provided to and approved by the local planning authority. Prior to first occupation, the access shall be completed in all respects in accordance with the approved details and maintained as such thereafter.**

REASON: To ensure a safe and sufficient vehicular access is provided in the interests of highway safety and in compliance with Core Strategy Policy 60, 61 and 62.

- 44. Prior to commencement of works on Phase 1 and Phases 2-6, as defined on the approved Phasing Plan, a walking and cycling movement framework plan shall be submitted to and approved by the Local Planning Authority. The walking and cycling movement framework plan shall include full details of route design, construction and material treatment, with all cycle and pedestrian routes complying with current national and local guidance as appropriate. The walking and cycling movement framework plan shall consider the treatment, alignment and diversion as necessary of on-site Public Rights of Way and any necessary connectivity works to external networks, including the railway station. All routes shall be designed to accommodate all abilities, with change of level, including steep ramps or steps avoided unless agreed by the Local Planning Authority. The walking and cycling movement routes, as identified in the approved plan, shall be completed in all respects in accordance with the approved plan and maintained as such thereafter.**

REASON: To ensure safe and convenient walking and cycling routes to the site are provided in the interests of highway safety and sustainability in compliance with Core Strategy Policy 60, 61 and 62.

- 45. Notwithstanding the submitted detail, no works shall commence on Phase 1 and Phases 2-6, as defined on the approved Phasing Plan, site until a strategy for Electric Vehicle charging points has been submitted to and approved by the Local Planning Authority. The strategy shall seek to avoid delivering dwellings that may not be directly served by a charging point. Prior to first occupation of each individual dwelling unit allocated a charging point, the dwellings charging point shall be made operational and ready for use.**

REASON: In the interests of mitigating the impact of the development on the environment in accordance with Core Policy 60(vi).

- 46.** Prior to commencement of Phases 2-6 development a phasing and specification plan for a Mobility Hub shall be submitted to and approved by the Local Planning Authority. The Mobility Hub shall include as a minimum real time information for bus and rail transit, cycle parking including electric cycle charging points, electric vehicle fast and rapid charging points and car share parking bay. The Mobility Hub shall be completed in all respects in accordance with the approved specification and delivered in full in accordance with the approved phasing plan.

REASON: to ensure that a Mobility Hub is delivered in a timely manner to maximise the use of sustainable travel modes in compliance with Core Strategy Policy 60, 61 and 62.

- 47.** Prior to first occupation of the first residential dwelling under Phases 2-6, as shown on the approved Phasing Plan, a Residential Travel Plan, in broad compliance with the Framework Travel Plan shall be submitted to and approved by the Local Planning Authority. The Travel Plan shall include measures to reduce vehicle trips by residents and these shall include but not be exclusive to Green Travel Vouchers, travel information, offer of personal travel planning, the employment of a Travel Plan Coordinator and the monitoring of travel arrangements through agreed survey methods on every anniversary of first occupation, up to and including the fifth anniversary providing agreed travel targets are met – additional surveys and measures may be required. Survey methods shall include but not be exclusive to the provision of Permanent Automated Traffic Counters at the vehicle access and pedestrian cycle counters at pedestrian and cyclist access points. All survey materials to be provided to the Council within two calendar months of each anniversary, with a summary of success or failure to hit agreed targets and all proposed remedial measures to be implemented against and agreed programme.

REASON: In the interests of road safety and reducing vehicular traffic to the development.

- 48.** Prior to first occupation of the first employment unit, an Employment Travel Plan, in broad compliance with the Framework Travel Plan shall be submitted to and approved by the Local Planning Authority. The Travel Plan shall include measures to reduce vehicle trips by employees of the site and these shall include travel information, offer of personal travel planning, the employment of a Travel Plan Coordinator and the monitoring of travel arrangements through agreed survey methods on every anniversary of first occupation, up to and including the fifth anniversary providing agreed travel targets are met – additional surveys and measures may be required. All survey materials to be provided to the Council within two calendar months of each

anniversary, with a summary of success or failure to hit agreed targets and all proposed remedial measures to be implemented against and agreed programme.

REASON: In the interests of road safety and reducing vehicular traffic to the development.

Listed Building Consent Conditions

1. The works for which Listed Building Consent is hereby granted shall be begun before the expiration of three years from the date of this consent.

REASON: To comply with the provisions of Section 18 of the Planning (Listed Buildings and Conservation Areas) 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:

- Dwg Ref: Site Location Plan: 1249-E-001
- Dwg Ref: Demolition Plan: 1249/E/003
- Dwg Ref: Boundaries for the Application: 12149.E.002

- Dwg Ref: 1249.2.IMW.01 Innox Mills Works Ground Floor Plan
- Dwg Ref: 1249.2.IMW.02 Innox Mills Works First Floor Plan
- Dwg Ref: 1249.2.IMW.03 Innox Mills Works Second Floor Plan
- Dwg Ref: 1249.2.IMW.04 Innox Mills Works Third Floor Plan
- Dwg Ref: 1249.2.IMW.05 Innox Mills Works Elevations

- Dwg Ref: 1249.3.IPW.01 Innox Place Works Ground Floor Plan
- Dwg Ref: 1249.3.IPW.02 Innox Place Works First Floor Plan
- Dwg Ref: 1249.3.IPW.03 Innox Place Works Second Floor Plan
- Dwg Ref: 1249.3.IPW.04 Innox Place Works Elevations

- Dwg Ref: 1249.HT.OC.100 Old Chapel Floor Plans
- Dwg Ref: 1249.HT.OC.200 Old Chapel Proposed Elevations

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

79 **PL/2024/08255 - Land at former East Wing Site, Bythesea Road, Trowbridge, BA14 8JN (Trowbridge Leisure Centre)**

Public Participation

Nathan McLoughlin (agent) spoke in support of the application.
Bastin Bloomfield (architect) spoke in support of the application.

Prior to this item being presented by the case officer, the Chairman highlighted that he had not seen any circulated leaflet regarding the leisure centre.

Russell Brown, as Senior Planning Officer, introduced the report which recommended that the application for the construction of a leisure centre and ancillary works, be approved, subject to conditions. The site was identified being located just across from County Hall and was a Wiltshire Council application, with the proposed development being described as a comprehensive leisure facility which was accessible and sustainable. Several slides (which were also available in supplement 2) were shown to the Committee which detailed the location, site plans, on-site parking provision, elevations, interior plans, highway works and a new signal controlled junction as well as several site photos.

The proximity of the River Biss, the position of County Hall and the site boundary with Asda were all identified from the slides, and within the site, Members were informed of the present state of the site, part of which was derelict following the demolition of the old Chapman's building located alongside the River Biss.

The Committee was informed about the proposed design and siting of the leisure centre building which would front Bythesea Road and would have solar panels on the roof, and air source heat pumps, plus high specification insulation, and was designed with sustainability and energy conservation in mind.

The proposed scheme also comprised a comprehensive landscape treatment of the site with trees and shrubs throughout, which would enhance biodiversity. The car park would incorporate electric vehicle charging, disabled spaces, coach spaces and bicycle stands.

Active Travel principles were built into the scheme. Details of what the leisure centre would provide were given which included a café; 6 lane 25m swimming pool; spectator gallery for 130 people; a learner pool; changing village; fitness suites; fitness studios; cycle studio; a community meeting room and an adventure play area.

The new proposed 4-arm signalised junction on Bythesea Road was detailed along with pedestrian crossings, a new filter lane and additional upgrade works being planned for the Longfield gyratory.

Members were also informed about the design for the building incorporating various different projections and overhangs and a mix of materials to break up massing and referenced local industrial heritage architecture. The Committee also heard that the design had been independently reviewed by the Design West review panel, emphasising the point that the leisure centre scheme had been carefully scrutinised.

The Committee was furthermore advised that the proposal adhered to Wiltshire Core Strategy (WCS) policies. No statutory consultees had objected, and all the technical matters that had been identified during the assessment of the application, had been resolved.

The Committee also heard that the public response was broadly positive.

The Chairman also highlighted that there had been almost 1,000 consultation responses to the community engagement the Council's project team and consultants had been involved with.

Members of the committee then had the opportunity to ask technical questions of the officer. Details were sought on the changes to the junction and it was confirmed that it would be a signalised junction with traffic lights and pedestrian crossing, which would help with active travel. There would also be an additional filter lane added to Bythesea Road on the north side and fronting the leisure centre to help cater for cars entering the site from the west.

It was also noted that the site was already a very well used car park, and that once operational, the use of the site would likely change with more visitors in the evenings. Furthermore, it was confirmed that the traffic lights would work together with those at the Longfield Gyratory.

Concerns were raised regarding the cycle friendliness of the scheme, and this was responded to by identifying there was sufficient land available along Bythesea Road should the Council wish to investigate the option of providing a dedicated cycle lane on the northside of Bythesea Road. It was however made clear that that was not part of this application.

Cllr Jonathon Seed then queried the disabled car parking provision and referenced what had been observed at the Melksham Campus site following its completion whereby there were a lot of disabled parking spaces not being used, and Cllr Seed expressed a concern about the calculation data being used, when practical real-world assessments needed to take place. Following this observation, Cllr Seed announced he would request an informative be added to the proposal, should the application be approved, so that the disabled parking space provision be reviewed to ensure the on-site provision was justified. In response, the case officer confirmed that an informative could be added to cover this matter.

Cllr Seed then asked a further question as to whether there was enough seating for the pool spectator gallery to satisfy county standard competitions and it was highlighted that there was no swimming venue in Wiltshire which could be used for a county standard competition, which was recognised as a real shame. It was queried whether things could be redesigned internally so that this could be included, and it was requested that the design team present at the Committee answer this query when they spoke.

Members further queried the parking arrangements recognising that council employees would no longer be able to park on the site, and there was mention within the report of a staff travel plan, and a question was asked if that had been completed. Members also asked if Wiltshire Council staff would be able to use the leisure centre car park on very busy days when the Wiltshire Council car park was full.

In response, officers explained that a study had been carried out on all the car parks which Wiltshire Council staff had access to in central Trowbridge, and it concluded that the deficit created by the loss of the East Wing car park could be met by the other existing car parks, although it was accepted that some would involve a longer walk to and from the office compared to the present arrangements.

Members also queried the fact that the leisure centre did not have a sports hall. However, in response to this point, the officer explained that the publicly accessible sports hall provision would remain at Clarendon School.

Nic Thomas, Director of Planning, then joined the meeting via a virtual stream link and explained that the Committee should assess the planning merits of the application and the issues relating to its finance was not a matter for the planning committee to consider.

Members of the public then had the opportunity to present their views to the committee as detailed above. Both public speakers were in support of the application, and both highlighted the evolution of the application and the considerable benefits of the scheme and how it adhered to policy.

In response to issues Members had raised, it was noted that a cycle lane could be provided on the northern side of the site, facilitating an enhanced cyclist facility but that would be something for the Council to advance with separate to this application.

In response to the request made by Cllr Seed, the Committee heard that the swimming club had been consulted prior to the detailed design stage in terms of what they would like, and they identified 130 spectator seats as being enough. The project team however agreed that the type of seating to be provided could be looked at again post decision to try and maximise seating should it be so desired. In response to the county standard pool reference, the Committee was informed that they had 8 lanes, and not 6 as proposed and the designed scheme was not informed on delivering a pool to be large enough to host county competitions.

At the Chairman's invitation, Cllr Ian Blair-Pilling, Cabinet Member for Public Health, Communities, Leisure and Libraries spoke regarding the application, and he openly expressed being in support of the application and agreed that disabled parking could be reviewed following the centre being implemented.

The Committee also heard that the scheme was driven by public health advice; and would boost town centre footfall; that it had been assessed against the Council's business plan; had been extensively consulted upon and would provide a great community asset. There would be significant benefits, and the scheme had been thoroughly thought through.

The local division Member, Cllr Stewart Palmen (Trowbridge Central Division) stated that he was really pleased to see that things had progressed to this

stage, and it would be excellent for Trowbridge. Cllr Palmen then moved the officer recommendation to approve with conditions, which was seconded by Cllr Ernie Clark.

A debate followed where Members highlighted that there were no statutory consultee objection to the scheme and that Members needed to assess the application before them and not consider what they would like.

Cllr Seed stated that he would like to see an informative added requiring the disabled car parking provision to be looked at again. Thereafter there was some debate on what exactly was being requested, following some clarity being asked for by Kenny Green, and following this, Members settled on an informative being added to require the Council to review the on-site disabled parking provision within 12 months of the centre coming into use. This was accepted as a friendly amendment by the mover and seconder of the motion.

Following a vote it was,

Resolved:

That the application be approved subject to the following conditions:

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:

Arboricultural Impact Assessment (Tyler Grange, 4th September 2024), Statutory Biodiversity Metric completed by Tyler Grange (Vicky King-Cline) 4th September 2024, Construction Environmental Management Plan (Tyler Grange, 19th August, 2024), Ecological Impact Assessment (Tyler Grange, 4th September, 2024), Drawing Nos. 16262_TSS01, 16262_P02 received on 6th September 2024

Application Forms, External Services, External Lighting. Drawing. No. 31436-HYD-ZZ-ZZ-DR-E-9000. Rev 01. (Hydrock, 03/09/2024), Drawing Nos. 31436-HYD-00-ZZ-DR-C-7000 Rev P03, 31436-HYD-00-ZZ-DR-C-7010 Rev. P03, 31436-HYD-ZZ-ZZ-DR-E-9001 Rev. P01, 31436-HYD-00-ZZ-DR-C-7200-P01, 31436-HYD-00-ZZ-DR-C-7011 Rev P03, 31436-HYD-ZZ-ZZ-DR-E-9000 Rev. P01, 31436-HYD-00-ZZ-DR-C-7201-P02, 11120-RL-XX-ZZ-DR-A-P0401-A3-C02, 11120-RL-XX-ZZ-DR-A-P0002-A3-C01, 11120-RL-XX-ZZ-DR-A-P0001-A3-C01, 11120-RL-XX-ZZ-DR-A-F0008-S2-C01, 11120-RL-XX-ZZ-DR-A-P2300-A3-C02 received on 10th September 2024

Drawing Nos. TLC-HYD-00-ZZ-DR-C-7410 P01, SoP Plan - received on 4th November 2024

Construction Phase Plan (Issue 3) – received on 7th November 2024

Trowbridge Leisure Centre Flood Risk Assessment, Hydrock now Stantec, dated 15/11/2024, doc ref: 31436-HYD-XX-XX-RP-WENV-0001, Landscape Masterplan. Drwg.no. RL.XX.ZZ.DR.L. Rev. C03 (Roberts Limbrick, 10.09.24), Drawing Nos. 11120_P8001-C03, 11120-RL-XX-ZZ-DR-A-P2201-A3-C03, 11120-RL-XX-01-DR-A-P2102-A3-C03, 11120-RL-XX-01-DR-A-P2100-A3-C03, 11120-RL-XX-01-DR-A-P2101-A3-C03, 11120-RL-00-ZZ-DR-A-P2001-A3-C02 - received on 15th November 2024

Document 16262_R03b_AMS_19112024_RM_WS (including drawings) - received on 19th November 2024

Drawing Nos. TLC-HYD-00-ZZ-DR-C-7001 P04 - received on 22nd November 2024

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

Pre-commencement Conditions

BIODIVERSITY NET GAIN

3. Prior to the commencement of the hereby approved development a Biodiversity Gain Plan must be submitted to and be approved by the Local Planning Authority demonstrating the 10% biodiversity net gain would be achieved, including the details of any secured off-site credits.

REASON: To ensure the government target for biodiversity net gain is achieved.

RETAINED TREES AND HEDGING

4. Prior to any demolition, site clearance or development on site, and prior to any equipment, machinery or materials being brought on to site for the purpose of the hereby approved development, the mitigation measures set out in the approved Tree Protection Plan (drawing No. 16262_P04 Rev. B) shall be fully implemented to the area of works, and;

The protective fencing shall be erected to the construction site where works are being carried out in accordance with the approved details. The protective fencing shall remain in place for the period of the construction works and until all equipment, machinery and surplus materials have been removed from the area of the site where works are being carried out. Such fencing shall not be removed or breached during construction operations.

No retained trees shall be cut down, uprooted or destroyed, nor shall any retained trees be topped or lopped other than in accordance with the approved plans and particulars unless agreed otherwise in writing. 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 unless agreed otherwise in writing, 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 first occupation or the completion of the development, whichever is the later].

REASON: To ensure the retention of trees on the site in the interests of visual amenity and biodiversity.

Post Slab level Commencement Conditions

MATERIALS

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

REASON: The matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, in the interests of visual amenity and the character and appearance of the area.

ACOUSTIC IMPACTS

6. No development shall proceed above slab level until an assessment of the acoustic impacts arising from the operation of all mechanical plant associated with the development including condensers, ventilation systems and air source heat pumps shall be undertaken in accordance with BS 4142: 2014+A1:2019. The assessment shall be submitted to the Local Planning Authority together with a scheme of attenuation measures

to demonstrate the rated level of noise shall be: 5dB below background and is protective of local amenity.

Background levels are to be taken as detailed in Table 4 of the Hydrock Environmental Noise Assessment (doc ref 31436-HYD-XX-XX-RP-AC-0002) dated 30th August 2024.

The scheme shall be submitted to and been approved in writing by the Local Planning Authority. A post installation noise assessment shall be carried out within 3 months of commissioned plant being operational within the development to confirm compliance with the noise criteria and additional steps required to achieve compliance shall be taken, as necessary. The details as approved shall be implemented prior to occupation of the development and thereafter be permanently retained.

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

LEMP

7. No development shall proceed above slab level until a Landscape and Ecology Management Plan (LEMP) has been prepared in accordance with the Statutory Biodiversity Metric completed by Tyler Grange (Vicky King-Cline) 4th September 2024 (or as per a revised and approved version of this document) and submitted to and been approved in writing by the Local Planning Authority.

The LEMP shall include long term objectives and targets, management responsibilities and maintenance schedules for each ecological feature within the development, together with a mechanism for monitoring success of the management prescriptions, incorporating review and necessary adaptive management in order to attain targets.

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

REASON: To ensure the long-term management of landscape and ecological features retained and created by the development, for the benefit of visual amenity and biodiversity for the lifetime of the scheme.

DRAINAGE

8. No development shall proceed above slab level until details of the following have been submitted to, and been approved in writing by, the Local Planning Authority in relation to the surface water drainage strategy:

a) The applicant has stated flows from the western catchment will be restricted to greenfield rates, while the eastern catchment will not be restricted, just treated. To mitigate the eastern catchment of the

development being detrimental in the future accounting for climate change, the applicant must ensure the eastern catchment will attenuate the effects of climate change.

b) The applicant must provide detailed cross and long section drawings of each proposed SuDS intervention, including the attenuation tank, permeable paving, rain garden, tree pits, swales, to ensure they are designed appropriately, and in line with the Ciria C753 (SuDS Manual).

c) Observing Drainage Layout – Sheet 2, as these SuDS interventions are included in water quality calculations and the drainage calculations, the applicant must confirm that SuDS interventions will be proposed as per submitted plans, or if not, resubmit all drainage and water quality calculations omitting SuDS, and provide revised surface water drainage strategy details in accordance with Wiltshire Council policy.

d) The applicant must provide details of how, in an extreme rainfall event, the surcharging from the culverted watercourse, or from a 1-in-100 year storm, will be managed safely.

e) The applicant must provide a Flood Evacuation Plan to demonstrate how safe egress and access to the building can be maintained during such an event.

REASON: To mitigate any impact from the development onto flooding and drainage infrastructure.

SWIFT BOXES

9. No development shall proceed above slab level until details of the swift boxes, that shall be incorporated into the north-west elevation of the building, have been submitted to, and been approved in writing by, the Local Planning Authority. The boxes shall be installed in accordance with the approved plans and details.

REASON: In order to support the local swift population.

Pre-Occupation Condition Trigger

RENEWABLE ENERGY

10. The development shall not be brought into operational use until final details of the low-carbon and renewable energy technologies (such as air source heat pumps and roof-mounted solar PV) have been submitted to and been approved in writing by the local planning authority. Details shall include, but not necessarily be limited to location, number, dimensions and manufacturer's details. Thereafter, the development shall be carried out in accordance with the approved details.

REASON: In order to define the terms of the permission and in order to support and encourage sustainable construction in accordance with WCS policies CP41, CP55 and CP57.

LANDSCAPING

11. All soft landscaping comprised in the approved details of landscaping (drawing No. P8001 Rev. C03 and the Arboricultural Method Statement) shall be carried out in the first planting and seeding season following the first occupation of the building 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 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

EV CHARGING INFRASTRUCTURE

12. The development shall not be brought into operational use until the electric vehicle charging infrastructure has been provided and made available for use in accordance with the approved details.

REASON: To ensure that the objectives of sustainable development set out in WCS policies CP41, CP55, CP57 and CP60 are achieved.

HIGHWAYS

13. The development shall not be brought into operational use until the on-site access, turning areas and parking spaces (112), as well as the cycle parking facilities, have been completed in accordance with the details shown on the approved plans. Thereafter, the areas shall be maintained for those purposes for the lifetime of the development.

REASON: In the interests of highway safety.

CYCLING

14. The development shall not be brought into operational use until the cycle parking facilities shown on the approved plans have been provided in full and made available for use. Thereafter, the cycle parking facilities shall be retained for use in accordance with the approved details for the lifetime of the development.

REASON: To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than the private car in accordance with the objectives of sustainable development set out in WCS policies CP41, CP55, CP57 and CP60.

WATER & WASTE CONNECTIONS

15. The development shall not be brought into use until the associated connections to the public water and sewer infrastructure have been completed following an agreement being reached with Wessex Water as the statutory undertaker.

REASON: To ensure that the development is provided with a satisfactory water and waste drainage connections.

Compliance Conditions

SUSTAINABLE DEVELOPMENT CONDITION

16. The Hydrock document Sustainability Statement and Energy Strategy (ref. 31436-HYD-XX-ZZ-RP-ME-0002 - P02) explaining the low-carbon approach of the scheme taken in the technical design stages shall be complied with and, where necessary, updated/finalised.

This shall include but not necessarily be limited to consideration of operational carbon, embodied carbon, climate change adaptation and sustainable transport. Thereafter, the development shall be carried out in accordance with the agreed details.

Any update to this document shall be submitted to the local planning authority for approval in writing.

REASON: To ensure that the objectives of sustainable development set out in WCS policies CP41, CP55, CP57 and CP60 are achieved.

TRAVEL PLAN

17. The development hereby permitted shall be carried out in strict accordance with the following documents:

Framework Travel Plan (Document Ref. 240830/SK22386/FTP01(-02)) 4th September 2024.

REASON: To protect and maintain highway safety and to encourage sustainable travel modes.

HIGHWAYS AND WATER

18. Notwithstanding the submitted details, the proposed development shall not be brought into use until means/works have been implemented to avoid private water from entering the highway.

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

HOURS OF CONSTRUCTION

19. During the construction phase no machinery shall be operated, no process shall be carried out and no delivery shall be taken or dispatched from the site outside of the following hours; Mon-Fri 07:30 to 18:00 (no machinery to be used prior to 08:00), Saturday 08:00 to 13:00, nor anytime on Sundays or public holidays.

REASON: In the interest of neighbouring amenity

CONSTRUCTION PHASE

20. The approved Construction Phase Plan shall be implemented on site and fully adhered to at all times unless agreed otherwise in writing.

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

CONTAMINATION

21. The Hydrock document Phase 2 Ground Investigation Report (Ref. 31436-HYD-XX-XX-RP-GE-1001-S02-P01) shall be complied with in full. Any contamination that is found during the course of construction of the development hereby permitted that was not previously identified shall be reported immediately to the local planning authority. Development on the part of the site affected shall be suspended until a risk assessment has been carried out and submitted to and approved in writing by the local planning authority. Where unacceptable risks are found, the development [or relevant phase of development] shall not resume or continue until remediation and verification schemes have been carried out in accordance with details that shall first have been submitted to and approved in writing by the local planning authority. The remediation and verification report(s) shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.

REASON: WCS Core Policy 56, To reduce the risks associated with land contamination and to ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution in line with paragraph 180 of the National Planning Policy Framework.

LIGHTING

22. No external lighting shall be installed on site until plans showing the type of light appliance, the height and position of fitting, lamp post details, illumination levels and light spillage have been submitted to and approved

in writing by the Local Planning Authority. The plans will be in accordance with the appropriate Environmental Zone standards set out by the Institute of Lighting Engineers in their publication GN01/21, “Guidance for the Reduction of Obtrusive Light” (ILP, 2021), and Guidance note GN08/23 “Bats and artificial lighting at night” (ILP, 2023), issued by the Bat Conservation Trust and Institution of Lighting Professionals.

Where light spill has the potential to impact bat habitat, a lighting impact assessment must be submitted and approved in writing to demonstrate the requirements of section 8.3 of the Trowbridge Bat Mitigation Strategy (adopted February 2020) are met.

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

This condition would only be discharged when a post-development lighting survey conducted in accordance with section 8.3.4 of the Trowbridge Bat Mitigation Strategy has been submitted to the Local Planning Authority demonstrating compliance with the approved lighting plans, having implemented and retested any necessary remedial measures.

REASON: In the interests of the amenities of the area, to minimise unnecessary light spillage above and outside the development site and to ensure lighting meets the requirements of the Trowbridge Bat Mitigation Strategy.

BREEAM

23. The development hereby permitted shall achieve a BREEAM (Building Research Establishment Environment Assessment Method) rating of ‘Excellent’. Within 12 months of the development hereby approved first being brought into use a BREEAM Certificate certifying that ‘Excellent’ status has been achieved shall be submitted to the Local Planning Authority unless agreed otherwise in writing.

REASON: In the interests of the conservation of energy resources.

TREE PLANTING RESTRICTION

24. No new tree planting within 8 metres of the main river (River Biss).

REASON: To allow ease of access to the River Biss for maintenance.

OIL AND PETROL SEPARATORS

25. Oil and Petrol separators or appropriately approved pollution prevention measures should be applied to any drainage scheme to minimise risk of pollution from surface water.

REASON: To prevent pollution of the water environment in line with paragraph 174 of the National Planning Policy Framework.

Planning Informatives:

Highways informative:

The proposal may require a separate s278 legal agreement to secure all the associated highway works. The applicant would normally be required to enter into a S.278 Highways Agreement for the proposed highway works. However, as the developer in this case is Wiltshire Council, discussions will need to be held internally about how these works will be secured.

Drainage informatives:

In addition, a separate Land Drainage Consent is required for the discharge into an ordinary watercourse and works within an ordinary watercourse. The proposal also requires an agreement to be reached with Wessex Water for a foul water discharge rate from the site.

The applicant should also be mindful of the Wiltshire Council Flood Evacuation Guidance: <https://www.wiltshire.gov.uk/civil-emergencies-planning-for-anemergency-plan>

EA Informatives:

Flood risk:

This development has been proposed within an area identified as being at risk of flooding and includes the provision of car parking. The applicant should be aware that vehicles can start to float in flood depths of less than 60cm – less if it is fast-flowing. The applicant must satisfy themselves that any relevant building will be constructed in such a way that vehicles floating or displaced as a result of flooding, would not jeopardise its structural stability.

In addition, the applicant should ensure that any sensitive infrastructure such as gas and water pipes or electrical cabling are located and designed to withstand the potential impacts of floating or displaced vehicles.

Movement of waste off-site:

The Environmental Protection (Duty of Care) Regulations 1991 for dealing with waste materials are applicable to any off-site movements of wastes.

The code of practice applies to you if you produce, carry, keep, dispose of, treat, import or have control of waste in England or Wales.

The law requires anyone dealing with waste to keep it safe and make sure it's dealt with responsibly and only given to businesses authorised to take it. The code of practice can be found here:

<https://www.gov.uk/government/data/waste-duty-care-code-practice-2016.pdf>

If the applicant needs to register as a carrier of waste, please follow the instructions here: <https://www.gov.uk/register-as-a-waste-carrier-broker-or-dealer-wales>

If the applicant needs flood risk advice or guidance please contact your local Environment Agency office.

Characterisation and classification of waste:

In order to meet the applicant's objectives for the waste hierarchy and obligations under the duty of care, it is important that waste is properly classified. Some waste (e.g. wood and wood based products) may be either a hazardous or non-hazardous waste dependent upon whether or not they have had preservative treatments.

Proper classification of the waste both ensures compliance and enables the correct onward handling and treatment to be applied. In the case of treated wood, it may require high temperature incineration in a directive compliant facility. More information on this can be found here:

<https://www.gov.uk/how-to-classify-different-types-of-waste>

Waste hierarchy:

The developer must apply the waste hierarchy as a priority order of prevention, re-use, recycling before considering other recovery or disposal options. Government guidance on the waste hierarchy in England can be found here:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/69403/pb13530-waste-hierarchy-guidance.pdf

Site Waste Management Plans (SWMP) are no longer a legal requirement, however, in terms of meeting the objectives of the waste hierarchy and your duty of care, they are a useful tool and considered to be best practice.

Where applicable the Definition of Waste Code of Practice (DoWCoP) principles should be followed. If using this code of practice send a copy of their statement and any relevant documents to

Wessex.Waste@environment-agency.gov.uk

Parking informative:

As a further informative, within 12 months of the development hereby approved being brought into use, the respective owner of the site is encouraged to undertake an on-site car parking review with specific reference to the use of the identified number and location of the disabled

parking spaces associated to the said leisure centre, and to make any reasonable adjustment should there be no requirement or regular take-up of the full disabled parking provision.

The Chairman adjourned the meeting for a comfort break, with the Committee to reconvene in approximately 10 minutes.

The Committee reconvened at 12.25pm.

80 **PL/2022/08634 - Land Northwest of Crossing Lane, Lower Moor, Minety**

Public Participation

No members of the public had registered to read a statement.

Adrian Walker, as Planning Manager, introduced the report which recommended that the application for a Solar Park and Energy Storage Facility together with associated works, equipment and necessary infrastructure be approved, subject to conditions.

Several slides were shown to the Committee (published in agenda supplement 2) detailing the site and application which comprised approximately 13 hectares of agricultural fields with the South-West site boundary being identified alongside the mainline railway line (Cheltenham to London). The site access at Crossing Lane was also highlighted, as was the proposed grid connection location on the other side of Crossing Lane.

The wider context of the site was shown and explained, with the Clattinger Farm Site of Special Scientific Interest (SSSI) and Special Area of Conservation (SAC) being highlighted, respectively measured at 600m to the North and the Acres Farm Meadow SSSI being approximately 760m to the East.

The Committee then heard about a number of recent permitted applications for solar farms and battery storage in the wider local area, which were detailed in the Committee report and shown on a slide being identified as generally around the Minety Substation to the south of the application.

The land classification for the site was detailed, with 4.4 hectares being grade 3a agricultural land (good quality) and 6.3 hectares being grade 3b agricultural land (of moderate quality). Members were reminded that Grade 1, 2 and 3a land were considered to be the best and most versatile agricultural land, so about 40% of the site (at grade 3a) was considered that.

The Committee was the informed of the site layout, with ancillary structures and infrastructure located in the middle of the site. The proposed solar panels would be fixed at an angle of 10-20 degrees and would be about 3m tall, and the proposal included the necessary underground cable routing to connect to the facility to the nearby energy substation.

Members were informed the application was temporary in nature, for a 40-year period.

The officer furthermore advised Members that the application had been received prior to the mandatory 10% Biodiversity Net Gain (BNG) requirement being implemented. However, the applicant included information and plans to increase biodiversity, through providing an onsite pond and planting new hedgerows to beef up the hedgerows which already existed, as well as providing bird and bat boxes. There would be a minimum 10m buffer from the solar panels to the edge of the site which could be used by animals for habitat connectivity. All fencing would have mammal gates, and views from various directions around the site were shown to Members.

Members of the Committee then had the opportunity to ask technical questions of the officer, and details were sought on the loss of the 3a grade agricultural land, when previous guidance had sought to make use of grade 3b or lesser quality land for solar farms.

In response, the officer stated that this had been taken into consideration, and the recommendation was to focus these types of development away from the best and most versatile agricultural land, and in noting that about 40% of this site was grade 3a and being the lowest type of best and most versatile land, it was nevertheless a material consideration. Having said that, Members were advised the application was temporary in nature, and the land would be returned to farming in 40 years' time. It was furthermore explained that the amount of 3a grade land that would be taken out of active agricultural use was a relatively small area and would not severely impact farming in the area. So, it was felt that the benefits of delivering this green energy proposal would outweigh the harm created by the small loss of best and most versatile land.

Further questions were asked about the Energy Storage Containers; and whether animals such as sheep would be allowed to graze around the panels; who owned the land where the cabling would go through; and the extent of visibility of the site from footpaths.

It was noted that the Energy Storage Containers had conditions attached to them; and the officer advised that the site would not be used for grazing but would however increase biodiversity; and the visual impact of the application was limited. It was also confirmed that the applicant had identified the local substation by Crossing Lane for the grid connection rather than connect to the Minety substation, which was located further away.

No members of the public had registered to speak regarding the application.

The unitary division member, Cllr Chuck Berry (Minety Division) then spoke regarding the application. Cllr Berry highlighted that there were many solar farms in the North of Wiltshire, and particularly near Minety. From reviewing the application details, he observed that this was not the worst proposal that he had seen, but did note that it would be close to a former tile factory and that there was lots of history around the site and wanted the archaeological aspects to be considered.

Likewise, he wanted to ensure that the culvert which ran under the railway line would not be negatively affected by the solar farm development. The Cllr further highlighted that the site was not close to any residential properties but would be seen from the train line. He understood the need to do what we could for the climate, and in summary, he did not have any major issues with the application but had called the application in regarding the cumulative impacts of the solar farms in the locality, and the archaeological and drainage issues, so he wanted Members to consider it carefully.

In response the officer explained that a flood risk assessment and surface water strategy had been submitted with the application, and these had been looked at and condition 18 would ensure the development was implemented on an acceptable basis, alongside censure there was clear arrangements for the ownership and ongoing maintenance of the ditch network, and to ensure the culvert remained effective at accepting flows for the lifetime of the development which addressed the drainage matters of concern.

Cllr Jonathon Seed then proposed the officer recommendation to approve with conditions, which was seconded by Cllr Adrian Foster.

A debate followed whereby some Members stated that they were not comfortable that some of the site was on 3a agricultural land, which was considered best and most versatile, and it was hoped that planners would note this and consider this when considering solar farm applications in the future. The officer highlighted that they did take into account of this matter and also were informed by planning inspectorate decisions when considering the weighting to be afforded to grade 3a land for example as part of the planning balance when considering a renewable energy development. The direction of travel seemed to be that the benefits of solar farms, in terms of green energy generation and becoming carbon neutral outweighed the harm caused by losing a smaller proportion of best and most versatile land.

Following the debate the motion was put to the vote, and it was,

Resolved:

To grant planning permission subject to the following conditions:

- 1. The development hereby permitted shall begin before the expiration of three years from the date of this permission.**

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

- 2. The permission hereby granted shall be for a temporary period and shall expire 40years from the date that electricity from the development is first exported to the electricity distribution network ('First Export Date') or no later than 44 years from the date of this decision, whichever is the soonest. Written confirmation of the First Export Date**

shall be provided to the Local Planning Authority no later than 1 calendar month after that First Export Date. Within 6 months of the date of expiry of this planning permission, or, if sooner, the cessation of the use of the solar panels for electricity generation purposes for a continuous period of 6 months, the solar panels together with any supporting/associated infrastructure including the inverter stations, security equipment, poles and fencing shall be removed from the land and the land restored to its former agricultural condition. A decommissioning and restoration plan must be submitted to and agreed with the council a minimum of 12 months prior to decommissioning. The plan will supported by an impact assessment based on up to date baseline survey and carried out according to the current guidelines. It must set out clear aims of restoration to benefit key habitats and species.

REASON: In the interests of amenity, ecology and the circumstances of the use.

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

- Drawing ref. P20-2372_EN_01 Rev. A – Site Location Plan
- Drawing ref. P20-2372_11 Rev. B – Detailed Planting and Layout Plan
- Drawing ref. 5636_T0205_03 – Site Layout and Planting Proposals
- Drawing ref. 5636_T0207_01 – Solar Module Elevation
- Drawing ref. 5636_T0208_01 – Transformer / Inverter Container Elevation
- Drawing ref. 5636_T0209_0 – Control Room / DNO Substation Elevation
- Drawing ref. 5636_T0210_0 – CCTV and Fence Detail
- Drawing ref. 5636_T0211_0 – Energy Storage Container Elevation
- Drawing ref. 5328 Sheet 1 of 3 – Topographical Survey
- Drawing ref. 5328 Sheet 2 of 3 – Topographical Survey
- Drawing ref. 5328 Sheet 3 of 3 – Topographical Survey

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

4. The development will be carried out in strict accordance with the following documents:

- Mitigation Plan (September).
- Mitigation and enhancement detailed in Cooles Farm Solar Park Land Northwest of Crossing Lan Lower Morr, Minety Wiltshire. Phase II Detailed Ecological Surveys and Assessment. (Five Valleys Ecology, 21 October 2022)
- Detailed Planting and Layout Plan. Cooles Farm Solar. DWG No: 5636_T0212_01 Rev:C

REASON: For the avoidance of doubt and for the protection, mitigation and enhancement of biodiversity.

- 5. Notwithstanding the details shown on the approved plans, no development shall commence on site until details of the materials, colour and finish of any built structures and containers, poles, fencing, gates etc., have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details prior to the development being first brought into use and retained as such for the lifetime of the development.**

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

NOTE: The use of neutral earth tone colours for elevational building / container treatments (including roof materials) and security fencing is important in this rural area. The use of white or light-coloured materials / finishes on containers and battery storage units or other infrastructure elements must be avoided, set against dark landscape backdrops of woodland and trees etc. The proposed 'Signal White' (RAL 9003) colour finish for the Energy Storage Containers must be changed to a less visually contrasting/jarring neutral darker colour, which would not visually contrast with the darker landscape background of trees and hedgerows etc.

- 6. No development shall commence on site until a scheme for mitigating the effects of noise from the development hereby approved, as recommended within the Noise Assessment (September 2023) by Hoare Lea, and an updated Noise Assessment to confirm the predicted noise levels emitted from the development with mitigation measures are within an acceptable range i.e. the development shall not at any time exceed the prevailing background noise level at any residential dwelling, has been submitted to and approved by the Local Planning Authority. All works comprised in the approved scheme shall be completed before any part of the development is first brought into use.**

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 minimise the disturbance which that could otherwise be caused to the residents of neighbouring properties by noise generated from the development.

- 7. A post installation noise assessment shall be carried out within 3 months of completion of the development to confirm compliance with the submitted Noise Assessment approved by condition 5 of this permission and be submitted to the Local Planning Authority for approval in writing. Any additional steps required to achieve compliance shall thereafter be taken in accordance with a timetable to be agreed with the Local Planning Authority. The details as submitted**

and approved shall be implemented and thereafter be permanently retained.

Reason: To protect local amenity from adverse effects of noise.

8. No demolition, site clearance or development shall commence on site until an Arboricultural Method Statement (AMS) prepared by an arboricultural consultant providing comprehensive details of construction works in relation to trees has been submitted to, and approved in writing by, the Local Planning Authority. All works shall subsequently be carried out in strict accordance with the approved details. In particular, the method statement must provide the following:
- A specification for protective fencing to trees during the construction phases which complies with BS5837:2013 and a plan indicating the alignment of the protective fencing;
 - A specification for any ground protection within tree protection zones in accordance with British Standard 5837: 2012;
 - A schedule of tree works conforming to British Standard 3998: 2010;
 - Details of general arboricultural matters such as the area for storage of materials, concrete mixing and use of fires;
 - Plans and particulars showing the layout of below ground infrastructure within tree protection zones
 - A full specification for the construction of any arboriculturally sensitive structures and sections through them
 - Details of all other activities, which have implications for trees on or adjacent to the site.

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 order that the Local Planning Authority may be satisfied that the trees to be retained on and adjacent to the site will not be damaged during the construction works and to ensure that as far as possible the work is carried out in accordance with current best practice and section 197 of the Town & Country Planning Act 1990.

9. The proposed soft landscaping scheme, as shown on the Detailed Planting Layout Plan (drawing no.P20-2372_11 Rev.B), shall be carried out in the first planting and seeding season following the first operation of the development or the completion of the development whichever is the sooner, or in accordance with a schedule and timetable to be agreed in writing by the Local Planning Authority. All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting

season with others of a similar size and species, unless otherwise agreed in writing by the Local Planning Authority.

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

10. No development shall commence on site until:

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

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

REASON: To enable the recording of any matters of archaeological interest

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

- a) Identification of ecological protection areas/buffer zones and tree root protection areas and details of physical means of protection, e.g. exclusion fencing around trees with bat roost potential.
- b) Working method statements for protected/priority species, such as nesting birds, amphibians, roosting bats and reptiles.
- c) Work schedules for activities with specific timing requirements in order to avoid/reduce potential harm to ecological receptors; including details of when a licensed ecologist and/or ecological clerk of works (ECoW) shall be present on site.
- d) Key personnel, responsibilities and contact details (including Site Manager and ecologist/ECoW).
- e) Timeframe for provision of compliance report to the local planning authority; to be completed by the ecologist/ECoW and to include photographic evidence.

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

REASON: To ensure adequate protection and mitigation for ecological receptors prior to and during construction, and that works are undertaken in line with current best practice and industry standards

and are supervised by a suitably licensed and competent professional ecological consultant where applicable.

12. A Landscape and Ecological Management Plan (LEMP) shall be submitted to, and approved in writing by, the Local Planning Authority before commencement of the development. The content of the LEMP shall include, but not necessarily be limited to, 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 capable of being rolled forward over an 25 year period);
- 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 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 plan shall also set out (where the results from monitoring show that the conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented.

The LEMP shall be implemented in full 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 adequate protection, mitigation and compensation for protected species, and to ensure successful establishment and management of new mitigation planting proposals and the appropriate future management of retained hedgerows and woodland areas necessary to maintain a satisfactory landscape screening function for the life of the development.

13. Notwithstanding the detail within the Construction Traffic Management Plan (CTMP) (October 2022) by Pegasus, no development shall

commence until a full and final Construction and Environmental Management Plan (CEMP) has been submitted to and approved in writing by the local planning authority. The CEMP shall include details of the following relevant measures:

- i. An introduction consisting of construction phase environmental management plan, definitions and abbreviations and project description and location;
- ii. A description of management responsibilities;
- iii. A description of the construction programme;
- iv. Details of the area for parking of vehicles of site operatives and visitors;
- v. Details of the area for loading and unloading of plant and materials;
- vi. Details of the area for the storage of plant and materials used in constructing the development;
- vii. Site working hours and a named person for residents to contact;
- viii. Details of vehicle routing to the site
- ix. Detailed site logistics arrangements;
- x. A detailed programme of the works indicating the number of construction and delivery vehicles, and the number of construction staff vehicles on a daily/weekly basis;
- xi. Traffic routeing signs and HGV turning warning signs (including signage drawings);
- xii. Details confirming the passing bays on Sawyers Hill and Ashton Road to be fit for purpose, in terms of construction/surfacing and dimensions.
- xiii. Details of the measures to control the emission of dust, dirt and noise during construction;
- xiv. Details of the hours of works and other measures to mitigate the impact of construction on the amenity of the area and safety of the highway network;
- xv. Details of the proposed width of the access track from its junction with Crossing Lane, including any passing bays,
- xvi. Communication procedures with the LPA and local community regarding key construction issues – newsletters, fliers etc.

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

REASON: 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.

14. No development shall commence until a pre-construction highway photographic survey to be carried out along the sections of highway of Ashton Road, Sawyers Hill and Crossing Lane to the access to the

application site has been carried out. Upon completion of the construction phases, a post construction survey shall be carried out at the same location. Details and results of both before and after survey shall have been submitted to the Council as the Highway Authority within 3 months of the first operation of the development. Those submitted details and results shall be accompanied by a plan and timing schedule for the repair of any damage identified and attributable to the construction of the development, to be carried out at the expense of the applicant, which shall have been agreed in writing with the Local Planning Authority beforehand.

REASON: To secure a scheme for the repair of the public highway following completion of substantive construction works

15. No development shall commence on site until the first 20m of the access track from its junction with Crossing Lane, 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

16. No development shall commence on site until the visibility splays shown on the drawing ref. P-20-2372 Figure 3.2 Proposed Access Arrangements have been provided with no obstruction to visibility at or above a height of 900mm above the nearside carriageway level. The visibility splays shall always be maintained free of obstruction thereafter.

Reason: In the interests of highway safety.

17. No external light fixture or fitting will be installed within the application site unless details of existing and proposed new lighting have been submitted to and approved by the Local Planning Authority in writing. The submitted details will demonstrate how the proposed lighting will impact on bat habitat compared to the existing situation. The plans will be in accordance with the appropriate Environmental Zone standards set out by the Institution of Lighting Professionals (ILP) Guidance Notes on the Avoidance of Obtrusive Light (GN 01/2021) and Guidance note GN08/23 "Bats and artificial lighting at night", issued by the Bat Conservation Trust and Institution of Lighting Professionals. Illumination levels shall not exceed those specified for Environmental Zone 1 as set out by the Institute of Lighting Engineers in their publication "Guidance Notes for the Reduction of Obtrusive Light" (ILE, 2005)"

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, to minimise unnecessary light spillage above and outside the development site and to avoid illumination of habitat used by bats.

18. Notwithstanding the contents of the Flood Risk Assessment & Surface Water Strategy (October 2022) by Pegasus, no development shall commence on site until full details of the proposed scheme for the discharge of surface water from the site, incorporating sustainable drainage details, has been submitted to and approved in writing by the Local Planning Authority. The development shall not be first brought into use until surface water drainage has been constructed in accordance with the approved scheme.

REASON: To comply with Core Policy 67: Flood Risk of the Wiltshire Core Strategy (adopted January 2015) and to ensure that the development can be adequately drained without increasing flood risk to others.

NOTE: The final surface water drainage scheme will be required to address all points within the consultation response of the Lead Local Flood Authority, dated 20/02/2022, namely:-

- The applicant must provide capacity and condition assessments for the drainage ditches to ensure they are of sufficient condition to accept incoming flows.
- The applicant shall submit clear arrangements for the ownership and ongoing maintenance of the ditch network, to ensure this remains effective at accepting flows for the lifetime of the development.

INFORMATIVE

The attention of the applicant is drawn to the following advice and guidance from Network Rail:

SAFETY

Any works on this land will need to be undertaken following engagement with Asset Protection to determine the interface with Network Rail assets, buried or otherwise and by entering into a Basis Asset Protection Agreement, if required, with a minimum of 3 months notice before works start. Initially the outside party should contact assetprotectionwestern@networkrail.co.uk.

DRAINAGE

Soakaways / attenuation ponds / septic tanks etc, as a means of storm/surface water disposal must not be constructed near/within 5 metres of Network Rail's boundary or at any point which could adversely affect the stability of Network Rail's property/infrastructure. Storm/surface water must not be discharged onto Network Rail's property or into Network Rail's culverts or drains. Network Rail's drainage system(s) are not to be compromised by any work(s). Suitable drainage or other works must be provided and maintained by the Developer to prevent surface

water flows or run-off onto Network Rail's property / infrastructure. Ground levels – if altered, to be such that water flows away from the railway. Drainage does not show up on Buried service checks.

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. NR wish to retain their rights of access to our culvert as SWM1 87 24ch.

INFORMATIVE

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

The attention of the applicant is drawn to the recommendations made by the Dorset and Wiltshire Fire and Rescue Service as outlined within their consultation response to the application, dated 16 December 2022, and the guidance produced by the National Fire Chiefs Council, as referred to within the Planning practice Guidance on Battery Energy Storage Systems (Paragraph: 034 Reference ID: 5-034-20230814).

INFORMATIVE

Wiltshire Council is the land drainage authority under the Land Drainage Act 1991. Land drainage consent is required if a development proposes to discharge flow into an ordinary watercourse or carry out work within 8m of an ordinary watercourse.

An ordinary watercourse is a watercourse that does not form part of a main river. The term watercourse includes all rivers and streams and all ditches, drains, cuts, culverts, dikes, sluices, sewers (other than public sewers within the meaning of the Water Industry Act 1991) and passages, through which water flows.

INFORMATIVE

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.

INFORMATIVE

The applicant should note that under the terms of the Wildlife and Countryside Act (1981) and the Conservation of Habitats and Species

Regulations 2017 (as amended) it is an offence to disturb or harm any protected species including for example, breeding birds and reptiles. The protection offered to some species such as bats, extends beyond the individual animals to the places they use for shelter or resting. 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.

Cllr Ernie Clark requested that his vote be recorded.

Cllr Clark voted against the motion to approve.

81 **Urgent Items**

The Chairman stated that there were no urgent items or part 2 items, therefore he thanked everyone for attending, wished them a Happy Christmas, and closed the meeting.

(Duration of meeting: 10.30 am - 12.50 pm)

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

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

REPORT FOR THE STRATEGIC PLANNING COMMITTEE

Date of Meeting	23 January 2025
Application Number	PL/2023/11188
Site Address	Land at Blackmore Farm, Sandridge Common, Melksham, SN12 7QS
Proposal	Demolition of agricultural buildings and development of up to 500 dwellings; up to 5,000 square metres of employment (class E(g)(i)) & class E(g)(ii)); land for primary school (class F1); land for mixed-use hub (class E / class F); open space; provision of access infrastructure from Sandridge Common (A3102); and provision of all associated infrastructure necessary to facilitate the development of the site (Outline application relating to access)
Applicant	Gleeson Land Ltd
Town / Parish Council	Melksham Without Parish Council
Electoral Division	Bowerhill; Cllr Nick Holder
Type of Application	Outline Planning Permission
Case Officer	Steven Sims

Reason for the application being considered by Committee

The application is brought before the Strategic Planning Committee because the proposal involves a departure to the policies of the statutory development plan and the recommendation is to approve subject to completion of a S106 agreement. Notwithstanding this, the application has been called in for committee consideration by Cllr Nick Holder citing the following concerns:

- The Scale of development
- The Visual impact upon surrounding area
- The Relationship to adjoining properties
- The proposal conflicts with the emerging Local Plan and Design Guide.

1. Recommendation: For the reasons set out within this report, officers recommend that the committee endorse the officer recommendation to approve the abovementioned application, subject to a s106 legal agreement and planning conditions.

2. 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 having regard to the Council's substantial housing supply deficit (being 2.03 years) as well as the social, environmental and economic material considerations.

3. Report Summary

The key issues for consideration are:

- The principle of development
- The proposed layout, density, design and visual impacts
- The Highway Implications
- The impact on the setting of the adjacent listed building

- The impacts on the living conditions of neighbouring residents
- Drainage issues
- Ecology issues
- Open space/ sports provision
- Loss of agricultural land
- Other issues

4. Site Description



Site Location Plan (Drg no. 220 rev B) with aerial inset showing Blackmore Farm

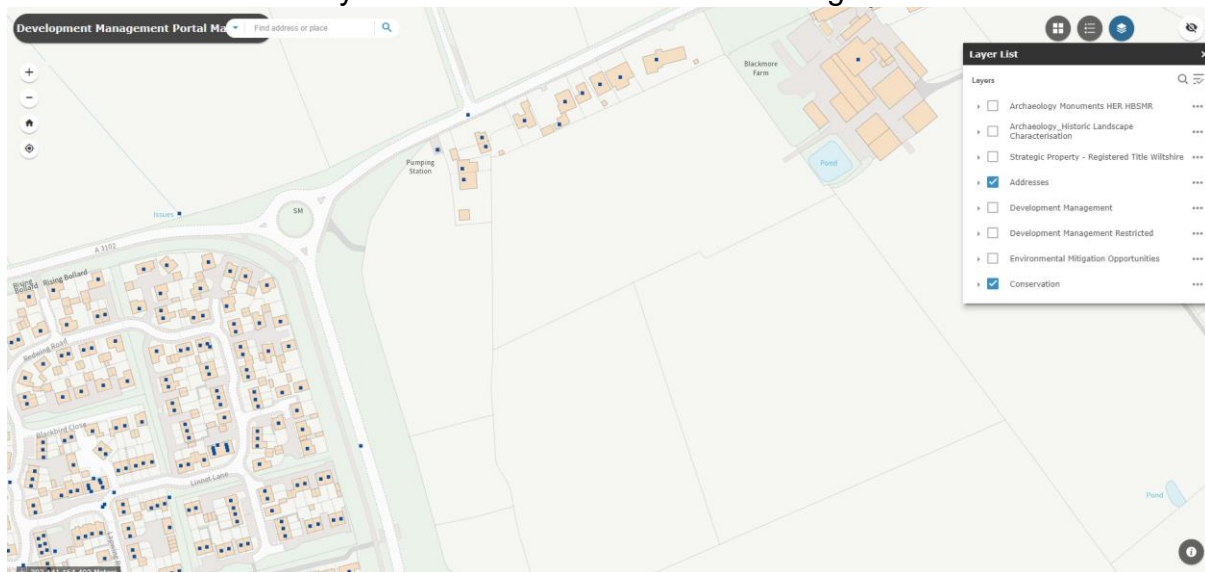
The application site extends to over 37 hectares and is shown above in red outline with other land owned by the applicant shown in blue. The site is located immediately south of Sandridge Common Road (the A3102) and to the east of Eastern Way.

As shown in the aerial insert above right, Blackmore Farm has a range of agricultural buildings that abut the site's northern boundary.

The blue pin marker (on the aerial insert and located near the top right) indicates the location of Blackmore Farmhouse which is a grade II two-storey rendered brick and rubblestone listed building dating from the late 18th century.



The previous inserts also reveal there being a dozen domestic properties abutting the site's northern boundary – which is clearer on the following insert.



To the west, the significant modern town expansion on land to the northeast of Snowberry Lane and south of Sandridge Road is clearly evident – which formed part of a 2004 outline permission for 670 dwellings, which was subject to numerous applications through the years. The site is located just over 2km east of Melksham's town centre.

The application site is comprised of several agricultural fields, bounded by well-established hedgerows (except around Blackmore Farm where the boundary is formed by the outer-walls of agricultural barns and post/ wire fencing), and is of predominately Grade 3 (good to moderate quality land) around Blackmore Farm and Grade 4 (poor quality) further to the south (when referencing the Natural England Agricultural Land Classification (ALC) maps) and measuring just over 32 hectares.

The topography of the site is fairly flat and low lying, gently sloping from the north boundary.

Trees are found throughout the site nestling amongst the hedgerows while a small copse of broadleaved trees is located in the southern section of the site.

The site falls within the Avon Open Clay Vale character area while the Wooded Greensand Hill Special Character Area is located approximately 600 metres to the northeast. The site is located within flood zone 1. Some minor areas of the site are subject to surface water flooding associated with Clackers Brook.

A tributary of Clacker's Brook dissects the southern area of the site and public footpath MELW26 runs north south through the site while bridleway MELW41 is located adjacent to the southern boundary. Public footpath MELW27 passes through the centre of the site - as illustrated on the following page.



Site constraints – detailing public footpaths/bridleways and the listed building (Blackmore House)



Photo – looking west from site towards Eastern Way



Photo – looking south from site towards Snarilton Farm



Photo – looking west from site



Photo – looking north from the site and towards the rear of the properties fronting Sandridge Common Road

5. Relevant Planning History

PL/2023/01949 – Outline permission with some matters reserved for demolition of agricultural outbuildings and development of up to 650 dwellings; land for primary school; land for mixed-use hub (class E / class F); open space; provision of access infrastructure from Sandridge Common (A3102); and provision of all associated infrastructure necessary to facilitate development of the site (access only). – Refused, in accordance with following reasons –

1. *Core Policy 1 of the Wiltshire Core Strategy sets out the 'Settlement Strategy' for the County, and in doing so identifies four tiers of settlement - Principal Settlement, Market Town, Local Service Centre, and Large and Small Village. Within the Settlement Strategy Warminster is defined as a Large Village. The Principal Settlements, Market Towns, Local Service Centres and Large Villages have defined boundaries, or 'limits of development'. Beyond the limits of development is countryside. The application site lies beyond / outside the limits of development of Melksham and so is in the countryside.*

Core Policy 2 of the Wiltshire Core Strategy sets out the 'Delivery Strategy'. It identifies the scale of growth appropriate within each settlement tier. The policy states that within the limits of development of those settlements with defined limits there is a presumption in favour of sustainable development; but outside the defined limits – that is, in the countryside – other in circumstances as permitted by other policies of the Plan, development will not be permitted, and that the limits of development may only be altered through identification of sites for development through subsequent Site Allocations Development Plan Documents and Neighbourhood Plans.

Core Policy 15 of the Wiltshire Core Strategy sets out the 'Spatial Strategy' for the Melksham Community Area in which the site lies. It states that development

in the Melksham Community Area should be in accordance with the Settlement Strategy set out in Core Policy 1.

Policy 6 of the Joint Melksham Neighbourhood Plan (made in July 2021) states that in accordance with Wiltshire Core Strategy Core Policy 2, development will not be permitted outside the Settlement Boundary other than in circumstances as permitted by other policies within the Core Strategy.

The proposal is for outline planning permission to erect up to 650 dwellings, etc in the countryside. Under Core Policies 1, 2 and 15, this does not comply with the Settlement and Delivery Strategies as a matter of principle. The Strategies are designed to ensure new developments satisfy the fundamental principles of sustainability, and so it follows that where a proposal such as this fails to comply with them then it will be unsustainable in this overarching context. The application site is not identified for development in a Site Allocations Development Plan Document, and it is not allocated in a Neighbourhood Plan document.

Furthermore, there are no material considerations or exceptional circumstances set out in other policies of the Plan, which override the core policy's position. The proposal is, therefore, contrary to Core Policies 1, 2 and 15 of the Wiltshire Core Strategy, Policy 6 of the made Joint Melksham Neighbourhood Plan and paragraphs 2, 7-15, 47 and 180(b) of the National Planning Policy Framework (NPPF), comprising unsustainable development.

- 2. The applicant has not demonstrated that the proposal can satisfactorily accommodate the quantum of development proposed. The Parameter Plan – Composite (Drg no. 509 rev H) and Parameter Plan – Density (drg no, 516 rev A) fail to satisfactorily illustrate that 650 dwellings could both fit on the site, and fully accord with the delivery of a high quality development and standard of urban design (including, in particular, an appropriate mix of dwelling types that would adequately respond to local need as expressed in the most up to date Strategic Housing Market Assessment, provide tree-lined streets, quality landscaping and sensitively integrated parking).*

The Council is not satisfied that the proposal would deliver a well-designed, beautiful new place as directed by the Framework and the applicant has not provided adequate clarity about the design expectations. The Council is also not convinced the application has been sufficiently supported in terms of analysing and recognising the intrinsic character of the open countryside. The site forms part of the Open Clay Vale character area which includes a Special Landscape Area (SLA) immediately to the North-East of the site and the site benefits from views to and from Sandridge Park Hill as well as forming a rural buffer to the SLA that would be lost by this development.

The adopted Wiltshire Core Strategy seeks to protect and conserve landscape character, and the Framework sets out within paragraph 180 the need to contribute to and enhance the natural environment, and the Council is not satisfied that this proposal would deliver this policy requirement.

Therefore, the proposal fails on the fundamental tenet of delivering high quality design and place shaping and is found contrary to Core Policies 45, 51 and 57 of the Wiltshire Core Strategy, policies 6 and 18 of the Joint Melksham Neighbourhood Plan and paragraphs 8b, 96, 128, 129, 131, 135, 136, 139, 180 of the Framework.

- 3. The proposed development would cause harm to the setting of the grade II listed farmhouse at Blackmore House, at Sandridge Common. The proposals would introduce a significant suburban form of development which is out of character with the existing agricultural landscape, over a very large area, and would result in the almost complete loss of the wider rural setting within which the listed farmhouse is experienced with a consequent diminution of its significance as the farmhouse becomes completely divorced from the surrounding agricultural landscape. This harm is considered as “less than substantial harm” and in accordance with paragraph 208 of the NPPF, on balance, it is not considered the public benefits of the development outweigh the harm caused. The proposed development is therefore contrary to Core Policies 57 and 58 of the Wiltshire Core Strategy and paragraphs 203, 205 and 208 of the Framework.*
- 4. The applicant has failed to provide sufficient information to fully determine the ecological impacts, including the extent to which the proposed development would impact upon priority habitat types, protected / notable species which are reasonably likely to be present and affected by the development, and the extent to which the development would impact local green infrastructure, as a consequence, the application is not considered to be environmentally sustainable. In addition, insufficient information in the form of adequate/complete bat surveys has been submitted as part of the application to determine the impact of the development on potential tree roosts by bats which are sensitive to the anticipated increase noise and artificial light disturbance, and the impact for Bechstein’s bat in particular. The applicant has also failed to submit sufficient information to provide evidence of Biodiversity Net Gain. The development is therefore contrary to Core Policies 50 and 52 of the Wiltshire Core Strategy, Policy 13 of the Joint Melksham Neighbourhood Plan and paragraphs 180 and 186 of the Framework.*
- 5. The proposed development fails to provide and/or secure adequate provision for necessary on-site and, where appropriate, off-site infrastructure to make the application proposal acceptable in planning terms. The application is therefore contrary to policy CP3 of the adopted Wiltshire Core Strategy, and the National Planning Policy Framework, specifically the central social and environment sustainable development objectives enshrined within paragraph 8.*

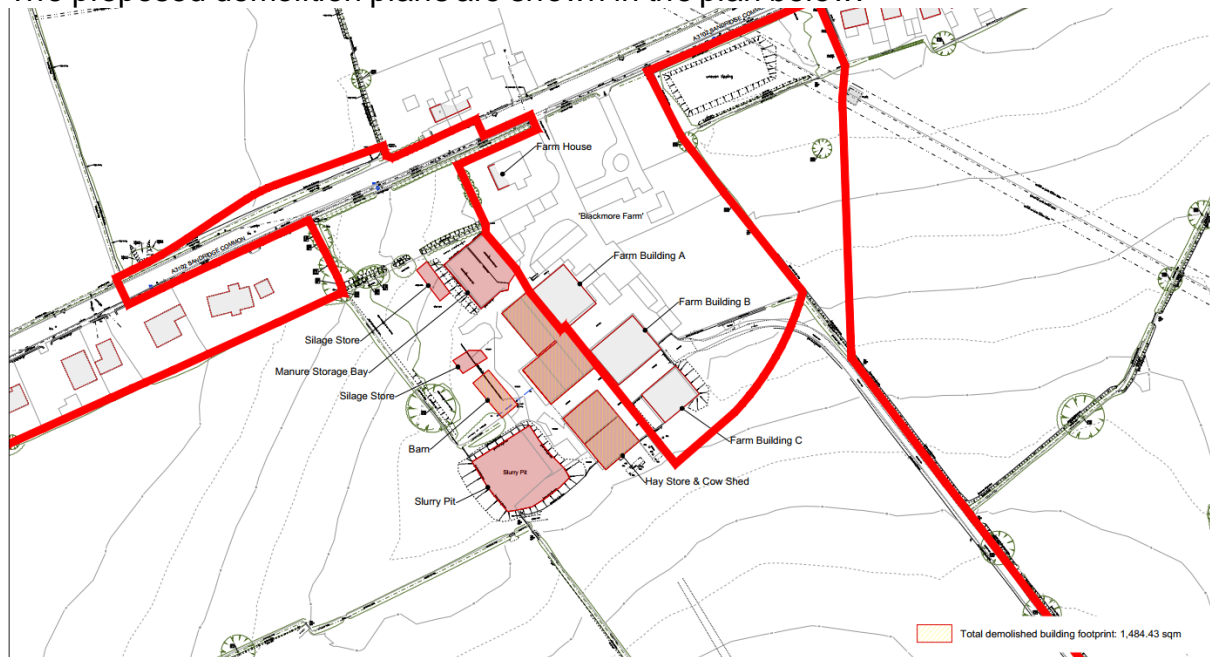
PL/2022/01864 – EIA - Scoping request associated to Land at Blackmore Farm, Melksham – EIA not required

6. The Proposal

This application seeks to obtain outline planning permission, with all matters reserved except for access, for the following development/ works: -

- erection of up to 500 dwellings (with a clear commitment given by the applicants in early April 2024 to deliver 200 dwellings (40% of the scheme) as affordable homes)
- erection up to 5,000 square metres of employment floorspace (class E(g)(i) & E(g)(ii)) (Commercial, Business and Service falling within office use and research and development use which can be carried out in any residential area without detriment to the amenity of that area by reason of noise, smells and fumes etc). On the Illustrative Masterplan (see below) this has been shown as comprising circa 2.07ha with space for car parking and a building footprint with a floor area of c.5,000sqm (to be built over two/ three storeys)
- provision of land (2 hectares) for a new primary school (class F1) and sports pitch provision
- provision of land for a mixed-use hub (class E / class F). On the Illustrative Masterplan this has been shown on a land parcel of circa 0.17ha (1700sqm) with space for car parking and a building footprint with a gross floor area of c.400sqm.
- public open space provision (15 hectares) including 2 equipped play spaces (one for children and one for teenagers) and allotments (amounting to 0.17ha).
- construction of a new ghost island right turn access off Sandridge Common (A3102)
- and associated infrastructure and green infrastructure (additional tree planting, landscape buffers, green corridors and enhancement of existing hedgerows etc)
- demolition of the existing agricultural buildings at Blackmore Farm

The proposed demolition plans are shown in the plan below:



The detailed matters relating to appearance, landscaping, the layout and scale of the proposed development are reserved for a later reserved matters application. However, to assist the Council with its assessment of this outline application, the applicant has submitted an Illustrative Masterplan which is shown on the next page.



Illustrative Masterplan (Drg no. 417 rev C)

7. Local Planning Policy

The adopted Wiltshire Core Strategy (WCS) 2015 – The relevant policies include: Core Policy 1: Settlement Strategy; Core Policy 2: Delivery Strategy; Core Policy 3: Infrastructure Requirements; Core Policy 15: Spatial Strategy - Melksham Community Area; Core Policy 34: Additional employment land; Core Policy 38: Retail and leisure; Core Policy 43: Providing Affordable Housing; Core Policy 45: Meeting Wiltshire's Housing Needs; Core Policy 46: Meeting the Needs of Wiltshire's Vulnerable and Older People; Core Policy 50: Biodiversity and Geodiversity; Core Policy 51: Landscape; Core Policy 52: Green Infrastructure; Core Policy 57: Ensuring High Quality Design and Place Shaping; Core Policy 58: Ensuring the Conservation of the Historic Environment; Core Policy 60: Sustainable transport; Core Policy 61: Transport

and Development; Core Policy 62: Development Impacts on the Transport Network; Core Policy 64: Demand Management; Core Policy 67: Flood Risk

Wiltshire's Emerging Local Plan With regard to - Policy 17 – Melksham Market Town; Policy 18 – Land East of Melksham [Important Note: Following the Full Council meeting on 15 October 2024. The emerging Wiltshire Local Plan was submitted to the Secretary of State on the 28 November 2024 to appoint a planning inspector and to programme an independent examination].

The made Joint Melksham Neighbourhood Plan 2020 – 2026

Emerging Joint Melksham Neighbourhood Plan (Regulation 16 public consultation being held Nov 2024 to Jan 2025)

Wiltshire Council's Housing Land Supply Statement June 2024 (with baseline date of April 2023) – however it is important to note that the June 2024 HLS has been superseded by fresh calculations made following release of the revised NPPF in December 2024 and members should refer to the following:

Wiltshire Council Briefing Note No.24-20 (17 December 2024)

West Wiltshire District Plan 1st Alteration 2004 'saved policies', with regard to: U1a Foul Water Disposal; I2 Arts; and I3 Access for Everyone

Wiltshire Local Transport Plan 2011-2026, adopted 2015 - including the Car Parking Strategy and Cycling Strategy, adopted 2015

Wiltshire Council's Waste Core Strategy, adopted July 2009

Wiltshire Council's Waste Storage and Collection: Guidance for Developers Supplementary Planning Document, January 2017

West Wiltshire Open Space provision in New Housing Developments – A Guide (Supplementary Planning Guidance August 2024) and Wiltshire Council's Playing Pitch Strategy February 2017

Art and Design in the Public Realm in Wiltshire – 2024 Guidance – adopted May 2024

West Wiltshire Landscape Character Assessment, March 2007

Leisure and Recreation Development Plan Document, January 2009

A Green & Blue Infrastructure Strategy for Wiltshire: Wiltshire's Natural Environment Plan 2022-2030

Wiltshire Local Cycling and Walking Infrastructure Plan (LCWIP)

- Active travel infrastructure design standards 2022
- Active travel parking standards and design guide 2022

LTN1/20 – Cycle Infrastructure Design (July 2020)

Air Quality SPD (July 2023)

Wiltshire Council's Wiltshire Design Guide SPD (March 2024)

Wiltshire Housing Site Allocations Plan, adopted 25 February 2020

National Planning Policy Framework (Dec 2024) & Planning Practice Guidance

Open Space provision in New Housing Developments – A Guide (Supplementary Planning Guidance) and Wiltshire Council's Playing Pitch Strategy February 2017

Summary of Consultation Responses

Note following the release of the revised NPPF dated December 2024 some of the following comments from consultees may reference out of date NPPF policy paragraphs.

Melksham Without Parish Council: Following submission and review of revisions, the PC maintained an objection (dated 18 December 2024) due to the health and safety implications of the single access off the A3102. The comments that the parish council have previously submitted over the last year still stand. The parish council supports plan led development but feels strongly that this application does not align with the policy in the Local Plan, with only one access, it also notes it's for 75 more dwellings than the emerging new local plan proposes.

1. Relocation of the Employment Land

Concerning the revised plans, the parish council objects to the revision to move the employment land from the Northeast to the Southwest. The parish council understand from the Planning Officer that this was done to make the plan more aligned with Policy 18 in the draft Local Plan. On looking at the policy Figure 4.12, that made sense when the access was coming from Eastern Way as directly off the distributor road Eastern Way, straight into the employment area. The parish council objects to the increased traffic for the employment land now accessing the employment land via the A3102, travelling the length of the development on an estate road, past the primary school and the residential development – it is felt that it's very unlikely that those accessing the employment land will all be living on the development and walking to work. This will put more traffic pressure on the single access to the site on the A3102 at peak times, with residents out commuting and workers on the employment site and school attendees coming into the development at the same time.

The parish council suggests that this planning application conflicts with the new NPPF paragraph 115 “*b) safe and suitable access to the site can be achieved by all users*” and “*d) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highways safety, can be cost effectively mitigated to an acceptable degree through a vision led approach*”; and feels that paragraph 116 applies “*Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe...*”

2. Sustainable Transport:

The parish council have previously raised that they wish to see any comments from Active Travel England, as they feel that they put forward constructive comments for the planning application for the adjacent site at Land at Snarlton Farm. These are not available on the online portal for viewing, if they have been received can they be uploaded please, and if not received, can they be chased please to inform this decision-making process.

3. Emergency Access:

The other revision to the plan was to update the emergency access route on the plan, but this is only for emergency vehicles using the pedestrian/cycle way. If there was an accident/incident/road works on the junction of the A3102 and the development, how would the residents of the 500 houses, the school pupils/staff and those working at the employment land be able to exit or come into the development?

4. Community Hub:

The land for the community hub looks to be wholly inadequate to provide a building and car park to serve the community of the new development and needs to be much bigger. We are unable to scale off the drawing, is this something that can be provided to the parish council so that they can compare it to the size of the village hall recently built at Berryfield. The parish council do not feel that community use of the primary school is an acceptable solution, this was done with the relatively recently built Forest & Sandridge School with many issues accessing it for community uses in practical terms, especially as it's not available during the day.

As per the previous comments, the parish council wish to discuss the community hub provision to ensure that a holistic approach is adopted when in consideration with other current planning applications for s106 funding from adjacent sites at Land at Snarlton Farm and Land at New Road Farm. It may be that funding could be secured from the Snarlton Farm application, if Wiltshire Council are minded to approve the application, to fund a larger community hub/centre that could serve both developments. The parish council urge that these options are investigated rather than two community centres being provided on adjacent sites, as well as the one to be built by Melksham Town Council on the Hunters Wood/The Acorns development: leading to an unsustainable proposition.

5. Further discussions:

This is a large development, bigger than some villages in Wiltshire, and the parish council feel that they have an important part to play in the planning process with their local knowledge. The parish council query if their comments that were submitted to the Local Plan review consultation on this policy have been taken into account.

The PC also expressed an interest in seeing conditions and a summary of the s106 obligations in a committee report and the implications of the recent publication of the latest NPPF.

The Melksham Neighbourhood Plan is an important and relevant part of the Development Plan and is still valued as such in the newly published NPPF.

Parish Council comments received 24/9/2024 –

This consultation solely related to the proposed development being accessed via the A3102 and a ghost junction instead of a roundabout.

Melksham Without Parish Council expressed being disappointed that there is still only one access to the development off of the A3102, which is not considered suitable for the reasons expressed previously (in February 2024 and follow up consultation commentary) but the PC maintains its opposition to this application and strongly supports the comments made by the Sustainable Transport Officer in August 24.

In addition, the PC notes some environmental changes to the parameter plans and the parish council requests that the existing mature trees and hedgerows be retained at the site of this development. There are some mature oak trees of significant value on the site.

Also dated 24/9/2024, the PC submitted the following comments–

Further to the recent Planning Appeal hearing for Land west of Semington Road, the parish council requested that any Reserved Matters application should be submitted **WITHIN TWO YEARS**, and not 3 years as per the standard Wiltshire Council condition. This is to try and address the shortfall in the 5-year housing land supply pipeline. Whilst the decision of the Inspector is still pending, he did accept the change in conditions to reflect this request.

Melksham Without Parish Council therefore request if Wiltshire Council are minded to approve the application for Land at Blackmore Farm that any Reserved Matters application should have a condition that they have to submit a Reserved Matters application within 2 years of the decision date.

Parish Council comments received 13/9/2024 –

Melksham Without parish council have considered the current situation with the potential for a community centre on the Snarilton Farm application, the same on the application for Blackmore Farm and the s106 funding for a community centre in the application for Hunters Wood/The Acorn 14/10461/OUT which is now in the parish of Melksham Town, and it is noted that the Town Council are yet to submit a planning application for the proposed site in Angelica Avenue to the rear of Spa Medical Centre.

We just want to draw to your attention to the above and to understand how best the planning applications with any s106 funding and land agreed for a community centre deliver the most appropriate new facility. The parish council do not think three community centres are required, but perhaps two are necessary noting that the one for the initial development of 800 dwellings on land to the east of Melksham had the community facility omitted as part of the new primary school development. We also want to ensure we don't miss out on any at all, and the potential for funding. The parish council would like to be party to any discussions on this, with the town council as appropriate.

Parish Council comments received 11/9/2024 –

Regarding the above planning application, at a Planning Committee meeting on 19 August, Members considered the comments from the Wiltshire Council ecologist on the proposals and supported their objections.

Parish Council Comments received 12/2/2024 –

Melksham Without Parish Council strongly objects to this planning application for the following reasons:

- The proposals do not answer the strategic needs of the Melksham Neighbourhood Plan area and in fact distinctly hinder any future strategic plans for Melksham in terms of master planning via the draft Local Plan policies.

- This is speculative and not plan-led development, its piecemeal and not in line with the allocation in the draft Local Plan (Policy 18); despite the statement in the Preface of the Design & Access Statement that this new application has been prepared in response to this emerging allocation. This gives an uncoordinated, disjointed approach, without the means to properly address the infrastructure needs that the impact this number of houses to the area will bring.

Attention is drawn to the comments of the Urban Design Officer in the Statement of Community Involvement, which the parish council agrees with.

“The site in question is just one piece of a wider area; an area which looks to become a new urban extension (UE) for Melksham, and which will need to be master planned in a holistic way, with input from a range of stakeholders as well as adjacent landowners. The applicant’s seemingly self-serving masterplan references adjacent land promoted by other developers but does not show what is proposed or how those land uses would integrate with the applicant’s masterplan.”

- The application does not adhere with Policy 18 in the draft Local Plan, regarding the housing allocation for Blackmore Farm:

- The local plan allocates 425 dwellings on this site.

- The Local Plan seeks an allocation of 5ha employment land. However, proposals only show 0.93ha of land for employment use, as office space. It is unclear where the requirement for additional office space in Melksham has been evidenced, particularly as there is currently a shortage of warehouse/manufacturing space within Melksham, with businesses and agents reporting significant demand for expansion space in the area against a shortage of available sites and premises, as highlighted in the Wiltshire Employment Land Review Update dated September 2023.

- The Local Plan seeks a much lower density of housing to the east of the site, in order to prevent coalescence with the rural character of the area. However, there is no reference within documentation supporting the application of the level of density proposed in this area, just a general note of “500 dwellings at 36dph average” on the Illustrative Masterplan legend.

- There does not appear to be provision for a mobility hub, including bus and cycle infrastructure provision.

- The development is in the open countryside, outside the Settlement Boundary of Melksham & Bowerhill, isolated and therefore unsustainable and in conflict with Melksham Neighbourhood Plan policy 6: Housing in Defined Settlements It is stated within the Design & Access Statement the development is adjacent to the settlement boundary, this is not the case, as it is next to a ‘ransom strip’ adjacent to Eastern Way.

- It is noted in the Design and Access Statement it states Core Policy 2 of the Core Strategy is out of date by virtue of a lack of 5-year land supply. However, this is irrelevant given recent changes to the National Planning Policy Framework (NPPF), as Wiltshire Council now have “Paragraph 77” protection.
- The Melksham Neighbourhood Plan was made on 8 July 2021 and therefore meets the National Planning Policy Framework (NPPF) “Paragraph 14” criteria following recent changes to the NPPF. Whilst their documentation states that they have submitted this application to reflect the draft Local Plan, they have made no reference to the Regulation 14 consultation on the reviewed Melksham Neighbourhood Plan that took place in October and November 2023, despite making representations.
- The proposals are not part of any housing allocation in the current Melksham Neighbourhood Plan. The Steering Group are looking to allocate a meaningful number of houses (200-250) as part of the Neighbourhood Plan Review.
- The proposals do not adhere to policies within the adopted Neighbourhood Plan, particularly policies 1, 6, 8, 11 and 18 with regard to sustainable design and construction, housing in defined settlements, infrastructure phasing and priorities, sustainable transport & active travel and local distinctive, high-quality design, respectively.
- There has been no adherence to either the emerging Wiltshire Design Guide or Melksham Design Guide within the development design.
- There is a lack of connectivity with the surrounding area and lack of connection to the distributor road Eastern Way. The only vehicle access proposed is off the A3102; and only one access. It was noted in response to a Scoping Document request, that the Planning Officer had stated ‘despite the large size of potential development it is not proposed to include land to the East of the development at Eastern Way as a means of access, Eastern Way is effectively a by-pass that has been presumably designed to accommodate future growth of the Eastern side of Melksham and included a roundabout with anticipated access to go further east towards your site.’
- It is noted within the Design & Access Statement it refers to Sandridge Common having sufficient capacity to accommodate access points and traffic arising from the proposed development. The parish council would like to see the evidence to support this claim, particularly as they have a concern the only entrance/exit will be at the bottom of a steep hill and on a bend, with several accidents having taken place along this stretch of road over the years.
- Whilst it is noted the only proposed entrance/exit will be served by a roundabout, some of the arrangements for pedestrians around the roundabout are unsatisfactory, particularly as it is noted there is no means of crossing the main road via a central island to access the bus stop on the North-Western side of A3102 outbound or the proposed nursery in the draft Local Plan in Policy 20.
- Concern is raised if there were to be an accident near the only access/egress, this could be completely blocked off, therefore a separate access in a different location is required, as suggested in the draft Local Plan.
- Attention is drawn to Paragraph 114(b) of the National Planning Policy Framework (NPPF) which states: new developments must ensure safe and suitable access to the site can be achieved for all users.
- There is a concern at the impact this development will have on the narrow country roads to the North of the site. A large number of residents will be tempted, as drivers from East of Melksham currently do, to use country lanes such as New Road (single track with passing places), Forest Road and through the National Trust village of

Lacock via a single-track medieval bridge to pick up the A350 to access Chippenham and the M4. The bridge at Lacock is often closed due to flooding.

Concern has recently been raised with the parish council by Wiltshire Council's Highway Officers at the condition of the verges along New Road, given the number of vehicles trying to pass each other on such a narrow road, despite passing places. Therefore, the parish council seek a highway contribution towards increased highway maintenance needed as a result of this development.

- Whilst the parish council have not had sight of the Highway Officers comments relating to this application, they had noted the Highway Officer's previous comments relating to the original planning application (PL/2023/01949) and therefore had requested that any highway requests recommended in those Highway Officer comments should be in place prior to first occupation and not the 400th as indicated in his original report.

- The illustrative map does not show the route of a potential Eastern bypass, as on the original planning (PL/2023/01949). Concern is expressed, there is very limited space between the development and existing woodland near Praters Lane.

The parish council would strongly oppose the destruction of the woodland in order to accommodate a potential eastern bypass. Therefore, concern is expressed at the statement in the Design & Access Statement, that "there is no saved route in the draft Local Plan and therefore no planning policy in place which states they should have regard of the line of Eastern bypass." The parish council note that there is funding for the Eastern Bypass project in the Wiltshire Council budget for 2024/25.

- Within the Local Plan, the indicative plan indicates there will be two accesses to the development, therefore any bus operator would be amenable to running a service to this site, as they would be able to go in one way and out the other and therefore cover the maximum number of passengers and be more efficient from an operational point of view. However, plans only show one access, and no circular route, therefore making the site less accessible for bus operators and less attractive from an operational point of view.

Within the Transport Accessibility and Movement Report it states there is an hourly bus service. However, it does not state when this service starts and finishes. Any service should be available at times to take children from the development to the various schools in the area and visa-versa.

It is also stated a proposed new bus service would go 'down Eastern Way, Western Way, The Spa, through the town centre onward to the Train Station'. Confusion was expressed in the use of Western Way.

Within plans it states bus stops being only 500m away from the site. However, this distance could only be achieved by having to use the existing public right of way network, which is not surfaced and therefore, would need to be sufficiently upgraded.

It is noted the developer does not own the land in question with the landowner objecting to the development for the previous 650 houses.

It is noted the area only has a limited bus service at present. Attention is drawn to the comments of the Planning Inspectorate at a recent Appeal for an application in Southwick (PL/2023/00952), which stated the development was unsustainable due to

an infrequent bus service, therefore, this would suggest this development is unsustainable.

- Whilst it is noted within the Statement of Community Involvement it states the Drainage Team had no objection to the original proposals for planning application PL/2023/01949, this is a bit misleading, as they have asked for several conditions to be addressed.

The parish council have a concern at potential flood risk and note this had also been raised as a concern by several people when commenting on the previous application for 650 dwellings (PL/2023/01949). Although there will be attenuation, once full, the run-off will go into the water courses and unless these are more than adequate, there could be flooding issues including further downstream.

Concern was expressed with the accuracy of the applicants Appendix 9.1 of the Flood Risk Assessment & Drainage Strategy (Part 1) which states that *'the nearest Environment Agency (EA) designated main river to the site is Clackers Brook, a tributary of the River Avon, which passes through Melksham and the neighbouring village of Shurnhold'*. Shurnhold is not a village; it is part of Melksham bordering South Brook about half a mile to the West of the River Avon, whereas Clackers Brook flows into the river from the East. There is therefore concern about the accuracy of other aspects in the report.

- Whilst noting land has been allocated for a 2-form entry school. Any school needs to be in place as soon as residents move in. If not, children will be taken by vehicle to other schools in the Melksham area, causing additional traffic, which does not conform with Wiltshire Council policy. We can only see reference to 2 form entry school in the Transport Accessibility and Movement Report, whereas the other documents and plans only say 2.0ha of land for a school. Wiltshire Council policy is for 2 form entry schools.

Paragraph 99 of the NPPF states that it is important that a sufficient choice of school places is available to meet the needs of existing and new communities. The Wiltshire Council draft School Place Strategy (page 17) states: *"Wiltshire Council believes that: Parental preference is a key consideration and ability to access a school place close to home within the local community is an important factor."*

The draft School Places Strategy (page 89) states that *"At present, there are clearly insufficient primary school places available in the town to cater for the proposed Local Plan housing"*. It also adds that the closest primary school, Forest & Sandridge, has a capacity of 420 and is full, with a S106 contribution secured to expand the school to 2.5FE. With only 5% of urban primary school capacity at present, it is clear that there are no spaces for the children moving into this proposed development in the current schools; let alone choice of schools.

- Early years: Within the Design & Access Statement it suggests the inclusion of a nursery as set out in Policy 18 of the draft Local Plan is an error. However, it is understood both the Blackmore Farm site and the site allocation in the draft Local Plan opposite at New Road Farm (Policy 20) are required to provide 60 early year places and 110 nursery places respectively. There needs to be a firm plan for the early years

provision and s106 contributions to provide for the new young children that this development will bring to the area. Page 21 of the draft School Places Strategy states:

"Wiltshire Council believes that where additional school places are needed because of new housing development, as far as possible the costs should fall on the landowners and/or developers, by way of contributions falling within the concept of planning obligations". This should apply to Early Years provision too.

- For secondary education, the draft School Places Strategy document states *"The number of pupils attending Melksham Oak is forecast to grow significantly over the next few years as larger cohorts being to feed through from primary schools and as new housing is completed. The recent expansion means that the school now has a PAN of 300 which will be sufficient to meet the needs of current housing. If the proposed Local Plan houses are taken forward, there would be a significant shortfall of secondary places. Whilst the school site is large, expanding the school over 12FE would make it the largest school in the Country and would probably be considered too large to operate from one site"*.
- Again, there is evidence that the secondary school places are only sufficient for the current housing in the pipeline, and not for any new school places being generated by speculative development. This is why any future development needs to be planned strategically.
- The Wiltshire Council Education team's comments relate to the prematurity of this application, as there would be insufficient places or room for expansion until the site allocation (Policy 19) in the emerging Local Plan comes to fruition.
- Concern was raised at the safety of children wishing to access Melksham Oak School, as they would need to use Eastern Way and compete with the traffic, particularly as there is still no rear access to the school. There are already many concerns raised at the number of pupils on the A365 pavement, both pedestrians and cyclists, and evidence of regular accidents and near misses as the flow of children at school opening and finishing times is wider than the pavement can cope with. A planning application has recently been submitted for a footpath to the rear of the school (PL/2023/10488) but as yet is no more than a planning application.
[officer note: the above application was approved on 22 April 2024 and a discharge condition submission has been lodged with on-site works being planned for late 2024/early 2025]
- Due to the piecemeal approach of this development, although it shows a primary school on the plans, there is no access to the school from adjoining land, which are in the SHELAA (Strategic Housing & Employment Land Availability Assessment), form part of a wider site in the Local Plan Review in 2021 and have a current public consultation for 300 dwellings with a planning application planned shortly.
- It is noted residents were written to in April 2022 and the public consultation event was also held then. However, since then, there has been more development (some 450 dwellings) in the vicinity i.e. Hunters Wood/the Acorns (18/04644/REM these residents' views would not have been taken into account.
- Whilst there is a proposal to have a pedestrian/cycle access using part of Browns Lane bridleway on Eastern Way, there is still no other means of connecting to existing development and services East of Melksham.
- Only 30% affordable housing is included within proposals and not 40% affordable housing as sought in the draft Wiltshire Local Plan. This is disappointing as the development is envisaged and allocated as part of the Local Plan strategic allocation.

- In order to facilitate access to this development a number of farm building and facilities are due to be demolished and removed. The parish council strongly object to these proposals on heritage grounds. There is concern whether this will allow for the continued viability of the farm holding as 50% of the farm would remain as open land.
- Concern is expressed at the loss of agricultural land used for food production, noting the land and buildings current use is for dairy farming. Following recent changes to the National Planning Policy Framework, a new footnote to paragraph 181 states that when agricultural land must be used, poorer quality land should be preferred over higher quality land. It states: “The availability of agricultural land used for food production should be considered, alongside the other policies in this Framework, when deciding what sites are most appropriate for development.”
- Concern is expressed at the impact this development will have on the Grade II listed Blackmore House, and its setting, adjacent to the site.
- The Melksham Neighbourhood Plan is currently under review and has a number of emerging evidence documents to underpin revised and new policies. The draft AECOM Site Assessment report 2023 has assessed this site. It excluded it from the initial first sieve of sites, at Stage 1, with the following comments: “The site is removed from the settlement boundary. The site may be appropriate to be developed alongside Site 3678, 3683, 3701 and 3525 as a large urban extension of Melksham which connects to the Melksham Bypass. The site contains deciduous woodland which have priority habitats. The site also includes the designated heritage assets of Blackmore House. The site is exposed to views across from Sandridge Hill.”
- It is noted within the Design & Access Statement the presence of 12no. Category A trees (oak) within the site, with design proposals **seeking** to retain all of the Category A trees. The parish council **insist** all Category A trees are retained.
- It is noted there are a few inaccuracies/errors in the Design and Access Statement as follows:

Local Context

- Melksham Community Hospital. There is no minor injuries unit on site
- There is reference to banks in the town centre, but there are no longer any banks open in Melksham.
- Little Joey’s Nursery is now closed.
- The Somerset Arms Pub is now closed.
- Melksham Rugby Club pitches are not available to the general public to use. It is also listed twice.
- Melksham Town Football Club pitches are not available to the general public to use.
- The Beecher Veterinary Centre should be referenced as The Beeches Veterinary Centre.
- Melksham Blue Pool Leisure Centre is now closed.
- Aztec Fitness is now closed.
- The United Church has been missed off the list of churches.
- Melksham Youth Development Centre is now closed.
- There are several references to the local distinctiveness of villages such as Seend, Seend Cleeve, Semington, Bromham, Saint Edith’s Marsh and Nether Street which are irrelevant within the context of the site location – for the palette of materials, and areas of local distinctiveness the Melksham Design Guide should be adhered to.
- Some parts of the report seem outdated, for example there is reference to site 1a which was the larger site in the first draft Local Plan consultation report, not the one from Sept 2033 that the document says this application was designed to meet.

Whilst the parish council strongly object to the proposals, the parish council ask that the following be included, if the application is to be approved:

- Adherence to policies of the current Melksham Neighbourhood Plan and those of the reviewed Neighbourhood Plan (JMNP#2), such as the Housing Needs Assessment, Design Guide etc

<https://www.melkshamneighbourhoodplan.org/np2-evidence-base>

- The Parish Council seek the provision of play equipment, above that required by the West Wiltshire District Council saved Policy in the Core Strategy, which is also imaginative to encourage active play.
- It is noted it is proposed to include a destination play area, however, having looked at guidance, the Parish Council are concerned at having everything in one place. They believe that the size of the development would warrant both a LEAP (Local Equipped Area of Play) and a NEAP (Neighbourhood Equipped Area of Play) and a MUGA (Multi Use Games Area) so that there is a range of suitable equipment for all ages; children and teenagers – as per the draft Local Plan policy.
- The Parish Council also wish to enter into discussions to be the nominated party for any proposed LEAPs & NEAPs and seek the following:
 - A maintenance sum in the s106 agreement for continued maintenance of the play areas.
 - Safety Surfacing extended beyond the play area fence line (by at least 30 cm) and for the whole area to be surfaced as such, with no joins to prevent future expansion gaps, and no grass that will require maintenance.
 - Tarmac, not hoggin, paths provided.
 - No wooden equipment provided.
 - Dark Green Metal bow top fencing provided.
 - Clean margins around the edges, no planting.
 - Bins provided outside the play areas.
 - Easy access provided for maintenance vehicles.
 - Public access gates painted red.
 - No insetsymbols provided in the safety surfacing, which should be one solid surface.
 - Public Open Space which is regularly mown and not all for wildflower areas, to allow for children to kick a ball around informally.
 - Equipment installed for teenagers.
 - Whilst proposals to include allotments are welcomed, the Parish Council ask that these are fenced in, with access to water, as well as a car park provided, and security measures installed. The parish council wish to understand who will run the allotments; if this is to be an Allotment Association then they will require a large, vandal proof shed.
 - Circular pedestrian routes around the site.
 - The provision of benches and bins where there are circular pedestrian routes and public open space and the regular emptying of bins to be reflected in any future maintenance contribution.
 - Connectivity with existing housing development.
 - There are practical art contributions, with the Parish Council being involved in public art discussions.
 - Speed limit within the site is 20mph and self-enforcing.
 - The development is tenant blind. The parish council draw attention to the recent Housing Needs Assessment undertaken as part of the Melksham Neighbourhood Plan

Review, which reflects the current needs of the Melksham area in terms of housing and tenure mix

https://www.melkshamneighbourhoodplan.org/_files/ugd/c4c117_4c8411b64439472fbfcf8e856799e2c9.pdf

- Given the development is adjacent to existing dwellings fronting Sandridge Common, the design layout should result in new gardens backing onto existing garden and that the new housing is no higher than 2 storeys. The design layout should also take account of the impact on any potential new dwellings on the strip of land to the West of this site adjacent to Eastern Way and to the South.
- The road layout within the development is such that there are no dead ends in order that residents and refuse lorries do not need to reverse out of roads.
- Contribution to educational and medical facilities within the Melksham area.
- There is visible delineation between pavement and roads. Shared spaces which are easily identifiable.
- Tree planting is not adjacent to property boundaries; in order they do not cause issues later with growing over the boundary to resident's properties or causing shade on gardens.
- Whilst the parish council welcomes a developer contribution to enhance public transport, the proposals do not go far enough, particularly as reference is made to existing bus services which do not serve Melksham Railway Station, with the nearest bus stop being some distance away from the Railway Station.
- Members welcome the provision of bus shelters with the capabilities for real time information and therefore ask that proposed bus shelters are tall enough with a power supply to enable this. To give good shelter from the weather, shelters are provided with sides, with a bench seat rather than a perch seat.
- Whilst land has been set aside for a 400m² mixed use hub, this will be too small to serve such a large community. Therefore, the parish council ask that significant land to be set aside to enable a functional, 2 storey community building and hub to serve the whole community. The parish council request a community centre large enough to include additional health facilities (with room for GP clinics, as well as complimentary services like physio, chiroprapist, osteopath etc.) as well as associated facilities to service and provide a 3G pitch.
- Provision of a Local Centre, similar to nearby Verbena Court, with the provision of electric car charging points (in line with Policy 4 of the Neighbourhood Plan). Contribution towards green initiatives i.e., provision of charging points, local green energy production and battery storage for the community hub.
- The parish council seek improvements to existing Rights of Way in the area which are understood to have been submitted by Wiltshire Council's Rights of Way Team as part of their response to the proposals at public consultation stage and ask that Right of Way MELW30 becomes a bridleway to connect up bridleways at MELW40 & 41, particularly as there are many stables in this area.

As previously requested, the parish council would like to see included in proposals a safer access to Praters Lane from the A3102, as currently people have to go via Lopes Close across private gardens to access the right of way safely.

- Ecological measures such as bird and bat boxes, bee bricks, reptile refugia and hibernacula with all these enhancements (types, numbers, position etc) marked on plans and drawings.

Melksham Town Council: Objects.

Following submission of revised plans received 22/11/24 –

There are no material changes in this application, and it does not address the previous concerns. Issues of access, suitability of existing road and infrastructure have not been addressed. Extra traffic caused by this development would cause problems across the whole of the Melksham area.

MTC reiterates its previously submitted objections, set out below:

Melksham Town Council objects to this application on the grounds that the proposal conflicts with NPPF, Wiltshire Council Core Strategy (Core Policy 2), the allocation in the draft local plan, and the draft Neighbourhood Plan, the existing Neighbourhood Plan and the Wiltshire Design Guide. The proposed Primary School does not comply as it is a one form entry. There is no information on affordable housing or an environmental study. Melksham Town Council also has concerns about infrastructure, archaeological matters and swift bricks.

Lacock Parish Council: Objects. This planning application was considered at a meeting of Lacock Parish Council on 12 February 2024 when the Council resolved to lodge a strong objection to the proposed development for the reasons stated below.

Lacock Parish Council has for many years become increasingly concerned over the increasing number of vehicles travelling through the historic village of Lacock and over the roads leading to Lacock including the single-track medieval bridges over the River Avon. The increase in vehicles undoubtedly arise from the significant major new residential developments to the east of Melksham. As no new road infrastructure has been built to accommodate the increase in traffic from these developments, for those drivers wishing to access the A350, northwards, and potentially the M4 there is no better route than by using New Road, then Forest Road before traversing the bridges and passing through Lacock to reach the A350.

This is a wholly unacceptable situation and is giving Lacock Parish Council a major problem in knowing how to deal with the concerns raised by local residents. The large number of vehicles using Lacock as a “rat run” is causing safety, environmental and damage to the character of the historic village. Traffic calming measures are under consideration, although the cost to the parish of introducing these is significant, but in reality, the only solution is for new road infrastructure to be built to deal with the problem. At the recent consultation Lacock Parish Council supported a new bypass to the east of Melksham terminating at a junction on the A350, to the north of Beanacre (option 10c). Therefore, until the new road infrastructure has been built Lacock Parish Council would argue that no new planning permissions should be granted for new residential development.

Were the Blackmore Farm development to be permitted the new residents who wish to travel northwards would undoubtedly travel along New Road and ultimately through Lacock making the present unacceptable situation even worse. For this reason, the Parish Council argue that the planning application is premature and should be refused.

Wiltshire Council Strategic Planning Team – In terms of the emerging Wiltshire Local Plan Review, limited weight can be given at this stage given that it has not yet been subject to examination.

With regard to NPPF para 49, this development would be unlikely to constitute as being premature because the two limited circumstances do not apply. The application is substantial but *'not so substantial, or its cumulative effect so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to an emerging plan'*.

Granting permission for this application would be unlikely to undermine the plan-making process or undermine decisions on location or phasing of development as the proposed allocation of this site means that it is considered to be a sustainable location for development. And the emerging Wiltshire Local Plan (WLP) is not at an advanced stage to carry material weight.

With regard to the proposed quantum of housing development (up to 500 dwellings) – given the Council's HLS shortfall, and the relatively modest increase in housing over and above the emerging WLP Draft Policy 18 (approx. 425 dwellings) the difference is not considered significant

The application is proposing to deliver most of the main infrastructure requirements of Policy 18 i.e. a local centre, a 2ha site for primary school, vehicular access from A3102 and a mobility hub.

It is also noted that the application is proposing to set aside over 2 hectares of land for new employment development, and through negotiated revisions sought by officers, the location of the new employment land provision would respect the emerging WLP concept plan for Policy 18 (Local Plan Figure 4.12). It is also important to appreciate that about half of the land being put forward for new employment purposes through Policy 18 is under the control of other landowners. Therefore, it will be possible for further employment to be delivered within the Policy 18 site allocation on land controlled by other landowners.

Wiltshire Council Economic Development: Objects. In the emerging local plan, it is proposed that 5Ha of land, some of which is on this site, should be allocated for employment use. This proposed employment allocation is adjacent to Snarlton Farm, which already has commercial uses on the site and has planning permission to expand further. The illustrative plan submitted with this application shows housing on this land which we do not feel is desirable or acceptable. Should the remainder of the proposed employment allocation come forward for commercial use then these houses will be virtually surrounded by industrial units.

We note that as part of the application it is proposed to include 4950sqm of space for office, research and development use. Whilst this is welcome, we feel that it would be far better for this indicative employment land to be located adjacent to the existing commercial site at Snarlton Farm. We would also like to see a larger range of class uses – there is still an oversupply of offices following the pandemic and whilst there is

substantial, unmet demand for business units locally it does not tend to be for research and development.

We are also concerned by the proposed upgrade to part of the bridleway MELW41 (PRoW) for use by pedestrians and cyclists. This in our view would have an impact on the existing commercial businesses operating at Snarlton Farm and potentially result in highway safety concerns.

Officer Note on the above: Following the submission of revised plans dated 22/11/2024, the applicant revised their proposal for employment land use – which has been re-located to the southwest of the site adjacent Snarlton Farm to align with the emerging local plan, as such it is considered the above objection has been overcome.

Wiltshire Council Highways Team: No objections subject to conditions.

The following comments were received on 17/12/2024 following the submission of revised details dated 22/11/2024.

Having reviewed the latest submissions and development on the overall application there does not appear to be a specific new drawing or document for review. The following comments are provided in the context of NPPF (Dec 2024), DfT 01/22 and Manual for Streets.

The requirement for an emergency access is not one for consultation with the local highway authority in terms of the principle. This is a matter for the local emergency services to establish the need based on their plans and protocols for the scale of development proposed. In terms of an access that accommodates emergency vehicles, suitable geometry, visibility, construction standards in accordance with Part B will all form part of any technical approval for a highways access onto a public highway should the need be established on human safety grounds by others.

The comments on the officer's report suggest that a s106 is preferred for securing a Travel Plan and this would be acceptable. In terms of the latest version of the NPPF, the need for monitoring would appear to be better covered within a legal agreement than by planning condition.

The need for a School Travel Plan condition or inclusion within the S106 has been rebutted by the applicant. This is due to the fact that the school is intended to form part of a separate application. However, the modelling work and assessment to date for the site has been with the school. In effect there should have been a modelled future scenario without a school included within all submissions, certainly in the context of the latest 'all future scenarios' with in the NPPF.

In terms of the order that buildings could come forward and whether trips from outside the site to the school would be greater, has not been fully validated in the work to date. The work and assumptions are based on a complete development operating as per the transport assessment.

If the school development comes forward separately then the respective applicant would need to redo the Transport Assessment work at that time.

The proposals have been subject to a robust transport assessment and the singular access point off the A3102 Sandridge Common Road has been fully modelled and no highway-based objections are raised.

Comments dated 27/8/2024 – these comments concluded -

The proposed access would be safe and suitable, subject to technical approval, but it would have an urbanising impact along a short section of A3102 Sandridge Common Road. The sections of road are all subject to 40mph and the overall change in context and character would not impact significantly on maintenance of local roads due to the hierarchy of roads they hold in the WCC Asset Management Strategy.

The site due to its distance from facilities outside the site is unlikely to result in a better-than-expected level of sustainable mode use but is proposed to be supported by a new hourly bus service.

The proposed walking and cycling improvements and highways works would enable safe and suitable crossing of Eastern Way and routes identified in the draft Local Walking and Cycling Infrastructure Plan, however the distance to local facilities would remain a factor in travel mode choice.

Further development beyond the current settlement boundary, if absent of additional facilities could lead to severe cumulative impacts of the issues outlined above.

In terms of this application, when tested on its own merits, the highway authority considers, having highlighted a number of potential matters, that it has no substantive highway-based objection subject to the required planning conditions, developer contributions and securing a range of highways works which would require separate technical approval from the local highway's authority.

Active Travel England (ATE): In summary, ATE is not currently in a position to support this application and requests further assessment, evidence, revisions and/or dialogue.

Key Issues

Trip generation analysis and travel plan targets

The trip generation and assignment analysis set out in the TA and subsequent Transport Update Notes has a heavy focus on vehicle traffic which, despite helpfully acknowledging a range of trip types and including active travel mode shares, is restricted to a consideration of peak hours of vehicle travel only. ATE requests that a multi-modal trip generation analysis is provided for the entire day, otherwise the application risks setting an artificially low bar for consequent mode shift targets.

These targets lack ambition in their current form, especially considering the fact that the number of proposed dwellings would exceed the quantum outlined in the relevant

emerging Local Plan policy, and they should be increased to better align with the government's target for half of all journeys in towns and cities to be walked, wheeled or cycled by 2030. As it stands, the focus on vehicle traffic and the limited mode shift targets would not be in step with the vision-led approach to transport planning which is currently expected by central government and set out in the most recent revision to the NPPF.

Off-site improvements, public transport strategy and access to the site

The use of the WHCAR (Walking, Cycling and Horse-riding Assessment Review) methodology to identify key routes and identify potential interventions is welcomed, and it is clear that the applicant has taken steps to liaise closely with the LPA and LHA in identifying key issues. Nevertheless, the application would benefit from a more in-depth critical analysis of the quality of existing routes against the principles of the National Design Code and guidance set out in LTN 1/20 and Inclusive Mobility, and useful mapping of key routes and facilities may be further improved with photographs of key deficiencies.

The most up-to-date national guidance on 'walkability' has coalesced around a single common 'walkable' range of 800m (National Design Guide, 2021). It is clear from the distances cited in Table B.1 of the latest Transport Update Note that the vast majority of existing local facilities would fall far outside of this range, and the referenced thresholds of 1.6km and 3.2km, though walkable for some, would serve to exclude a significant proportion of potential users of the walking/wheeling network. This calls into question the capability for the development to be considered sustainable without significant optimisation of local public transport connectivity and cycling infrastructure, as well as the adequate (and early) provision of on-site services which can internalise a sufficient proportion of trips.

It is therefore encouraging that a package of proposed improvements/contributions to be made to off-site infrastructure and public transport services has been set forth at this stage of the application.

ATE has comments to make on the following aspects:

Eastern Way

Eastern Way represents a significant barrier to East/West permeability, and the applicant should look to support/provide interventions which restrain high vehicle speeds and promote safe active travel movements across this route, beyond the proposed toucan crossing at the Snarltan Lane/PRoW MELW41 access. Given the breadth of development scheduled to take place to the east, and the strategic nature of the road, ATE is keen to understand Wiltshire's intentions with respect to traffic-calming interventions along this route.

Outside of the proposed signalised crossing point, the only other ways to cross Eastern Way would be uncontrolled pedestrian crossings at the Sandridge Common Road roundabout and on PRoW MELW27. The latter suffers from a lack of refuge and the protection provided by signal controls yet represents the most direct pedestrian and cycle desire line between the northern half of the site and more central parts of Melksham. Given that the proposed development exhibits a particular deficiency in terms of East/West cycle permeability, with dedicated cycle access only available via

the southern part of the site, ATE considers it particularly important that this crossing and access route be appropriately upgraded to safely accommodate **both** modes.

Public transport strategy

Triggers for the provision of vital internal bus services should be identified and set at this stage of the application. Should the delivery of an internal service be delayed until a later phase of the development, then poorly equipped existing bus stops should be appropriately upgraded in anticipation of any shortfall in public transport provision.

As proposed, future bus services would enter and leave the site via the single northern access point, resulting in a limited and rather inconvenient internal loop. Given the scale of development proposed to the south and east of Melksham, ATE would suggest that a much wider master planning exercise is necessary to understand future public transport needs for the area, and how expanded and newly funded bus services may be made to successfully integrate with nearby development sites; for example, through the provision of a filtered bus connection leading to areas of development south of the site.

New stops to be provided within the development should each include raised kerbs, shelters, seating and real-time passenger information, in continuity with the proposed mobility hub.

Contributions to rail access improvements (Obligation 9) should be tailored/of a sufficient amount to ensure that the expansion and upgrade of cycle parking at Melksham Station is appropriately supported, given the potential increase in rail passengers represented by the proposed development.

Permeability, placemaking and connectivity

Internally, ATE expects all relevant infrastructure to conform to LTN 1/20 and the principles of the National Model Design Code, and requests to be consulted on further details of layout and design. The following should be particularly noted:

- a. Internal crossings should feature raised tables to prioritise pedestrian movements and footways should be continuous and direct, anticipating potential desire lines.
- b. The Illustrative Masterplan shows a lack of dedicated internal cycle infrastructure, particularly in the east of the site, and segregated routes of appropriate width should be provided along key internal corridors.
- c. The internal layout should be specifically designed to provide multiple active travel connections to the south and east, to improve wider permeability and in anticipation of nearby future development.
- d. Appropriate details of lighting and surface treatments for off-street corridors should be agreed at an early stage; footways and cycleways should be bound and level to accommodate users of all mobilities, and residential layouts should be designed to maximise active frontages and passive surveillance to improve feelings of comfort and safety for more vulnerable users.
- e. Cul-de-sacs should be avoided within the residential layout, in favour of instances of filtered permeability.

Cycle storage

Appropriate details of cycle storage, in line with the principles outlined in Section 11 of LTN 1/20 and in accordance with up-to-date local standards, must be considered early

for each aspect of the development. ATE would request to review further details, once submitted, and these should be secured via an appropriate condition. It should be noted that sheds are not the most convenient form of residential cycle storage, and ATE would recommend that cycle parking be located at the front of properties, ensuring convenient access to the highway and sending a clear message that cycling is a viable method of transport from this development.

Conclusion

ATE requests that the local planning authority shares this response with the applicant's agent with a view to providing a further response/appropriate wording for conditions as required.

Wiltshire Council Urban Design Officer: No further comments received following the re-consultation exercise. The Council's urban design officer comments dated 27/2/2024 raised the following concerns: -

- With regards access to the site, the development would fail to provide a key vehicular entrance into the allocation site from the roundabout on Eastern Way
- The proposal fails to provide the allocation of 5ha of Employment Land
- To create a greater sense of security and privacy for new and existing residents, new rear gardens should back onto the existing rear gardens along Sandridge Common.
- There is a major imbalance in the proportion of the size and location of the green open spaces on the site.
- The central POS should be enlarged and not bisected by a road.
- The green spaces dominated by suds basins between the proposed Clackers Way Park and the more formal central POS do not make the most effective use of land.
- The gateway landscape should be concentrated more around the island junction.
- The PRoW should not be preserved on the current alignment as it would cut diagonally across the housing layout grid.

However, since the above consultation comments were received, the applicant agreed to open up the application (at the Council's request) to an independent design review. This was completed by **Design West** - an independent review panel of experts from the built and natural environment sectors, who were invited to review the current application including the illustrative masterplan in August 2024, and in response, the design review panel concluded as follows –

'The applicant has clearly demonstrated, in the view of the panel, the potential of the site to provide a high-quality residential development.'

Police Liaison Officer: No comments

Wiltshire Council Landscape Officer: No objections subject to conditions

Wiltshire Council Ecology Team: No objections subject to conditions

Natural England: No objection

Wiltshire Council Housing Enabling Team: No objections, subject to the housing mix being secured through a s106 legal agreement as summarised below -

The Affordable Housing units should be provided with a tenure mix of 60% of the dwellings being for Affordable Rented housing, 25% of the dwellings being provided as First Homes and the remainder of the dwellings 15% being provided for Shared Ownership homes. The finalised breakdown of the house types/sizes would be confirmed through the s106 legal agreement preparation and based on the most up to date needs data.

Officer Note: The revised December 2024 NPPF (paragraph 66 footnote 31) no longer requires the delivery of First Homes, the delivery of First Homes can still be sought where the local planning authority can evidence that there is a local need and in this case, the Council's affordable housing / new housing team maintain there is a localised need for 38 First Homes to be provided and be subject to a s106 developer obligation.

Wiltshire Council Climate Team: No objections. The applicant was encouraged to take ambitious action as per the existing development plan policy, and it is noted that the developer has made some positive commitments to ensure the scheme would result in more sustainable construction than current building regulations and as such produce carbon savings. Therefore, based on current policy, there are no substantive grounds to sustain an objection overall despite the potential for further improvements.

I would also point out that if the developer is relying on the emerging Local Plan as a substantive material consideration in terms of meeting housing need, the other emerging Plan policies may merit being afforded some weight. Such policies include the requirement for operational net zero and embodied carbon reporting. Neither standard is being currently targeted by the developer. If the emerging Local Plan policies are being applied equally then I would welcome further information from the developer to demonstrate a scheme that is net zero in operation and commits to having an embodied carbon impact no greater than 900kgCO₂/m².

Officer Note: This application is in outline only and the above comments relate more to the detailed scheme which would be material to the future REM submission(s).

Wiltshire Council Rights of Way Team: No objection but commented as follows:

Comments received dated 16/12/2024 following the re-consultation on revised plans submitted by the applicant on 22/11/2024 –

National Planning Policy framework (December 2023) paragraph 104 states that *Planning policies and decisions should protect and enhance public rights of way and access, including taking opportunities to provide better facilities for users, for example by adding links to existing rights of way networks including National Trails.*

Comments received/ updated 7/11/2024

Developer contributions are required for the following:

MELW27 requires new surfacing works and removal of access furniture and a developer contribution of £22,500 is justified with the section of MELW27 requiring resurfacing extending to 85m (sum to be index linked).

MELW26 is currently the only Public Right of Way from the development which links to the rural public rights of way network, and three pieces of access furniture would be required to provide access to MELW41 - The Woodstock Medium Mobility kissing gate costs about £580 plus deliver and installation costs, So, £3,500 is justified.

The scheme would require a Cycle Conversion order which is costed at £5,000

Justifying the other contributions.

Of the first 500 responses we have had to the Countryside Access Improvement Plan 2025-2035 survey which is currently open to the public, 384 of the first 500 responses were from people who walked daily or a few times a week.

When asked about the average distance of their journey non-vehicular users of the Public Rights of Way network, the participants responded with the following:

42 users regular journey was under 2 miles
257 users regular journey was 2-5 miles
128 users regular journey was 5-10 miles
36 users regular journey exceeded 10 miles.

These figures clearly demonstrate that all of the requested contributions are justified and one of the selling points of this development will be the ease of access to the Countryside.

Minimum recommended dog walking distance 15-to 30 minutes if taking several walks, a day a distance of 1-2 miles. If walking once a day 45-60 minutes. With a typical average being 30-minutes to 1 hour covering 2-4 miles. More active dogs may need 1-2-hour walks

The figures for dog ownership seems to vary, although I have found websites showing between 28% and 36% of UK homes have a dog. I will work with a figure of 33% for the purpose of this application.

Based on 500 dwellings this development is likely to result in (on average) 165 properties having a dog. Whilst for some the open space and surfaced paths may well provide an adequate distance for short dog walks, those residents with more time available or for owners looking for a longer dog walk or walkers without a dog but who are walking for health and personal enjoyment and wellbeing, are likely to want a longer walk, and the following paths all fall within a four mile return walked distance of this development.

Two addition links to MELW40 (as bridleways or cycleways), the residents of this development should have easy access to the public rights of way network, MELW40 lies 0.15 miles to the East of this development, links to this bridleway would be of huge

benefit to this development giving them easy quick access to the PROW network, MELW40 is a very wide bridleway with part of the bridleway already surfaced and able to withstand an increase in use.

MELW30 Contribution of £3,000 for more accessible access furniture is recommended in the form of gates rather than stiles. MELW30 is only 0.86 miles from the nearest proposed dwelling within the site.

MELW29 is within walking distance of the site being only 0.8 miles to the nearest part of the site. Given that this path is within 15 minutes' walk from the development site, a £4,000 developer contribution can be justified based on the increased pressure this proposed development would place on the existing footpath.

SEEN54 is also within walking distance being just over 1 mile from the development site and easily within range of a short circular walk from this development. The previous request for a developer contribution of £2,000 would allow for the installation of pedestrian gates rather than kissing gates. A figure closer to £8,000 would be needed to complete this work if the landowners insist upon kissing gates.

MELW25 is a path where we have a discrepancy between the definitive map (the legal map) the route that the Parish Council appears to have claimed and the position of the available route. As this path is within 0.7 miles of the development site (and within a walkable distance, a developer contribution is sought for a maximum of £5,000 to enhance the existing available route which is likely to be subject to more use from the proposed 500 dwellings.

MELW23A is within 0.85 miles of the proposed development site, and it too, would likely receive an increase in use should this development proceed, and a developer contribution of £2,500 for improvements to the access furniture to make the path more accessible for all users is justified.

MELW23B is within 0.9 miles of the proposed development site and it is also likely to receive an increase in use should this development proceed, and a developer contribution of £500 for improvements to the access furniture to make the path more accessible for all users is justified.

The following is within a relatively short walk of the proposed development and the PROW request the following developer contributions.

SEEN33 is about 1.7 miles from the development site and the PROW officer requests £5,500 for improvements to the access furniture to make the path more accessible for all users.

ROWD22 is up to 2.1 miles from the proposed development site, is likely to receive an increase in use should this development proceed, and a developer contribution of £5,000 is sought for improvements to the route and access furniture to make the path more accessible for all users.

MELW25A is a walked distance of 1.78 miles from the proposed development site and it is noted that the PROW team have an outstanding request from a user group for

improvements to MELW25A and £5,000 is sought (although this could probably be reduced to £4,000) to cover the legal order.

SEEN21 is 1.2 miles from the proposed development site and provides an important link to the Barge Pub which would be a nice walk from the proposed development site. SEEN21 is likely to receive an increase in use should this proposed development proceed, and £2,500 is sought for improvements to the access furniture to make the path more accessible for all users.

A developer contribution is also sought to go towards the restoration of the Wilts and Berks Canal. This would provide a great safe walking and cycling route from Melksham to Lacock and beyond. The proposed development is located 1.1 miles from the proposed development. We normally seek a contribution of £550 per dwelling (so £275,000) towards the restoration of the canal and its towpath.

Wiltshire Core Strategy Core policy 53 supports the restoration and reconstruction of the Wilts and Berks canal it states that restored canals can bring significant benefits in terms of attracting visitors to Wiltshire, contributing to the local economy, promoting sustainable transport through the provision of walking and cycling routes and providing an important element of the strategic green infrastructure network. The restored canal network will provide opportunities for standing open water and marginal habitat.

Core Policy 52 supports the delivery of green infrastructure projects and initiatives. The planning and delivery of these projects will need to address any potential negative environmental impacts, particularly in relation to disturbance of wildlife, flood risk, water quality, landscape character and tranquillity.

Wiltshire Council Archaeology Officer: No objection.

Wiltshire Council Conservation Officer: Objects (however see comments below).

Comments provided following submission of revised plans dated 22/11/2024

Revised proposals December 2024:

The scheme has been revised with amendments including changes to the indicative layout to relocate the employment area from the immediate south-east of Blackmore Farm to another area of the site. Previously, the location of employment adjacent to the farm to the SE offered an opportunity at least for a form of development (including the scale, form of layout of buildings) which could have been less at odds with the agricultural character of the farmstead. The replacement with residential development in this area close to and wrapping round the SE boundary of the remaining farmstead will exacerbate the harm from the development overall by specifying a suburban form of development which is out of character with the existing agricultural landscape at close proximity, lending further weight to the conclusion that the development would result in harm to the setting of the farmhouse within the medium range of less than substantial harm.

The issues and conclusions overall remain as set out within my comments below (changed NPPF paragraph numbers noted to reflect the recent revision of the NPPF). Please therefore take these into account as reflecting my current position.

Scope of comments: the following comments relate to the built historic environment.

Assessment: Paragraph 200 (207) requires that applicants describe the significance of any heritage assets affected, including any contribution made by their setting. The current pre-application is accompanied by an Archaeological and Heritage Assessment which identifies the designated assets affected and assesses the impact of the proposals. The requirements of the NPPF are therefore met in this respect.

The NPPF defines significance as the “value of a heritage asset to this and future generations because of its heritage interest. The interest may be **archaeological, architectural, artistic** or **historic**. Significance derives not only from a heritage asset’s physical presence, but also from its setting.” Historic England assesses significance in a similar manner, referring to evidential, historic, aesthetic and communal values of a place. In this case I agree with the Heritage Assessment which concludes that the significance of the building lies largely with its historic interest, including its fabric, its form, layout and vernacular design and materials and from the contribution it makes to the understanding and experience of the historic agricultural landscape surrounding Melksham. I also agree with the Assessment that the surrounding land which farms the site has a historic and functional connection with the house that contributes to its significance and its understanding as a farmstead within the rural landscape.

In common with the previous application, the proposals would introduce a suburban form of development which is out of character with the existing agricultural landscape, over a very large area, and would result in the loss of a substantial part of the wider rural setting within which the listed farmhouse is experienced and a consequent diminution of its significance. Given that there would be no direct impact on historic fabric, the harm can be taken as “less than substantial harm” for the purposes of interpreting the NPPF.

On this occasion the omission of built form from the area to the east of the farm does constitute an improvement and allows the farm to retain something of its connection with the surrounding agricultural landscape. Similarly, the introduction of additional landscaping to the south of the boundary to the farm provides some further mitigation.

It is also acknowledged that there has been some erosion of the immediate setting of the house via the loss of much of the historic farmstead and by the construction of the adjacent bungalow, which is out of character in this historic context. However, the area of land covered remains very large and approaching from the north, the farm would become be viewed against a new backdrop of suburban housing development in place of the current agricultural character of the landscape. As a result, there will continue to be a level of harm to the setting of the farmhouse which would result from the proposed development, albeit at the medium/lower end of the spectrum of less than substantial harm.

No heritage benefits are argued or will result from the proposals.

Conclusion: the proposed development would result in harm to the setting and significance of the grade II listed Blackmore Farmhouse. Taking into account the

special regard required by Section 66 of the Act to be given to the desirability of preserving the setting of listed buildings and the **great weight** ascribed to the conservation of designated assets by paragraph 205 (212) of the NPPF it is clear that the proposals should be subject to a high level of scrutiny.

Paragraph 208 (214) of the NPPF requires 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” (Note: these may include but are not limited to heritage benefits). Paragraph 201 (208) of the NPPF also requires that local authorities take opportunities to avoid or minimise conflict with heritage objectives. The proposals are also at odds with the requirements of Core Policies 57 and 58.

From the viewpoint of the built historic environment alone there are no heritage benefits which will outweigh the harm caused to the historic environment and I must object to the application.

In due course it will fall to the Case Officer to assess the benefits which will accrue and to weigh these against the heritage harm which will be caused and any other planning constraints and to reach a view on the final planning balance. During this process close scrutiny will need to be given to the level and nature of the need and the opportunities for providing the public benefits which would be delivered either in other ways or on other sites which would have a lesser adverse impact.

Following submission of revised details, the conservation officer concluded on 9/5/24 that – ‘...**the harm caused will be within the lower half of the spectrum but there remains an impact which would be required to be offset by the public benefits of the development overall.**’

Wiltshire Council Education Team: No objection subject to s106 contributions as summarised below:

- Early Years Places - $£17,522 \times 59 = £1,033,798$
- Primary School Places - $94 \times £18,758 = £1,763,252$ (subject to indexation).
- Secondary School Places - Melksham Oak can fully accommodate the pupils that would be generated by the proposed development, without further expansion.

Wiltshire Council Waste and Refuse Team: No objection subject to s106 obligations regarding securing developer contributions for refuse bins

Sport England: Objects. Sport England initially responded to the application consultation with a non-statutory objection on 22 January 2024 on the grounds of lack of sports provision. As a follow up, Sport England note that the applicants state that playing pitches would be brought forward as part of the primary school provision. However, as we pointed out this would have restricted use (none during the school day), therefore, we do not consider this to meet the needs of the new population.

The new population should be able to have unfettered access sports provision during the day. The Wiltshire playing pitch strategy has had annual updates since its adoption, so the applicant’s statement in the technical assessment is incorrect.

Wiltshire Council is currently in the final stages of preparing a replacement playing pitch strategy.

With reference to the covering letter dated 6 September 2024, we note the applicants mention a draft S106. Sport England sought access to the draft to identify the developer's commitments to any offsite provision. In the absence of any proposed on/off-site sport provision being proposed for playing pitches or built facilities, Sport England's position of objection remains in place.

Officer Note: The above objection is not reasonable or sustainable. Members are invited to note the following consultation response based on local needs and knowledge in terms of local sports related infrastructure requirements.

Wiltshire Council Public Open Spaces/ Leisure Strategy Team: No objection subject to a s106 securing the following developer obligations as summarised below:

- 17,464m² of Public Open Space (POS)
- 885m² of Equipped Play in the form of two equipped play spaces
- Sports contribution of £118,000 towards a 3G Artificial Turf Pitch within the Melksham Community Area

Wiltshire Council Drainage Team: Supportive subject to planning conditions

Environment Agency: No objection, subject to conditions

Wessex Water: No objection, subject to a planning condition

NHS Planning Advisor: Have requested a financial contribution of £512,727 to provide additional primary care floorspace at Giffords Surgery and Spa Medical Centre in Melksham.

Wiltshire Council Arboricultural Officer: No objections. The submitted Arboricultural Impact Assessment and Method Statement dated December 2023, and Tree Protection Plans GLEE24436-01-05 dated November 2023, prepared by ACD, demonstrate that the retained trees on and near to the site, have been sufficiently considered, and appropriate protection, methodology and materials are proposed to be used. These documents and plans should form part of approved plans list planning condition.

Wiltshire Council Public Protection Team: No objection subject to conditions

8. Publicity

The application was publicised by individually posted notification letters sent to neighbouring/properties within close proximity of the site and erection of site notices.

As a result of this publicity 198 representations have been received. The representations have been summarised as follows:

- The revised location of the employment land would result in traffic passing through residential areas, causing danger to local residents and school children going to and from the proposed school

- There is an opportunity to negotiate with owners of Snarlton Farm, to provide a separate vehicle access serving the revised employment area via the existing Snarlton Farm access
- Development is not in keeping with the Melksham Neighbourhood Plan/Local Plan/draft Local Plan
- No information is provided relating to affordable housing within the development
- No need for more housing in Melksham/Melksham has already fulfilled its housing quota
- Setting a precedent for the destruction of “common” land
- Speculative application
- A new primary school and doctors was promised at Bowerhill but still hasn't been built
- Lack of infrastructure (doctors, dentists, schools etc)/ increase pressure on medical services
- No provision for improving recreational facilities
- No provision for secondary schooling
- Adverse impact on local wildlife/protected species/ native flora and fauna
- Harm to biodiversity by destroying habitat
- Loss of open space and hedgerows/ trees will affect local wildlife
- Loss of green open space / adverse impact on the landscape
- Plans do not take into consideration Wiltshire Council's climate policies regarding solar panels or EV charging
- Poor traffic management
- Increased traffic/ congestion/ highway safety issues
- Town is already struggling with traffic due to previous poor planning permissions
- Unsustainable location – will result in greater use of car / car dependent scheme
- Poor bus provision
- Proposed access via Sandridge Road/ A3102 likely lead to congestion on Sandridge Road
- Little thought seems to have been given to the impact on New Road and Forest Road
- Poor parking in area
- Poor state of the roads
- Visibility when exiting Lopes Close is poor
- New Road used as a ‘rat run’/traffic joining the busy commuter road A3102
- Difficult to see how the road could be widened and made safer for all road users
- Increased crime
- Flooding issues
- Increased noise/ air pollution/ vibrations from heavy vehicles/ traffic
- Physical/ mental health issues
- No new reservoirs are being built to ensure water supply
- Need to improve carbon footprint
- Impact on Melksham bypass
- Developments need to be pushed to redeveloping and investing in derelict and brownfield sites
- Reduced / lack of employment opportunities
- Homes should be built in straight lines
- New developments are an eyesore
- High housing densities

- Loss of agricultural land
- Overdevelopment
- Upgrades to part of bridleway MELW41 (PRoW) are proposed for pedestrians and cyclists which potentially adversely affect the operation of business at Snarleton Farm
- Piecemeal development – not including land between application site and Eastern Way
- Employment uses should be located adjacent to those already existing on Snarleton Farm
- Development should provide a second more sustainable vehicular access for buses and cars onto the existing roundabout on Eastern Way
- Lack of a masterplan
- Noise and disturbance on future occupiers of the development due to proximity to proposed employment land
- No need for another primary school

9. Assessment

9.1 Principle of Development

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

9.1.1 Wiltshire Core Strategy/Housing Land Supply: Case Law & NPPF requirements

Melksham is defined in Core Policy 1 as a Market Town, based on an assessment of its role and function. Market towns are defined as settlements that have the ability to support sustainable patterns of development through their current levels of facilities, services and employment opportunities, and have the potential for significant development that can improve self-containment.

WCS Core Policy 2 sets out the Delivery Strategy for growth for the period to 2026 and aims to distribute development in a sustainable manner. Within the defined limits of development for settlements there is a presumption in favour of permitting sustainable development.

Development proposals outside these defined limits are not supported in principle unless the proposal satisfies the exceptions set out within paragraph 4.25 of the WCS; and none of these exceptions apply in this case.

The policy goes on to emphasise that the limits of development may only be altered through the identification of sites for development through subsequent Site Allocations DPDs and the Neighbourhood Plan making process. This site has not been allocated either through a Site Allocations DPD or neighbourhood plan.

Consequently, the development is contrary to the adopted Wiltshire Core Strategy policies CP1, CP2 and CP15 (Melksham Community Area Policy – which states in its

opening line that *development...should be in accordance with the Settlement Strategy set out in Core Policy 1*).

9.1.2 Housing Land Supply Considerations

On 12 December 2024 the Government issued an update to the National Planning Policy Framework (NPPF). On the same date the Government also issued revisions to the Planning Practice Guidance (PPG) including the standard methodology for assessing and setting Local Housing Need and published the 2023 Housing Delivery Test results.

The revisions that are pertinent to the housing land supply calculation and its implications are summarised as follows:

a) Local Planning Authorities are now required to demonstrate a deliverable supply of housing sufficient to meet five years against their housing requirement set out in adopted strategic policies (or against their Local Housing Need where the strategic policies are more than five years old) in all circumstances. Under the previous NPPF, Wiltshire was only required to demonstrate a four-year housing land supply because its draft Local Plan had reached an advanced stage.

b) Local Planning Authorities are now required to add a buffer to the housing requirement in the five-year housing land supply calculation in all circumstances (paragraph 78 of the NPPF). The buffer to apply is driven by the council's latest Housing Delivery Test results, which for Wiltshire indicates a 5% buffer to be added¹. Under the previous NPPF a buffer was only required if the council's Housing Delivery Test results indicate under-delivery of 85% or lower against the housing requirement, which was not the case for Wiltshire.

c) The revisions to the PPG have set out a revised standard methodology for the Local Housing Need – this is the calculation that establishes the housing figure to be used in the housing land supply calculation. The revision has changed the method from being based on future household projections, to being based on the amount of existing housing stock in the local authority area. The revision has also changed the adjustment factor which is based on the affordability of housing in the local planning authority.

d) The consequences of not being able to demonstrate a five-year housing land supply are that the presumption in favour of sustainable development (often referred to as the 'tilted balance') applies. This is set out in paragraph 11d of the NPPF. This paragraph has also been amended in two ways. Firstly, where there are exception policies that prevent the 'tilted balance' applying that these provide a 'strong' reason for refusal, rather than a 'clear' reason for refusal. Secondly, to ensure that when the planning balance is being carried out, that particular regard is had to certain key policies in the Framework related to directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.

In summary, the changes to the NPPF now require Wiltshire to demonstrate a five-year housing land supply, including a 5% buffer, and must apply the revised Local

Housing Need for decision-taking immediately. This results in a significant increase in the five-year housing requirement to be met from the previous calculation. When this is assessed against the housing land supply which can be delivered within five years, the recalculation shows a significant reduction in the number of years supply. The council cannot demonstrate the requisite five-year housing land supply and can demonstrate a **2.03 years'** supply.

Prior to the publication of the revised NPPF, the Council was already in a position where it was unable to demonstrate the requisite housing land supply, and the 'tilted balance' was for many applications, engaged. The same implications for determining this outline application therefore continue to apply.

However, the changes introduced within the revised NPPF (December 2024) mean that the Council now has a substantial shortfall in its housing land supply position (being 2.03 years when tested against the 5-year requirement), and it is necessary to alter and elevate the weight to be given to housing supply as part of assessing applications for residential development.

This means balancing the strengthened need to boost housing supply against any adverse impacts of the proposal, when considered against the adopted development plan and NPPF as a whole, and any material considerations on a case-by-case basis. When Wiltshire Council was last in deficit in the summer of 2023, a briefing note / action plan was produced (No. 22-09) which outlined how the Council would work towards restoring its 5-year housing land supply requirement (which applied at the time) in the face of the acknowledged shortfall.

There has not yet been an updated action plan and as such, officers maintain that the 2023 version should be given significant material weight in terms of setting out the Council's commitment to addressing the housing supply shortfall until such time that either an updated housing land statement concludes the Council can demonstrate an NPPF compliant HLS or, the relevant policies in the emerging WLP can be afforded significant weight and its site allocations (in addition to pre-existing commitments and windfall calculations) can fulfil the housing supply requirements for the County (which would firstly require a planning inspector to find it sound as part of the examination process).

We have not reached that stage and as such, officers will look to support new housing development on unallocated sites when justified and in accordance with NPPF paragraph 11.

The third bullet point set out within paragraph 6.1 of the 2023 published action plan set out very clearly that:

"The Council will positively consider speculative applications where there are no major policy obstacles material to the decision other than the site being outside the settlement boundaries or unallocated".

Officers strongly advise that this application proposal has the potential to deliver significant housing at a time when the Council has a significant under supply of land for housing.

The remainder of this report will review the technical and material planning considerations which merit being part of the planning balance.

9.1.3 The made Joint Melksham Neighbourhood Plan (JMNP) 2020-2026

The Joint Melksham Neighbourhood Plan (JMNP) 2020-2026 was 'made' in July 2021 and now forms part of the development plan framework for Wiltshire.

JMNP Policy 6 – Housing in Defined Settlements, Policy 7 – Allocation of land at Middle Farm, Whitley and Policy 8 – Infrastructure Phasing and Priorities are all considered material to the assessment of this application.

JMNP Policy 6 of the JMNP supports sustainable development and new housing within the defined settlements of the neighbourhood plan area with new housing proposals outside of the limits of development not being supported unless the proposals comply with Core Policy 2 of the adopted WCS or other policies in the WCS.

JMNP Policy 7 relates specifically to the NP housing allocation site at Middle Farm in Whitley for the development of a 1.6-hectare site for about 18 dwellings, as represents a planned housing growth site allocation which advanced through the neighbourhood plan making process.

The current application proposal does not comply with Policy 6 and is not relevant to Policy 7 of the JMNP. With the JMNP being made in July 2021, it is relevant to record that paragraph 14 of the revised December 2024 iteration of the NPPF states as follows:

In situations where the presumption (at paragraph 11d) applies to applications involving the provision of housing, the adverse impact of allowing development that conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits, provided the following apply:

- a) The neighbourhood plan became part of the development plan five years or less before the date on which the decision is made; and*
- b) The neighbourhood plan contains policies and allocations to meet its identified housing requirement (see paragraphs 69-70)*

When tested against paragraph 14 of the NPPF, it is not in dispute that the 'made' joint Melksham neighbourhood plan is less than 5 years old and the Plan contains policies and housing allocations to meet its housing requirement. However, in recognition that the Wiltshire Core Strategy is more than 5 years old, the housing need is defined by the County as a whole and not any one settlement or community area. Furthermore, following the release of the revised NPPF in mid-December 2024 and in recognising the Council's urgent need to address the significant housing supply deficit, supporting this development would not compromise the integrity of the made Neighbourhood Plan and this is further strengthened by the site being identified by the Council as part of a mixed use allocation including housing at Melksham in the emerging Local Plan.

In having regard to these significant factors and having due cognisance of the Council's Action Plan (to address the housing supply deficit), officers consider that supporting this application would deliver significant housing over the next 3-5 years and thus, help address the HLS deficit and the delivery of a significant number of affordable homes which, individually and cumulatively, must be weighed against NPPF paragraph 14.

It is also important to appreciate that the emerging Joint Neighbourhood Plan 2 (covering the period of 2020-2038) has been submitted to Wiltshire Council under Regulation 15 and is currently being consulted on with the Regulation 16 stage ending on 22nd January 2025. However, at this time in the context of this application, the emerging NP holds no weight in the planning balance.

9.1.4 Emerging Draft Wiltshire Local Plan (WLP)

The Council submitted its emerging WLP for independent examination on 28 November 2024. Under the NPPF's transitional arrangements for plan making, the Plan (and the housing requirement) will continue to be assessed under the relevant previous version of the NPPF, which in this case is the September 2023 iteration of the NPPF (which is based on the stage the emerging plan had reached).

As part of the many aspects the examining inspector will need to review and be satisfied about, it will be imperative that the Council can demonstrate a five-year housing land supply at the point of the Plan being adopted. This will be assessed against the housing requirement in the emerging WLP which is lower than the revised Local Housing Need.

Within the emerging Plan, draft policy 17 titled 'Melksham Market Town' sets out the following—

'Development at Melksham will:

- 1. ensure town centre regeneration through continued investment in the town centre, maximising use of brownfield land and encouraging employment opportunities;*
- 2. reduce out-commuting through an improved employment offer, including delivery of new employment land to allow existing businesses to expand and to attract inward investment;*
- 3. not undermine the delivery of an A350 bypass to the east of the town;*
- 4. increase levels of train passenger transport and help reduce traffic congestion through improvements to railway station parking facilities, together with improved facilities for public transport, pedestrian and cycle access that have strong links with the town centre;*
- 5. ensure sufficient healthcare facilities, schools and transport infrastructure are delivered;*
- 6. ensure a town-wide approach to future education provision, with sufficient early years, primary and secondary school places provided to meet the needs of all new housing development;*
- 7. continue to safeguard a future route of the Wilts and Berks Canal and enable its delivery to provide significant economic, environmental and social benefits for Melksham;*

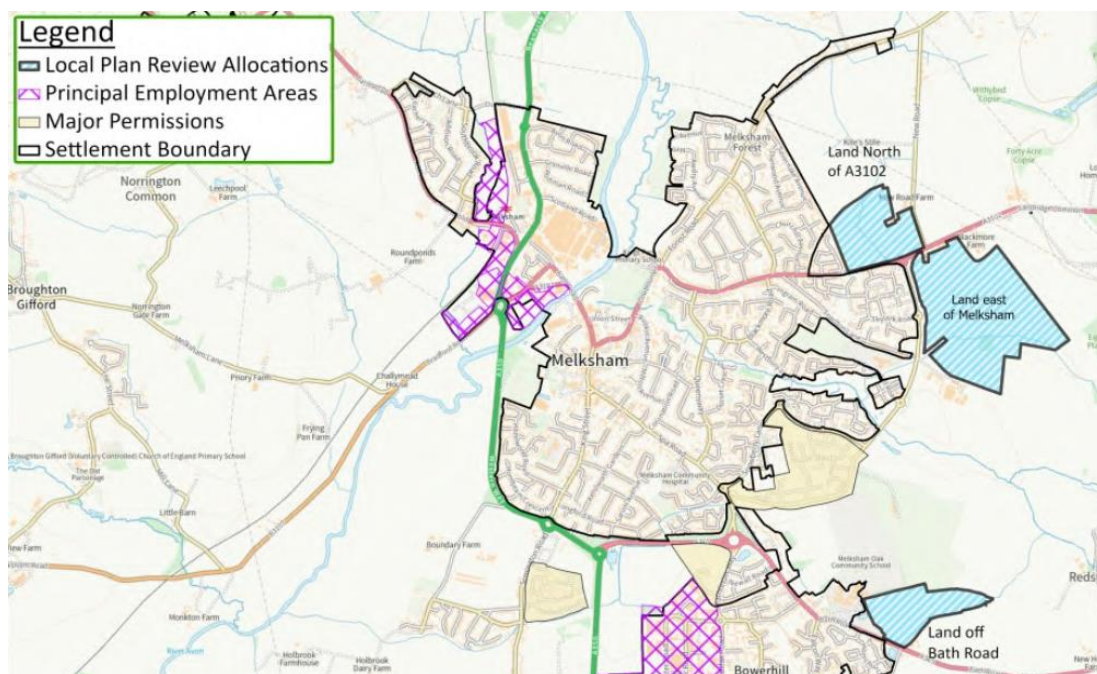
8. deliver improvements to the town's green and blue infrastructure networks, optimising their accessibility and ecological capital, connecting communities and contributing to mitigating and adapting to climate change; and
9. deliver funding contributions towards a Melksham Transport Strategy;

Over the plan period (2020 to 2038) approximately 2,160 homes and 5 ha of employment land will be provided at Melksham, including:

- new allocation for approximately 425 homes and 5ha employment land on Land East of Melksham (**officer note: the site that is the subject of this application**);
- new allocation for approximately 135 homes on Land off Bath Road;
- new allocation for approximately 285 homes on Land North of the A3102; and
- remaining employment land on existing allocation at Hampton Business Park.

The neighbourhood area designation requirement is 270 dwellings. The following Principal Employment Areas will be retained in accordance with Policy 65 (Existing employment land): Bowerhill Industrial Estate, Hampton Business Park, Avonside Enterprise Park, Intercity Industrial Estate, Upside Business Park, Chalkeymead Business Park and Bradford Road Employment Area. Longer term, a broad location for growth will be considered for further housing, employment development and co-ordinated delivery of infrastructure.'

As detailed in the above policy and as highlighted on the map insert below, the current application site does form part of the land which is presently designated as 'Land East of Melksham' (as noted below) which is allocated for approximately 425 dwellings in the emerging WLP.



Melksham Policies Map (Wiltshire Local Plan Fig 4.11 p.83)

Policy 18 'Land East of Melksham' of the Wiltshire Local Plan states –

The Land East of Melksham site is identified on the Policies Map, and is allocated for approximately 425 dwellings, 5ha of employment uses, a local centre, and a 2ha site for a 2-form entry primary school to include 60 early years places. A single comprehensive masterplan, phasing and delivery strategy for the development, must be prepared and approved by the local planning authority in advance of any planning application being submitted for the whole or part of the allocated site.

This must take account of the requirements of this policy and the principles shown within the concept plan and be prepared in consultation with the local community and local planning authority. Subsequent planning applications must be in accordance with the approved masterplan. Infrastructure and mitigation requirements include:

- vehicular accesses from the A3102 and existing roundabouts on Eastern Way; measures to protect and enhance watercourses, as well as ponds, within the site;*
- green and blue infrastructure through the development that incorporates new and existing woodland and protects and enhances existing hedgerows and hedgerow/field trees;*
- lower density development in the east of the site to retain the rural character of the wooded hills towards Sandridge Park;*
- design and layout that safeguards high value archaeological features including the former medieval settlement of Snarlton and heritage assets including the listed Blackmore Farmhouse and its setting;*
- offsite infrastructure improvements to water supply and foul water network;*
- water infrastructure running through the site will need safeguarding through appropriate buffers to allow for access and maintenance;*
- a mobility hub, including bus and cycle infrastructure provision;*
- funding contributions towards early years, primary and secondary education and on, or off-site healthcare capacity to meet the needs created by the development;*
- implementation of ecological buffer zones alongside habitats to be retained and protected within the scheme layout, and wildlife sensitive lighting design in order to minimise adverse effects on light sensitive and intolerant wildlife, particularly bats;*
- appropriate mitigation and compensation for protected species, such as great crested newts; and*
- measures to positively support walking, cycling and public transport use between the site, Melksham town centre and Melksham railway station and linking into existing networks.*

Given that the emerging WLP has not yet been examined, whilst officers fully acknowledge that the landholding at Blackmore Farm has been proposed by the Council for a potential future housing led development, limited weight can be afforded to the WLP at this stage. It does however present a clear commitment by the Council to support the principle of developing this site; although this is part of a wider allocation where it is envisaged that a comprehensive site-wide masterplan would be prepared with all the landowners to ensure that sustainable development can be achieved through securing the mix of uses, phasing of development and infrastructure across the allocated site.

The failure on the part of the respective landowners to come together and agree a site-wide allocation masterplan is very disappointing, which has led officers to secure an illustrative masterplan for this application site that is sufficiently informed by the emerging WLP allocation and to seek a series of commitments from the applicant for the requisite connections to the other site allocation land parcels to the south and west. The applicant's illustrative masterplan and commitments to deliver unfettered highway infrastructure and pedestrian and cycle routes up to their western site boundary to connect with the land parcels to the immediate west of the site would be bound by a s106 legal agreement which would also secure the future delivery of the on-site employment provision, a new primary school, and a mixed-use hub (Classes and E and F) to deliver a sustainable mixed-use scheme.

It should be noted that the emerging WLP draft Policy 18 identifies the need for a vehicular access from both the A3102 and Eastern Way, however the land to the immediate west of this site falls under the control of other landowners, but any grant of permission and the associated s106 agreement for this site shall secure the necessary infrastructure to avoid ransom strips to allow for future linkages to the other parcels of this allocation site.

In terms of recognising there is an emerging plan in progress, the NPPF provides the following direction:

Para 49. Local planning authorities may give weight to relevant policies in emerging plans according to:

- a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);*
- b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and*
- c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).*

Para 50. However, in the context of the Framework – and in particular the presumption in favour of sustainable development – arguments that an application is premature are unlikely to justify a refusal of planning permission other than in the limited circumstances where both:

- a) the development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to an emerging plan; and*
- b) the emerging plan is at an advanced stage but is not yet formally part of the development plan for the area.*

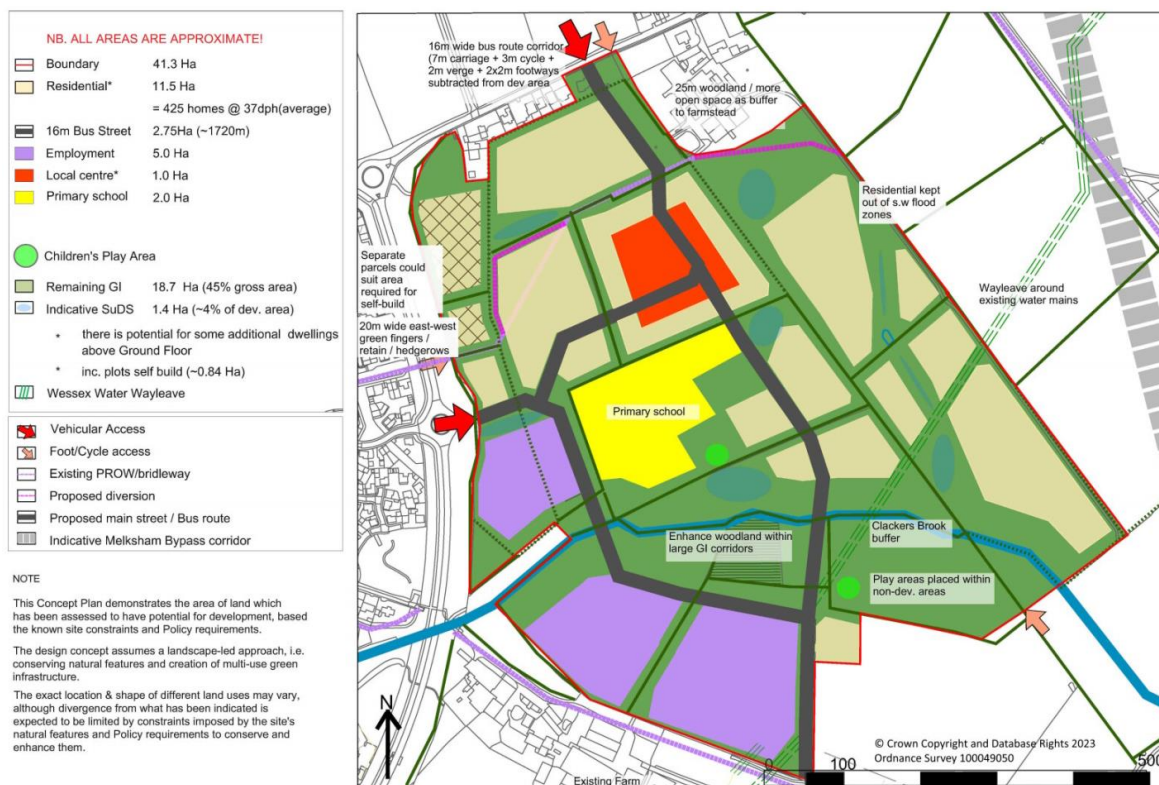
Para 51. Refusal of planning permission on grounds of prematurity will seldom be justified where a draft plan has yet to be submitted for examination; or – in the case of a neighbourhood plan – before the end of the local planning authority publicity period on the draft plan. Where planning permission is refused on grounds of prematurity, the

local planning authority will need to indicate clearly how granting permission for the development concerned would prejudice the outcome of the plan-making process.

The emerging WLP has been submitted for independent examination and hence can be considered to have reached an advanced stage in plan making terms. In this regard, and in the light of NPPF para 49, limited weight can be attributed to draft Policy 18 of the emerging Local Plan. Moreover, the site selection work done by the Council's strategic planning team strengthens the resolve of officers to support the application – which itself, has been subject to fuller, more empirical assessments completed by the applicant.

With regard to the revised NPPF para 50, development management and strategic planning officers have liaised and consider that this development would not constitute as being premature because the two limited circumstances listed above do not apply. The application is substantial but *not so substantial, or its cumulative effect so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to an emerging plan.*

All detailed matters (except for the means of access) will be addressed through subsequent REM applications in accordance with the conditions set out in this report.



Policy 18 Land East of Melksham Concept Plan (Emerging Wiltshire Local Plan)

The following insert reveals the applicants illustrative concept plan based on the emerging WLP allocation site and reveals their commitment to deliver a mixed-used scheme which would be bound by a series of planning conditions and S106 obligations

pursuant to the phased delivery of the site infrastructure, the housing, the employment provision and mixed-use hub.



9.1.5 Commercial Use/ Business Use/ Non-Residential Uses

From reviewing the applicant’s masterplan, and being mindful of the emerging Local Plan allocation identifying land for employment purposes (as shown in purple above), the applicants are committed to setting aside and safeguarding a land parcel for employment purposes extending to 2.07ha located in the southwest corner of the application site, and have indicatively identified sufficient space for a building having a footprint of about 5,000sq.m to be built over 2-3 storeys with space for car parking and landscaping and following under class E(g)(i) & E(g)(ii) for commercial, business and service uses office use which could be carried out in any residential area without detriment to the amenity of that area by reason of noise, smells and fumes etc).

It should be noted that through officer negotiation, the applicants agreed to revise the masterplan layout and ‘re-locate’ the employment land (within their scheme) to the southwest corner of the site to bring the scheme more in line with the emerging local plan policy and to avoid hindering the future delivery of the other employment land (purple coloured) which is under sperate control and would be subject to separate applications as detailed above.

Officers maintain that the southwest corner of this site and the emerging Local Plan allocation remains the most appropriate location for the future commercial/business land uses, which would be delivered in a phased manner and would need to be subject to an employment land marketing strategy that would need to be agreed with the Council and be secured by a s106 developer obligation. This s106 matter has been highlighted with the applicant and this commitment has been agreed.



Illustrative masterplan with the revised employment site allocation

The phased timeframe for delivering the employment land is unknown at this stage and whilst the concerns expressed by the parish Council are duly noted in terms of commercial and residential traffic potentially using the same road network through the site, it is important to appreciate that the Council will require a phasing and delivery plan to be submitted by the site developers and this would need to carefully consider the potential for mixed traffic. However, in highway safety terms, the Council's highway authority raises no objection to the sole vehicular access onto the A3102. It must also be fully respected that the separate landholding to the west of this application (that also forms part of the emerging site allocation) would be required to deliver the connection onto the Eastern Way bypass and connect with the Skylark Roundabout.

Whilst it would be most preferable from a development management context to have the western roundabout connection secured as part of this application and other pedestrian and cycle access linking to Eastern Way, officers are fully mindful that the land is under separate ownership and having received legal advice, requiring the applicants to enter into an obligation for such matters would conflict with the three legal tests that all planning obligations must satisfy.

The indicative scheme also includes an on-site 'mixed use hub' comprising Use Class E commercial, business and service uses and/or a Class F use for learning and non-residential institution uses. On the Illustrative Masterplan this has been shown in a plot of c. 0.17ha (1700sqm) with space for car parking and a building footprint with a gross floor area of c.400sqm.

Adopted Core Policy 34 'Additional employment land' of the WCS states '*Proposals for employment development (use classes B1, B2 or B8) will be supported within the Principal Settlements, Market Towns and Local Service Centres, in addition to the employment land allocated in the Core Strategy.*' And '*Proposals for office development outside town centres, in excess of 2,500sq metres, must be accompanied by an impact assessment... and demonstrate that the proposal will not harm the vitality or viability of any nearby centres.*'

Core Policy 38 'Retail and Leisure' of the WCS states '*All proposals for retail or leisure uses on sites not within a town centre in excess of 200 sqm gross floorspace, including extension of existing units, must be accompanied by an impact assessment which meets the requirement of national guidance and established best practice and demonstrates that the proposal will not harm the vitality or viability of any nearby centres.*'

In addition to the emerging Local Plan identifying the site under policy 18 for approximately 425 dwellings and 5 ha. of land for employment uses (across the entire allocation and not just this application site), the Plan also seeks to deliver a local centre.

On the future delivery of a community hub, officers are fully aware of the comments / request made by the parish council pursuant to avoiding multiple small community facilities being delivered across multiple sites in relative close proximity, and officers consider it would be prudent to have some flexibility enshrined with in the s106 legal agreement to seek either a suitably sized community hub on this site or a developer contribution being secured to go towards delivering one off-site instead, which would require joined up thinking/planning and due cognisance being given to other potentially available sites. This is a matter that could be suitably negotiated as part of the s106 legal agreement preparation stage.

Should the applicant fail to agree to this requirement, a report can be brought back to this committee for a fresh Committee determination.

Through officer negotiations, the applicants revised the application to align with the emerging WLP which seeks to deliver 5 hectares of land for future employment land uses. This application in providing 2.07 hectares broadly aligns with the employment land provision in the emerging WLP with the land in the southwest corner of the site allocation expected to provide the residual employment provision.

This land parcel shall be safeguarded for future employment use (that would itself require its own future follow up reserved matters approval). The applicant is also committed to providing a local centre/community hub however the finalised details would be a matter for a future reserved matters application.

The scheme would safeguard a proportionate allocation of land for future commercial, business and community use; and, in addition, and where appropriate, the s106 mechanism can be used to secure appropriate developer contributions for off-site infrastructure and facilities (not being advanced on the site)

While the expectations set out within draft policy 18 of the emerging Local Plan have not yet been subject to the rigours of a local plan examination, this emerging outline application is supported and would inform a future sustainable detailed application to be delivered through phased REM applications.

9.2 Layout, Density, Design and Visual Impacts

Core Policy 45 of the adopted WCS requires *"new housing, both market and affordable, must be well designed to address local housing need incorporating a range of different types, tenures and sizes of homes to create mixed and balanced communities"*. Criterion ii of Policy 6 of the made JMNP also requires *"a suitable mix of house types, sizes and tenures"* to be informed by and to address the current housing needs for Melksham and Bowerhill. In addition to the above policy, Core Policy 57 of the adopted WCS requires a *"high standard of design"* for all new developments. This policy requires developments to *"create a strong sense of place through drawing on the local context and being complementary to the locality"* with applications being accompanied by appropriate information to demonstrate how the proposal would *"make a positive contribution to the character of Wiltshire"* and sets out a list of criteria that proposals for new development must comply with.

Policy 18 of the made JMNP also requires proposals to *"contribute positively to the conservation, enhancement and extension of the quality and local distinctiveness of Melksham and Melksham Without"* and requires proposals for major development to *"demonstrate through a masterplan how the proposed development layout, density, access proposals and building design approach complement and extend the positive characteristics of Melksham and Melksham Without's settlements and landscape, both historic and topographic"*.

Paragraph 131 of the Framework states *"The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve"*.

Paragraph 135 of the Framework sets out a series of criteria which planning policies and decisions should ensure developments create, including being of high quality over the lifetime of the development, being visually attractive and sympathetic to the local character and history, creating a strong sense of place and creating places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

This application is seeking outline planning permission, with all matters reserved except for access, for the future development of up to 500 dwellings, employment floorspace, primary school and mixed-use hub and associated public open space (POS) infrastructure and green infrastructure. **It should therefore be noted however that appearance, landscaping, layout and the scale of the development are**

matters reserved for a decision at a later date, and therefore the submitted details with this outline submission, are indicative only.

This outline application has been accompanied by an illustrative masterplan (drg no. 417 rev C), composite parameters plan (drg no. 520 rev E), heights plan (drg no. 522 rev C), density plan (drg no. 523 rev D) and illustrative landscape masterplan (ref GLEE24436 10B) to illustrate the indicative layout for the proposed development. A Design and Access Statement (DAS) dated December 2023 has also been submitted with the suite of documents.

Again, it is important to note that a site wide masterplan will not be approved in advance of the determination of this planning application, as anticipated by the wording of draft WLP Policy 18. However, the applicant has produced an illustrative masterplan which nonetheless generally accords with the draft concept plan (Figure 4.12) as it relates to the application site.

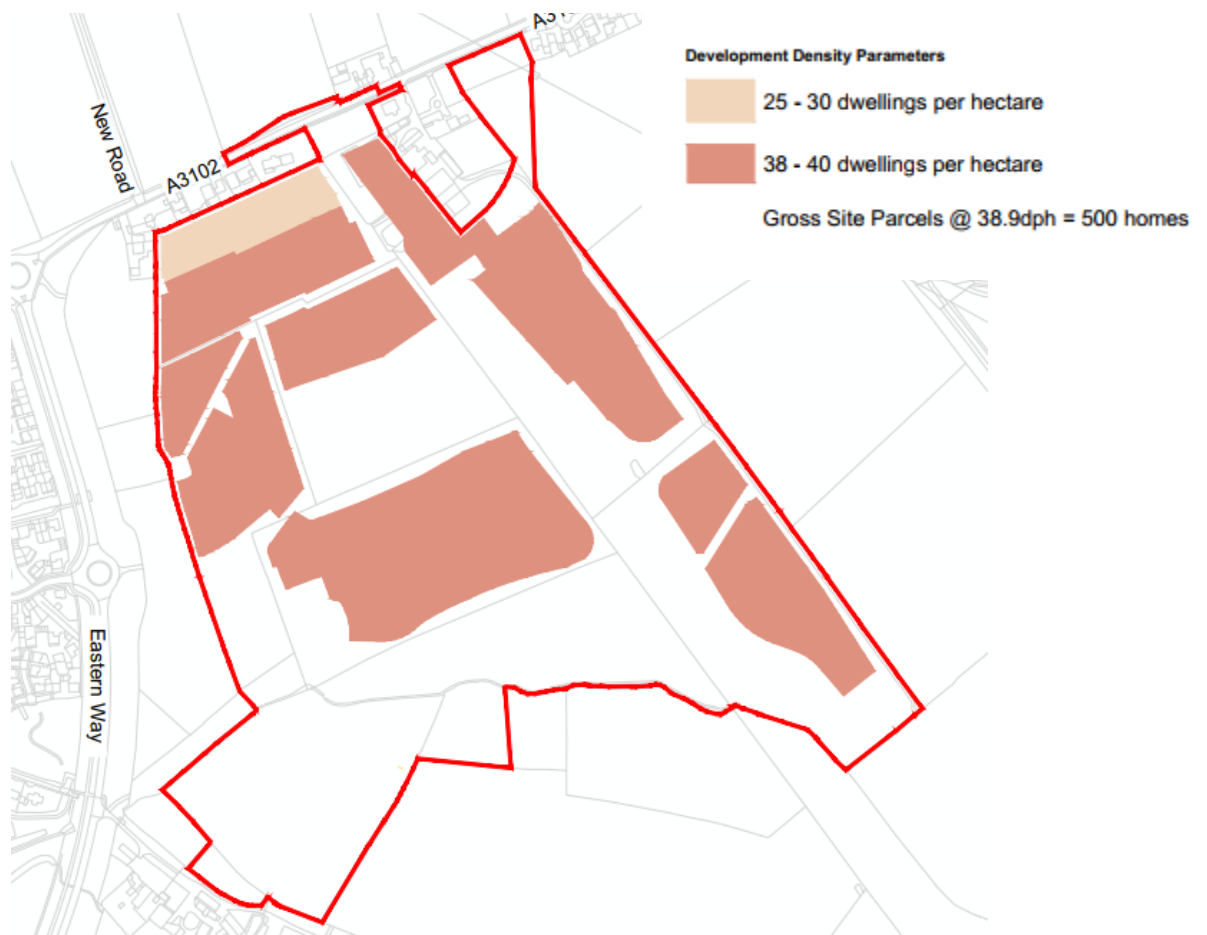
The local plan envisages that a comprehensive masterplan be prepared for the whole site together with a phasing and infrastructure plan. This is to ensure comprehensive sustainable development can be achieved, with the right mix of land uses and infrastructure secured. However, it is also important to note that there are other important factors in this particular case that need to be weighed in the planning balance, including the current HLS position and the site forming the substantive part of the proposed allocation. Such factors are considered to outweigh the need to approve a single comprehensive masterplan, phasing and delivery strategy before this application is determined. Moreover, these matters are covered in a series of proposed planning conditions, as set out in this report that address phasing, detailed design and delivery.

The Design and Access Statement (p71) advises that at this outline stage, the applicant is not committed to a set housing mix. However, there is a commitment and policy appreciation of delivering a sustainable mixed housing scheme including a range of different house types, sizes, and styles. On an indicative basis, the applicants have put forward a suggested mix of about 27% 1 and 2 bed properties, about 53% 3 bed properties and 20% 4 and 5 bed properties. It would be the subsequent REM applications that would need to confirm the exact mix for each proposed phase and the timing of the employment land. This level of detail is not required at outline stage, but the commitment and potential to deliver a sustainable mixed housing scheme are accepted.

The indicative masterplan for the 37-hectare site proposes an average housing density of 38.9dph (as detailed in the submitted Technical Note dated 22/11/2024) which was received following relocation of the employment area to the southwest of the site from the northeast and the subsequent identification of housing in the northeast section of the site.

The gross residential developable area identified in the Parameters Plan equates to a density of c.15dph across the whole site area which officers are comfortable with and recognise that it will be a detailed matter for follow up REM applications to fully assess the merits of any given phased housing scheme. Officers are satisfied the site can accommodate a mixed housing density with higher density in the more central areas

and lower densities closer to the edges of the site parameters, and officers accept that the site can deliver a variety of development across the site in terms of design, scale and layout. The following insert reveals the applicant's indicative density plan.

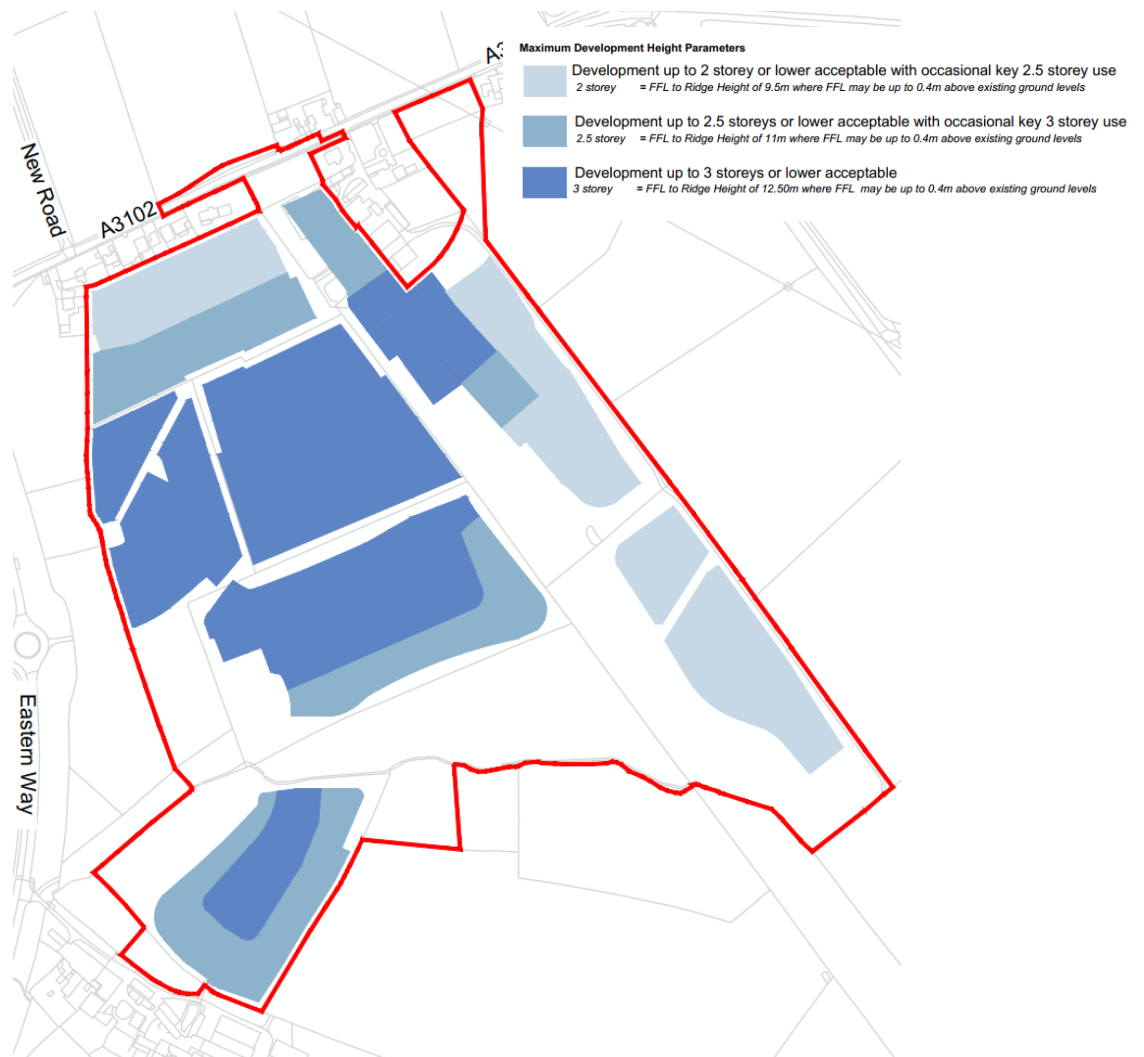


Indicative housing density plan (drg no. 523 rev D)

As detailed in the indicative heights plan (which is reproduced on the next page), the applicants indicate the potential for a mixed range of residential building heights range from 2 to 3 stories.

The plans would allow higher densities and three storey homes (or lower) across the main core of the site. Towards the east, two storey properties with some 2.5 storey units would result in lower density land parcels within the scheme. The lower density area also includes the land to the south of the listed Blackmore House. Having less densely developed domestic properties and their associated gardens backing onto the listed building is considered far more acceptable by development management officers and in addition this lower density area would allow for a better transition with the site edges and the wider countryside beyond.

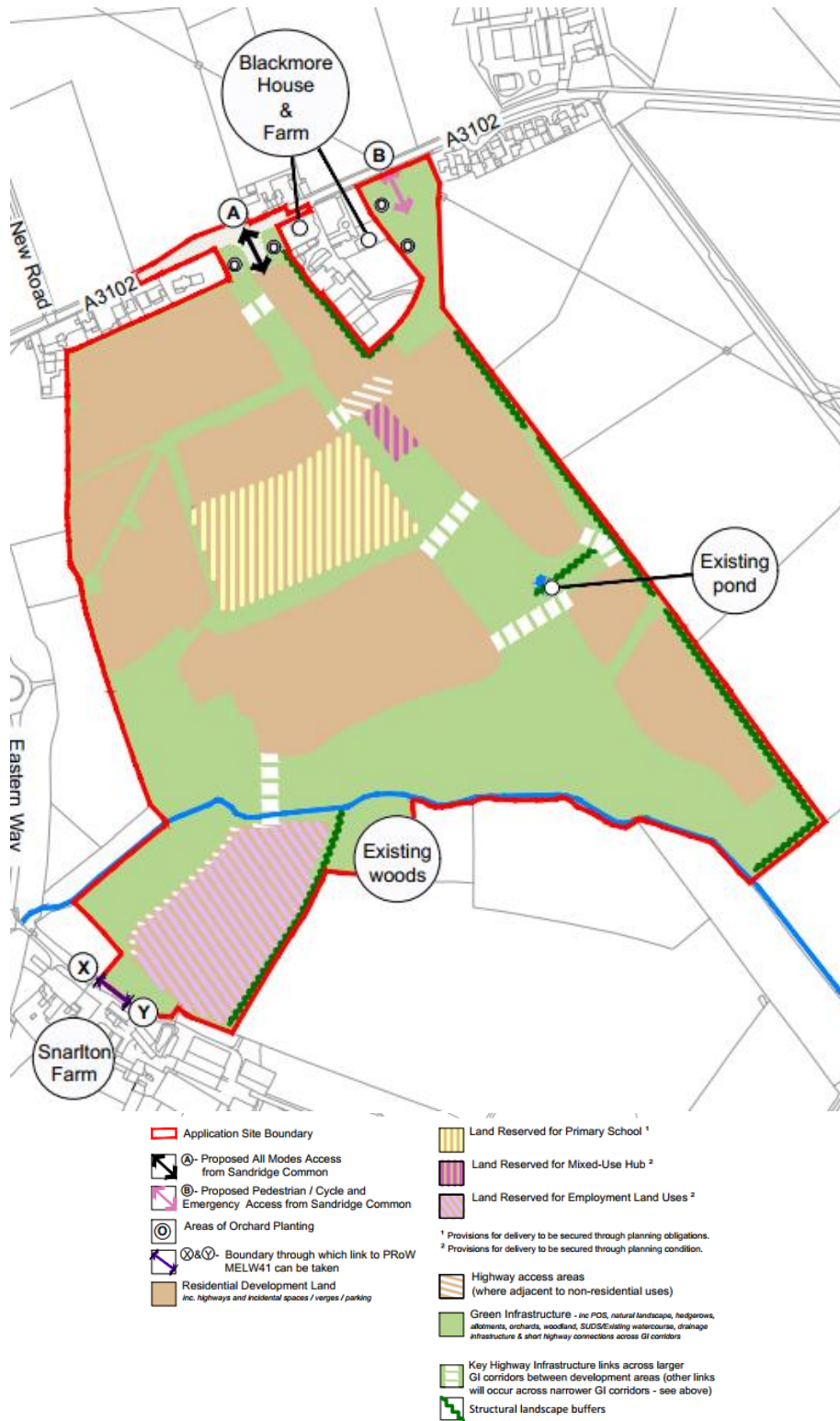
There would nevertheless be opportunities to have some 2.5 storey properties to provide streetscene variety, but the detail and finalised mix would be a matter for the phased REM applications.



Indicative heights plan (Drg no. 522 rev C)

Included within the indicative masterplan, the applicants propose a significant amount of green infrastructure on approximately 15 hectares of land (which equates to about 46% of the site) and would include retained hedgerows enhanced habitats, publicly accessible open space including allotments, equipped play area, teenage play facilities, an urban park and a multi-functional greenspace.

The scheme would also include the creation of attenuation ponds to attenuate surface water discharge that arises from the development. Managed open space areas would comprise amenity grassland for informal recreation, seating and landscape planting is proposed while pockets of community orchards are proposed alongside the new access and Sandridge Common Road. The scheme would also include connections to adjacent public rights of way, and new walking and cycling routes and the introduction of green corridors through the site. The Composite Parameter Plan (see below) makes provision for a connected green infrastructure network which provides opportunities for landscape enhancement, ecological benefit and community recreation.



Indicative composite plan (Drg no. 520 rev E)

The following plans further illustrate the applicants proposed open space provision –



Figure 4.48: POS Quantum 1

Urban Parks, Equipped Play and Teen Activity

- i** An Equipped Play Area / Teen Activity Area (0.05ha + 0.03ha) is set in The Green, accessible within a 300m radii to as many residents as possible.
- ii** 0.01ha of Equipped Play is sited in the Valley Park, south of the stream, to provide doorstep toddler play for homes which lie beyond The Green's 300m radii.



Figure 4.49: POS Quantum 2

Multi-Functional Accessible Greenspace / Urban Parks

- iii** 1.54ha of accessible open space is shown across The Green, North Square and into the Clackers Valley Park, including associated with the doorstep play in the south west.
- iv** The Green can provide 0.15ha of Urban Park POS.
The residual (1.39ha) highlighted can provide multi-functional accessible greenspace (combining both amenity and naturally managed open spaces).

Urban parks/ equipped play areas

Multifunctional green space/ urban parks



Figure 4.50: POS Quantum 3

ks
ie
west.

Allotments (and Community Orchards)

- v** 0.17ha of allotments are sited in a quiet location in the proposal.
- vi** Community Orchards are located at the site entrances and may amount to c.0.35ha in size.

Allotments/ community orchards



Illustrative Landscape Masterplan (Drg no. GLEE24436 10B)

In terms of the landscape impacts of the development the application is accompanied by an illustrative landscape masterplan (ref GLEE24436 10B) and a Landscape and Visual Impact assessment (Environmental Statement chapter 11) by ACD Environmental dated December 2023.

The site is currently a working dairy farm with a number of fields in agricultural use. The site falls close to a Special Landscape Area at the northeastern corner of the site although it lies approximately 200m away. There are several Public Rights of Way (PRow) which transect the site and the surrounding landscape.

The findings of the Landscape and Visual Impact assessment site appraisal show that there are publicly accessible viewpoints within the site from the PRow's which run through the site. In addition, there are also views of the site from PRow's and public bridleways which run directly along, or close to, the site boundaries. To the west, the settlement of Melksham forms a strong visual barrier, whilst the topography to the east varies with a number of wooded hills preventing any distant views of the site. Dwellings along Sandridge Common Road on the northern boundary of the site will also directly overlook the site.

The quality of the site and the immediate surrounding landscape has been assessed as having a medium landscape quality. The site appraisal concludes there are some landscape elements in good repair, many of the field boundaries have good quality

hedgerows, but there are several gappy sections. There are good quality hedgerow oak trees, but these are sporadically distributed throughout the site. The fields are smaller and more irregular than the wider character area and the pylons form a distinctive detracting element. The landscape visual sensitivity has been defined as high as the landscape has a relatively flat topography with few vegetative features forming visual barriers within and adjacent to the site.

In terms of the impact of the development on the landscape the characteristics of the site, the development proposal would significantly change the immediate local character from grassed fields and be replaced by an urban form of development (although about 46% of the site would be retained as green infrastructure and would not be 'built on').

Most of the hedgerows and trees and a large quantity of the existing field boundary hedgerows would be retained and incorporated into the proposals. The watercourse would be retained and protected during all development stages and a wetland wildflower meadow would be provided.

The public rights of way through the site would be retained / enhanced along with dedicated corridors of open space.

The scheme includes several measures to avoid or reduce the potential effects of the development on landscape character. These include the retention of as many field boundary hedgerows and trees as possible, the integration of existing PRoW's through the site into green corridors of public open space, additional tree planting within the retained field boundary hedgerows, provision of a landscape buffer to the south of the residential dwellings along Sandridge Common Road and around the listed Blackmore House and to the eastern, southern and western boundaries. The mitigation measures are focused on retaining the key landscape elements of the site, including the existing hedgerows and hedgerow trees and would reduce the impacts of the development on landscape character.

The proposed low density of the scheme (approx. 15 houses per ha) is considered appropriate for the site and would not be considered as overdevelopment. The detailed layout would still need to be considered at the reserved matters stage should outline planning permission be granted along with the scale, design and appearance of the development. Although there would clearly be a change in the character and appearance of the area, this would be mitigated to some degree by the proposed buffer zones and areas of open space. Officers are satisfied that the illustrative master plan layout would deliver an acceptable development of a maximum of 500 dwellings that could be satisfactorily accommodated on site in terms of landscape, character and visual impact.

It is acknowledged that the loss and redevelopment of the agricultural land would result in some harm to the character and appearance of the area. However, the site is located adjacent to existing urban development to the west forming the eastern fringe of Melksham and there is some limited residential development to the north of the site fronting Sandridge Common Road. In addition, as detailed above there are mitigation measures proposed to offset some of the harm to landscape character. This means that any impacts are localized, and the development does not have significant adverse

impacts on the wider landscape or setting of Melksham. There would be minor adverse visual effects, particularly for nearby residents and people using the public footpaths. However, the negative impacts of the development would be mitigated as far as possible and as required by policy, through the inclusion of landscape features as detailed above. As such the extent of adverse visual impacts would not be widespread and, although it is recognised the development would cause some harm to the landscape setting of the local area.

In addition to all the above, **Design West**, the Council's appointed design review panel of experts from the built and natural environment sectors, were invited to comment on the application relating to the quantum of development, the use and access and proposed illustrative masterplan and concluded as follows

'The principles of the land parcels, comprising 500 homes (including up to 200 affordable homes), and employment position with over 40% of the site proposed for green infrastructure are supported. The applicant has clearly demonstrated, in the view of the panel, the potential of the site to provide high quality residential development.'

As such officers are satisfied that the illustrative masterplan layout would deliver an acceptable development of a maximum of 500 dwellings that could be satisfactorily accommodated on site in terms of landscape, character and visual impact.

9.3 Highway Issues

Criterion xiv of adopted WCS CP57 requires proposals to satisfy the requirements of CP61 (Transport and New Development). CP61 requires new developments to be *"located and designed to reduce the need to travel particularly by private car, and to encourage the use of sustainable transport alternatives"*. CP61 also requires in criterion ii that proposals would be *"capable of being served by safe access to the highway network"*.

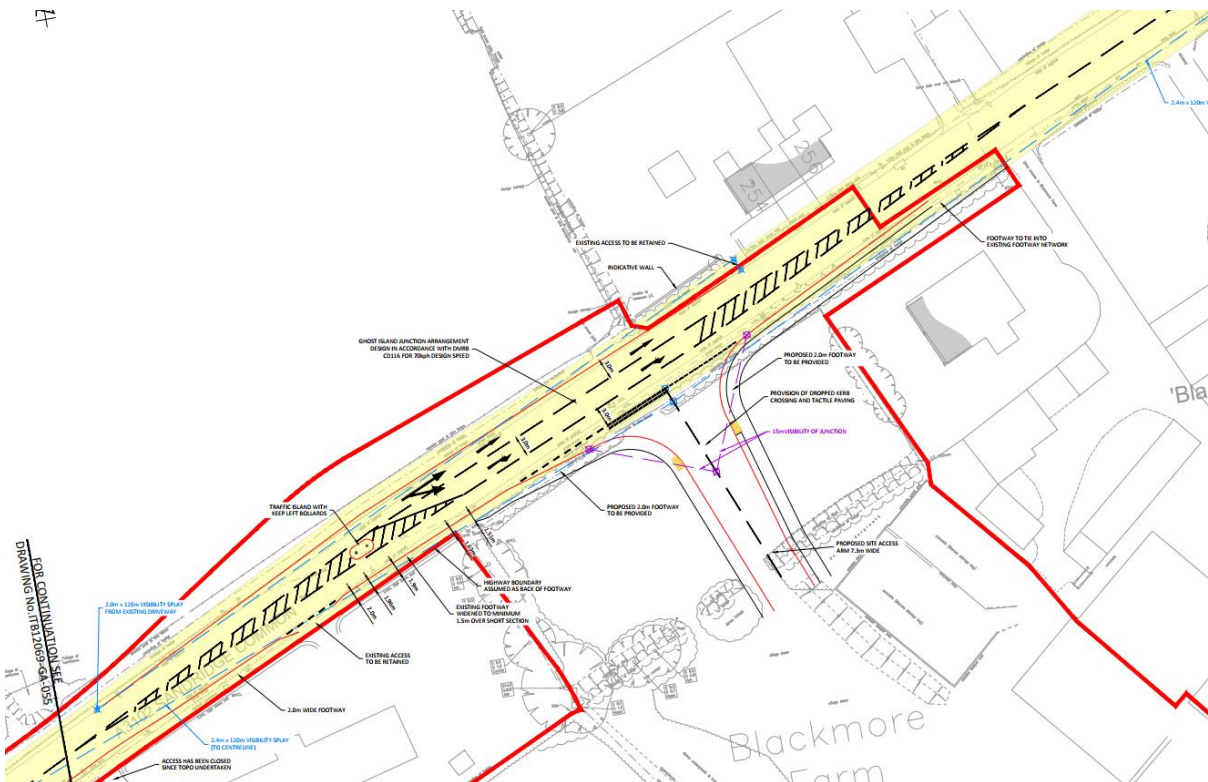
In addition, WCS CP64 requires adherence to residential parking standards. In addition to the abovementioned policies, paragraph 116 of the Framework states that developments *"should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe"*.

It is important to fully appreciate that this outline application is only seeking detailed consideration on the proposed means of vehicular access, with all the other matters being reserved for a future application.

As part of this supported application, the applicants propose the scheme to be accessed via a new vehicular access being formed off the A3102 with a ghost island right turning facility as detailed in the illustrative masterplan section and access plans which are reproduced on the following page. Sandridge Common Road is subject to a 40mph speed limit in the vicinity of the site frontage.



Illustrative Masterplan section detailing proposed access (A) and emergency access (B) onto Sandridge Common Road

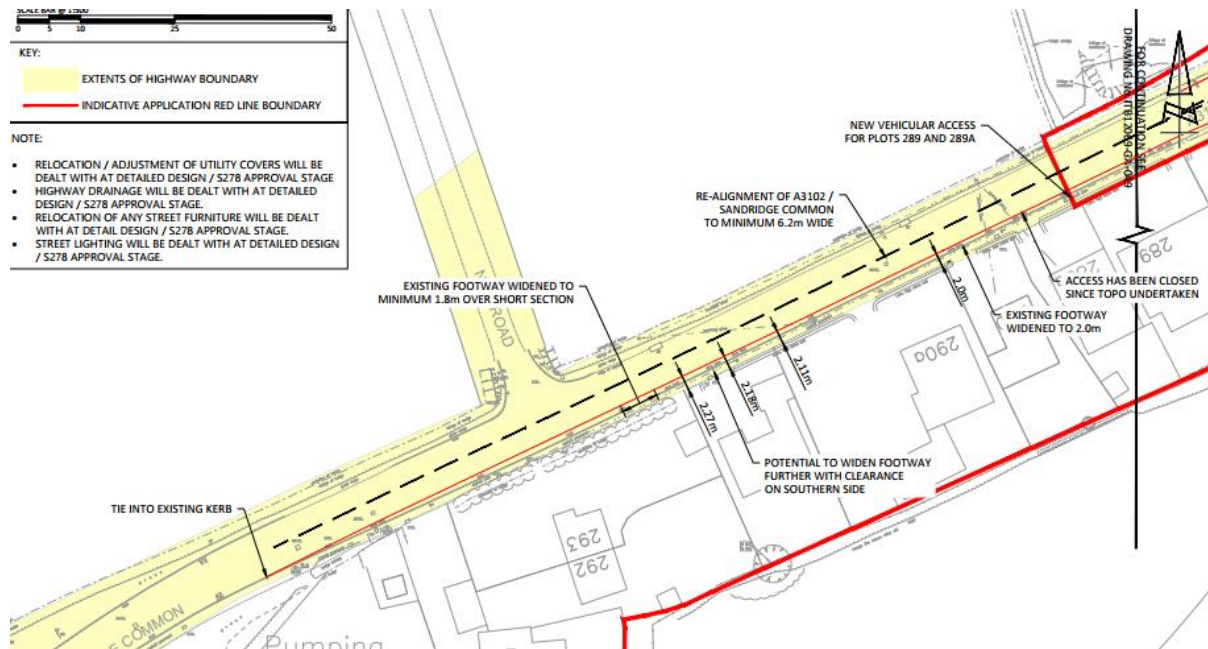


Proposed Ghost Island Right Turn Lane onto Sandridge Common Road (Drg no. ITB12069-GA-049 rev B)

The application is fully supported by a detailed Transport Assessment and Framework Travel Plan by i-Transport dated December 2023 and a technical update note dated

August 2024. The Transport Assessment/technical update concludes that safe access can be provided onto the highway network alongside taking up the opportunities for promotion of sustainable transport modes to key local destinations.

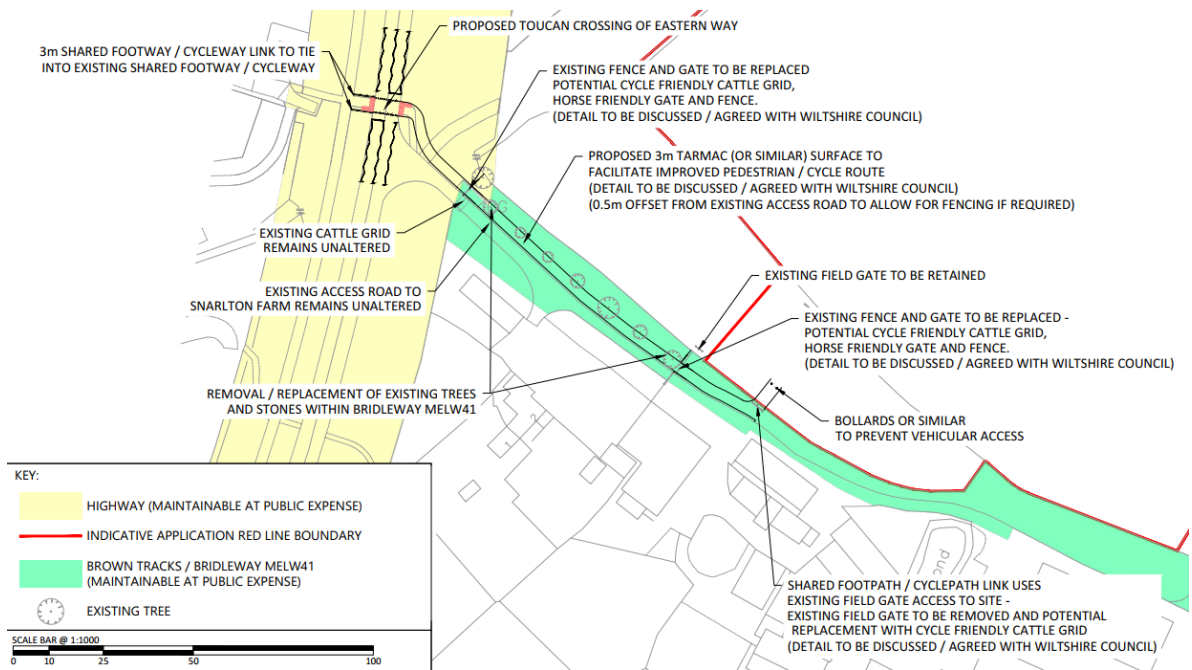
Vehicular and pedestrian access is proposed via a ghost island priority junction (as illustrated on the previous page). The proposal also seeks to provide a new 2m wide footway along the southern side of the A3102 which would connect with Eastern Way to be secured by condition (see plan below). An emergency vehicular access is proposed at a location to the east of the proposed vehicular access and east of Blackmore Farmhouse.



Proposed footway improvements Sandridge Common Road

The scheme also includes a pedestrian and cycle access via an improved Bridleway MELW41 to the south of the site including the construction of a toucan crossing off Eastern Way (see plan below). The bridleway will be upgraded between the existing field access gate and Eastern Way to allow for shared pedestrian / cycle and equestrian use, providing a new 3m wide all-weather surfaced route with the adjacent grass verge maintained for equestrian use.

The upgraded bridleway would be located adjacent the access road that serves the commercial development at Snarlton Farm as detailed in the plan below. These alterations are to be secured by condition.



Proposed bridleway MELW41 shared pedestrian/cycle route

Further pedestrian access via an improved Footpath MELW27 (resurfacing/removal of access furniture) would be secured via a s106 financial contribution of £22,500) and a controlled crossing of Eastern Way in the form of a puffin crossing is also proposed (secured by condition).

Public footpath MELW26 would be retained and would form a principal green corridor running through the site as detailed in the illustrative landscape masterplan above. Additional funding (£4,080) would be provided (secured by s106 agreement) in order to provide a mobility kissing gate. Other improvements agreed include furniture upgrades to MELW30 (£3,000), also to be secured by s106 agreement.

Comments of the council's public rights of way team and suggested obligations towards public footpath improvements in the area are noted. However, planning obligations must be necessary to make the development acceptable in planning terms, directly related to the development and fairly and reasonably related in scale and kind to the development (statutory regulation 122 tests). As stated above the scheme includes improvements to MELW27 (secured through s106 agreement) which runs through the site, MELW41 (secured through condition) located to the south of the site and MELW30 located to the southwest. All of these improvements are directly related to the development and are considered acceptable and would meet the Regulation 122 legal tests.

However, a series of additional developer contribution requests from the Council's PRoW team fail to meet the legal tests and whilst the reasons given for delivering improvements to some stretches of public footpath in the wider Melksham community area are noted, other funding mechanisms exist that could be accessed to fund infrastructure upgrades to include all or some of the following:

MELW26 cycle conversion order, and improvements to MELW23A, MELW23B, MELW25, MELW25A, MELW29, MELW30, MELW40, SEEN21, SEEN33, SEEN54

and ROWD22) and the request for contributions towards the future restoration of the Wilts and Berks Canal (located 2.2kms to the south of the site).

The above listed requests are not considered reasonable, and they would fail to meet Regulation 122 legal tests, and as such, they do not appear listed in the s106 Heads of Terms – which are set out later on in this report.

The s106 will also commit the applicant to safeguarding the future unfettered highway access and connections to the site from the west (i.e. land that is also allocated by Policy 18) (as illustrated and noted below) which is not under the control of the applicant.

A suitably worded s106 obligation would be necessary to avoid any ransom strip being created. This would mean that any future applicant bring forward a development on the said land, would not have their proposals compromised through a lack of highway connections through the remainder of the emerging site allocation when progressing with an application to deliver a road connection to the roundabout (which would likely form part of a further employment land provision to accord with the emerging Local Plan).



Illustrative Masterplan section detailing safeguarded access to existing roundabout off Eastern Way/Skylark Road

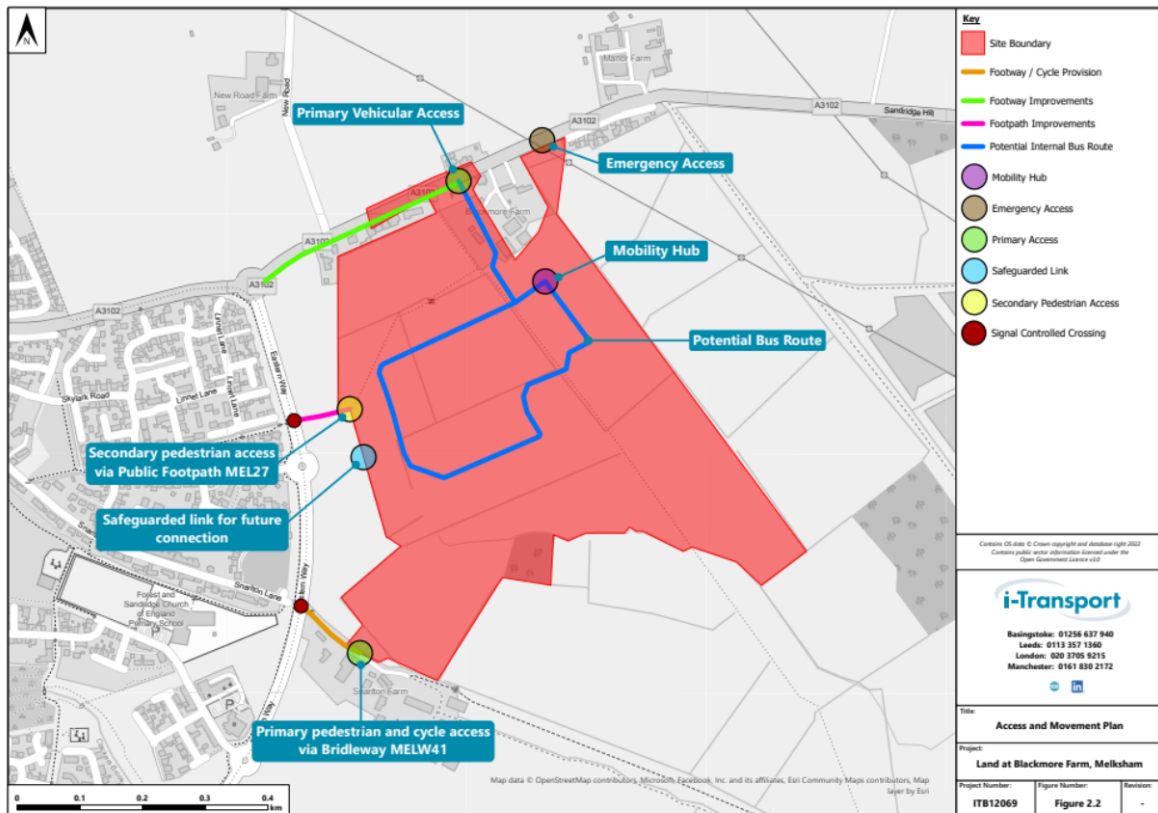
A new bus service connecting the site with the town centre and station (accessing the site via the proposed A3102 Sandridge Common access junction) is also proposed; and it is proposed that the site would be served by an hourly town bus service provided by a single decker bus.

It is understood that the full specification of the route would be confirmed under follow up details which can be enshrined within the s106 prior to its sealing. It is anticipated

that a 5-year funding programme is justified for this application to accommodate the phased delivery of the development and to enable the bus service to become financially viable.

A developer contribution of £750,000 has been negotiated by the Council's highways and public transport advisor and this has been agreed by the applicants to fund this service for the 5-year period, to be secured through a S106 Legal Agreement.

The access strategy for the site is summarised in the following indicative plan –



Access and Movement Plan

In addition to the two controlled crossings of Eastern Way, the following offsite improvements are also proposed (to be secured by a s106 legal agreement)

- Where Snarlton Lane meets A3102 Sandridge Common, a s106 contribution would be provided towards a scheme to widen the existing footway within the public highway to also provide for cyclists between the double mini roundabouts (£21,990).
- A s106 financial contribution to a wayfinding strategy (£10,000), directing pedestrians and cyclists between the site, key local facilities and services and the town centre and station.
- A s106 financial contribution towards pedestrian improvements on the route between the site and the town centre including provision of dropped kerbs and tactile paving at Ingram Road/Blackmore Road junction and Ruskin Avenue/Lowbourne junction (£8,000).

In terms of construction traffic, a temporary access is proposed from the A3102 Sandridge Common Road in the location of the proposed emergency access and east of Blackmore Farm. Details of the temporary access would be secured by use of condition (via submission of a construction management plan).

Concern has been raised by third parties with regard to the proposed location of employment land within the southwest section of the site and issues of highway safety. However, in response, officers submit that the employment uses proposed for the site would fall under use class E(g)(i) and class E(g)(ii) (of The Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020) and include office use and research and development uses.

These uses are considered by the planning profession to be acceptable within a residential area where class E(g) is summarised as - *being a use, which can be carried out in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit.*

The indicative proposed employment uses would not include light or heavy industrial forms of development or warehousing and as such it is not expected that the site would have significant volumes of heavy vehicle traffic traversing through the site on a regular basis.

It should however be noted that this would be a future matter for detailed consideration under the follow up REM applications and after a thorough employment site marketing exercise is carried out. From the details that have been submitted at this outline stage, the submitted Illustrative Masterplan seeks to facilitate slow traffic speeds with vehicular traffic being dispersed through the site, which is supported by planning and highway officers alike.

The submitted Transport Update Note (dated August 2024) provided more detail and revised trip generation calculations for the proposed 5000sq.m of employment use in the southwest part of the application site, and calculated weekday morning (0800-0900) and evening (16.45-17.45) peak hour trip generation at the rate of 65 car journeys (considered worst case) during these peak hours.

In response, the Council's highways team commented as follows:

The reviewed figures are accepted along with associated modelling as being a good, modelled representation of the trips and impacts on infrastructure from these proposals.'

The level of peak hour trips generated by the proposed employment uses are therefore considered acceptable and would not generate the level of harm to highway safety or an unacceptable impact on the road network (paragraph 116 of the revised NPPF) to warrant a recommendation for refusal.

The internal site layout, including road, footway and cycleway routes is a matter to be addressed at reserved matters stage.

The proposed development is a mixed use of commercial, residential and education facilities. In that regard the development will result in trips both to and from the site during the peak periods of each associated use. The council's highway officer states *'Overall, the site location and distance to facilities is a concern in terms of the site promoting walking and cycling as genuine choice for trips for all purposes. The proposed site sits outside the reasonable zone of walking distance for a significant number of identified facilities, which all sit to the west. There is likely to be a reliance on private car use where available.'* However, the council's highways officer continues...*with the introduction of bus services and improvements to walking and cycling routes it has to be considered that the proposed scale of development provides a good offer to encourage walking and cycling to those where the full choice of travel modes is available.'*

It should be noted that the application initially proposed a roundabout access into the site from A3102 Sandridge Common Road which was not supported by the highway authority. These concerns have been addressed by the applicants with the current scheme, detailed above, for the construction of a ghost island priority junction. The highways officer states - *In planning terms, the ghost island arrangement provided is acceptable, subject to a detailed technical approval.*

In addition, **Design West**, as part of their review of the scheme, concluded that:

'The single vehicular access is understood to be agreed by Council's highways, and the panel also believes it is workable, though this represents the largest amount of development that can be well served by one vehicular access and achieving a second access across third party land will significantly improve connectivity, particularly for buses.'

The Council's highway officer further advises that

'The proposed access can sufficiently serve the level of movement associated with vehicles and in the form proposed is considered to be safe and the most suitable that could be achieved at this location.'

In response to the concerns raised by Active Travel England (ATE), ATE requested a revised multi-modal trip generation assessment to include a daily multi-modal trip rate and that more ambitious Travel Plan targets are provided based on these daily trip rates. However, this was not considered necessary or reasonable given the local plan site selection and after a full review by the Council's local highways team who raise no objection subject to planning conditions and the S106 agreement requiring the respective developer(s) to submit Full Travel Plans to be submitted to and approved in writing by Wiltshire Council prior to first occupation of the development and consistent with other major developments, officers are satisfied that the additional request can be adapted when the travel plan targets are being prepared in the years ahead.

Concerns have also been raised by ATE with regard to the necessary off-site improvements and public access to the site. As detailed above the scheme includes a pedestrian and cycle access via an improved Bridleway MELW41 to the south of the site including the construction of a toucan crossing off Eastern Way. ATE has

requested that MELW27 be upgraded to also provide for cycling. This cannot be secured under this application on its own for legal reasons as the PRow connection crosses third party land and instead, the applicant would be obligated to contribute a financial sum to remove some PRow access furniture and resurface this route, there is no ability to widen the route to cater for cyclists as part of this planning application. Footpath MELW27 is therefore provided as a pedestrian connection to the site, with cycling connectivity provided for via improvements to bridleway MELW41 to the south of the site as detailed above.

In addition, the proposal includes the future delivery of a mobility hub (mixed use hub) and provision of two bus stops within the site and a developer contribution of £750,000 to support a bus service around the site. The submitted indicative layout provides for a loop arrangement within the site, allowing buses to enter via Sandridge Common, circulate through the site and exit from Sandridge Common.

The officer identified s106 legal agreement would include provision for a link up to the site's western boundary to allow for a future connection with Eastern Way (via third party land) which would enable a vehicular connection into the site from Eastern Way in the future should the adjacent land come forward for development

In conclusion the highway team raise no objections to the scheme subject to conditions and s106 obligations.

9.4 Impact on the setting of the adjacent listed building

The NPPF outlines government policy, including its policy in respect of the historic environment. Section 16 of the NPPF 'Conserving and enhancing the historic environment' sets out the Government's high-level policies concerning heritage and sustainable development. Paragraphs 207-9 of the NPPF require a balanced approach with any harm which would be caused being weighed against the potential public benefits which might be achieved. Paragraph 203 requires local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets and of new development making a positive contribution to local character and distinctiveness. Paragraph 208 of the NPPF requires 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"

The Council's Core Strategy Policy CP58 requires that "*designated heritage assets and their settings will be conserved, and where appropriate enhanced, in a manner appropriate to their significance.*" Core Policy 57 supports the above policy by requiring development to respond positively to the existing townscape and landscape in terms of building layouts, built form, height, mass, scale, building line, plot size, elevational design, materials, streetscape and rooflines.

The application site is located immediately south of Sandridge Common Road (A3102) and east of Eastern Way. Fields lie to the south of the A3102 Sandridge Common Road. Blackmore House, located within Blackmore Farm, is a grade II listed building and is located adjacent the northern boundary of the site. The application site wraps around the farmhouse to the east, south and west.



View of the south facing elevation of the Grade II listed Blackmore House

The application is accompanied by an Archaeological and Heritage Assessment by The Environmental Dimension Partnership Ltd dated December 2023 and additional heritage technical notes dated March 2024.

The submitted Heritage Assessment concludes that the significance of the building lies largely with its historic interest, including its fabric, its form, layout and vernacular design and materials and from the contribution it makes to the understanding and experience of the historic agricultural landscape surrounding Melksham. In addition, the surrounding agricultural land has a historic and functional connection with the house that contributes to its significance and its understanding as a farmstead within the rural landscape.

The conservation officer considers that the development would introduce a suburban form of development which is out of character with the existing agricultural landscape, over a large area, and would result in the loss of a substantial part of the wider rural setting within which the listed farmhouse is experienced and a consequent diminution of its significance.

However, the omission of built development from the area to the east of the farm does allow the farm to retain something of its connection with the surrounding agricultural landscape. Similarly, the introduction of additional landscaping to the south of the boundary to the farm provides some further mitigation.

It is also acknowledged that there has been some erosion of the immediate setting of the house via the loss of much of the historic farmstead. However, the area of land covered remains very large and approaching from the north, the farm would be viewed against a new backdrop of suburban housing development in place of the current agricultural character of the landscape. As a result, there will continue to be a level of harm to the setting of the farmhouse which would result from the proposed development, albeit at the medium end of the spectrum of less than substantial harm.

Given that there would be no direct impact on any historic fabric, the harm can be taken as “**less than substantial harm**” for the purposes of interpreting the NPPF.

In accordance with Paragraph 215 of the NPPF as detailed above, the planning judgement must weigh up all the public benefits of the scheme and assess the noted less than substantial level of harm, the development of the site would have on the setting of the stated listed building. This planning balance is contained within the conclusion section of this report.

9.5 Amenity Issues and Living Conditions of Future Occupiers

Core Policy 57 requires in criteria vii for developments to have *"regard to the compatibility of adjoining buildings and uses, the impact on the amenities of existing occupants, and ensuring that appropriate levels of amenity are achievable within the development itself, including the consideration of privacy, overshadowing, vibration, and pollution (e.g. light intrusion, noise, smoke, fumes, effluent, waste or litter)"*. Paragraph 135 of the Framework also requires planning policies and decisions to ensure developments have *"a high standard of amenity for existing and future users"*.

This application seeks outline planning permission only at this stage; and while the application is accompanied by an illustrative density and heights plan, these are indicative only.

Residential development is located on along the northern boundaries of the site with properties fronting Sandridge Common Road (A3102). However, it is considered the illustrative Masterplan (Drg no. 417 rev B) demonstrates that the site is capable of being developed with acceptable property separation and having a clear plan on how to avoid detrimentally affecting the amenities of adjacent residents. In addition, existing residential development is also located to the west on the eastern edge of Melksham. However, due to separation distance and intervening land and highway it is considered the development would result in no harm to the amenity of these residents. Officers are therefore satisfied that the scheme as illustrated would not result in significant impacts on the living conditions of neighbouring residents in terms of loss of privacy or overlooking or loss of light and overbearing impact.

There is potential for the proposed development to impact the amenity of local residents during the construction phase of the development. However details of methods to minimise and control disturbance to neighbouring occupiers and the environment during the construction phase of the development could be addressed through the submission of a construction management plan, which should be requested by a planning condition on any planning permission granted.

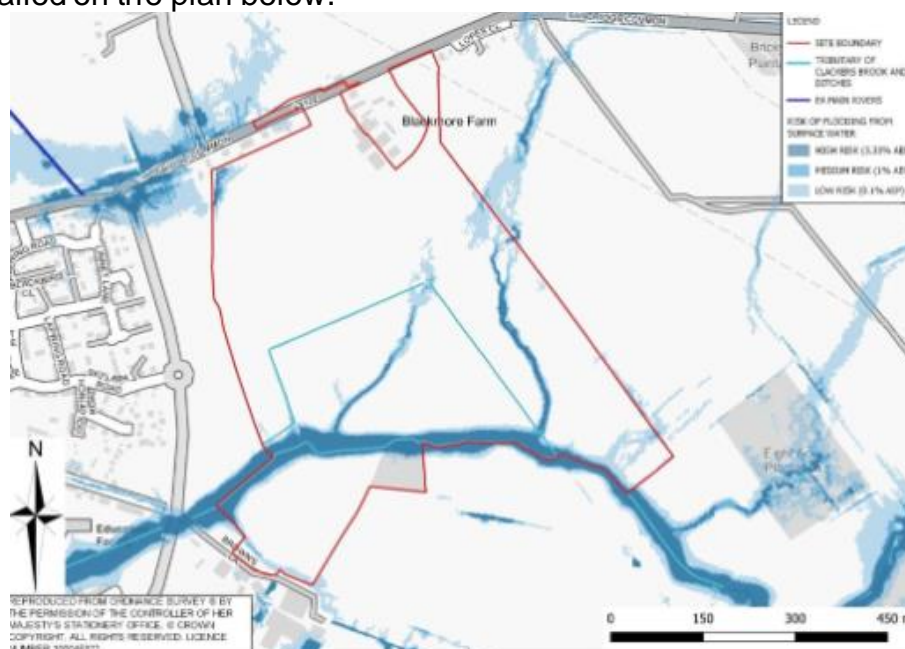
Considering the above, officers are satisfied that the scheme would not have a significant adverse impact on the living conditions of neighbouring residents or future occupiers and the proposal is considered policy compliant.

9.6 Drainage and Flood Risk

Core Policy 67 of the adopted WCS outlines that all new development should 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. Policy 3 of the 'made' JMNP requires proposals for major development to include the "provision of Sustainable Drainage Systems (SuDs), where appropriate, as part of the Natural Flood Management approach and wider Green Infrastructure networking".

Paragraph 181 of the Framework requires local planning authorities when determining any planning applications to "ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment".

The site is located in flood zone 1 (low risk of fluvial flooding). A small area of the site is impacted by surface water flooding associated with Clackers Brook, as well as an overland flow path which originates off-site and runs from north to south through the site as detailed on the plan below.



Risk of Surface Water Flooding Map (fig 6.1 Flood Risk Assessment and Drainage Strategy)

The application is accompanied by a Flood Risk Assessment and Drainage Strategy by Odyssey dated December 2023, a Water Resource and Flood Risk report and a Phase 1 Geo-Environmental Desk Study by BRD Environmental Ltd also dated December 2023.

Surface water generated by the proposed development would be attenuated in detention basins located at topographical low points, prior to discharge to the watercourse. Discharge rates would be limited to greenfield run off rates with 20% betterment. The basins have been designed to attenuate flows for all rainfall up to the 1 in 100-year plus 45% climate change event in line with the latest Environment Agency guidance.

The applicants advise groundwater monitoring has been carried out, and the records show very shallow groundwater in some parts of the site. It is proposed the basins would be lined to prevent ingress of groundwater and the lining would be designed to ensure there would not be any flotation risk. It is also proposed that residential units would be constructed with Finished Floor Levels (FFL) set at least 150mm above existing ground levels and overland flow routes would be designed to be outside of developable areas to mitigate the risk of groundwater flooding on site.

With regards to foul drainage the site would be split into three areas. It is proposed that foul flows from the western side of the development located north of the tributary of the Clackers Brook would drain by gravity to a foul pumping station located at a topographical low point on site. Foul flows from the area south of the tributary would drain to a second separate foul pumping station, prior to being pumped to the foul pumping station north of the tributary. The pumping station north of the tributary would pump foul flows to a new foul manhole in the public Wessex Water foul network at the entrance to the site, adjacent Sandridge Common.

Subject to planning conditions there are no objections to the scheme from the Council's Drainage team or from Wessex Water.

9.7 Ecology Issues

Core Policy 50 of the adopted WCS requires development proposals to *“demonstrate how they protect features of nature conservation and geological value as part of the design rationale”* and requires all proposals to *“incorporate appropriate measures to avoid and reduce disturbance of sensitive wildlife species and habitats throughout the lifetime of the development”*. All developments are also required to seek opportunities to enhance biodiversity with proposals for major development required to include *“measures to deliver biodiversity gains through opportunities to restore, enhance and create valuable habitats, ecological networks and ecosystem services”*. Improving biodiversity has been enshrined within the environmental objective contained within paragraph 8 of the Framework for achieving sustainable development. The Framework also requires net gains for biodiversity to be provided including by *“...establishing coherent ecological networks that are more resilient to current and future pressures”* in paragraph 187d.

The application is accompanied by a habitats survey including a bat and other protected species surveys, a Biodiversity Net Gain (BNG) Assessment and hedgerow survey by EAD Ecology dated December 2023. These documents form section 10 'Biodiversity' of the submitted Environmental Statement. In addition, an Ecology Technical Note dated April 2024 by EAD Ecology was also submitted.

A single European designated site is located within 10km of the Site. This is the Bath and Bradford-on-Avon Bats Special Area of Conservation (SAC), which lies approximately 9.4km north-west of the Site at its nearest point.

Much of the site comprises poor semi-improved grassland fields bordered by a network of hedgerows and ditches. A watercourse is located in the south of the site (Clackers Brook). Two waterbodies are also present on site.

Numerous buildings and areas of hardstanding were also present and adjacent to the northern boundary of the site, associated with Blackmore Farm. These buildings included a variety of agricultural buildings and a bungalow. Scrub and mature trees are scattered throughout the site but are generally confined to hedgerows. There is a small area of semi-natural broadleaved woodland on the south side of Clackers Brook.

Core Policy 50 of the Wiltshire Core Strategy requires all development to demonstrate no net loss of biodiversity and to seek opportunities to enhance biodiversity. The Council's ecologist has confirmed that

'This application was submitted prior to Biodiversity Net Gain (BNG) becoming mandatory on 12th February 2024, therefore BNG is not obligatory.'

In addition, chapter 10 Technical Appendix 10.3: Biodiversity Net Gain Assessment (EAD, December 2023) demonstrates that the development will not result in a net loss of local biodiversity resource and substantive gains are possible as demonstrated within the Illustrative Landscape Masterplan.

All trees and buildings within the site were assessed for bat roost suitability. Bat activity transect surveys were undertaken to determine the use of the survey area by bats by identifying the species present, commuting routes and foraging areas.

Ten static bat detectors were deployed on pre-determined habitat features considered likely to be of value for bats. All buildings identified as providing 'Low' to 'High' bat roost suitability were subject to dusk/dawn emergence/ re-entry surveys. One of the buildings (Blackmore Farm bungalow) was identified as a 'Confirmed' pipistrelle bat roost. In addition, trees identified as directly /indirectly affected and providing 'Moderate' to 'High' bat roost suitability were subject to dusk/dawn emergence/re-entry surveys. These surveys identified a total of seven trees which contained bat roosts.

In terms of bat activity at least eight species of bat were identified during the transect surveys of the site. Areas of higher bat activity recorded during the surveys generally correlated with the north-east and south-west parts of the area.

Relatively lower levels of bat activity were recorded surrounding the woodland in the south-east of the site. At least ten species of bat were identified during the static detector surveys of the area. Greater horseshoe bat (GHS) was recorded in low numbers (three or less) across the survey area while Lesser horseshoe bats (LHS) were recorded at all static detector locations.

In terms of other protected species, hedgerows, scrub and woodland within the site provided suitable habitat for hazel dormouse and evidence of hazel dormouse was recorded in hedgerows in the central part of the site. No evidence of otter was recorded during surveys, but periodic use of the watercourse (Clacker's Brook) was likely. Four outlier badger setts were identified within the area and were considered to be active, however, none of the setts was a Main Sett. Other evidence of badger activity was noted on site, including well-worn paths.

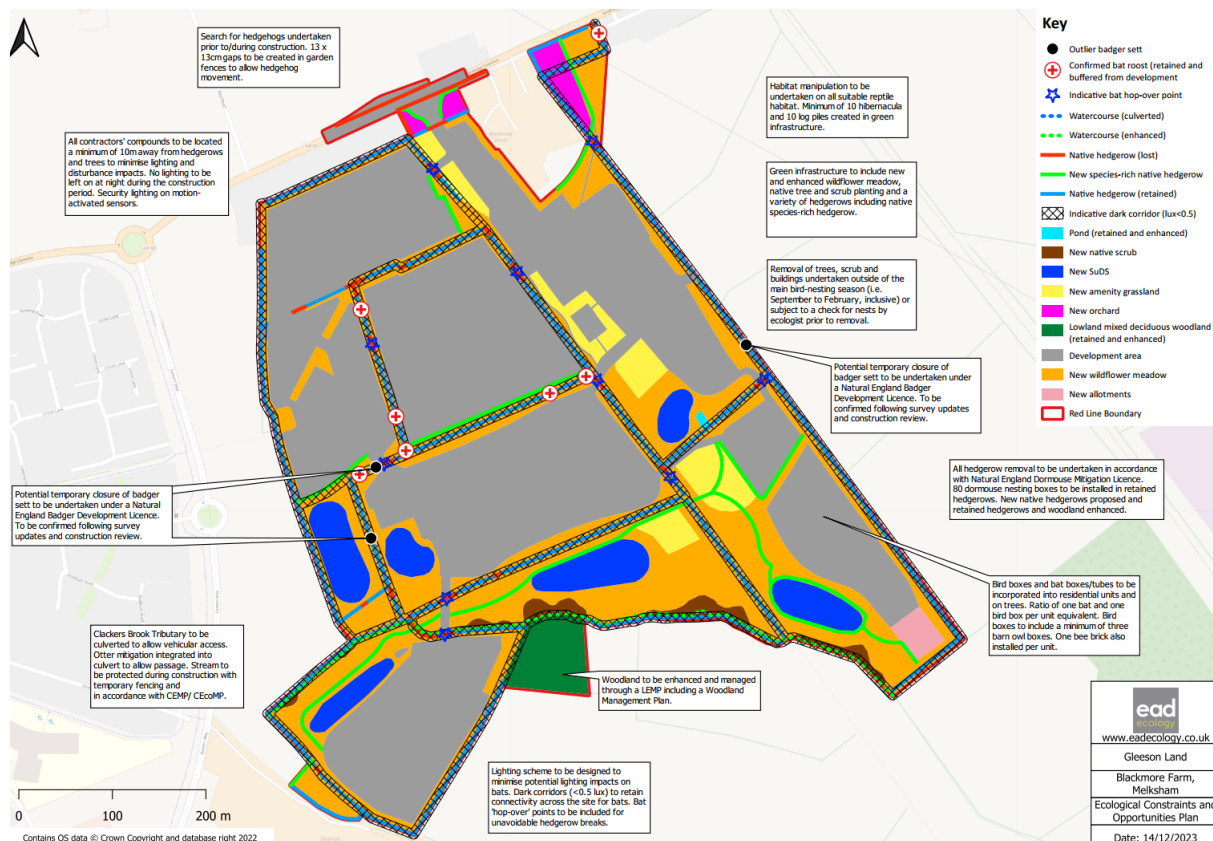
Several invertebrates have been recorded within the 2km site and there are a number of suitable habitats for invertebrates on site. Species of amphibian were also identified within the 2km site including great crested newt (GCN).

There are 2 ponds on site and other water bodies within close proximity to the site however surveys of these found no evidence of GCN and their presence on site was considered unlikely. Limited reptile activity was found on site. No barn owl roosts/nesting sites were identified within the area, but suitable barn owl foraging habitat was identified on site.

Mitigating and enhancement measures are proposed in section 10 of the Environmental Statement. The proposed green infrastructure and off-site compensation measures would provide habitats for invertebrates, amphibians, reptiles, bats and birds amongst other protected species. Proposed mitigation measure include –

- Bird and bat box incorporated into dwellings and on trees (one box per dwelling equivalent)
- Hedgehog passes created within all new garden fences
- Bee bricks would be installed on new buildings and walls (one box per dwelling equivalent)
- Hibernation sites and log-piles would be created in green infrastructure for amphibians and reptiles
- 80 dormouse boxes installed in retained vegetation
- Otter passage to be incorporated into Clackers Brook culvert

Ecological constraints and mitigation measures are summarised on the following plan –



Ecological Constraints and Opportunities Plan (Environmental Statement Chapter 10: Biodiversity)

Habitat creation and green infrastructure would include new enhanced wildflower meadow planting, new native hedgerows and retained hedgerows to be enhanced, the woodland on the southern boundary of the site would be enhanced and managed and new allotments in the southwest corner of the site are proposed. With regards bat mitigation indicative dark corridors for the development are shown on the above Ecological Constraints and Opportunities Plan (subject to the detailed design of the development at reserved matters stage). In addition, a lighting assessment would also accompany any reserved matters application with emphasis of minimising the impact of lighting on bats.

As such, and subject to planning conditions the Council's ecologist has no objection to the development. The development is therefore considered in accordance with local and national policy.

9.8 Open Space/ Sports Provision

Paragraph 96 of the NPPF states planning policies and decisions should aim to achieve healthy, inclusive and safe places which enable and support healthy lifestyles for example through the provision of safe and accessible green infrastructure and sports facilities. Paragraph 103 of the NPPF states access to a network of high-quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities. Core Policy 52 of the WCS 'Green infrastructure' states developers will need to make provision for accessible open spaces in accordance with the requirements of the adopted Wiltshire Open Space Standards.

The proposed development would provide 15 ha of open space provision including 2 equipped play spaces (one for children and one for teenagers). The scheme would also provide 2 ha of land for a primary school including sports pitch. **Details of the open space and sports pitch would form part of a future reserved matters application.**

Wiltshire Council Public Open Spaces Team have requested the following contributions -

- 17,464m² (1.7 ha) of Public Open Space (POS)
- 885m² of Equipped Play in the form of two equipped play spaces
- Sports contribution of £118,000 towards a 3G Artificial Turf Pitch within the Melksham Community Area

Whilst the consultation comments from Sport England are noted, the Councils leisure and Public Open Space team have agreed the following for this application:

'There is the requirement for an offsite sports contribution to meet the strain on infrastructure of the new development. The Primary School pitches do not service this requirement.'

As such the Council open spaces team have requested a developer contribution amounting to £118,000 to go towards the delivery of a 3G Artificial Turf Pitch off-site but in the community area which has been agreed by the applicants and would be secured by a s106 legal agreement.

Sports England also asked for a developer contribution of circa £250,000 to £353,000 is required for a sports hall and circa £280,000 to £390,000 for a swimming pool. These two requests do not comply with the Regulation 122 legal tests and the Council's leisure team do not seek such developer obligations. It is also likely to be the case that the request when made by Sport England failed to appreciate the recent completion of the Melksham Community Campus located in the town centre, which includes a fitness studio and swimming pool.

Based on the above, officers are satisfied that the level of open space/ sports provision is acceptable, and the development complies with local and national policy, and through developer contributions, suitable off-site improvements / new facilities can be funded through this development on an acceptable and proportionate basis.

9.9 Loss of Agricultural Land

The application site extends to just over 32.7 hectares of largely dairy farmland which the Council's mapping system identifies as predominately grade 3 and 4 (adjacent the southern boundaries of the site) agricultural land.

Natural England's Agricultural Land Classification (ALC) defines Grade 3 land as 'good to moderate quality agricultural land', which has *"moderate limitations that affect the choice of crops, timing and type of cultivation, harvesting or the level of yield. Where*

more demanding crops are grown yields are generally lower or more variable than on land in grades 1 and 2".

Grade 4 is defined as *'poor quality agricultural land with severe limitations which significantly restrict the range and level of yield of crops.'*

Paragraph 187 of the Framework requires planning policies and decisions to contribute to and enhance natural and local environment and includes in criterion b) *'recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;'*

The Framework defines 'best and most versatile agricultural land' (BMV) as land that is considered to fall within grades 1, 2 and 3a of the ALC.

The application is accompanied by an Agricultural Land Classification report by Askew Land & Soil Limited dated August 2019. The report concludes the quality of agricultural land across the site has been classified as Subgrade 3b which is outside of the NPPF (2019) best and most versatile (BMV) category as detailed above.

There are no in principle objection to the scheme from Natural England, and with the site being put forward for a significant mixed-use housing led allocation enshrined within the emerging Local Plan, the Council has committed to accepting the loss of the lower grade agricultural land for housing and employment growth and from reviewing all the material considerations set out within the particulars for this planning application, officers consider this proposal to be compliant with local and national policy.

9.10 Other Issues

A (£150,000) public arts contribution has been agreed with the applicant amounting to £300 per dwelling.

Concern has been raised by third parties about increased pollution in particular, during the construction phase of the development. This would be a detailed matter for both discharge of conditions and any future REM applications to address, but at this stage, officers are mindful that the applicants submitted an Air Quality Assessment report (Environmental Statement chapter 13) which was reviewed by the Council's public protection team and concluded as long as best practice measures were implemented, any impacts during the construction phase of the development would not be significant.

Concern has also been raised with regards crime/ anti-social behaviour. There is no substantive evidence that would support this concern, which at outline stage is not a matter that can reasonably influence the decision on the application. As reported earlier within this report, the Council consulted with the Police design liaison officer and no objections were raised.

10. Developer Obligations

Core Policy 3 of the adopted WCS states that all new development would be required “to provide for necessary on-site and, where appropriate, off-site infrastructure requirements arising from the proposal” which would be delivered directly by the developer and/or through a financial contribution. Policy 8 of the made JMNP also requires “infrastructure requirements, in proportion to their scale and in accordance with prevailing Wiltshire policies, will be delivered through the Community Infrastructure Levy, planning conditions and section106 agreements”.

The following s106 contributions have been identified by internal consultees and are considered to be reasonable, necessary and directly related to the development –

- Housing – 40% Affordable Housing (AH) 200 units (with the agreed mix being 25% First Homes, 60% affordable rent and 15% shared ownership – with the detailed breakdown in terms of bedrooms per dwelling per tenure to be based on most up to date needs and be enshrined within the s106).
- NHS – developer financial contribution of £512,727 to fund additional primary care floorspace at Giffords Surgery and Spa Medical Centre in Melksham
- Open space/ sports provision –
 - 17,464m² of on-site Public Open Space (POS)
 - 885m² of Equipped Play in the form of two equipped play spaces (on-site)
 - A developer financial contribution of £118,000 to fund an off-site 3G Artificial Turf Pitch within the Melksham Community Area; and provision of
 - Allotments (0.17ha) on-site
- Education – developer financial contributions for the following:
 - Early Years Places - £17,522 x 59 = £1,033,798
 - Primary School Places - 94 x £18,758 = £1,763,252
- Arts Contribution – £300 per dwelling (£150,000)
- £101 per dwelling for waste and recycling totalling £50,500
- Highway improvements and sustainable transport –
 - Bus service developer contribution – £750,000
 - Walking and cycling enhancement contributions in the form of the following:
 - Improvements on Snarleton Lane up to Blackmore Road (£21,990)
 - Dropped kerb works and tactile paving at the Ingram Road/Blackmore Road junction (£6,000)
 - Tactile paving works on the south side of Ruskin Avenue/Lowbourne Road (£2,000)
 - Wayfinding improvements in the vicinity of the development (£10,000))
 - Green Travel Voucher – (in the sum of £300 to be made available upon request in accordance with the provisions of the Travel Plan to the initial occupiers of each dwelling
 - Cycle maps contribution – £1,000
 - Residential travel plan to be provided
 - Travel plan monitoring fee – £7,000
 - Rail accessibility contribution – £8,547 (to be used towards rail accessibility improvements at Melksham station)
- Improvements to public footpaths –

- Surfacing works to and removal of access furniture on footpath MELW27 (£22,500)
- MELW26 cycle conversion order cost - £5000
- MELW26 – Delivery of a Woodstock Medium Mobility kissing gate plus installation – £4080
- MELW30 – Countryside access furniture upgrades - £3000
- Management and maintenance of the open spaces and play areas including option for Melksham Without Parish Council to adopt play area
- A developer commitment to provide the Council with suitably detailed confirmation in writing on the timing / specification for the delivery of a serviced primary school.
- A developer commitment to provide the Council with suitably detailed confirmation in writing on the timing / specification for the delivery of the mixed-use hub, or commitment to financially contribute an agreed proportionate sum to part fund any advanced off-site provision.
- A developer commitment to provide the Council with suitably detailed confirmation in writing on the timing and delivery of the employment land including the necessary engagement with the Council's economic development team and the submission of a marketing strategy.
- A developer commitment to avoid any ransom strip being created on the site's western edge pursuant to safeguarding a future road connection to the Skylark Road/Eastern Way Roundabout.
- A S106 monitoring fee would also be required to be included within the S106 Legal Agreement which would be 1% of the total financial contributions capped at £10,000

11. Conclusion (The Planning Balance)

Paragraph 11(d) and footnote 8 of the revised NPPF state that where a Local Planning Authority cannot demonstrate a five-year housing land supply then, for applications including housing provision, the policies which are most important for determining the application should be considered out-of-date.

As a result, the presumption in favour of sustainable development (often referred to as the 'tilted balance') is invoked and permission should be granted unless protection policies set out in footnote 7 of the NPPF apply, or the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits.

In this particular case, there are no protection policies that would prevent the titled balanced being engaged and there are no technical objections to the application.

The application proposals have been informed by the emerging local plan site allocation and through negotiation, the scheme has been revised with robust supporting statements and assessments which would not lead to a substantive conflict with the emerging local plan expectations. This application is ready to be determined at a time when the Council has a significant housing supply deficit at 2.03 years when tested against the 5-year requirement (plus a 5% buffer), and given the lack of any technical objection, the delivery of 500 dwellings and the applicants commitment to provide 40% (up to 200 units) being affordable homes, and this merits very significant weight in the planning balance. Securing delivery of the mix of uses as anticipated by the emerging local plan including employment and community uses, as well as

connections through the site into Melksham is important to the sustainability of the development.

Paragraph 14 of the NPPF states that in situations where the presumption (at paragraph 11(d)) applies to applications involving the provision of housing, the adverse impact of allowing development that conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits. However, in this particular case, the application site forms a substantive part of the emerging local plan Policy 18 allocation and as such this helps in supporting this application in terms of principle.

Moreover, the Council's strategic planning team were consulted and confirmed that there would likely be no prematurity argument and due cognisance must be afforded to the amendments and delivery commitments the applicants have agreed to, which broadly comply with the emerging Local Plan.

Through the submission of various supporting plans and statements, including a comprehensive illustrative masterplan that goes some way to address the details set out in draft Policy 18 of the emerging Local Plan, the applicants have evidenced the 37 hectares being capable of accommodating the proposed quantum of housing at suitable densities and also set aside land for the future delivery of employment land, a primary school and a significant amount of green space (totally about 46% of the site).

It is fully recognised that the made Joint Melksham Neighbourhood Plan is less than 5 years old and contains policies and allocations to meet its identified housing requirement, however Wiltshire Council's local housing need is now based on a Countywide calculation which has been recently adjusted by Central Government and in mid-December has been confirmed as being significantly in deficit, which is a significant material consideration.

In terms of the benefits of the scheme, they include the provision of up to 300 open market dwellings and up to 200 affordable dwellings at a time when the Council has such a significant housing supply deficit is a very significant material consideration to significantly boost homeownership across many house types.

Given the Council's significant shortfall in housing land supply and through fully appreciating central government-imposed changes to housing needs that significantly increased what needs to be planned for across Wiltshire. The site forms a substantive part of an emerging local plan allocation which has been subject to a site selection and local plan making process. It is considered to be a sustainable site and the principle of development (which this outline seeks to secure) should be supported by the Council.

It is also necessary to reactivate the 2023 Action Plan for the Council - which was shared with members via briefing note and set out how the Council would effectively restore its 5-year housing land supply in the face of the acknowledged shortfall and confirmed that: -

'...the Council will positively consider speculative applications where there are no major policy obstacles material to the decision other than the site being outside the settlement boundaries or [being] unallocated.'

There would be some short-term benefits secured through the construction phase of the development with direct and indirect job creation and the future householders of the properties contributing to future Council Tax revenues.

In addition, the development would contribute towards CIL in infrastructure funding in the area, with the total sum going to the local parish in recognition that there is a made Neighbourhood Plan in place.

Longer term economic benefits would also be secured through the delivery of a mixed-use hub and employment land that would generate employment growth within the area.

On this particular aspect, the NPPF at paragraph 85 states that “

Significant weight should be placed on the need to support economic growth and productivity...”

In line with the revised NPPF, significant weight must be afforded in this case.

The supporting information that accompanies the application has been subject to a rigorous assessment involving many stakeholders/consultees and officers have concluded that it demonstrates that the site can accommodate up to 500 dwellings without adversely impacting the living conditions and amenities of existing local residents.

The application proposal has been subject to a design review by the Council's appointed external body of experts and the site, and the quantum of development were supported in principle.

From the indicative details provided, the applicants have demonstrated that the scheme can accommodate a range of densities, and through the future detailed REM phased submissions and with the necessary s106 legal agreement safeguards and planning conditions, the scheme can be made acceptable in terms of its effects on the landscape, highways and accessibility, site permeability, drainage and ecological matters.

The development would be served by a safe access to the highway network and the scheme would not result in severe cumulative harm to highway safety or result in harm to pedestrian safety.

Subject to securing and delivering a range of mitigation measures, the development would cause no harm to local biodiversity interests. The site is within flood zone 1, land that has the least risk of flooding, and a suitable on-site drainage scheme can be delivered with no technical objections having been received from the drainage authority.

The scheme would cause 'less than substantial harm' to the character and setting of the grade II listed building known as Blackmore House. However as detailed above, the site is allocated in the emerging Local Plan and through appropriate siting /set back distances being agreed as part of a future REM submission and securing suitable lower development densities for the land to the immediate south of the nearby listed building, officers are satisfied that an appropriate development can be delivered that would result in significant public benefits which would outweigh the harm created to the diminution of the rural setting for the listed farmhouse.

In addition, the scheme includes public benefits that go beyond the wider development pursuant to several upgrades to be made to the local transport infrastructure and PRow improvements.

Turning to the adverse impacts, the proposal fails to comply with the development plan as a whole given the policy conflict with CP1, CP2 and CP15 of the Wiltshire Core Strategy, and Policy 6 of the Neighbourhood Plan. By reason of the site being located outside the limits of development the conflict with these policies cannot be afforded full weight by virtue of the housing land supply deficit, but the Plan conflicts nevertheless are significant, but these are not considered sufficient to outweigh the aforementioned public benefits.

The development would also result in the loss of grade 3b and 4 classified agricultural/ rural land which is a negative implication and there would be a significant change to the local landscape character. However, the application avoids using the best quality land and given that the site is being allocated for development in the emerging Local Plan, officers do not consider it would be reasonable for the Council to oppose the principle of the development which has been identified for 425 dwellings and 5 hectares of employment land scheme. Indeed, a refusal on such grounds would potentially expose the Council to a costs award. For the foregoing reasons, the loss of the agricultural land is considered an acceptable consequence.

Wiltshire Council is currently unable to demonstrate a five-year housing land supply, and the shortfall is very significant. This proposal would not only make a significant contribution to addressing the land supply for open market housing, through the applicant's commitment to deliver up to 200 affordable homes (at 40%), in the absence of technical grounds to refuse the application, it is recommended that the application being endorsed as an approval, be subject to the following planning conditions and require the applicant to commit to completing and sealing a s106 legal agreement to secure all the summarised heads of terms set out in section 10 of this report.

RECOMMENDATION: To defer and delegate to the Director of Planning to grant outline planning permission subject to the completion of a S106 Legal Agreement and subject to the following planning conditions and informatives:

1. The development hereby permitted shall be begun either before the expiration of two 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. Application(s) for the approval of all of the reserved matters (should this development be advanced on a phased manner) shall be made to the Local Planning Authority before the expiration of three years from the date of outline permission being granted.

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

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

The development shall then 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.

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

Site Location Plan - drg no. 18045_220 rev B
Parameter Plan – Composite drg no. 18045_520 rev E
Parameter Plan – Heights drg no. 18045_522 rev C
Parameter Plan – Density drg no. 18045_523 rev D
Proposed Ghost Island Right Turn Lane drg no. ITB12069-GA-049 rev B
Proposed Pedestrian Cycle Emergency Access drg no. ITB12069-GA-057 rev A
Proposed Temporary Construction Access and 1:1000 drg no. ITB12069-GA-054 rev A

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

5. No application for reserved matters shall be submitted until there has been first submitted to and approved in writing by the Local Planning Authority a detailed Phasing Plan and order of delivery schedule for the entire application site indicating geographical phases for the entire development.

Where relevant these phases shall form the basis for the reserved matters applications, and each phase shall include within it the defined areas and the

quantities of open market and affordable housing as well as the community and employment uses and associated infrastructure relevant to any given phase.

The 'order of delivery schedule' shall also specify the order in which each land parcel shall commence.

In addition, detailed plans and an order of delivery schedule for 'non-phase specific' landscape and ecology mitigation measures shall be submitted to and approved in writing by the local planning authority.

The development shall be carried out in strict accordance with the provisions of the approved phasing plan and/or any subsequent amendment to the phasing plan that has been agreed in writing by the Local Planning Authority.

REASON: To ensure the proper planning and delivery of the development and to deliver a sustainable development which is in character with its surroundings and in accordance with the terms of the application.

6. The subsequent reserved matters applications (phased or otherwise) shall make appropriate provision for the following:
 - Up to 500 dwellings of which 40% will be affordable housing
 - 2.07 ha of land being safeguarded for employment purposes to accommodate a building or buildings up to 5,000sqm falling under Use Classes E(g)(i) & E(g)(ii).
 - 2 ha of land for a primary school (Class F1).
 - 0.17 ha of land for a mixed-use hub (Class E / Class F) with space for car parking and a building footprint with a gross floor area of c.400sqm.
 - 15 ha of land to be provided and dedicated as public open space, children's play areas, allotments and attenuation ponds to include 17,464m² of Public Open Space (POS), 885m² of Equipped Play in the form of two equipped play spaces and 0.17ha of land for allotments.

The 'layout of the development' reserved matter (which is required to be submitted and approved under condition no. 3) shall accommodate all the above substantially in accordance with the Parameter Plan – Composite drg no. 18045_520 rev D, Parameter Plan – Heights drg no. 18045_522 rev C and Parameter Plan – Density drg no. 18045_523 rev C.

REASON: To ensure the creation of a sustainable development which is in character with its surroundings and in accordance with the terms of the planning application.

Highway Matters

7. Prior to the commencement of works on any given development phase, details of the estate roads, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfalls, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car parking and street furniture, including the timetable for the provision

of such works (for that phase) shall be submitted to and approved in writing by the Local planning Authority. Each phase of the development shall not be first occupied until the works have been undertaken in accordance with the approved details and timetable.

REASON: In order that the development is undertaken in an acceptable manner and to ensure that the roads are laid out and constructed in a satisfactory manner.

8. The roads, including footpaths and turning spaces, shall be constructed so as to ensure that before it is occupied, each dwelling has been provided with a properly consolidated and surfaced footpath and carriageway to at least base course level between the dwelling and the existing highway.

REASON: To ensure that the development is served by an adequate means of access.

9. Prior to commencement of the construction of the development full details of a shared walking/cycling route along the alignment of Bridleway MELW41 from the site access on to Bridleway MELW41 to Eastern Way in accordance with drawing ITB12069-GA-033 rev E (contained in the Transport Update Note section 'Other Drawings') including all necessary permissions, shall be submitted to and approved in writing by the Local Planning Authority.

The shared walking/cycling route shall thereafter be provided in full prior to the occupation of the 325th dwelling on the site and maintained as such thereafter.

REASON: To ensure walking and cycling accessibility between the site and the western side of Eastern Way.

10. Prior to commencement of the construction of the development full details of a signal-controlled Toucan Crossing off Eastern Way in accordance with drawing ITB12069-GA-033 rev E (contained in the Transport Update Note section 'Other Drawings') shall be submitted to and approved in writing by the Local Planning Authority. The Toucan Crossing shall thereafter be provided in full prior to the occupation of the 325th dwelling on the site and maintained as such thereafter.

REASON: To ensure safe and convenient crossing of Eastern Way is provided for pedestrians and cyclists in the interests of highway safety and sustainability.

11. Prior to commencement of the construction of the development full details of a signal-controlled Puffin Crossing off Eastern Way in accordance with drawing ITB12069-GA-056 rev A (contained in the Transport Update Note section 'Other Drawings') shall be submitted to and approved in writing by the Local Planning Authority.

The Puffin Crossing shall thereafter be provided in full prior to the occupation of the 150th dwelling on the site and maintained as such thereafter.

REASON: To ensure safe and convenient crossing of Eastern Way is provided for pedestrians and cyclists in the interests of highway safety and sustainability.

12. Prior to commencement of the construction of the development full details of a widened footway along Sandridge Common Road in accordance with drawing ITB12069-GA-055 rev A (contained in the Transport Update Note section 'Other Drawings') shall be designed and submitted to and approved in writing by the Local Planning Authority.

The widened footway shall be provided in full in accordance with the submitted details prior to the occupation of the 150th dwelling on the site and maintained as such thereafter.

REASON: To ensure safe and convenient access along Sandridge Common Road is provided for pedestrians and cyclists in the interests of highway safety and sustainability.

13. Prior to the occupation of the 150th dwelling on the site, the proposed emergency vehicle access and routing off the A3102/ Sandridge Common Road to the internal road network within the scheme, shall be completed and be made available for any given emergency, and it shall be safeguarded and maintained for the lifetime of the development.

REASON: To ensure that a satisfactory emergency vehicle access is provided in the interests of public and highway safety.

14. Prior to commencement of development a phasing and specification plan for the delivery of up to 2 bus stops excluding the mobility hub within the internal network of the site shall be submitted to and approved by the Local Planning Authority. The bus stops shall be constructed in accordance with the approved details.

REASON: To ensure that bus service infrastructure is delivered in a timely manner to maximise the use of sustainable travel modes.

15. Prior to commencement of development a phasing and specification plan for the Mobility Hub shall be submitted to and approved by the Local Planning Authority. The Mobility Hub shall include as a minimum a bus stop with shelter and associated real time information for bus, cycle parking including electric cycle charging points, electric vehicle fast and rapid charging points. The Mobility Hub shall be constructed in accordance with the approved specifications.

REASON: To ensure that the Mobility Hub is delivered in a timely manner to maximise the use of sustainable travel modes.

Drainage

16. No development (pursuant to each phase) shall commence on site until a scheme for the discharge of surface water from the site, including sustainable drainage systems and all third-party approvals, has been submitted to and approved in writing by the Local Planning Authority in consultation with the Lead Local Flood Authority. No phase of the development shall be first occupied until the scheme for

the discharge of surface water for that phase has been constructed in accordance with the approved details.

REASON: To ensure that the development can be adequately drained without increasing flood risk to others.

17. No development (pursuant to each phase) shall commence on site until details of the works for the disposal of sewerage including the point of connection to the existing sewer have been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied until the approved sewage disposal measures have been fully implemented for that phase in accordance with the approved details.

REASON: To ensure that the development is provided with a satisfactory means of drainage.

Ecology

18. Prior to commencement of development on site, including site clearance, an Ecological Mitigation and Management Plan (EMMP) shall be submitted to and approved in writing by the Local Planning Authority. The plan which will be prepared in broad accordance with the Ecological Constraints and Opportunities Plan (ES Chapter 10: Biodiversity prepared by ead ecology, 14/12/2023) and Environmental Parameters Plan – Composite (Ref Masterplan 417A Rev. B prepared by Origins, 19/12/2023). The plan will include the following elements:

- Evidence of how measures detailed in the Avoidance, Mitigation, Compensation and Enhancement Section (paragraphs 10.134-10.172) and summarised in Table 10.8 of ES Chapter 10: Biodiversity shall be implemented across the Site.
- A drawing/s specifying the location of mitigation and enhancement measures required by the Avoidance, Mitigation, Compensation and Enhancement Section (paragraphs 10.134 - 10.172) and summarised in Table 10.8 of ES Chapter 10: Biodiversity.
- A drawing/s specifying measured habitat unit areas including condition, hedgerow lengths and measured buffer distances along features of conservation importance.
- A drawing/s showing the location, number and specification of new features for nesting birds, roosting bats, reptiles and insects.
- Species specific mitigation strategies for reptiles, bats (roosting, foraging and commuting), dormouse, otter and badger.
- A drawing/s specifying the location and extent of habitats and features with species specific management priorities including reptile receptor areas, bat commuting and commuting habitat including dark corridors and cross over points, dormouse habitat, otter mitigation along Clackers Brook and retained at roosts.
- Mitigation and enhancement strategy for Clackers Brook tributary and retained broadleaved woodland.
- A BNG Calculation for the site, based on Metric 4.0 (as approved).

The approved EMMP shall set a framework for all reserved matters applications, which shall only be permitted where in accordance with the approved EMMP and

will include timescales for implementing the approved measures. The site shall be managed in accordance with the approved EMMP in perpetuity unless agreed in writing by the Local Planning Authority, and monitoring reports shall be submitted to the Local Planning Authority in accordance with the monitoring programme therein.

REASON: To ensure the long-term management of landscape and ecological features retained and created by the development, for the benefit of visual amenity and biodiversity for the lifetime of the scheme.

19. Prior to the commencement of works on a development pursuant to each phase, including demolition, ground works/excavation, site clearance, vegetation clearance and boundary treatment works, a Construction Environmental Management Plan (CEMP) shall be submitted to the Local Planning Authority for approval in writing. The Plan shall provide details of the avoidance, mitigation and protective enhancement measures for that phase, as set out in the approved EMMP (Condition 18), to be implemented before and during the construction phase, including but not necessarily limited to, the following:

- Identification of ecological protection areas/buffer zones and tree root protection areas and details of physical means of protection, e.g. exclusion fencing.
- Mitigation strategies and method statements for protected / priority species, such as nesting birds, badgers, hazel dormice, amphibians, reptiles and bats.
- The appointment of an Ecological Clerk of Works (ECoW), including role, responsibilities and frequency / timing of attendance on site.
- Key personnel, responsibilities and contact details (including Site Manager and ecologist/ECoW).
- Timeframe for provision of compliance report to the local planning authority; to be completed by the ecologist/ECoW and to include photographic evidence.

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

REASON: To ensure adequate protection and mitigation for ecological receptors and to prevent pollution of the water environment prior to and during construction, and that works are undertaken in line with current best practice and industry standards and are supervised by a suitably licensed and competent professional ecological consultant where applicable.

20. Prior to the start of construction on any given development phase, a Landscape and Ecology Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority. The LEMP should include the landscape and ecological avoidance, mitigation and enhancement measures for that phase (as set out in the approved EMMP) and will include:

- Long term objectives and targets in accordance with the EMMP.
- Monitoring, management and maintenance responsibilities and schedules for each ecological feature within the development for a period of no less than 30 years from the commencement of the scheme.

- The mechanism for monitoring success of the management prescriptions with reference to the appropriate Biodiversity Metric target Condition Assessment Sheet(s) in the EMMP.
- A procedure for review and necessary adaptive management in order to attain targets.
- Details of the legal and funding mechanism(s) by which long-term implementation of the plan will be secured.

The LEMP shall be implemented in full and for the lifetime of the development in accordance with the approved details.

REASON: To ensure the long-term management of landscape and ecological features retained and created by the development, for the benefit of visual amenity and biodiversity for the lifetime of the scheme.

21. No external lighting shall be installed on site for each phase of the development until plans showing the type of light appliance, the height and position of fitting, illumination levels and light spillage have been submitted to and approved in writing by the Local Planning Authority. The plans will be in accordance with the appropriate Environmental Zone standards set out by the Institution of Lighting Professionals (ILP) Guidance Notes on the Avoidance of Obtrusive Light (GN 01/2021) and Guidance note GN08/23 "Bats and artificial lighting at night", issued by the Bat Conservation Trust and Institution of Lighting Professionals.

The approved lighting shall be installed and maintained in accordance with the approved details and no additional public external lighting shall be installed, unless approved in writing by the Council.

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

Construction Method Statement

22. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The submitted Construction Method Statement must include safeguarding measures to deal with the following:

- point of access into the site for construction vehicles;
- the parking of vehicles of site operatives and visitors;
- loading and unloading of plant and materials;
- storage of plant and materials used in constructing the development;
- the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- wheel washing facilities;
- measures to control the emission of dust and dirt during construction;
- a scheme for recycling/disposing of waste resulting from demolition and construction works;
- working hours, including deliveries;

- large vehicle and delivery routing plan;
- the control and removal of spoil and wastes;
- the location and use of generators and temporary site accommodation;
- the cutting or other processing of building materials on site;
- where piling is required, this must be Continuous flight auger piling wherever practicable to minimise impacts;
- communication procedures with the Council and local community regarding key construction issues (newsletters, fliers etc.)

The Construction Method Statement shall subsequently be implemented in accordance with the approved details and agreed timetable. The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

REASON: 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.

Landscaping

23. A timetable for the implementation of all soft landscaping comprised in the details of landscaping approved under condition 3 for each phase of the development shall be submitted to and agreed in writing with the Local Planning Authority. The works shall be carried out in accordance with the agreed phasing and timetable. 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 5-years, die, are removed or damaged, seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species. All hard landscaping shall also be carried out in accordance with the approved details for that phase and prior to the completion of the final dwelling of any part of the development phase, unless otherwise agreed with the Local Planning Authority.

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

Climate Change

24. No development above slab level shall take place until a final Sustainable Energy Strategy, including details of operational energy, climate change adaptation measures and sustainable transport, has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

REASON: To ensure that the objectives of sustainable development are achieved.

25. No development above slab level shall take place on any non-residential development until a BREEAM Pre Assessment for that part of the development

has been submitted to and approved in writing by the Local Planning Authority. The assessment shall demonstrate that the relevant part of the development is targeting the relevant BREEAM "Excellent" standard (or any such equivalent national measure of sustainable building which replaces that scheme).

Within 6 months of being first brought into use a final Certificate (for that part of the non-residential development) shall have been submitted to the Local Planning Authority certifying that the relevant BREEAM "Excellent" standard (or any such equivalent national measure of sustainable building which replaces that scheme) has been achieved by the development.

REASON: To ensure that the objectives of sustainable development are achieved.

Water Use Efficiencies

26. No development hereby approved shall commence above ground floor slab level until a scheme for water efficiency has been submitted to and approved in writing by the Local Planning Authority. The scheme will demonstrate a standard of a maximum of 110 litres per person per day is applied for all residential development. The scheme shall be implemented in accordance with the agreed details.

REASON: This condition contributes to sustainable development and meeting the demands of climate change. Increased water efficiency for all new developments also enables more growth with the same water resources.

Land Contamination

27. No development shall commence on site until an investigation of the history and current condition of the site to determine the likelihood of the existence of contamination arising from previous uses (including asbestos) has been carried out and all of the following steps have been complied with to the satisfaction of the Local Planning Authority:

Step (i) A written report has been submitted to and approved by the Local Planning Authority which shall include details of the previous uses of the site and any adjacent sites for at least the last 100 years and a description of the current condition of the sites with regard to any activities that may have caused contamination. The report shall confirm whether or not it is likely that contamination may be present on the site and the potential impact of any adjacent sites.

Step (ii) If the above report indicates that contamination may be present on, under or potentially affecting the proposed development site from adjacent land, or if evidence of contamination is found, a more detailed site investigation and risk assessment should be carried out in accordance with DEFRA and Environment Agency's "Model Procedures for the Management of Land Contamination CLR11" and other authoritative guidance and a report detailing the site investigation and risk assessment shall be submitted to and approved in writing by the Local Planning Authority.

Step (iii) If the report submitted pursuant to step (i) or (ii) indicates that remedial

works are required, full details must be submitted to the Local Planning Authority and approved in writing and thereafter implemented prior to the commencement of the development or in accordance with a timetable that has been agreed in writing by the Local Planning Authority as part of the approved remediation scheme. On completion of any required remedial works the applicant shall provide written confirmation to the Local Planning Authority that the works have been completed in accordance with the agreed remediation strategy.

REASON: To reduce and manage the risks associated with land contamination.

Archaeology

28. No underground / ground disturbance related works shall commence on site until an Archaeological Management Plan (AMP) has been submitted to and approved in writing by the Local Planning Authority. The plan shall subsequently be implemented in accordance with the approved details and agreed timetable.

REASON: In order that the development is undertaken in an acceptable manner and to enable the recording of any matters of archaeological interest.

PLANNING INFORMATIVES:

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

The developer is encouraged to provide at least one electric vehicle charger per dwelling through careful consideration of the layout of the development and is encouraged to ensure that the layout of the development optimises the potential for solar power generation.

The following advice is provided by the Environment Agency - This development site appears to have been the subject of past activity which poses a risk of contamination, however this area is limited and confined to the Blackmore Farmyard. The risk to controlled waters is considered low due to this area being located on unproductive

strata and that no infiltration drainage is proposed. We recommend however that developers should:

- Follow the risk management framework provided in Land Contamination: Risk Management, when dealing with land affected by contamination.
- Refer to our Guiding principles for land contamination.
- Consider using the National Quality Mark Scheme for Land Contamination Management which involves the use of competent persons to ensure that land contamination risks are appropriately managed.
- Refer to the contaminated land pages on gov.uk for more information.

Waste on site

The CLAIRE Definition of Waste: Development Industry Code of Practice (version 2) provides operators with a framework for determining whether or not excavated material arising from site during remediation and/or land development works is waste or has ceased to be waste. Under the Code of Practice:

- excavated materials that are recovered via a treatment operation can be reused on-site providing they are treated to a standard such that they are fit for purpose and unlikely to cause pollution.
- treated materials can be transferred between sites as part of a hub and cluster project.
- some naturally occurring clean material can be transferred directly between sites

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically, and that the permitting status of any proposed on-site operations are clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays.

We recommend that developers should refer to:

- the position statement on the Definition of Waste: Development Industry Code of Practice
- The waste management page on GOV.UK

Waste to be taken off site.

Contaminated soil that is (or must be) disposed of is waste. Therefore, its handling, transport, treatment, and disposal are subject to waste management legislation, which includes:

- Duty of Care Regulations 1991
- Hazardous Waste (England and Wales) Regulations 2005
- Environmental Permitting (England and Wales) Regulations 2016
- The Waste (England and Wales) Regulations 2011

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically in line with British Standard BS EN 14899:2005 'Characterization of Waste - Sampling of Waste Materials - Framework for the Preparation and Application of a Sampling Plan' and that the permitting status of any proposed treatment or disposal activity is clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays.

If the total quantity of hazardous waste material produced or taken off-site is 500kg or

greater in any 12-month period, the developer will need to register with us as a hazardous waste producer. Refer to the hazardous waste pages on [GOV.UK](https://www.gov.uk) for more information.

European and Nationally Protected Species have been confirmed as present on Site. These species are legally protected, and planning permission does not provide a defence against prosecution or substitute for the need to obtain a licence if an offence is likely. The applicant is advised to follow advice from an independent ecologist and that a European Protected Species Licences for bats, dormice and otter will be required before any work is undertaken to implement this planning permission.

In order to discharge the associated drainage conditions, the following additional information should be provided:

- A clearly labelled drainage layout plan showing the pipe networks and any attenuation ponds. The plan should show any pipe node numbers referred to within the drainage calculations.
- A plan showing the cross sections and design of any attenuation pond and its components include stated freeboard above the critical 1 in 100yr + climate change storm event.
- A manhole / inspection chamber schedule to include cover and invert levels.
- Calculations and drawings for the drainage system design showing designated holding areas and conveyance routes based on no flooding on site for a 1 in 30-year rainfall event.
- Calculations and drawings for the drainage system design showing designated holding areas and conveyance routes based on no flooding on site for a 1 in 100 year plus climate change rainfall event in respect to a building (including basement) or utility plant susceptible to water within the development.
- Drawings showing conveyance routes for flows exceeding the 1 in 100 year plus climate change rainfall event that minimise the risk to people and property.
- Evidence that urban creep been accounted for the hydraulic calculations in line with LASOO guidance.
- Evidence that a sensitivity analysis on the network considering surcharged outfall conditions has been undertaken.
- Clear arrangements for ownership and ongoing maintenance of SuDS over the lifetime of the development.

Wiltshire Council is the land drainage authority under the Land Drainage Act 1991. Land drainage consent is required if a development proposes to discharge flow into an ordinary watercourse or carry out work within 8m of an ordinary watercourse.

Wiltshire Council

PL/2023/11188
Land at Blackmore Farm, Sandridge
Common, Melksham, SN12 7QS



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REPORT FOR STRATEGIC PLANNING COMMITTEE

Date of Meeting	23 January 2025
Application Number	PL/2023/08640
Site Address	Land South of Stanley Lane, Chippenham
Proposal	Outline planning application for the development of up to 150 residential dwellings with associated parking, green infrastructure, engineering works and other infrastructure with all matters reserved except access.
Applicant	David Wilson Homes South West
Town/Parish Council	Chippenham
Ward	Chippenham Pewsham
Type of application	Outline planning permission: Some matters reserved
Case Officer	Victoria Davis

Reason for the application being considered by Committee

The application has been called to committee by Councillor Cape and Cllr O'Neil. This is to consider the scale of development, relationship to adjoining properties and the environmental/highways impact as well as the principle of development within the emerging local plan context.

1. Purpose of Report

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

2. Report Summary

This application has been the subject of a statutory public consultation period and has attracted representations of objection from approx. 54 letters of objection have been received from 42

respondents. Objections have also been received from Chippenham Town Council and Bremhil Parish Council. 4 letters of support have been received from 4 respondents.

The key issues for consideration in respect of this proposal are:

- Principle of Development
- Scale, Design and Visual Impact
- Heritage Impacts including Archaeology
- Residential Amenity
- Highway Impacts & Sustainable Transport
- Drainage and Flood Risk
- Ecology & Biodiversity Net Gain
- Section 106 Contributions/Obligations & Community Infrastructure Levy (CIL)

3. Site Description

The application relates to land at Gate Farm at Chippenham. The site is located off Stanley Lane, to the northeast of Pewsham and east of Chippenham, between Abbeyfield Secondary School and Stanley Park Sports facility. The current use appears to be mixture of agricultural and equestrian uses with a proliferation of stables, barns and storage buildings/containers across the site. The site extends to approximately 7.2ha.

The site is located in open countryside, adjacent to but outside the settlement boundary for Chippenham (approx. 30m distant), which is designated as a Principal Settlement in the Wiltshire Core Strategy. It is classified as Grade 3 agricultural land. The Council's Strategic Flood Risk Assessment (SFRA) indicates that the site has some isolated areas susceptible to surface water flooding and low risk of ground water flooding. The site is wholly within Flood Zone 1.

The closest Public Right of Way CHIP107 extends away from the site to the north west. There is one listed building in the vicinity, Gate Farmhouse which is Grade II listed and located at the junction with London Road and Stanley Lane. The closest residential properties are Gate House, Gate Farm immediately adjacent to the north west corner of the site, and Cherry Tops, The Haven and Jays Farm to the northern corner.

4. Planning History

16/05067/SCR Screening Opinion for 140 Residential Dwellings

ENQ/2023/00151 Pre-application Enquiry for Proposed Residential Development of 150 Dwellings (Outline Application)

The site was promoted to the Council as a potential site for development in the Local Plan and was included in the Wiltshire Strategic Housing and Employment Land Availability Assessment (forms part of SHELAA Site 506b). This site was later combined with adjacent land parcels and renumbered as 'Site 1 - Land East of Chippenham' for further consideration under the site selections process. Site 1 was later excluded from the selection process prior to submission of the Local Plan for independent examination on 28 November 2024 (see Wiltshire Local Plan SD/05 'Planning for Chippenham - September 2023'). The site is not proposed to be allocated.

5. Proposal

The application seeks outline planning permission for the development of up to 150 residential dwellings with associated parking, green infrastructure, engineering works and other infrastructure with all matters reserved except access.

6. Planning Policy

Wiltshire Core Strategy 2015 (WCS)

Core Policy 1	Settlement Strategy
Core Policy 2	Delivery Strategy
Core Policy 10	Chippenham Community Area
Core Policy 50	Biodiversity and Geodiversity
Core Policy 51	Landscape
Core Policy 57	Ensuring high design and place shaping
Core Policy 58	Ensuring the conservation of the historic environment
Core Policy 61	Transport and Development
Core Policy 64	Demand Management
Core Policy 67	Flood Risk

North Wiltshire Local Plan 2011 (NWLP)

H4 Residential development in the open countryside

NE14 Trees and the control of new development

NE18 Noise and pollution

Wiltshire Housing Site Allocations Plan Adopted February 2020

Chippenham Site Allocations Plan Adopted May 2027

Wiltshire Local Plan (emerging)

Wiltshire Council submitted the Wiltshire Local Plan to the Secretary of State for Housing Communities and Local Government for independent examination on 28 November 2024.

Full weight can only be given to the new Local Plan once it has been adopted by the Council. Until then, only limited weight can be given in deciding planning applications, particularly when the examination is at an early stage.

National Planning Policy Framework (NPPF)

Section 2 Achieving sustainable development

Section 4 Decision making

Section 5 Delivering a sufficient supply of homes

Section 9 Promoting Sustainable Transport

Section 12 Achieving well designed places

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

Section 15 Conserving and enhancing the natural environment

Section 16 Conserving and enhancing the historic environment

Other considerations

- Planning Practice Guidance (PPG)
- Wiltshire Local Transport Plan 2011- 2026

7. Summary of consultation responses (full comments are available online)

Chippenham Town Council: Object

- Acknowledges tilted balance is engaged (notes modest shortfall 4.6 years)
- The site is not allocated – housing delivery in Wiltshire remains strong, including Rowden Park
- Proposal is contrary to CP2 & 10 – outside of settlement boundary
- Acknowledges relatively sustainable location immediately on the edge of the settlement
- Prefer to see this site allocated/developed for residential uses over other proposed, less sustainably located, greenfield sites in Chippenham proposed in the Local Plan Review (Regulation 19 Version).
- Affordable housing units are a benefit of the proposal

Several matters would need to be resolved to secure support from TC –

- Achieving net zero
- 10% net gain is provided
- S106 contribution towards cycling infrastructure – regard to T1 of CNP
- Improvements are required at Stanley Lane Junction
- Public stewardship of allotments
- Drainage of Stanley Park pitches must not be impacted by pond on site
- Clarification around tree removal/retention
- The Town Council concurs with the comments from Chippenham Cycle Network Development Group
- Appropriate S106 contribution made to improve/enhance facilities at the adjacent Stanley Park Sports Ground (SPSG) To be secured
- Traffic congestion at peak times (school drop off/pick up) at the Stanley Lane/London Road junction is noted by a number of local residents and this situation would be exacerbated by the proposed development.

In response to the second consultation the TC were satisfied by the Sustainable Energy Statement in respect of energy and water as well as provision of biodiversity net gain being demonstrated. The contribution towards SPSG was also considered appropriate. The TC notes ongoing discussion on matters relating to highways safety and cycling infrastructure. The previous

comments in respect of Arboricultural matters were reiterated. Ultimately the TC objection as maintained on the basis that the site was outside of the limits of development, contrary to the development plan policies CP 2 & 10

Bremhill Parish Council: Object

Bremhill Parish Council's previous objections to this planning application still stand. It's concerns have not been addressed in this latest revision. To reiterate this site is not an allocated site in the current CSAP or in the Local Plan subject to Regulation 19 consultation at present. Furthermore, Wiltshire Council has demonstrated it has a 4 year land supply to meet the requirements of the current NPPF and therefore there is no requirement for this site to be considered.

Wiltshire Council Highways: Initially raised concerns with access arrangement and requested off site contributions focus on local improvements. No objection to revised proposal subject to conditions and contributions being secured via s106.

Wiltshire Council Landscape Officer: No objection

I do not identify any landscape or visual reasons, other than loss of countryside that would substantiate a landscape or visual reason to object to this development proposal at this location.

Wiltshire Council Urban Design: Object, concerns summarised below -

- The proposed facing materials and scale (height and massing) conveyed in the Design & Access Statement and Heights Parameter Plan would not indicate that a high standard of design would emerge at Reserved Matters.
- In line with comments provided at the preapp stage the illustrative masterplan limitations of this sketch drawing, appear to accord with principles of good design conveyed in Building for a Healthy Life
- The text, photos and illustrations indicate an expansive and substantial use of brick would materialise at Reserved Matters with the possibility of Reconstituted and natural stone to

reflect the local stone as the intrinsic characteristic of the locality and wider area only appearing incrementally and sparingly.

- A heights Parameter Plan leaves open the possibility of a substantial coverage /concentration of building volume and collective mass as above two storey domestic eaves heights for attic and part attic under large roof slopes and full three storey façade heights that would be prominent its rural edge of settlement setting rather than sporadic and limited buildings of increased height.

In response to revised plan confirms that the objections are maintained and that, if approved, no weight should be afforded in any planning conditions to the drawings and documents that contain these matters which are essentially a Reserved Matter.

Wiltshire Council Drainage: No objection subject to detailed surface water drainage strategy being secured by conditions

Wiltshire Council Conservation Officer: No objection, extract from comments below

Provided that the final design carries forward the mitigation measures indicated in the illustrative masterplan the impact of the proposals on heritage assets will be neutral and the requirements of current conservation legislation, policy or guidance are considered to be met. There is therefore no objection to the approval of the application from the point of view of the built historic environment.

Wiltshire Council Arboricultural Officer: No objections at this stage provided any future layout places trees outside the curtilage of residential gardens. The orientation of any dwellings should be considered in close proximity to trees.

Following the submission of further information to address the Ecology team concerns clarification was sought in respect of the trees for removal. Confirmed that details TPP showing canopy spread and root protection areas for all retained trees would be required to accompany RM submission

Wiltshire Council Archaeology: Following review of archaeological evidence including geophysical survey, raises no objection subject to trial trenching being secured by condition

Wiltshire Council Public Rights of Way: Requested contributions towards PROW network and canal restoration –

- £500 per dwelling Towards restoration of canal for recreation and biodiversity value.
- £2000 Contribution to upgrade of CHIP107 (which may be closed)
- £5000 Contribution towards BREM47
- £20,000 Contribution towards Chippenham to Calne Cycleway

Wiltshire Council POS & Leisure: No objection.

- Provided formula for calculation on site POS or off site contribution per property.
- Confirmed all on-site POS and Equipped Play needs to be secured and managed in perpetuity, and Wiltshire Council will not adopt the on-site POS or Equipped Play.
- Noted preference would be for a Trim Trail to be provided instead of a LAP
- Identified off-site sports target site as the upgrade of Stanley Park Sports Ground and/or sports, pitch or ancillary provision within the vicinity of the land.

Wiltshire Council Climate Officer: Objection to initial proposal - no objection to revised plans/information subject to conditions

- Reference to out of date building regulations
- Updated Sustainable Energy Strategy is requested
- Higher water efficiency is to be expected and would improve sustainability of the development over minimum building regulations
- Original submission does not represent a low carbon proposal

In response to the second consultation the officer was satisfied that the developer has broadly addressed previous comments and makes a submission that provides the outline of a low carbon strategy. It is required that the RM submission is supported with an updated Sustainable Energy Strategy to provide more detail in relation to operational and embodied carbon, climate change adaptation measures and sustainable transport based on the principles set out in the submitted

Sustainability and Energy Strategy. Conditions suggested in relation to details and delivery of ASHP, Solar PV and EV along with cycle parking and water consumption.

Wiltshire Council Education: Full comments online, contributions requested as below -

Early Years Places

£297,874 towards the development of Early Years provision in this area (17 places)

Primary School Places

There are sufficient places available across the in-area schools to accommodate the primary school pupils generated by this development. As a result, we have no requirement for a developer contribution towards the expansion of primary school infrastructure from this application.

Secondary School Places

£665,260 full developer contribution towards secondary school places (29 Places)

Wiltshire Council Housing Enabling: No objection to AH proposals, extract below. Comments also provided in relation to the design of the scheme for subsequent RM application.

I note that the Covering Letter supports the delivery of 40% Affordable Housing, which is accordance with Core Policy 43 of the Wiltshire Core Strategy, and sets out the Affordable Housing Mix which reflects the mix advised in the Housing Enabling Team's consultation response 09/11/23. As requested, 10% of the Affordable Housing units are proposed to be delivered as Adapted Units to M4(2) standards. The Affordable Housing proposals are therefore considered to be acceptable.

Wiltshire Council Public Protection: No objection subject to conditions in relation to noise (traffic to new properties), Construction Management Plan, Air Quality Assessment (AQA), EV Charging and ASHP installation. *The Officer later withdrew the requirement for the AQA on the basis that Chippenham does not have an AQMA.*

Wiltshire Council Ecology: Ecology information initially requested (Ecology Parameters Plan, GCN Licensing payment certificate and tree removal protection details)

Final comments conclude no objection subject to condition to ensure compliance with approved plans, submission of CEMP, LEMP details of mitigation measures and detailed lighting strategy

Wiltshire Council Waste: No objection subject to contribution towards waste containers and detailed design advice to be considered in subsequent RM application.

NHS Property Services: Financial contribution towards capacity within the Chippenham, Corsham & Box PCN of £162,701 towards the capital cost of delivering the additional primary care floorspace required to serve residents of the new development.

NHS Trust: Financial contribution requested to support service delivery during the first year of occupation of each dwelling and adverse impact of it on the delivery of health care in the Trust's area. Contribution requested for this proposed development of 150 dwellings is £108,816.00. This contribution will be used directly to provide additional services to meet patient demand.

Active Travel: Not in a position to support the application. Detailed comments in relation to pedestrian accessibility, quality of cycling into town and nearby facilities

- Site has good access to local services
- The area generally exhibits high level of car dependence (Pewsham)
- Proximity to rail connections and employment remain a concern
- Off-site works will go some way to improving the pedestrian environment between the site and local facilities
- there remains no safe and direct cycle option between the development and the town centre

National Grid: Comments provided in relation to assets - *there are no National Gas Transmission assets affected in this area.*

Please note this response is only in reference to National Grid Electricity Transmission assets only the owner of the overhead lines in the vicinity on this proposal will likely belong to the local DNO (SSEN) who should be consulted separately. National Gas Transmission (formerly National Grid Gas) should be consulted separately where required.

Natural England: No comments received

Environment Agency: No comments received

Wessex Water: No comments received

Wiltshire Police Liaison: No comments received

Cllr Clare Cape: Requested application be called in if the recommendation is for approval.

Cllr Ahsley O'Neill: Requested application be called in if the recommendation is for approval on the basis that the site is not allocated in the local plan which is at Reg 19 stage.

8. Publicity

The application was advertised by press advertisement, neighbour letter and site notice (x3 displayed along Stanley Lane and x1 on the A4)

4 letters of support were received from 4 respondents have been received.

54 letters of objection were received from 42 respondents. The concerns raised are summarised below-

- Lack of consultation with residents on Stanley Lane
- Site is outside of settlement boundary and not allocated for development
- Residential amenity – overlooking and noise, particularly from ASHP's
- Traffic and Highways impact, particularly in combination with school traffic.
- Traffic will also be worsened as a result of school expansion
- Additional traffic will cause further safety risk to cyclists, walkers and horse riders

- Stanley Lane is in poor condition, potholed
- Drivers use lane too fast and in middle of road
- Junction is already busy, impacts for equestrian and agricultural traffic
- Chippenham traffic is already an issue, gridlock if there is an incident on existing roads.
- Surrounding area and road is prone to flooding, development of site which is at a high level, may worsen this issue
- Development of green fields should be avoided, there will be a loss of productive agricultural land
- Loss of countryside and landscape impact
- Loss of trees and hedgerows, impact to wildlife and biodiversity
- The views of equestrian and agricultural communities should be heard
- Lack of infrastructure – access to doctors and dentists in the area is already difficult
- Lack of facilities to serve the development, town centre is in decline with empty shops
- Eastern bypass is needed first
- Nothing has changed since application on part of site was refused.
- Council has no need to demonstrate more land for housing
- Heritage impacts to Gate Farm through loss of countryside

Chippenham Cycle Network Group: An objection was raised to the initial proposal. A number of concerns raised including in relation to access junction on Stanley Lane, visibility at cycle access point on London Road, lack of path segregation, design of footways across junctions. Comments also provided in relation to onsite design issues around cycle parking, streets and path layout/geometry. In response to revised plans the group expressed support subject to contribution towards off-site connectivity improvements and scheme improvements included in latest plans.

Dorset & Wiltshire Fire and Rescue Authority (Fire Safety Advisor): The application falls within the area for which Dorset & Wiltshire Fire and Rescue Service is responsible for delivering an operational and emergency response. Comments have been provided which refer to Building Regulations requirements in relation to improving safety and reducing property loss in the event of fire. Full comments are available online.

9. Planning Considerations

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

The introduction of the Framework (latest iteration published in 2024) states that the *"Framework should be read in conjunction with the Government's planning policy for traveller sites, and its planning policy for waste. When preparing plans or making decisions on applications for these types of development, regard should also be had to the policies in this Framework, where relevant"*.

EIA Development

The proposal falls within the definition of development under Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017, specifically Table 10 (b) 'Urban Development Projects'. National guidance provides thresholds and criteria for the identification of Schedule 2 development requiring Environmental Impact Assessment and indicative values for determining significant effects. The guidance is clear that it should not be presumed that developments above the indicative thresholds should always be subject to assessment, or those falling below these thresholds could never give rise to significant effects. Each development will need to be considered on its merits.

The Gate Farm site itself does not fall within any especially sensitive environmental locations and is not the subject of any international or national designations relating to environmental protection. The proposal involves up to 150 dwellings (under the 150 dwelling threshold where EIA may be required), and whilst the overall redline area exceeds the 5ha threshold for urban development projects, in this case a large portion of the site provides allotments, community orchard and POS/landscaping which does not result in significant urbanising effect over the existing use of the site which includes mixed agriculture and equestrian. The urbanising effects resulting in the greatest characteristic change will occur within the residential area within the southern part of the site on an area under 5ha. When considering the national EIA guidance on indicative criteria and thresholds for where urbanising effects of development projects may warrant EIA (as a result of their physical scale of the development, potential increase in traffic, emissions and noise) this

proposal for up to 150 dwellings is not considered likely to result in 'significant effects' in the context of EIA regulations therefore EIA is not required.

It is noted that a Screening Opinion was issued by the Council in 2016 relating to a proposal for 140 dwellings. It was the opinion at the time that the proposal did require EIA however the decision letter is clear that the site was not considered in isolation and its relationship with the Chippenham Riverside/East Chippenham proposal (N/15/12363/OUT) was relevant. It was described as being, in effect, part of the same site and that one was inter-dependent upon the other. In particular the officer commented that road linkages and access to the wider highway network demonstrate that the two sites could not come forward independently. This is not the case with the current application proposal which is not reliant on a broader development area.

9.1 Principle of development

The proposal is for outline planning permission for up to 150 dwellings with associated development. The application site is located to the east of Chippenham. The site is in open countryside, approximately 30m north of the settlement boundary of Chippenham (which borders the Pewsham estate).

WCS, Core Policy 1 sets out that a Settlement Strategy for Wiltshire with Principal Settlements, such as Chippenham at the top of the hierarchy (ref: CP10). Chippenham is considered one of the three strategically important centres that forms the primary focus for development in Wiltshire, including the provision of significant levels of homes.

WCS, Core Policy 2 goes on to detail the Delivery Strategy in this context. It sets out that within the defined limits of development that there is a presumption in favour of sustainable development. However, the site is not located within the limits of development of Chippenham, being an open countryside location outside of the defined limits of development. CP2 is clear that development should not be permitted outside the limits of development.

Saved Policy H4 of the NWLP provides support for new dwellings in the countryside only where they are in connection with the essential needs of agriculture, forestry or rural based enterprise, or for replacement dwellings.

Whilst there are a number of exceptions identified at paragraph 4.25 of the WCS none of these are applicable in this case.

The limits of development can be altered through subsequent Site Allocations Development Plan Documents and neighbourhood plans. Having regard to the subsequent Chippenham Site Allocations Plan Adopted May 2017 and Wiltshire Housing Site Allocations Plan Adopted February 2020 there has been no change in circumstances that would be relevant to this site. It is also not the intention for the site to be allocation in the emerging local plan. Therefore, the proposal is contrary to the Settlement and Delivery Strategies set out within the development plan.

Housing Land Supply and status of the development Plan

On 12 December 2024 the Government issued an update to the National Planning Policy Framework (NPPF). This followed a consultation into the proposed changes in summer 2024. The changes to the NPPF included amendments to the deliverable housing land supply policies, the terms under which a buffer should be added to the housing requirement to be used in the housing land supply calculation, and the implications of not being able to meet a sufficient deliverable housing land supply. On the same date the Government also issued revisions to the Planning Practice Guidance (PPG) including the standard methodology for assessing and setting Local Housing Need, and published the 2023 Housing Delivery Test results.

The changes to the NPPF now require Wiltshire to demonstrate a five-year housing land supply, including a 5% buffer, and must apply the revised Local Housing Need for decision-taking immediately. This results in a significant increase in the five-year housing requirement to be met from the previous calculation. When this is assessed against the housing land supply which can be delivered within five years, the recalculation shows a significant reduction in the number of years supply. The council cannot demonstrate the requisite five-year housing land supply and can demonstrate a **2.03 years supply**.

The changes introduced on 12 December 2024 mean that the council **now has a substantial shortfall** in its housing land supply position (2.03 years). This alters the weight to give to housing supply when giving consideration to planning applications for residential development. This means balancing the strengthened need to boost housing supply against any adverse impacts of

the proposal, considered against the development plan as whole, and any material considerations on a case-by-case basis. This will need to include consideration of what weight to assign to the most important policies.

The presumption in favour of sustainable development (often referred to as the 'tilted balance') should be applied and permission should be granted unless protection policies set out in footnote 7 of the NPPF apply, or the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits.

It is recognised that this proposal would deliver benefits including 150 new homes, 40% of which would be affordable housing. In addition, it provides economic benefits during construction as well as through spending of new residents on occupation. Biodiversity related gains as well as the provision of allotments. The application suggests that the properties may also low carbon and renewable technologies such as solar panels, EV charging points and air source heat pumps which would provide a good level of energy performance and is welcomed, though should be expected in all new development seeking to comply with relevant building regulations. The development would also be CIL liable, these contributions (as well as those for transport, NHS, sports provision, POS and waste containers) are not considered to be a benefit as these are required to provide infrastructure directly related to the development. The tilted balance assessment involves consideration of the site-specific impacts of development and any harm arising which are discussed in the relevant sections of this report below.

Best and most versatile agricultural land

The NPPF requires that decisions should contribute to and enhance the natural and local environment by recognising the economic and other benefits of the best and most versatile agricultural land. The application site land is identified as grade 3 which is good to moderate quality agricultural land. The proposal would result in the loss of approximately 7.2 hectares of what could affect some best and most versatile agricultural land and as such, the loss of this land should weigh against the proposal in the planning balance.

Scale, Design and Landscape Impact

Core Policy 57 seeks to secure good design. The policy seeks to ensure that proposals enhance local distinctiveness by responding to the value of the natural and historic environment and

requires all applications for new development to be accompanied by appropriate information to demonstrate how the proposal will make a positive contribution to the character of the area. Core Policy 51 expects development to protect, conserve and where possible enhance landscape character and must not have a harmful impact upon landscape character, while any negative impacts must be mitigated as far as possible through sensitive design and landscape measures. Sections 12 of the NPPF expects a good standard of design.

The site comprises an area of agricultural land to the south-east of Chippenham. One edge of the site borders the main A4 London Road, whilst access is gained from the historic lane leading to Stanley and Bremhill. The site is seen in the context of the relatively recently constructed Abbeyfield School, which lies to the north of the lane. The current use appears to be mixture of agricultural and equestrian uses with a proliferation of stables, barns and storage buildings/containers across the site.

This planning application is submitted in outline only, with all matters reserved for later consideration. In order to assist in consideration, an Illustrative Masterplan has been included in the submission. A Design and Access Statement (D&AS) has also been provided to indicate how the site could be developed at the quantum proposed. It suggests general parameters for land use, access & movement and green & blue infrastructure across the development.

The application proposes a maximum of 150 new dwellings with a suburban density described to be typically two storey or two ½ storey with some three storey plots around key development locations. A material palette is suggested to comprise combination red brick, stone and painted render utilising materials that are the same or complimentary those that are seen in the local area. In the northern area, largely enclosed by retained hedgerows and including new planting, are proposed a children's play area, as well as allotments and a new orchard. The D&AS states that parking on site will be required to meet the standards embraced in the Council's LTP3 Car Parking Strategy. In the event of planning permission being granted, an appropriately worded planning condition can adequately ensure proper parking is provided on the site. The northern area of the site (north of the Stanley Park access) remains largely enclosed by retained hedgerows and new planting, a children's play area, allotments and a new orchard are also proposed in this area. A central green, street trees and retained sections of hedgerows will deliver green corridors integrated within the residential area to the south. The surface water attenuation is shown provided along the eastern boundary. A small orchard, which sits alongside Gate Farm will be

enhanced by new planting and help to soften the impact of development on the Listed building and nearby milepost. The majority of the site's hedgerows are to be retained, with small losses to provide access and facilitate the delivery of drainage infrastructure, to be mitigated by new planting.

The Urban Design officer has expressed concern in relation to the suggested materials explaining that the expansive use of brick is not appropriate and that the use of stone is preferable in order to reflect the character of the locality and wider area where brick appears incrementally and sparingly. Further concern is expressed in relation to the 'Scale Parameter Plan' which suggests a substantial coverage /concentration of building volume and collective mass as above two storey domestic eaves heights for attic and part attic under large roof slopes and full three storey façade heights that would be prominent its rural edge of settlement setting rather than sporadic and limited buildings of increased height. The UD officer confirms that it is not necessary to restrict building heights across the site at this stage though this will need careful consideration at later design stages.

The Landscape Officer confirms that the site is not included within any nationally or locally designated landscape. It is also confirmed that the site area will not present any opportunities for shared intervisibility with a nationally protected landscape and in their view would not negatively impact upon the visual setting of Bowood (Grade I Registered Park and Garden) which is located circa 2.6km to the southwest of the site at its closest point. Comments are provided in relation to proposed tree species suggesting that larger canopied trees should be included along with the provision of tree lined streets. It is noted that the density of development could compromise a suitably landscaped and attractive scheme depending on the types of dwelling proposed – e.g. too many detached properties being included within the final housing mix presented at RM stage. The officer is supportive of the retained orchard and new community orchard to the north. It is concluded that given the site's proximity to the town's established settlement boundary, and subject to a high-quality attractive residential scheme design, incorporating tree lined streets and multifunctional sustainable urban drainage being secured at later RM stages, no particular landscape or visual harm is caused, other than loss of countryside, that would substantiate a landscape or visual reason to object to this development proposal at this location.

The final mix and arrangement of house types, materials and building scale would be determined through the subsequent submission of reserved matters applications. Matters in relation to the

cycle and pedestrian links, POS and SUDS layouts are also capable of being addressed at the RM stage.

The Council POS and Leisure teams have provided calculations for on-site open space and play requirements to be incorporated into a reserved matters scheme, and/or for off-site financial contributions to be secured via s106 agreement including £41,400 towards the upgrading of facilities Stanley Park Sports Ground.

Heritage Impacts

Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 imposes a statutory duty on decision makers in considering whether to grant consent for works that affect a listed building or its setting to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that in considering whether to grant planning permission for works which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses

Core Policy 58 states that development should protect, conserve and where possible enhance the historic environment. Designated heritage assets and their settings will be conserved and where appropriate enhanced in a manner appropriate to their significance including buildings and structures of special architectural or historic interest. Section 16 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.

The site is within 50m of Gate Farmhouse which is a former tollhouse on the A4 which was later converted to use as a farmstead. The Grade II listed building occupies the deliberately prominent (in relation to its historic function) position on the junction of the A4 and Stanley Lane. The wider area includes a series of farmsteads, both listed and non-designated. The established character of the area is of a historic agricultural landscape on the edge of the built- up area of Chippenham. The locality is one of known archaeological interest.

The indicative site layout shows a retained orchard immediately to the south west of Gate Farm house. Properties are also shown to be orientated so that garden boundaries are shared with

Gate farm and Gate House which results in the closest built form approximately 50m from the rear of the listed build. During the site selections process it was found that there was potential for any harmful impact from development of this set to be mitigated via the specification of appropriate buffers to Gate Farm and careful siting of development to ensure the continuing visibility/prominence of the former tollhouse in the street scene. On this basis the Senior Conservation Officer confirmed the following -

Provided that the final design carries forward the mitigation measures indicated in the illustrative masterplan the impact of the proposals on heritage assets will be neutral and the requirements of current conservation legislation, policy or guidance are considered to be met. There is therefore no objection to the approval of the application from the point of view of the built historic environment.

Archaeology

The Council Archaeologist raised concerns with the initial submission noting that the submitted reports appeared to be incomplete and did not include a geophysical survey contrary to preapplication advice. A geophysical survey was later provided which the Archaeologist advised would need to be tested by means of an archaeological trial trench evaluation prior to the commencement of development and to be secured by condition.

Whilst matters relating to site layout are reserved at this time, subject to a condition securing further archaeological investigation, it is considered that an appropriate scheme could be designed to incorporate the necessary mitigation to protect the significance of nearby heritage assets in accordance with CP57 or CP58 of the WCS in this respect.

Residential Amenity

Core Policy 57 seeks to ensure that development proposals are compatible with adjoining buildings and uses and do not have an adverse impact on the amenities of existing occupants. Issues such as privacy, overshadowing, vibration, and pollution (e.g. light intrusion, noise etc.) all have to be considered. Section 12 of the NPPF also states that planning decisions should create places with a high standard of amenity for existing and future users.

The closes residential properties are those on Stanley Lane – Gate Farm and Gate House, and the properties along the A4, Cherrytops, The Haven and Jays Farm.

As the application is submitted in outline, it remains the case for the final layout, appearance, landscaping etc to be established. The indicative plan, notwithstanding that the Landscape Officer's comments that the housing mix and layout will likely appear denser depending on dwelling type, still suggest that the amenities of existing surrounding residents will be protected by existing gardens and intervening landscaping. Minimum 20m back to back property distances can be achieved as part of detailed design to ensure acceptable levels of privacy are achieved for existing and new residents.

In so far as living conditions of future occupiers relates to the urban design and quantum of development. There are some concerns about the quantum of dwellings proposed within the size of the site, which could have implications in terms of whether an acceptable living environment for residents could be achieved. Given that the application is made at outline for up-to 150 dwellings it is appropriate for the impacts on residential amenity to require further consideration at reserved matters stage

Some concern has been raised in relation to potential noise disturbance, particularly as a result of ASHP installations. It is agreed that these installations will need to be controlled and so a condition is suggested to ensure that the location and specification of any ASHP is first approved by the LPA to ensure that acceptable noise levels are achieved and residential amenity is protected. The information requested should take into account the cumulative noise of the ASHP's across the development.

Highways – Access, Parking and Sustainable Transport

Core Policies 60 'Sustainable Transport' and 61 'Transport and New Development' of the WCS seeks to ensure that new developments are located within sustainable locations and are designed to encourage the use of sustainable transport options. Policies require that proposals are capable of being served by safe access to the highway network. Core Policy 64 'Demand Management' expects the provision of car parking associated with well designed new residential development will be based on minimum parking standards as set out Wiltshire Councils Parking Strategy.

In this case all matters are reserved except for access. The proposal demonstrates an indicative masterplan for 150 dwellings with access for vehicles on Stanley Lane. The indicative masterplan

also includes for allotments, local area of equipped play and walking on the northern area. The existing access to the Stanley Park Sports Ground is retained and cuts across the residential area to the south and other facilities to the north. The access road to the sports ground is intended to include on-street parking with walking and cycling facilities on both sides. The vehicle access for the residential area is proposed approximately 100m north of the junction with London Road.

Another proposal for an expansion to Abbeyfield School proposes two access on the western side of Stanley Lane approximately 45m and 90m from London Road. The two applications are unrelated, however there must be some consideration to the nature of accesses along Stanley Lane if one or both applications were to be approved and the impacts in a cumulative position.

A number of objections received have raised concern about the safety of cyclists, horse riders and pedestrians on Stanley Lane and London Road. The junction itself is highlighted as a particular concern.

The application proposes the site main access via a priority access junction from Stanley Lane, approximately 100m east from its junction with London Road. The new access design includes a pedestrian and cycle crossing and traffic management to control speed. The new access along with internal road layouts (subject of Reserved Matters application) would need to be designed to Wiltshire Council Standards and the provision of the access and associated pedestrian facilities would need to be agreed through a Section 278. Furthermore, a Section 38 Agreement may be required depending on whether the internal roads are proposed for adoption. These separate highways processes are subject to appropriate safety reviews.

The Transport Assessment provides a summary of pedestrian and cycle infrastructure in the locality and refers to a series of enhancements for cyclists and pedestrians which may be directly linked to the development.

WC Highways, the CCNDG and Active Travel England have provided comments on the scheme. In particular, the Highways Engineer identified concerns with the access design, crossing opportunities on London Road and Stanley Lane as well as a focus of the offsite works to London Road and walking and cycling routes.

In response the applicant has provided a Transport Statement Addendum with revised access plans and a scope of works. This involves a proportionate contribution towards some works and

delivery of works by the developer, specifically, a 3m shared footway/ cycleway link on Stanley Lane north of propose vehicular to existing footway/cycleway and 2m footway between proposed vehicular access on Stanley Lane and pedestrian/ cycle access onto London Road.

The Highways Engineer has commented on the revised proposal, an extract is below -

The revised access proposal and highways works plan are acceptable and will be secured by highways condition as access plans that directly relate to a safe and suitable form of access to support 150 dwellings.

As the presented highways plans are direct outcomes for the development they will be secured by planning conditions that will need to be discharged. All highways works will be subject to entering into a suitable form of legal agreement with the authority to carry out works in the public highway.

Site Location

Stanley Lane already supports access to Abbeyfield School and local facilities. The site does sit on an area outside current residential housing. However, from a highways perspective the greatest movements at busiest times relate to school activity which include a significant number of walking and cycling movements. Whilst local walking and cycling infrastructure is not to current standards the school operates relatively safely and suitably. However, it should be noted that the School Travel Plan has identified issues and improvements that would be beneficial for the current level of use.

The proposed development will generate traffic at times that for the most part will not conflict with the school and whilst the local infrastructure is not ideal it does cater for the levels of use associated with the school.

The proposed access works will therefore address direct issues to ensure that times when the activity between the school and residential elements are combined that traffic will be safely and suitable mitigated.

Contributions are required as local facilities are lacking in quality terms for current design and would otherwise remain as lower grade facilities despite planning growth. Improvement in infrastructure for best offer is a key part of establishing modal shift, genuine choice for walking and cycling and the other associated benefits from reducing car use.

The Highways Engineer confirms that the access arrangement and offsite works are acceptable and should be secured by highways condition and/or s106 agreement. The contributions proposed are considered to be appropriate in scale to the proposals and should be secured by s106 agreement. All highways works will be subject to entering into a suitable form of legal agreement with the authority to carry out works in the public highway.

Whilst the developer has sought to address the objections raised by Active Travel England and the CCNDG, it is clear that not all objections have been addressed. There remain areas of divergence from the aspirations of Active Travel England who have a preference for a cycle link along London Road. In this case the matters in relation to access arrangements and sustainable transport, including contributions towards a range of off site walking and cycling improvements in the vicinity have been resolved to the satisfaction of both the WC Highways Engineer and the CCNDG. The scheme represents a policy compliant proposal such that there is no highways reason to justify refusal of the scheme.

Rights of Way

The Rights of Way team identified the proximity of the Wilts and Berks Canal and has requested various towards PROW network and canal restoration –

- £500 per dwelling Towards restoration of canal for recreation and biodiversity value.
- £2000 Contribution to upgrade of CHIP107 (which may be closed)
- £5000 Contribution towards BREM47
- £20,000 Contribution towards Chippenham to Calne Cycleway

The developer has agreed to provide £5000 Contribution towards BREM47 which the ROW team explain could be used to divert the path or provide a new link (e.g. through the provision of fencing) to better serve the development – subject to appropriate consultation. The developer does not agree that the other requests would be necessary or reasonably related to the development, these are discussed below.

On CHIP107, the LPA agrees that is not possible to justify a contribution towards improving a PROW which the Council is looking to close. Similarly, whilst the contribution towards the canal

restoration is desirable, given that the developer is providing on site POS which exceed the minimum requirement along with appropriate play and contribution towards upgrading Stanley Park Sports Ground immediately adjacent to the site, there is insufficient justification for this contribution. Though this could also offer environmental benefits, given that developer has also committed to providing in excess of 10% biodiversity net gain on site, there is no outstanding requirement to deliver additional offsite biodiversity gain. Similarly, as the developer has also agreed to a wider transport contribution to local cycling and walking infrastructure improvements within the vicinity of the site (as requested by the Highways Engineer). There is insufficient policy justification for an additional contribution towards upkeep of the wider cycle network.

On consideration of the above, subject to appropriate conditions to secure offsite works and contributions to walking and cycling infrastructure upgrades, the proposal is considered to be acceptable in terms of accessibility and connectivity. The arrangements are considered policy compliant and suitable for approval.

Drainage and Flood Risk

Core Policy 67 of the WCS outlines that all new development will 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. Section 14 of the NPPF expects that when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere.

The Council's Strategic Flood Risk Assessment (SFRA) indicates that the site is at low risk from surface and groundwater flooding. The site is wholly within Flood Zone 1.

A number of comments have raised the issue of flooding noting that development of the site may increase flood risk to the surrounding area. As is noted in representations, the Environment Agency is publishing new national risk information with documents relating to river, sea and surface water flooding (the 'National assessment of flood risk and coastal erosion risk in England 2024' - NaFRA - due for publication later this year). At this time the EA are not publishing regular updates to their flood risk data.

It is acknowledged within a published summary report on the NaFRA (dated December 2024) that the latest data vs previous data shows a significantly higher amount of properties at risk from surface water flooding. However, it is also explained that this does not equate to a real world increase of risk rather that the increased risk is a result of an improvement in data available to inform the assessment. The LPA has no evidence to suggest that the surface or ground water flood risks associated with this site will change as a result of the updated national data. At this time the LPA must rely on the evidence with the Council's SFRA and site-specific Flood Risk Assessment (FRA) and Drainage Strategy submitted as part of the application.

The Council Drainage Engineer/Lead Local Flood Authority has reviewed the submitted FRA and application proposal. The Engineer accepts that the outline proposal identifies the principal components of the surface water strategy which will need to be subject to further detailed investigation as part of the subsequent Reserved Matters applications. It is confirmed that the LLFA has no objection subject to pre commencement conditions to secure full detailed surface water drainage strategy and a Construction Management Plan to ensure surface water is managed during construction. In particular the applicant will be required to consider exceedance flows and an analysis of the existing network to ensure that flooding from surcharged outfall will not affect property or property, No development should commence on site until the drainage arrangements have been approved by the LLFA. In addition, Land Drainage Consent is required if a development proposes to discharge flow into an ordinary watercourse or carry out work within 8m of an ordinary watercourse.

The proposed foul water flows from the site will drain via gravity to a new on-site pumping station with offsite discharge via a rising main to the existing foul sewers southeast of the development. Separate consent will be required from the sewage undertaker for any new connections to the existing network. Wessex Water have not provided comments in relation to the planning application. They will have further opportunity to comment in relation to the discharge of any foul drainage related condition.

On this matter relating to drainage and flood risk, subject to an appropriate detailed drainage strategy for the site being approved prior to the commencement of development, the site is considered to be an acceptable location for development in policy terms.

Ecology and Biodiversity Net Gain

Core Policy 50 of the WCS Development proposals must demonstrate how they protect features of nature conservation and geological value as part of the design rationale. Section 15 of the NPPF requires that the planning authority ensures protection of important habitats and species in relation to development and seeks enhancement for the benefit of biodiversity through the planning system.

Biodiversity Net Gain (BNG) is an approach to development seeking to ensure that habitats for wildlife are left in a measurably better state than they were before the development. As of 12 February 2024 (2 April 2024 for smaller sites) BNG is mandatory in England under the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021). This means developers must deliver a BNG of 10% to ensure development will result in more or better quality natural habitat than there was before development.

This application was received on 6 October 2023 prior to requisite dates introducing the mandatory requirement to demonstrate BNG. Therefore, this proposal is not required to demonstrate 10% BNG. The proposal is however required to demonstrate compliance with CP50 and the NPPF in ensuring no net loss of biodiversity, biodiversity gain where possible and protection of sensitive species.

The Council Ecologists are satisfied with the standard and detail of the survey effort to determine the ecological baseline of the site and that suitable mitigation measures should be included to ensure the continued functionality of the area for biodiversity.

Further information was requested in the form of an Ecological Parameters plan to identify those areas of the site which are unconstrained, those areas where sensitive design or restrictions may be required, and any areas of the site which are to be retained, remain undeveloped, enhanced, form part of the landscaping for the purposes of protecting and enhancing biodiversity. A suitable plan has been provided which shows areas to provide compensatory habitat in line with the submitted ecology documents. Confirmation of the GCN district licencing payment certificate and a tree removal/protection plan was also submitted.

The Council Ecologist is satisfied with the submitted Ecology Parameters Plan, details of the GCN mitigation strategy and suitable tree removal and protection plan. A number of conditions are suggested these are to secure a CEMP, LEMP, mitigation features and detailed wildlife sensitive Lighting scheme.

In conclusion the expert advice of the Council's ecologist can be followed, and this is not a matter on which the application needs to be refused. Subject to the conditions requested by the Ecologist, the development is considered to comply with Core Policy 50 of the WCS and the NPPF.

Energy & Sustainability

WCS Core Policy 41 identifies how sustainable construction and low-carbon energy will be integral to all new development in Wiltshire. Major developments are required to include a Sustainable Energy Strategy. It is relevant to note that the energy performance standards referred to in CP41 for new homes is the 'Code for Sustainable Homes' which was removed by government in 2015. There is no replacement standard that Core Policy 41 will apply to at this time.

The Council Climate Team reviewed the submitted Resource Efficiency Statement and initially raised an objection on the basis that the scheme would not provide a low-carbon development. Several issues were identified including reference to out of date building regulations and an updated Sustainable Energy Strategy is requested. It was also suggested that higher water efficiency could improve sustainability of the development over minimum building regulations. In response the applicant submitted a Energy Strategy outlining a low carbon strategy. The Climate Teams objections have been withdrawn subject to the RM submission being supported with an updated Sustainable Energy Strategy to provide more detail in relation to operational and embodied carbon, climate change adaption measures and sustainable transport. Conditions suggested in relation to details and delivery of ASHP, Solar PV and EV along with cycle parking and water consumption.

Section 106 Contributions/Obligations & Community Infrastructure Levy (CIL)

Wiltshire Council has a Planning Obligations Supplementary Planning Document. This should be read in conjunctions with the WCS (primarily Core Policy 3 'Infrastructure Requirements') and the Wiltshire CIL charging schedule. This SPD identifies the planning obligations that will be sought by the council for development that generates a need for new infrastructure and should be a material consideration in planning applications. In addition to this, Wiltshire Council has adopted CIL. The CIL contribution is index-linked and calculated on the basis of residential floor space and would be calculated at Reserved Matters Stage.

A legal agreement under s106 of The Act will be necessary in respect of the following matters and the applicant has agreed to these heads of terms subject to drafting of the s106.

Affordable Housing

Core Policy 43 of the Wiltshire Core Strategy, as currently amended by the National Planning Policy Framework, sets out a requirement for 40% on-site Affordable Housing provision: on all sites of 10 or more dwellings; or on sites of between 5 - 9 dwellings if the development site is 0.5ha or greater, within this Community Area.

The Affordable Housing Officer has provided standard advice in relation to the required tenure mix, unit size mix, design and size standards and indicated that some units should be adaptable. The completed affordable dwellings will be required to be transferred to a Registered Provider, approved by the Council, or to the Council, on a nil subsidy basis.

40% affordable housing with 10% as M4(2). 60% affordable rent and 25% first homes and 15% shared ownership. Indicative Mix based on 150 dwellings:

Affordable Rent (36 Units)

22% x 1 bed, 2 person flats/ house style maisonettes (8)

6% x 2 bed, 4 person bungalows (2) 39% x 2 bed, 4 person houses (14) 27% x 3 bed, 6 person houses (10) 6% x 4 bed, 7 person houses (2)

First Homes (15 units)

15% x 1 bed, 2 person flats (2) 15% x 2 bed, 3 person flats (2)

50% x 2 bed, 4 person houses (8) 20% x 3 bed, 4,5 or 6 person houses (3)

Shared Ownership (9 units)

65% x 2 bed, 4 person houses (6) 35% 3bed, 6 person houses (3)

Transport

Contributions in relation to cycling/walking infrastructure. £254,600 is requested towards the following works -

- London Road: Provision of bus shelters within public highway at 2 nearest bus stops.

- Footpath east of The Turnpike linking London Road with Roman Way and Buckingham Road: removal of barrier chicane.
- Bellmouth where Fitzwarren Close meets Pembroke Road: provision of dropped kerbs and tactile paving
- London Road: Provision of tactile or tactile and dropped kerbs at the following locations, Hardens Lane, Hardens Mead, Long Close, Bucklands Grove and Blackcross.
- London Road/ Avenue LaFleche/The Causeway, Queen Square roundabout: tactile access Avenue LaFleche.
- Market Place/ Lords Lane: dropped kerbs and tactile across the Lords Lane.
- London Road: improved cycle facilities on London Road between Stanley Lane and Hardens Lane including upgrade of existing zebra crossing to include cycle crossing facilities.
- Lane between Long Close and Baydons Lane: Lane improved to better accommodate cyclists.
- Local Cycle Routes: improvements to signage.

S278 off-site highways works to be delivered by the developer for:

Stanley Lane and London Road: 3m shared footway/ cycleway link on Stanley Lane north of proposed vehicular to existing footway/cycleway and 2m footway between proposed vehicular access on Stanley Lane and pedestrian/ cycle access onto London Road.

Public Rights of Way

A PROW Contribution £5,000 towards diverting or providing an additional link to BREAM47

Travel Plan & Green Travel Vouchers

A planning obligation will be required to secure a Full Travel Plan and Green Travel Vouchers, and the appointment of a Travel Plan Coordinator to administer the Travel Plan, monitor travel arrangements of residents and the achievement of targets.

Education

In accordance with WCS CP3, all new development will be required to provide for the necessary on-site and, where appropriate, off-site infrastructure requirements arising from the proposal. Education falls under the definition of essential infrastructure under this policy.

The education authority confirms identified a need for early years and secondary school places and have requested financial contributions as follows

- £297,874 (17 early years places at £17,522)
- £665,260 (29 secondary places at £22,940)

No requirement for primary places is generated by the proposal.

Waste Containers

Contribution towards the provision of containers for waste and recyclables - £101 per dwelling house/per apartment (for 1-5 apartments)

Public Open Space

The Public Open Space Officer has provided a formula to calculate the amount of public open space (POS) that would be sought on site, which cannot be calculated without a full housing mix

The requirement would be calculated at the Reserved Matter stage as follows:

- 1 bed Residential Unit= 30 sqm or an off-site contribution of £1,046.10
- per 2 bed Residential Unit= 45 sqm or an off-site contribution of £1,569.15
- per 3 bed Residential Unit= 60 sqm or an off-site contribution of £2,092.20
- per 4+ bed Residential Unit = 75 sqm or an off-site contribution of £2,615.25

The Equipped Play requirement can be calculated using the following formula:

- per 1 bed = 0m² play or an off-site contribution of £0
- per 2 bed = 3m² play or an off-site contribution of £432.00
- per 3 bed = 6m² play or an off-site contribution of £864.00
- per 4+ bed = 9m² play or an off-site contribution of £1,296.00

The development would also generate a requirement for a sports contribution of £41,400 for the upgrade of Stanley Park Sports Ground and/or sports, pitch or ancillary provision within the vicinity of the land. This equates to a 4,140sqm requirement for sports pitches.

NHS Healthcare Contribution

NHS Property Services have requested £162,701 towards capital costs and identifies two nearby surgeries likely to be impacted and where additional floor space is required to support new patients and existing facilities cannot accommodate the additional residents associated with the development. The NHS request that this relates to additional primary care floorspace at Lodge Surgery and/or Rowden Surgery and/or other surgeries within the local Primary Care Network (PCN) to serve the residents of the new development.

Community Infrastructure Levy (CIL)

The Community Infrastructure Levy (CIL) is a charge that local authorities in England and Wales can put on new development in their area to raise funds to help deliver the infrastructure necessary to support development. The development will represent chargeable development under the Community Infrastructure Levy Regulations 2010 (as amended) and Wiltshire Council's CIL Charging Schedule and an informative would be placed on any permission. For further information with regards to CIL please refer to the Council's Website

<https://www.wiltshire.gov.uk/dmcommunityinfrastructurelevy>

Other matters - NHS 'funding gap'

Comments received from the Royal United Hospitals Bath NHS Foundation Trust state that it is currently operating at full capacity in the provision of acute and planned healthcare. It explained that this development will create potentially long-term impact on the Trust ability provide services as required. A request for a contribution of £108,816 has been requested to address a funding gap as a result of each individual patient associated with the development.

Whilst the funding pressure on NHS services both locally and nationally is a serious concern, it has been reconfirmed in recent appeal decision (Land off Storridge Road, Westbury APP/Y3940/W/24/3340811) that is the responsibility of the NHS to allocate general funding for primary healthcare, and not Councils. As this request relates to a funding gap for NHS services rather than specific works (e.g. capital costs for surgery expansion) required as a result of the development, it is not demonstrated that the contribution is necessary to make the development acceptable in planning terms. As such the contribution request on this basis would not meet the tests for a planning obligation. As explained above, a separate financial contribution towards expansion of existing surgery space can be secured via s106 legal agreement.

10. Conclusion (The Planning Balance)

The starting point for determining planning applications is the development plan, which in this case is the WCS. The above report confirms that the proposed development conflicts with a number of Development Plan policies because the application site is beyond settlement limits and in an area classed as countryside and is not, therefore, Development Plan compliant. However, as also noted, the Council's Housing Policies are deemed out-of-date and Paragraph 11d) of the NPPF is engaged so that permission should be granted "unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in this Framework when as a whole".

The NPPF does not specify how much weight should be afforded to policies that are 'out-of-date' due to a lack of five-year supply of housing. As such it is a matter for the decision-maker to judge the particular circumstances of each case, and how much weight should be given to out-of-date policies related to the delivery of housing

In terms of considering how much weight to apply the housing policies of the WCS, the extent of the lack of five-year housing supply is considered. The higher the shortfall, the greater the need for additional unplanned housing sites to meet this need.

A consideration of the benefits associated with the development are set out below:

The NPPF sets out the Government's objective of significantly boosting the supply of homes. The provision of up to 150 new dwellings would make a significant contribution to this objective. The proposal would provide a benefit in helping to address the five-year housing supply. The weight to be afforded to this benefit for new housing in this location, adjacent to the existing settlement boundary and with good access to a number of facilities and public transport, is considered to be **substantial**.

The provision of 40% affordable housing up to 51 units is afforded **significant weight**. Whilst the precise mix and tenure is not defined, there is a general need for all types of affordable housing within the Chippenham community area. The provision of such volumes of affordable and market housing to be secured via s106 agreement weighs in favour of the proposal.

There are a number of other benefits to the proposed development including the provision of direct and in-direct employment as a consequence of the construction process. Jobs associated with the construction of the dwellings are afforded **moderate weight** given this would be for a temporary period.

There would be net additional retail expenditure from new residents and the New Homes Bonus. Both are given **limited weight** as they would result in minor financial benefits.

The provision of allotments and provision of BNG in excess of 10% within the scheme should be afforded **moderate weight**.

S106 infrastructure contributions – contributions are sought towards cycling/pedestrian infrastructure improvements, early years provision, sports facilities and waste containers. POA is to be secured onsite or via off site contribution. These are considered to be **neutral** factors and items required directly in relation to supporting the development. Similarly, the payment of Council Tax is considered to be a neutral factor.

A consideration of the harm associated with the development are set out below:

The proposal would result in localised visual harm through the loss of countryside as this field is a rural gateway site to Chippenham, though this is mitigated to some extent by the sites position between the Sports Ground and Abbeyfield School. The proposal will urbanise the site and irreversible change the character of this land, particularly when viewed along Stanley Lane but also the A4. The level of harm in this context is considered to attract **moderate weight**.

There is further harm in granting consent for new housing in a location contrary to the development plan housing delivery policies. This site is however immediately adjacent to the settlement boundary and contextualised by existing development. When taking account these specific site circumstances, in addition to the fact that the housing land supply shortfall is now considered to be substantial (in light of the 2024 updated NPPF) the level of harm through conflict with the settlement strategy is considered to attract **moderate weight**.

Conclusion

Given the conflict with the policies of the development plan, the key test is whether the adverse impacts of granting permission significantly and demonstrably outweigh the benefits. The proposal would be contrary to the housing settlement and delivery policies CP1, CP2 and CP10 of the WCS and saved policy H4 of the NWLP. It is accepted that the Council’s 5YLS position and the terms of NPPF para.11d mean that in considering applications outside the limits of development, this conflict should not automatically translate to refusal of the application. In this case **moderate** weight is attributed to the harm caused through conflict with these policies for the reasons set out above. Further this this there is **moderate** weight is afforded to the loss of countryside at this edge of settlement position. In this case would be some **substantial** benefits in the delivery open market housing, **significant** benefit in providing affordable housing and some **moderate** and **limited** economic and ecological benefits. On balance, it is concluded that the adverse impacts would not significantly and demonstrably outweigh the benefits that the development would provide. Accordingly, it is recommended that the application is approved.

11. RECOMMENDATION

Subject to all parties entering into an agreement under s106 to the Town and Country Planning Act 1990 (as amended), then:

Planning Permission is GRANTED subject to the following conditions:

Conditions: (20)

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; and
- (d) The landscaping of the site.

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

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

3

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

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

4

The development hereby permitted shall be carried out in accordance with the following approved plans;

22548_1000Rev A Site location Plan

22548_4030A Access and Movement Parameters Plan

22548_4040A Green and Blue Infrastructure Parameters Plan

22548_4010 Land Use Parameters Plan

(received 15 November 2024)

1207-001G Proposed Site Access Plan

Ecological Parameters Plan - Drawing no: A. Clarkson & Woods

(received 23 May 2024)

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

5

The Reserved matters submitted pursuant to Condition 2 must be accompanied by details and arrangement plans for the low-carbon and renewable energy technologies including a scheme for Ultra Low Energy vehicle Infrastructure. The arrangement plans should include as a minimum the location of solar panels, ASHP's and charging point locations with associated cable routes. The development shall be implemented in accordance with the approved details.

REASON: To ensure that the objectives of sustainable development are achieved

6

The reserved matters submitted pursuant to Condition 2 must be accompanied an external Lighting Strategy. The Lighting Strategy must demonstrate that the dark corridors shown on the Ecological Parameters Plan (Drawing no: A) can be achieved as specified on the plan. The plans will be in accordance with the appropriate Environmental Zone standards set out by the Institution of Lighting Professionals (ILP) Guidance Notes on the Avoidance of Obtrusive Light (GN 01/2021) and Guidance note GN08/23 "Bats and artificial lighting at night", issued by the Bat Conservation Trust and Institution of Lighting Professionals. The development shall be implemented in accordance with the approved details.

REASON: To avoid illumination of habitat used by bats.

7

The Reserved matters submitted pursuant to Condition 2 must be accompanied by a Sustainable Energy Strategy, including details of operational carbon/energy, embodied carbon and climate change adaptation measures. The Strategy shall be based on the principles set out in the hereby approved Sustainability and Energy Statement Land at Gate Farm Chippenham by David Wilson Homes South West, Dated March 2024; in particular the commitments at paragraph 7.5. The development shall be implemented in accordance with the approved details.

REASON: To ensure that the objectives of sustainable development are achieved.

8

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

- i. Site management arrangements including on-site storage of materials, plant and machinery; on-site parking and turning provision for vehicles for site operatives, visitors and construction vehicles; and provision for the loading/unloading of plant and materials within the site
- ii. Delivery, demolition and construction working hours
- ii. The cutting or other processing of building materials on site;
- iii. Wheel washing and vehicle wash down facilities;
- iv. The transportation and storage of waste and building materials;
- v. The recycling of waste materials (if any)
- vii. The location and use of generators and temporary site accommodation
- viii. Where piling is required this must be Continuous flight auger piling wherever practicable to minimise impacts

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

REASON: Ensuring appropriate levels of amenity are achievable and to ensure protection of the natural environment.

9

No development shall commence on site, including demolition, ground works/excavation, site clearance, vegetation clearance and boundary treatment works, until a Construction Environmental Management Plan (CEMP) shall be submitted to the local planning authority for approval in writing. The Plan shall provide details of the avoidance, mitigation and protective measures to be implemented before and during the construction phase, including but not necessarily limited to, the following:

- a) Identification of ecological protection areas/buffer zones and tree root protection areas and details of physical means of protection, e.g. exclusion fencing.
- b) Working method statements for protected/priority species, such as nesting birds, badgers, dormice, amphibians and reptiles.
- c) Mitigation strategies already agreed with the local planning authority prior to determination, such as for reptiles/amphibians; this should comprise the preconstruction/construction related elements of strategies only.
- d) Invasive species management plan.
- e) Sensitive lighting strategy to ensure dark corridors (as identified on Ecological Parameters Plan, Drawing no: A) are maintained.
- f) Work schedules for activities with specific timing requirements in order to avoid/reduce potential harm to ecological receptors; including details of when a licensed ecologist and/or ecological clerk of works (ECoW) shall be present on site.
- g) Key personnel, responsibilities and contact details (including Site Manager and ecologist/ECoW).

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

REASON: To ensure adequate protection and mitigation for ecological receptors prior to and during construction, and that works are undertaken in line with current best practice and industry standards and are supervised by a suitably licensed and competent professional ecological consultant where applicable

10

No development shall commence on site until a Landscape and Ecology Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority. The LEMP will include long term objectives and targets, management responsibilities and maintenance schedules for each ecological feature within the development, together with a mechanism for monitoring success of the management prescriptions, incorporating review and necessary adaptive management in order to attain targets. The LEMP shall be implemented in full and for the lifetime of the development in accordance with the approved details.

REASON: To ensure the long-term management of landscape and ecological features retained and created by the development, for the benefit of visual amenity and biodiversity for the lifetime of the scheme.

11

No development shall commence on site, including vegetation removal and demolition, until details of the number, design and locations of ecological enhancements such as roosting bat features, bird boxes and habitat piles/hibernacula shall be submitted to the local authority for approval. These details should be clearly shown on an enforceable plan (e.g., site plan/technical elevations drawing). The approved details shall be implemented before occupation of the final works. These features will continue to be available for the target species for the lifetime of the development.

REASON: To provide enhancement for biodiversity

12

No development shall commence on site until details of a scheme for protecting the proposed dwellings from external traffic noise has been submitted to and approved in writing by the local planning authority.

The scheme shall ensure that, upon completion of the development, the following noise criteria shall be met, with windows open, in accordance with the Professional Practice Guidance: Planning and Noise – New Residential Development (May 2017):

- A. bedrooms shall achieve an 8-hour LAeq (23:00 to 07:00) of 30dB(A) and an L_{Amax, F} of 45 dB
- B. living rooms and dining rooms shall achieve a 16 – hour LAeq (07:00 to 23:00) of 35dB(A)
- C. external amenity spaces shall achieve a 16 – hour LAeq (07:00 to 23:00) of 55dB(A)

A noise validation report, demonstrating compliance with the noise criteria shall be submitted to and approved by the local planning authority before any of the dwellings are occupied. This assessment shall be conducted in accordance with Professional Practice Guidance: Planning and Noise – New Residential Development (May 2017) and the approved noise design scheme.

Such noise protection measures shall thereafter be maintained and operated in accordance with the approved scheme.

REASON: To ensure that appropriate levels of amenity are achievable within the development.

13

No development shall commence on site until a scheme for the discharge of surface water from the site has been submitted to and approved in writing by the local planning authority.

The scheme shall incorporate sustainable drainage details, including any off-site works and any permissions for connections to private drainage systems/land drainage consents. The submitted scheme must be in accordance with the LLFA response (received 21 November 2023) and include:

- a) Strategy to demonstrate how surface water will be managed throughout the construction phase.
- b) Detailed hydraulic modelling calculations, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters.
- c) A timetable for its phased implementation.

d) The management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

The development shall be implemented in accordance with the approved details and shall not be first occupied until surface water drainage, including any off-site works, has been constructed in accordance with the approved scheme.

REASON: To ensure that the development can be adequately drained and that flood risk is not increased on or off site.

14

No development shall commence on site until a foul water drainage strategy is submitted and approved in writing by the local Planning Authority in consultation the sewerage undertaker. The Strategy shall include a drainage scheme providing detailed arrangements for the means of connection to the main sewer network and the capacity improvements required to serve the proposed development, including any phasing.

No dwelling shall be first occupied or other building brought into use until the drainage scheme has been completed in full, in accordance with the approved details.

REASON: To ensure that the development is provided with a satisfactory means of drainage

15

With the exception of the removal of existing buildings, structures and topsoil, no development shall commence on site until the approved programme of archaeological work as set out within the Cotswold Archaeology Written Scheme of Investigation for an Archaeological Evaluation (Rev B) dated 19.11.24 has been carried out in accordance with the approved details.

REASON: To enable the recording of any matters of archaeological interest.

16

The development shall be carried out as specified in the approved Arboricultural Report Impact Assessment & Method Statement V6 prepared by Silver Maple Consultants Ltd & Greenway Tree Surgery (dated 01 January 2025) and shall be supervised by an arboricultural consultant.

REASON: To prevent retained trees on or adjacent to the site from being damaged during construction works.

17

The dwellings shall be constructed to meet, as a minimum, the higher Building Regulations standard Part G for water consumption limited to 110 litres per person per day using the fittings approach.

REASON: The site is in an area of serious water stress requiring water efficiency opportunities to be maximised.

18

Each dwelling shall be provided with an Air Source Heat Pump and Solar Panel(s) in accordance with the approved Sustainability and Energy Statement Land at Gate Farm Chippenham by David Wilson Homes South West, Dated March 2024.

No dwelling shall be occupied until the Solar Panel(s) and Air Source Heat Pump on that respective dwelling has been installed and brought into operation.

REASON: To ensure that the objectives of sustainable development are achieved.

19

No Air Source Heat Pumps shall be installed until a Noise Assessment has been submitted to and approved in writing by the Local Planning Authority. The noise assessment must demonstrate that the cumulative noise impact from all heat pumps installed at the development, achieve a rating level of 35dB_LA_{eq}15mins at 1m of the facade of any residential property (including those

outside of the development). The noise limit would include the ASHPs at both full duty and when in reverse and defrost mode. The installation works shall be carried out in accordance with the approved details.

REASON: To ensure that appropriate levels of amenity are achievable within and outside of the development.

20

No part of the development shall be first brought into use/occupied until visibility splays have been provided between the edge of the carriageway and a line extending from a point 2.4 metres back from the edge of the carriageway, measured along the centre line of the access, to the points on the edge of the carriageway 43m in each direction from the centre of the access in accordance with the approved plans. Such splays shall thereafter be permanently maintained free from obstruction to vision above a height of 600mm above the level of the adjacent carriageway.

REASON: In the interests of highway safety.

Informatives: (7)

21

This permission shall be read in conjunction with an Agreement made under Section 106 of the Town and Country Planning Act, 1990 and dated xxx

22

The applicant is advised that the development hereby approved may represent chargeable development under the Community Infrastructure Levy Regulations 2010 (as amended) and Wiltshire Council's CIL Charging Schedule. If the development is determined to be liable for CIL, a Liability Notice will be issued notifying you of the amount of CIL payment due. If an Additional Information Form has not already been submitted, please submit it now so that we can determine

the CIL liability. In addition, you may be able to claim exemption or relief, in which case, please submit the relevant form so that we can determine your eligibility. The CIL Commencement Notice and Assumption of Liability must be submitted to Wiltshire Council prior to commencement of development. Should development commence prior to the CIL Liability Notice being issued by the local planning authority, any CIL exemption or relief will not apply and full payment will be required in full and with immediate effect. Should you require further information or to download the CIL forms please refer to the Council's Website

<https://www.wiltshire.gov.uk/dmcommunityinfrastructurelevy>.

23

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.

The off-site works will require the Developer to enter into a S278 Agreement, and a S38 Agreement will be required for the on-site works. Early contact is recommended with the Sustainable Transport Team with regard to securing the full approval of the details to enable the Agreements to be progressed, and to avoid delays in the commencement of the works

24

Wiltshire Council is the land drainage authority under the Land Drainage Act 1991. Land drainage consent is required if a development proposes to discharge flow into an ordinary watercourse or carry out work within 8m of an ordinary watercourse. An ordinary watercourse is a watercourse that does not form part of a main river. The term watercourse includes all rivers and streams and all ditches, drains, cuts, culverts, dikes, sluices, sewers (other than public sewers within the meaning of the Water Industry Act 1991) and passages, through which water flows.

25

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. 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.

The point of connection to the public network is by application and agreement with Wessex Water and subject to satisfactory engineering proposals constructed to current adoptable standards. The developer should contact the local development team development.north@wessexwater.co.uk to agree proposals for the Section 104 adoption or Section 106 connection and submit details for technical review prior to construction.

26

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.

27

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.

Wiltshire Council

PL/2023/08640
Land South of Stanley Lane,
Chippenham



1:3,000



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REPORT FOR STRATEGIC PLANNING COMMITTEE

Date of Meeting	23 rd January 2025
Application Number	PL/2023/08481
Site Address	Land at Red Barn, East of Kington St Michael, Chippenham
Proposal	Development of a solar farm of up to 40MW ac of export capacity, comprising the installation of solar photovoltaic panels, associated infrastructure and associated works including grid connection.
Applicant	Eden RB Solar Ltd
Town/Parish Council	Grittleton CP; Kington St. Michael CP
Electoral Division	Kington Langley CP and Kington St. Michael CP - Cllr Greenman
Grid Ref	53.369403, -5.340659
Type of application	Full Planning
Case Officer	S T Smith

Reason for the application being considered by Committee

The application has been called in to Committee by Councillor Greenman if there is a recommendation for approval by officers to consider the design, scale, visual impact of the development, as well as its relationship with adjoining properties. The application seeks planning permission for a large-scale solar farm, that has received a substantial level of representations made both in objection and support. Major development of this type has, by its nature, wider strategic implications and raises issues of more than local importance.

1. Purpose of Report

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

2. Report Summary

The main planning issues to be considered are:

- Principle of development
- Best and most versatile agricultural land
- Cumulative impacts
- Archaeology and Heritage impact
- Landscape impact, Design and Appearance
- Residential amenity
- Highways and rights of way
- Drainage
- Ecology
- Other matters

Kington St Michael Parish Council, Kington Langley Parish Council, Castle Combe Parish Council, Luckington and Alderton Parish Council, St Paul Malmesbury Without Parish Council, object to the proposals.

Bidestone and Slaughterford Parish Council support the proposals, with the Chippenham Town Council raising no objections.

3. Site Description

The application site is located within open countryside, with PV panels proposed for land either side of the A350 corridor north of Chippenham and somewhat equidistant between the Kington St Michael/Kington Langley junction and junction 17 of the M4. A c.4km route has also been shown on the submitted plans for connection to the electricity grid. That routing is south from the main site at Kington St Michael, along the A350 and through Chippenham to the SSE sub-station at Cocklebury Lane.

The submitted application form confirms the site area to be 102.76Ha in area with the planning statement suggesting the land incorporates some 17 fields, 13 of which are located on the Western side of the A350 closest to the village of Kington St Michael. The fields are in agricultural use, comprising arable for cereals, fodder and grassland. Natural England mapping provisionally suggests that the land is classified as being of a Grade 3 (good to moderate) agricultural quality; the applicant's own assessment suggesting a mix of Grade 3b and Grade 4 (moderate and poor).

Multiple Public Rights of Way (PROW) extend in an east to west direction within the western part of the site. These include footpaths KSTM2, KLAN33, KLAN39, KLAN38, KSTM38 and KSTM37. A further footpath KSTM4 is located to the west of the main site boundary. Bridleway KSTM1 runs through the western part of the site in an east to west direction, with two further bridleways adjacent to the western (KSTM3) and northern (KSTM5, which runs along Nash Lane) boundaries. Footpath KLAN32 runs in an east to west direction within the eastern part of the site.

The application site is not covered by any national landscape, ecological or heritage designations. However, the Manor Farm Brook Fields County Wildlife Site is located within the application site. The submission documents state that the CWS consists of three pastures in a shallow valley separated by a brook and woodland, with areas of grassland on steeper slopes, with its condition being variable; the highest value being along the brook where there is lush vegetation.

Several listed buildings are located at Kington St Michael and Kington Langley, with Conservation Areas (CA) also covering the core of the villages.

The majority of the application site is located within flood zone 1 with a low risk of flooding. The central area of the site contains watercourse that flows east west. The area around the existing stream is within flood zones 2 and 3 with a higher risk of flooding.

4. Planning History and Environmental Impact Assessment

Relevant to the application site:

There are no prior planning applications relevant to the application site.

Under reference 17/12295/SCR, an Environmental Impact Assessment (EIA) opinion as to whether a 18MW solar farm on some 36Ha of land (part of the application site) was sought under Regulation 6 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended).

Issued on 3rd January 2017, the opinion issued for that smaller scheme was that an EIA would not be required.

No formal EIA screening opinion has been sought from the Council in advance of the request for planning permission for this larger scheme. The application has nonetheless been submitted on the basis that the proposals should be considered Schedule 2 development and that it has the potential for significant environmental effects. An Environmental Statement has therefore been prepared and submitted and there is no reason to disagree that the proposal should be rightly regarded as EIA development.

Relevant to Solar Farms in Wiltshire County:

At the time of writing, there are more than 40 working solar farms in Wiltshire County. In addition to this application site, there are several applications for solar farm development of scale under consideration by the Council:

- PL/2023/01914 – Whistle Mead Solar Farm, Little Chalfield, Melksham – 24.14MW (more than 15km south-west of Red Barn site)
- PL/2023/10332 - Land South of Potterne Park Farm, nr Potterne, Devizes – 49.9MW (more than 20km south-east of Red Barn site)
- PL/2023/10077 – Land West of Lyneham Substation – 23MW (c.7km East of Red Barn site)
- PL/2024/04926 – Land East of Blounts Court Farm, Potterne – up to 15MW (more than 20km south-east of Red Barn site)
- PL/2024/09410 – Land East of Battens Farm, Allington, Chippenham – 10MW (c.3km west of Red Barn site)

Figure 1 shows the locations of all planning application sites for solar farms which have been submitted for Local Authority Consent – noting that the plan shows planning applications and does not denote developments which have been constructed.

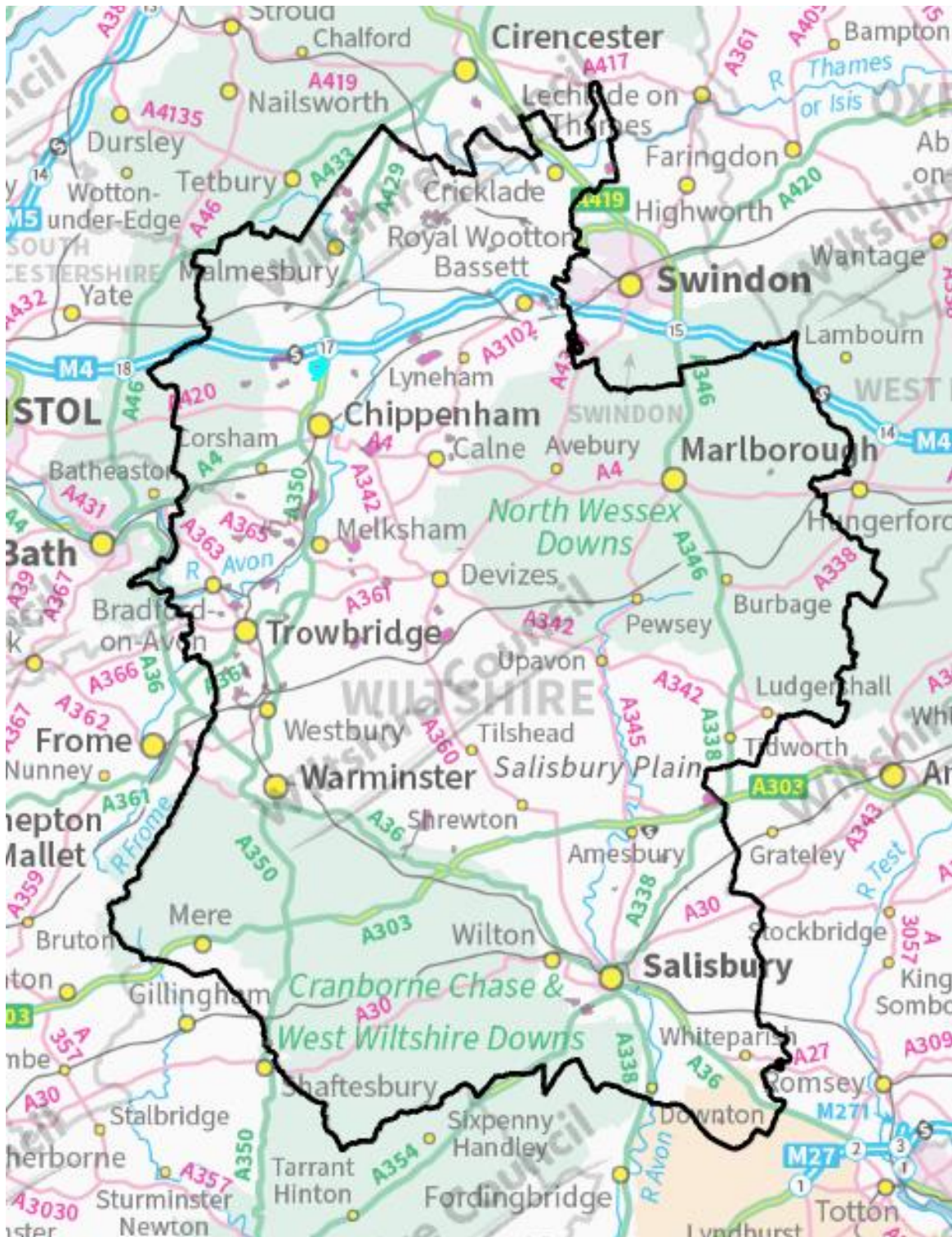


Figure 1: Locations of planning applications for Solar Parks (pink infill) in Wiltshire (black outline) including Red Barn Solar (blue outline near to J17 to M4)

Figure 2 shows a closer view of solar farm planning application sites (regardless of their approval/construction status) near to the Red Barn site.

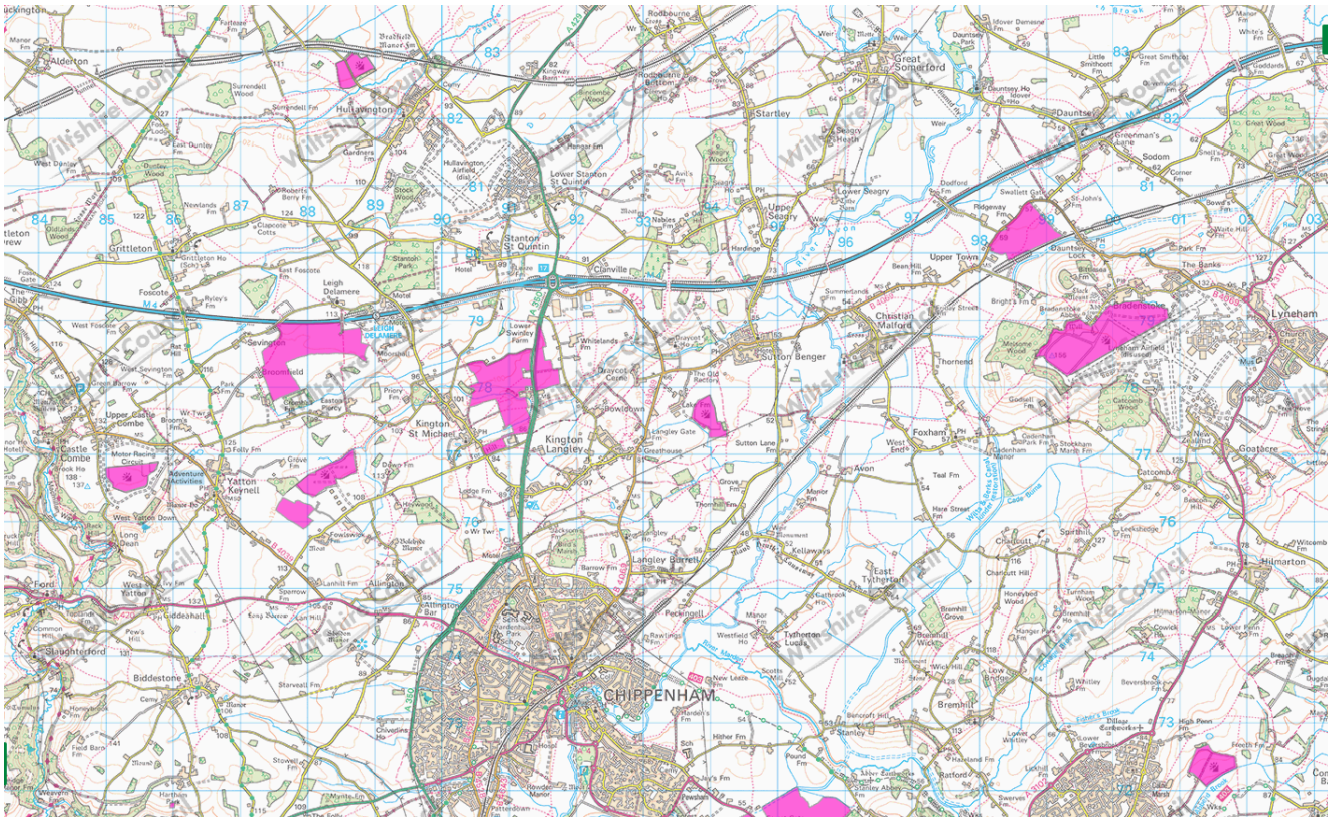


Figure 2: Locations of planning applications/permissions for Solar Parks (pink infill) around Chippenham, including Red Barn Solar (central, North of Chippenham and either side of A350)

It should be noted that land associated with 'Lime Down Solar Park Project' which is a nationally significant infrastructure project (NSIP) to be determined by the Secretary of State, is not shown on figures 1 or 2. At the time of writing, the NSIP is at pre-application stage, with an application expected to be submitted to The Planning Inspectorate late 2025.

For purposes of transparency, part of the indicative masterplan embedded within the Lime Down applicant's consultation information associated with the Lime Down NSIP has been shared below (figure 3). The infilled red areas show the proposed site for solar infrastructure and mitigation/enhancement measures, and the hatched area indicates the proposed location of a battery storage facility which would be north of Hullavington Solar Farm (shown in the northmost position on figure 2), separated by the rail line.

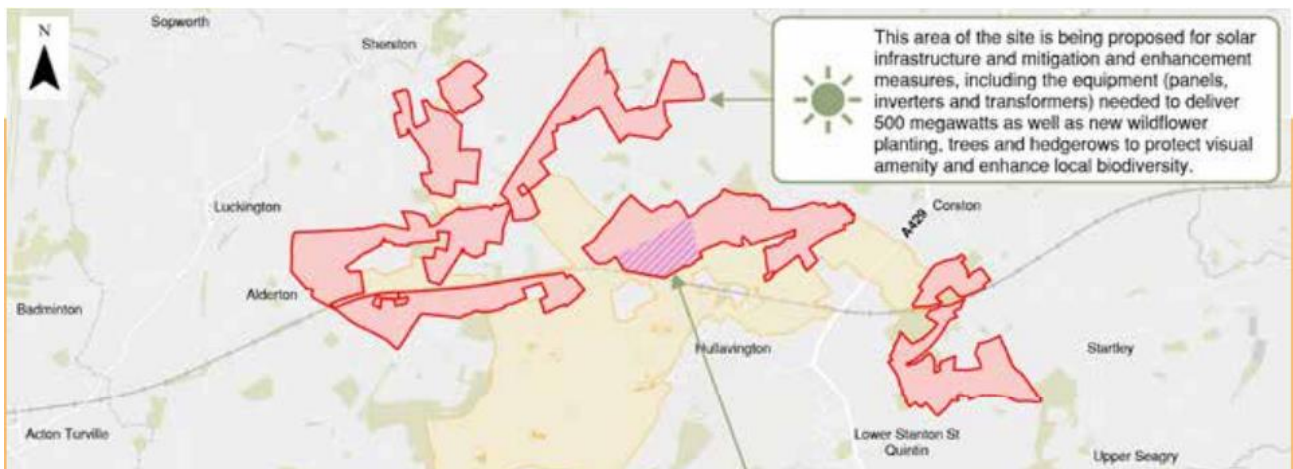


Figure 3: Stage One Consultation - Indicative Masterplan associated with Lime Downs NSIP.

5. The Proposal

The original scheme proposed the installation of a solar farm of up to 40MW of generating capacity, along with an associated 40MW battery energy storage capacity.

The scheme has undergone revisions and the submission of additional information following concerns and objections raised, including the removal of the Battery Energy Storage System (known as BESS).¹ Necessary and appropriate consultations have taken place, and it is on the revised/additional details that this recommendation is made.

The revised proposal seeks planning permission for:

- The installation of solar photovoltaic (PV) panels
- The installation of associated infrastructure and ancillary structures
- Development of associated works including grid connection.

The PVs are to be arranged in field parcels, with a 4.5m wide maintenance track and 3no. access points to the public highway. The parcels of PVs cover some 28.87Ha of the total 102.76Ha site area.

The PV panels are to take the form of east-west arranged rows of “bifacial” (i.e. also using ground reflected sunlight) which are fixed to metal framework. The metal framework has a fixed-tilt and is predominantly connected to piles that are driven into the soil (some PV panels were previously shown to be erected on concrete feet but have now been omitted within the revised scheme). Arrays which are finished with 2 rows of PV panels (2P modules) are proposed to have a maximum height of 2.47m and those finished with 3 rows of PV panels (3P modules) are proposed to have a maximum height of 2.695m.

2.0m high security fencing (described as “deer proof fencing”) is proposed for installation around each parcel of PV’s. The fencing is to be installed and located in ways that will not disturb existing hedgerows and is designed to allow small mammals to pass. The maximum height of the proposed wooden posts to serve the fence will be 2m above ground level, with each post distanced approximately 3.5m from one to the next.

Central inverter substations are to be positioned within many of the parcels and further ancillary buildings will be located within one of the two parcels closest to Kington Farm buildings (accessed via Allington Lane) which will provide a “Distribution Network Operator substation”, a “customer substation”, “customer cabin” and “spare parts cabin”. All such structures have the appearance of shipping containers, resulting in a somewhat temporary and entirely utilitarian appearance.

The proposed route of the connection to the national grid leads from the southernmost parcel of PVs alongside Kington St Michael road to the A350 junction, and then south through Chippenham to the existing Cocklebury Lane sub-station. The route amounts to 4km in length and entirely below ground.

Within the application site, the scheme proposes numerous ecological and landscape enhancement measures (resulting in a biodiversity net gain of 53.96% in habitats, 21.63% in hedgerows and 39.26% for watercourses) the provision of a community orchard, woodland pasture, calcareous grassland, wildflower meadows and picnic areas (amounting to some 12Ha in total) and improvements to, plus associated monitoring of the Manor Farm Brook Fields CWS (approximately 6.77ha) These areas will be accessible to the public via five new permissive footpaths and bridleways. Outside of the application site, the scheme proposes that land will be made available to the parish councils for the purposes of dog walking and allotments.

¹ There is no compulsion for the applicant to explain how the development might operate without the BESS element, but they have nonetheless confirmed that there is no technical requirement to co-locate solar PV with BESS, with evidence from the newly created National Energy System Operator (NESO) suggesting a reasonably consistent energy usage between 9-5 on a summers day, which matches the energy generation profile of solar PV infrastructure.

Although not a matter which can be taken into account when determining this application supporting documents also indicate a “community benefit” fund that amounts to £21K p/a (£840k for the lifetime of the project) and the provision of an “educational fund” that amounts to £3K p/a. Additionally, the applicant is providing an opportunity for shared community ownership of the solar farm, with potential for savings on electricity bills, via Ripple Energy.

Prior to the submission of the application, an “Enquiry by Design” event was undertaken in the locality by the applicant: <https://uk.edenrenewables.com/redbarn-solar-farm>.

6. Planning Policy

Though considered as a whole, applicable Development Plan policies are listed below along with relevant legislation and guidance.

[National Planning Policy Framework \(NPPF\)](#)

[Planning Policy Guidance \(PPG\)](#)

[National Policy Statements \(NPS\) for energy infrastructure](#)

[Written Ministerial Statement \(WMS\) UIN HCWS466](#)

[Wiltshire Core Strategy 2015 \(WCS\)](#)

- CP1: Settlement strategy
- CP2: Delivery strategy
- CP3: Infrastructure requirements
- CP42: Standalone renewable energy installations
- CP50: Biodiversity and Geodiversity
- CP51: Landscape
- CP52: Green infrastructure
- CP57: Ensuring High Quality Design and Place Shaping
- CP58: Ensuring the Conservation of the Historic Environment
- CP60: Sustainable Transport
- CP61: Transport and New Development
- CP62: Development Impacts on the Transport Network
- CP64: Demand Management
- CP67: Flood Risk
- CP68: Water Resources

[Saved Policies for the North Wiltshire Local Plan \(NWLP\)](#)

- NE12: Woodland
- NE14: Trees, Site Features and the Control of New Development
- NE18: Noise and pollution
- T5: Safeguarding

[Chippenham Neighbourhood Plan \(CNP\)](#)

- SCC3: Standalone Renewable Energy
- GI1: Protecting and Enhancing Biodiversity
- GI5: Trees, Woodland and Hedgerows
- T1: Provision and Enhancement of Cycle Paths

[Wiltshire Local Transport Plan 3 \(LTP3\)](#)

[National Design Guide \(NDG\)](#)

[Wiltshire Climate Strategy \(2022-2027\)](#)

[Wiltshire Infrastructure Delivery Plan 3 \(2011-2026\)](#)

[Wiltshire Biodiversity Action Plan \(2008\) \(BAP\)](#)

[Green and Blue Infrastructure \(GBI\)](#)

[Wiltshire Design Guide \(WDG\)](#)

7. Consultation responses

Kington St Michael Parish Council – Objection:

Thank you for the opportunity of commenting on this planning application. My Council met on the 23rd November 2023 and has asked me to forward the following comments to you. The Council has strong objections to raise and recommends refusal of the application.

In reaching this conclusion the Council was mindful of the support they gave to application PL/2021/06100, also within the Parish, but sadly on this occasion they are unable to do so.

There has been a significant amount of information provided by the applicant, including pre-application local community consultations and the Council acknowledges that alternative energy sources need to be found.

However, as the support given to application PL/2021/06100 indicates, proposals in order to gain support need to be situated in the right place. In this case the development is of an enormous size and scale that if approved creates a situation where the village is potentially surrounded by solar farms on all sides, removing the unique character of the village and rural surrounds.

Council Members noted that there was a considerable amount of technical information submitted with the application and that they did not have the expertise to comment and so rely on your own Council departments and external consultees/advisors to assess the merits or otherwise.

The Council accepted that it is often the case for solar farms to be sited on rural land leading to the loss of agricultural uses, albeit that some limited grazing is retained, but the increasing number of ad-hoc proposals destroying the open character is deplored.

It is also often the case that proposals contain suggestions that impact is minimised by landscaping proposals. The Council has serious doubts that to hide this development from the A350 and surrounding panoramic views for the next 40 years can and will be achieved. During discussions the issue of “glare” was often raised, particularly to users of the A350.

The Council was mindful of Wiltshire Local Plan policy that proposes that villages and Parishes should be maintained within their rural setting. This huge proposal is clearly contrary to these principles, severely impacting on the visual appearance of the rural landscape.

Moving on to the A350 and local lane highway implications. There are several issues. Firstly, the construction phase, secondly the maintenance phase and finally the decommissioning phase. A continuing phase will be essential to cover emergency services.

It is the Council's belief that any increased traffic levels, particularly HGV traffic, exiting or entering the A350 at low braking and turning speeds will severely impact on highway safety as other users will be legitimately travelling within the 70mph speed limit, or over. The claims made that the designs accord with design manuals may well be correct, but this does not alter the fact that the free flow of the major trunk road will be compromised.

In addition, the use of adjacent rural country lanes for heavy-duty commercial purposes, albeit being used historically for agricultural traffic, is simply not acceptable. In fact this is acknowledged by the applicant who propose the need for personnel to guide and control traffic during the first phase.

The proposals have generated a lot of local comment and the Council is mindful that alongside the objections to the scheme there are supporters who quite rightly support the creation of renewable energy sources and the Council supports this philosophy.

However, the Council needs to consider the overall impact of this proposal that will bring wholesale changes to the character of the landscape setting to the village and Parish and with this in mind must raise objections.

The Parish Council trusts that their observations will be taken into consideration when the application is determined.

Following receipt of revisions, the following additional objection comment was received:

Thank you for the opportunity of commenting further on this planning application.

My Council sees nothing in the amended proposals that would change their original views submitted to you on the 27th November 2023.

There is nothing in the relatively minor revisions that changes the position and scale of the proposed solar farm that ruins the rural aspect of the village. The dangers created both on the A350 and importantly to pedestrians and vehicles at the Tor Hill crossroads and local lanes cannot be ignored and the applicants' offer to carry out works at weekends to ease the burden supports these views.

There can be no doubt that the cumulative effect of numerous ad-hod solar farm proposals in the local area will lead to the unique character of the rural surrounds being destroyed, including the loss of agricultural land uses,

The Parish Council continues to raise objections and trusts that their observations will be taken into consideration when the application is determined.

Kington Langley Parish Council – Objection:

Kington Langley Parish Council objects to the Proposed Eden Renewables Red Barn Solar Farm in the parishes of Kington Langley and Kington St Michael. While we support the creation of renewable energy sources, we consider that this must be done in a way that reduces risks concerning traffic and fires to acceptable levels and minimises the impact on the open countryside and the existing wildlife. The proposed development should be paused until all aspects of concern regarding people safety and impacts on amenities and the environment are fully understood and addressed. We are not satisfied that the documents submitted by the applicant are sufficient to allay all our concerns. An independent risk assessment by ES & ES Ltd has been provided to Kington Langley Parish Council by a Kington St. Michael resident that appears to offer different conclusions from that made by the applicant. Kington Langley Parish Council does not feel it is qualified to assess conflicting reports from experts and respectfully

requests that the Planning Officer should take appropriate advice from independent experts to inform their decision.

Traffic Risk & Site Access

Although some mitigating measures have been outlined in the applicant's "Outline Construction Traffic Management Plan" to address risks concerning construction traffic (leaving and joining the A350 and the Tor Hill crossroads) - significant concerns remain. The construction phase will require about 1,100 deliveries (i.e., 2,200 movements), the majority of which will be 16.5m HGVs.

The site access at the north-west section of the site off the A350 will be widened to accommodate 16.5m articulated vehicles (the longest). The applicant claims this arrangement is in accordance with the Design Manual for Roads & Bridges CD123 (DRMB). However, this will require the HGVs used to slow to 5MPH to exit the A350 Dual Carriageway whilst other traffic continues at speeds of up to 70MPH and egress is directly onto the A350 Dual carriageway with other vehicles often at these high speeds. The applicant also states that access to the Kington Farm site entrance will be via the Tor Hill cross road, which will have a slight improvement to the hedging and visibility as well as banksmen to guide and control traffic. The access to the eastern area of the site for construction traffic from the A350 will also be widened to cater for the 16.5m articulated vehicles.

An independent risk assessment by ES & ES Ltd referred to above carried out a review of the three proposed access points into the solar construction. It used the industry standard model for assessing the likelihood and severity of road traffic accidents. It found that for each access point there is at least a very high likelihood of a serious road traffic accident (that could involve pedestrians or cyclists). We are not aware of a risk assessment having been produced by the applicant that supports their proposed site construction access methodology.

We are concerned that the proposed access points to the north-east and north-west parts of the site from the A350 do not conform to the DMRB with regard to designated splays, kerb profile and design, a blind bend travelling southbound and slow exits into fast moving traffic. Currently these access points are for farm vehicle movements and are not designed for the proposed 1,106 HGV construction vehicle deliveries proposed in total.

The main public pedestrian footpath into and out of the village of Kington St Michael towards the A350 and the Plough Lane crossroads crosses the lane to Hill Farm at the Tor Hill crossroads. The lane is two-way and narrow with four blind bends which makes it unsuitable for 16.5m HGV construction vehicles (existing signage provides information that the lane is unsuitable for HGVs).

Any situation which involves a high probability of a road traffic incident that could involve a fatality or life changing injuries must be avoided.

The construction period and number of construction workers involved means the project has to be reported to the Health and Safety Executive. The Construction (Design and Management) Regulations 2015 require that mitigating measures are in place to minimise risks to acceptable levels. It is unclear how the safety of the workers on site, the drivers of the delivery vehicles and other road users, including pedestrians, will be assured.

Environmental Risk of a Battery Fire

The type of battery to be used has not been specified. The Outline Battery System Management Plan (OBSMP) says they plan to install Lithium Iron Phosphate batteries. We understand that the applicant does not want to be too prescriptive about the battery type as technology is likely to improve with time. Intending to do something isn't the same as stating what will be done. They

could say they will use Lithium Iron Phosphate batteries or batteries safer than that type (recognising technological developments) but, as they haven't said that, they could use Lithium-Ion batteries (which would be less safe). They claim the proposed batteries do not represent a fire hazard and will be installed with temperature monitoring and their own fire suppression systems. The type of battery will affect the fire risk and in turn the risk to the environment and we consider that this risk needs further consideration. Toxic fumes and / or runoff from a fire could potentially affect Kington St Michael and its residents for many days as well as badly contaminate the land.

We consider that the site should have suitable access and turning circles for emergency vehicles (emergency access is severely restricted due to the significant area of the solar farm) as well as sources of water to extinguish a fire. We are not aware that a Fire Safety Emergency Response Plan (FSERP) has been produced, which would be appropriate for the size of the proposed battery storage.

Comments have been added to this Planning Application by the Dorset & Wiltshire Fire and Rescue Service who indicated that at the time of submission of their comments - they had not had any consultation with the applicant. They recommend that before planning permission is granted, the layout, access and provision of a suitable water supply that complies as far as is reasonably practicable with the minimum requirements under B5 of Approved Document B, The Building Regulations 2010 should be mandated.

We also note that there has been a recent example of emergency vehicles not being able to make progress along the A350 given the safety barriers between each carriageway and this could cause additional access problems for the emergency services.

Other Concerns

We also have other concerns which include:

Wiltshire Core Policy 51 – Landscape, Sections 6.79 and 6.8, seek to protect, conserve and enhance Wiltshire's distinctive landscape character. The size of the solar panel installations (101,000 across 145 acres) proposed would severely impact the landscape character.

There are about 973m of public rights of way (PROWs) across the site and this development will encase the PROWs and pathways by 2m high fencing. This high fencing could significantly restrict access to assist anyone in need of urgent help. It is not clear how emergency access and support could be provided.

The Agricultural Land Classification Map South West Region ALC006 indicates that the land surrounding Kington St Michael is Grade 3. This map was also used in the land classification for the 88-acre Leigh Delamare solar farm application (PL/2021/06100); however, the report from Amet Property (submitted by the applicant) graded nearly 80% of the land as Grade 4. We are concerned with this discrepancy and perhaps an independent assessment is needed?

There is little information concerning what will be involved with the installation of the 33kV power cable. This will need substantial trenching and protection from being disturbed (by man and nature). The energy loss from the 33kV high voltage power cable can be calculated. We are not aware of figures being provided but the energy loss will raise the cable's temperature which will warm the ground it passes through as well as the watercourse feeding the ponds.

Eden Renewables claim that the solar farm is temporary but the pile material will be in the land for over 40 years and no evidence has been presented that shows the construction piles can be fully extracted after 40 years. Also, no evidence has been provided to demonstrate that the corrosion of the piles in the ground will not restrict the return of the land for agricultural food use. This is a concern because we understand that suppliers of construction piles for solar farms

typically provide a warranty for 30 years. For a solar farm with a 40-year proposed lifespan this does not qualify as sustainable construction.

Following receipt of revisions, the following additional objection comment was received:

Kington Langley Parish Council objects to the revised Proposed Eden Renewables Red Barn Solar Farm. We support the creation of renewable energy sources but, although risks concerning fires and pollution from battery storage no longer exist, the adverse impact on the heritage assets and the open countryside remain significant.

The National Planning Policy Framework (NPPF) requires any harm resulting from a development to be taken seriously and weighed against its benefit to the public. The 59ha of fenced solar panels will affect the views to and from the homes in Kington St Michael and the setting of its heritage assets.

The revised plans show a small increase in the distance between part of the western edge of the solar panels and some homes in Kington St Michael. This change is welcomed but does little to reduce the impact overall on the visual amenity for residents of the village or its landscape setting. The existing large open countryside appearance would be lost with solar panels defining its character.

This is a major proposal that requires a very detailed examination of much information and assessed against many planning regulations, frameworks, policies and guidance. In particular we note that the covering letter from Tor&Co "Amended/Additional Information", Reference 264902, dated 2 May, 2024, refers to updated NPPF (December 2023) and National Policy Statements (designated in January 2024). Their letter says there is now a "policy presumption that the urgent need for Critical National Priority (CNP) Infrastructure to achieve UK energy objectives, together with the national security, economic, commercial, and net zero benefits, will in general outweigh any other residual impacts not capable of being addressed by application of the mitigation hierarchy. CNP Infrastructure is defined as nationally significant low carbon. NPS EN1 is clear that NPSs can be a material consideration in decision-making".

Also, the statement made by the Secretary for Energy & Net Zero on 15 May, 2024, says that while "solar and farming can be complementary" developers must also have "consideration for ongoing food production." The Government recognises that some solar projects can affect the local environment and lead to unacceptable impacts for some local communities and it is seeing geographical clustering of proposed solar developments in some rural areas. Wiltshire already has 54 solar farms covering 3000 acres either under construction or in operation with 7 of these amongst the top 10 largest in the country. The 49.9MW Leigh Delamere solar farm that has been granted permission is only 1km northwest of Kington St Michael. Also, the southern end near Hullavington of the 500MW Lime Down development would be less than 5km from the proposed site. It is important to consider the cumulative impact where a number of solar farm proposals come forward in the same locality.

We do not have the expertise within our Council to carry out the level of assessment that this application deserves, in particular how the many planning policies etc are applied to assess its pros and cons. However, we do consider the proposed development would harm the visual amenity, the landscape setting and conservation of the heritage assets. While we have a responsibility to seek alternative energy sources to help protect the environment, this needs to be balanced with protecting the heritage assets and enjoyment of the countryside

Castle Combe Parish Council – Objection:

We share the concerns expressed regarding road safety on a very busy stretch of the A350 as expressed in the comprehensive summary report

Luckington and Alderton Parish Council – Object:

Luckington and Alderton Parish Council wish to register an objection to the planning application PL/2023/08481 by Eden Renewables, for the construction of a Solar Farm east of Red Barn, Kington St Michael, Chippenham.

Whilst we generally support the use of renewable energy, not all proposed sites are suitable for such projects. We are particularly concerned that the distinctive landscape of North Wiltshire, which already has a very high density of solar farms (either already constructed or proposed) has already been damaged. The proposal for the Red Barn Solar Farm will cause further irreparable damage to the local landscape, local archaeological record and the distinctive countryside.

We are specifically concerned that the application lacks the following important provisions:

- *No risk assessment has been produced in relation to the site construction access areas.*
- *No Fire Safety Emergency Response Plan (FSERP) has been produced regarding the proposed battery storage and other areas of the site, specifically relating to ensuring suitable measures to respond extinguishing lithium iron phosphate fires.*
- *No suitable provision for access and turning circles for emergency services responding to an incident on the site.*
- *There is no evidence of the involvement or engagement with the Health and Safety Executive regarding guidance on the design of the solar farm installation or the response to any adverse incident on the proposed site.*
- *There is no evidence of the developer engaging with Wiltshire Police, Dorset and Wiltshire Fire & Rescue Services or the NHS / South West Ambulance Service to develop a suitably robust multi-agency response plan in the event of an incident on the proposed site either during or post the construction phase.*
- *The proposed solar farm proposes to change currently productive farmland for industrialised use. This is undesirable at a time when food security is nationally important.*
- *Wiltshire has seen a disproportionately high level of Solar Farm developments in recent years. Numerous other solar installations are currently being planned. Enough is enough, it is time to stop the loss of productive rural farmland to Solar Farms in North Wiltshire.*
- *Whilst the developers propose to return the site to agricultural use after 40 years of 'industrialised' use. No evidence or research has been produced to confirm that the galvanised piles securing the solar panels can be removed safely, without leaving metallic contaminants in the ground from delamination or other sources.*
- *Considering the points made above, Luckington and Alderton Parish Council feel that this application is incomplete, undesirable and contravenes elements of the following:*
 - o *Wiltshire Core Strategy 2015 – 2026 Strategic objective 5 and core policies 42 section 6.38 / 6.39, 50, 51, 58 and 62.*
 - o *National Planning Policy Framework 2023 section 12 subsection 126, 130, 132 and 134 in addition to section 15 and 16.*
 - o *Construction (Design and Management) Regulations 2015 sections 17, 27 31 and by implication the Health and Safety at Work Act 1974.*

Chippenham Town Council – No objection:

“...do not wish to comment on it given its location is some distance from Chippenham.”

St Paul Malmesbury Without Parish Council – Objection:

The St Paul Malmesbury Without Parish Council wishes to add its objection to planning application PL/2023/08481 - Land at Red Barn, East of Kington St Michael, Chippenham. In line with three other local parish councils, this council is concerned about the impact this proposal will have on highway safety during the lengthy construction phase, albeit Wiltshire Highways believe these dangers can be mitigated by suitable conditions, the loss of currently productive farmland for industrial use which is undesirable at a time when food security is nationally important and further irreparable damage to the local landscape, local archaeological record and the distinctive countryside. Notwithstanding WH's view that any highway safety issues can be resolved with suitable conditions, this council strongly supports the views expressed by local people that the dangers that will be created on the A350, and importantly to pedestrians and vehicles at the Tor Hill crossroads and local lanes, must be given full weight in the determination of this application.

The council is of course broadly supportive of the use of renewable energy but only on those sites where the perceived benefit outweighs the harm to the local environment and community. Not all proposed locations are suitable for renewable energy projects, indeed the council is particularly concerned that the distinctive landscape of North Wiltshire, which already has a very high density of solar farms (either already constructed or proposed) has already been damaged.

Naturally the concerns expressed above have to be of a very general nature because this is an extremely complex application and the council does not have the necessary expertise to carry out the level of assessment that this application requires, however it sincerely hopes that the technical responses from those individuals that hold this expertise point to a refusal of this unwelcome and speculative application.

Bidestone and Slaughterford Parish Council – Support:

I am responding on behalf of Bidestone and Slaughterford Parish Council, nearby to the site. We support this application. Solar PV is essential if the UK is to meet its statutory obligations under the Climate Change Act, and local Solar is needed to meet Wiltshire Council's goal of carbon neutrality by 2030 (currently only 5.8% of Wiltshire's energy demand is met by renewables). This application contains significant measures to mitigate the impact of the development, including visual screening, continued agricultural use, significant biodiversity gains, and major local community benefits including a community fund, energy purchase scheme, community orchards and allotments, wildflower meadows and new permissive footpath access. The argument some make that solar farms compromise food security is false. Even if the UK were to meet its 2035 target for 100% renewable/low carbon energy, only 0.5% of the UK would need to be covered by solar farms - less than the land currently covered by golf courses. The land used is low grade agricultural land and remains in agricultural use via grazing, and the biodiversity improvements will benefit agriculture through supporting pollinators and improving soil quality. Finally, climate change is by far the biggest threat to food security (source: UN), so if we want food security we need more renewable energy.

Council Highway Engineer – No objection, subject to condition(s):

I refer to the amended and additional details submitted in support of the above planning application.

The application has removed the battery storage element of the project from the proposal, which results in a reduction in 272 HGV movements across the build program. The revised proposal would generate an average of 6 HGV deliveries per day compared to the 7 HGV deliveries on the original scheme.

Other aspects of the proposal remain the same, with construction traffic being split across three construction access points, and with improvements proposed to each point of access to ensure safe access of HGV traffic. Such improvements would be subject to a highways agreement to approve the technical designs and to supervise the works.

The central crossing points on the dual carriageway between the northernmost parcels to the east and west of the A350 will also need to be closed off part of the agreement for the highway works to ensure that this area is not used by construction related traffic.

Detailed arrangements within the construction compounds have not been submitted but would be expected to form part of a detailed final Construction Management Plan (CMP) which will be requested as a condition of any approval. The details of the location and type of wheel wash facilities will also be required as part of this CMP, to ensure it is fit for purpose.

Such a final CMP would also be expected to provide details of the exact numbers of contractor staff and associated vehicle movements, and any proposals for car sharing or mini-bus use to minimise vehicular movements.

The revised Outline Construction Traffic Management Plan April 2024 (OCTMP) has addressed the comments made in the Highway consultation response dated 27th November 2023 with the Road Safety Audits for the proposed construction accesses and the traffic management requirements during the use of these accesses for the construction of the solar farm.

Allington Lane only serves as access to Kington Farm but is also used as a short cut route for vehicles from the villages to the east to access the A350 and the M4. The landowner of Kington Farm has accepted that all vehicles associated with the farm use will be restricted to a left in, left out access arrangement during the construction hours for the solar farm to ensure that there would not be conflicting vehicle movements along Allington Lane. The audit of the lane has identified three existing passing points along its length which would be suitable for a car to use in the event that a HGV is travelling in the opposite direction.

However, there has been no stated details of the available carriageway widths and no swept path analysis of HGVs using the lane to confirm that the suggested passing places, in their current form, would be fit for purpose. I would therefore request that details of the width of the lane and swept path analysis is provided to confirm this, but it is also included as a requirement in the recommended conditions below.

The Road Safety Audit for the proposed construction accesses has not raised any significant issues. The improvements to these accesses will be the subject of a S278 agreement with the Highways Authority to ensure the design and construction are fit for purpose.

With regard to the Road Safety Audit for the traffic management proposals during the construction process, this raised a few issues which have subsequently been addressed in the revised drawings.

The proposal for the accesses and the traffic management during construction are therefore considered to be acceptable but will be subject to formal approval through the S278 process. This will also include the Temporary Traffic Regulations Order to reduce the speed limit to 50mph throughout the duration of the construction works.

During the operational phase of the solar farm, the maintenance vehicles would use the same accesses for the western parcels of land as proposed for the construction phase, being Allington Lane and Red Barn, with the eastern site utilising an existing access direct onto Day's Lane. The frequency of access is indicated as being approximately twice a month by transit van.

Whilst access for maintenance vehicles to the western parcels would be via the improve accesses, the eastern parcel would utilise an existing access off Day's Lane. The visibility at this point of access has been shown to be 2.4m by 215m in each direction, although this is limited to 2.4m by 62m to the north and 40m to the south to the tangent with the edge of the carriageway on the outside of the road bend. Day's Lane is lightly trafficked and observed speeds are lower than the maximum permissible, and therefore the point of access is accepted for the limited use required for maintenance access.

The swept path analysis confirms it to be appropriate for access by a light van. There has, however, been no detail of the location for parking and turning that would be dedicated for this purpose, and for clarity this should be provided.

I would also make comment on the existing surfacing of the access, which is currently an unsurfaced filed access, and which should be of a consolidated and bound surface for a minimum of 10 metres from the edge of the Day's Lane carriageway.

With regard to the decommissioning of the solar farm, a decommissioning plan with appropriate traffic management will be required, and a suitably worded planning condition should be sought. A suggested condition is set out below.

The Countryside Access Team has provided comments in regard to the impact of the proposals on the Public Rights of Way affected by the development, and any requirements to safeguard and enhance the routes.

Having regard to the above, subject to details confirming the swept path of an HGV passing a cat at the suggested passing bays on Allington Lane, I would recommend that no highway objection is raised subject to the following conditions being attached to any permission granted.

The following further representation was received:

I refer to my previous consultation response dated 11th June 2024, and the additional details submitted in respect of the swept path analysis for Allinton Lane dated 11th July 2024.

There has also been some discussion with the applicant's consultants regarding the re-wording of one of the suggested conditions relating to details for the width of the access tracks, and an amended condition is recommended below.

- *No development shall commence on site until full engineering details of the site accesses from the A350 and the improvements to the Allington Lane/Tor Hill crossroads, together with appropriate details for traffic management, have been submitted to and approved in writing by the Local Planning Authority. The improvements to the accesses shall be constructed and laid out in accordance with the approved details prior to any development commencing on the sites.*

REASON: To ensure that the access junctions are laid out and constructed in a satisfactory manner.

- *Eastern Access A350*
No development shall commence on site until a visibility splay has been provided between the edge of the carriageway and a line extending from a point 4.5m metres back from the edge of the carriageway, measured along the centre line of the access, to a point on the edge of the carriageway 295 metres to the north from the centre of the access, in accordance with the approved plans. Such splay shall thereafter be permanently maintained free from obstruction to vision above a height of 900mm above the level of the adjacent carriageway.

REASON: In the interests of highway safety.

- *Western Access A350*
No development shall commence on site until a visibility splay has been provided between the edge of the carriageway and a line extending from a point 4.5m metres back from the edge of the carriageway, measured along the centre line of the access, to a point on the edge of the carriageway 215 metres to the south from the centre of the access, in accordance with the approved plans. Such splay shall thereafter be permanently maintained free from obstruction to vision above a height of 900mm above the level of the adjacent carriageway.

REASON: In the interests of highway safety.

- *Allington Lane Access (Southern Land Parcel)*
No development shall commence on site until a visibility splay has been provided between the edge of the carriageway and a line extending from a point 2.4m metres back from the edge of the carriageway, measured along the centre line of the access, to a point on the edge of the carriageway 100 metres to the west from the centre of the access, in accordance with the approved plans. Such splay shall thereafter be permanently maintained free from obstruction to vision above a height of 900mm above the level of the adjacent carriageway.

REASON: In the interests of highway safety.

- *No development shall commence on site until details of the proposed width of the access tracks, including any passing bays, between the public highway and the site compound, have been submitted to and approved in writing by the Local Planning Authority.*

REASON: In the interests of highway safety.

- *The development hereby permitted shall not be first commenced until the access tracks between the public highway and the site compounds have been consolidated and surfaced (not loose stone or gravel) in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority.*

REASON: In the interests of highway safety.

- *The development hereby permitted shall not be first brought into operation until the Day's Lane access for a distance of 10 metres from the Day's Lane carriageway edge has been consolidated and surfaced (not loose stone or gravel) in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority*

REASON: In the interests of highway safety.

- *The development hereby permitted shall not be first brought into operation until parking and turning arrangements for maintenance vehicles at the Day's Lane access have been constructed within the site to the satisfaction of the Local Planning Authority, in accordance with details which shall have been submitted to and approved by the Local Planning Authority. Such parking and turning space shall thereafter be maintained free of obstruction at all times and shall not be used for any other purpose.*

REASON: In the interests of highway safety.

- *Upon the expiration of the life of the solar farm, a decommissioning plan to remove the solar panels, together with any supporting/associated infrastructure, shall be submitted to and approved in writing by the Local Planning Authority. Such a decommissioning plan shall include the traffic management requirements to manage the HGV and contractor movements affecting the public highway network.*

REASON: In the interests of highway safety.

- *No development shall commence on site until a Final Construction Management Plan, together with a site plan, which shall include the following:*
 1. *Traffic routeing plan;*
 2. *Traffic routeing signs and HGV turning warning signs (including signage drawing(s));*
 3. *Details for off-site and on-site traffic management ensuring that the arrivals and departures of HGVs are controlled to avoid any conflict;*
 4. *Traffic Management Plan (including signage drawing(s)), and the use of banksmen;*
 5. *Details of temporary/permanent Traffic Regulation Orders;*
 6. *Phasing plan;*
 7. *Number (daily/weekly) and size of delivery vehicles;*
 8. *Number of construction staff vehicle movements;*
 9. *Parking and turning of delivery vehicles, site operatives and visitors;*
 10. *Loading and unloading of plant and materials;*
 11. *Hours of construction, including delivery schedules;*
 12. *Storage of plant and materials used in constructing the development;*
 13. *Location and type of wheel washing facilities;*
 14. *Pre-condition photo survey;*
 15. *Details confirming the passing bays on Allington Lane to be fit for purpose, in terms of construction/surfacing and dimensions;*
 16. *The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;*
 17. *Measures to control the emission of dust and dirt during construction;*
 18. *A scheme for recycling/disposing of waste resulting from demolition and construction works; and*
 19. *Measures for the protection of the natural environment. has been submitted to, and approved in writing by, the Local Planning Authority. The approved Plan shall be adhered to throughout the construction period. The development shall not be carried out otherwise than in accordance with the approved construction management plan without the prior written permission of the Local Planning Authority.*

REASON: 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.

- *Pre-condition Survey*
A photographic pre-condition highway survey to be carried out on the C154 Kington St Michael Road between the A350 to the east to Tor Crossroads, and the full length of the C153 Allington Lane. Copies of the pre and post condition survey to be supplied to Wiltshire Council.

The applicant should be informed that the Highway Authority will pursue rectification of any defects identified by the highway condition survey which can be attributed to the site construction traffic under the provision of S59 of the Highways Act.

- *Informative:*
The consent hereby granted shall not be construed as authority to carry out works on the highway. The applicant is advised that a S278 agreement will be required from Wiltshire's Highway Authority before any works are carried out on any carriageway, verge or other land forming part of the highway.

Council Public Rights of Way Officer - Comments:

The developer has engaged with the local Countryside Access Officer from an early stage and the proposed Permissive Bridleway is a very big improvement to the Public Rights of Way network. It would be wonderful if this proposed Bridleway could be dedicated as a Public Bridleway to provide a benefit to users of the Public Rights of Way network long after the solar farm has finished its proposed life span.

KSTM37 looks to have been accommodated on the line shown on the Councils online working copy map. I believe that this line is different to the used route on the ground and that the entry points are different. I will be requesting that our working copy is amended so that it matches the line recorded on the County Series maps. I would suggest that the applicant contacts Wiltshire Council for a new shape file so that they can review the positioning of the solar panels in that field. I would also request that KSTM37 is upgraded to a Bridleway so that it links in with Bridleway KLAN36 I would request that a width of 10 meters is left for the Public Right of Way to maintain the open feel of the route.

KLAN33 Should be provided within a 10-meter corridor to maintain an open feel to the Public Right of Way.

KTSM3 and Brown track

The developer has shown the end of KTSM3 in the correct place, they have also linked a permissive path up to KSTM5 if this link could be changed to a Permissive Bridleway then it would create a circular bridleway with no need to go on to a road. If this could be dedicated as a Public Bridleway, that would leave a wonderful legacy.

The developer from what I can see have not shown the existence of a Brown track which follows the same route as KTSM3 but once KTSM3 terminates the Brown track continues further on into the site. The proposed development doesn't appear to impact on the Brown track, but it may still be worth the developer amending their plans to show its existence and to make sure that they do not impact it.

I would like to see any stiles removed from the Public Footpaths within the site if a piece of access furniture is required for the control of livestock, then I would look for the least restrictive option first so pedestrian gates rather than Kissing gates. All structures would need to be authorised by the Countryside Access Officers and comply to the latest British standard.

If the developer was minded to dedicate the two new requested Public Bridleways and upgrade KSTM37 to bridleway then I think we would have gained a reasonable benefit for the public from this development. If they are unable to do this then I would suggest that we look at a section 106 agreement of £5,000 per annum for the life of the solar farm the £5,000 would need to be index linked and could be paid annually or as a lump sum at commencement. This money would be used to improve Public Rights of Way within 3km of the site.

If the developer needs to close any of the Public Rights of Way during construction then they will need to apply to the Countryside Access Officer for a TTRO they will need to apply with a minimum 12 weeks notice and email the rightsofway@wiltshire.gov.uk email inbox.

Brown tracks

The Local Government Act of 1929 passed the responsibility for maintaining rural roads from the Rural District Councils to the County Councils. A large number of routes were taken over that were shown coloured brown on the maps used for the takeover and these routes have become known as 'brown tracks'. These routes were highways for which no maintenance grant was available and were clearly, by 1929, minor highways.

Although historically many of these were vehicular highways, over the years officers have become aware that not all of them did have vehicular rights over them and accordingly the status of 'brown tracks' has to be determined individually (on the balance of probability).

For instance whilst a 'brown track' shown on the Highway Record may also be recorded as a byway open to all traffic in the definitive map and statement, another one may be recorded as a bridleway.

In all cases the 'brown track' will only be maintained by the Council in its role as highway authority to a standard suitable for the local (public) traffic of the area and accordingly much of this is to bridleway standard only.

It is possible to bring evidence to the Council's attention that a right of way has higher rights than are already recorded; for example that a route recorded as a bridleway was once a historic carriage road. However, owing to an Act of Parliament in 2006 the recording of public vehicular rights over these routes is very rare and the highest status that is likely to be achieved is that of a restricted byway.

The following further comment was received:

The applicant has been in discussions with the Public Rights of Way team from a very early stage and this has allowed for some excellent permissive Footpaths and Bridleways to be provided within the application boundary, these will be fantastic links to improve the Public Rights of network by linking together paths that currently terminate on the A350. Perhaps towards the end of the lifespan of the development they will consider keeping the permissive paths in place or indeed dedicating them as Public Rights of Way.

If during construction any of the Public Rights of Way need to be closed, then the applicant will need to apply for a TTRO with at least 12 weeks' notice.

I would suggest that the new Permissive Bridleways and footpaths are made available as soon as it is safe to do so in the interest of public safety.

The permissive Bridleways and Footpaths will need to be signed when they are made available so that they are easy to follow as they will not show up on the Ordnance Survey map.

Any stiles within the development site should be removed if they are not required for the control of livestock, if they are still needed then they should be upgraded to the least restrictive option to allow for as many users as possible to enjoy the Public Rights of Way network.

Any changes to the Public Rights of Way access furniture will need to be authorised by the Countryside Access Officers under section 147 of the Highways act 1980. I'm happy to be the point of contact for that.

Council Drainage Engineer - No objection, subject to conditions:

The application has been supported with a Site-Specific Flood Risk Assessment (FRA). It should be noted that our comments below are reliant on the accuracy and completeness of the FRA and we do not take any responsibility for incorrect data or interpretation made by the authors.

No development shall commence on site until a construction management plan, which shall include monitoring of, and measures to retain, the existing vegetation across the site, together with details of drainage arrangements during the construction phase, has been submitted to and approved in writing by the Local Planning Authority in consultation with the Lead Local Flood Authority.

REASON: There's a statutory duty to ensure that surface water quality and quantity is managed throughout construction and as not to increase flood risk, or pollution of watercourses.

The applicant is required to submit a robust soil, grass, and/or land management plan maintaining vegetative areas in between the solar arrays at a long length to help interrupt and slow the channelised flows, reducing erosion and also enhance and promote the infiltration and interception capacity This should also include details of the regime for monitoring vegetation cover including frequency of visits, and set out remedial measures that could be implemented if problem areas are identified.

INFORMATIVES

Wiltshire Council is the land drainage authority under the Land Drainage Act 1991. Land drainage consent is required if a development involves carrying out work within 8m of an ordinary watercourse. This includes watercourse crossing points.

The following further comment was received:

The applicant has submitted additional information to address comments raised by other consultees. No new drainage information has been provided; therefore, the drainage team maintain their position of supporting objection to condition; details of the proposed drainage conditions are covered as part of the drainage consultation response dated 28th November 2023.

Council Landscape Officer – No objection to principle of development, but makes following comments:

These comments follow on from the initial landscape officer consultation response for this application dated 29 Feb 2024.

At pre-application stage, I advised that the site was likely to be considered unsuitable for the scale and nature of development being proposed, and this would likely result in a landscape and visual objection. My initial consideration of the detailed full planning application details confirmed that there would be policy conflict with WCS, CP51: Landscape, arising from the planned insertion of the solar PV and battery energy storage scheme on this land. This was due to the sloping nature of the site, the proximity of the site and the role this land serves to provide a landscape setting to this distinctive traditional limestone village, the numerous Public Rights of Way within and overlooking the site (which provide access to local countryside and visual amenity for local people), all of which in my view, made this land sensitive to the resulting landscape and visual changes arising from the introduction of the nature and scale of proposed development at this location. This would be more impactful upon landscape and visual receptors than other local solar PV developments within the local area, such as those already approved at Leigh Delamere, Battens Farm, and within Castle Coombe Race Circuit.

During the course of the follow up meeting with the applicant's team, I acknowledged that the scheme included landscaping and ecological benefits; agreed with the applicant that enclosing public rights of way within double hedge lines was not the right landscape approach or legacy to leave following eventual removal of development; and welcomed confirmation from the applicant that all fencing, including around electrical infrastructure would be rural in appearance (i.e. Deer proof timber post & wire netting, rather than steel palisade fencing etc); Despite this, I indicated that the scale of development at this location remained a landscape and visual concern, and that the perceptual experience of people using the local Public Rights of Way network, within and adjoining development areas would drastically change, from that of currently walking through and experiencing rural countryside to that of walking through and adjoining a new urban / industrial solar landscape, whether tunnelling effects were avoided along existing

public rights of way or not. I also confirmed that I didn't consider additional landscaping, over and above that already proposed would serve to further mitigate the resulting landscape and visual effects of development, and that this was now a planning balancing exercise for the planner to undertake.

Amended proposals

Following the submission of the full planning submission, the scheme has since been revised. The Battery Energy Storage System (BESS) elements have now been removed from the scheme, their removal from this greenfield agricultural site is welcomed in landscape and visual terms.

Additional information submitted includes technical rebuttals made by the applicant ('Post application technical response' by Tor & Co - April 2024 & 'Applicant's further response' by Tor & Co- October 2024), an addendum to the Environmental Statement alongside revised layout and planting plans.

The removal of originally planned (Pre-app) solar panel field areas from the two fields nearest to the edge of village settlement and retaining these for traditional agricultural use/s does in my mind help to retain an adjoining immediate agricultural setting to the village looking east and away from the village edge, which in combination with the proposed community access land and orchard included within the development proposal should help retain a degree of separation between proposed solar panel areas and the traditional limestone village, and should help safeguard a better perceptual countryside experience and amenity for users of footpath KSTM4 & bridleway KSTM3.

Viewed from further afield, i.e. locations with roadside gaps in vegetation along the A350 (as illustrated by representative Viewpoint 3, the development will still register as a notable change in land cover and will impact the appreciable setting of the village in the foreground of wider views where these are available, which will likely manifest for 10+ years & potentially for the duration of the development.

I am unable to support this scheme in landscape and public visual amenity terms due to the conflict with WCS, CP51. However, I understand that updates to National Planning Policy and National Policy Statements, seek to increase and speed up delivery at scale of new renewable forms of energy production and that this will be an important material planning consideration.

Final Landscape Officer Comments & Conclusion

I accept that the resulting harmful landscape and visual effects arising from the introduction of this large-scale photovoltaic installation at this site would be localised in nature, limited to the site and the village's eastern landscape setting and viewed from across the valley from the elevated western edge of Kington Langley.

I also acknowledge that this area of countryside would be unlikely to demonstrate the attributes and features for it to be technically considered as a 'valued landscape' (in terms of the intended meaning under NPPF (Dec 2023), section 15 Para 180a), which would elevate the weight of identified harm to be applied within the planning balance etc.

These localised harmful effects are still nonetheless considered to conflict with Wiltshire Core Strategy, Core Policy 51: Landscape. This area of countryside serves important functions in relation to providing an agricultural setting to the traditional limestone village itself, and provides accessible local countryside for both recreation and amenity functions to the village community, and it is for these reasons that I am unable to support this application, however, I do remove my original 'in principle' landscape objection in this instance, and ask that this identified harm is acknowledged within the planning balance, alongside the benefits of the community use land

and landscape enhancements & BNG included within the development proposal. The physical PRow improvements provided in the form of new connecting permissive footpaths/bridleway routes, create new circular routes which are also welcomed, although it is noted that these will not form a legacy of this project as they will be removed at decommissioning stage.

I also highlight that the character of 'Malmesbury to Corsham Limestone Lowlands' (Landscape Character Area: 16A – as identified within the 'Wiltshire Landscape Character Assessment') continues to incrementally change due to the proliferation of large scale solar and BESS developments that are already operational, approved, and currently in planning (i.e. since the application was submitted, a further large scale solar development is now additionally being proposed on greenfield agricultural land adjoining the LVIA study area to the west of this site (under application reference PL/2024/09410 - North Allington Solar Farm) alongside the potential development of Lime Down Solar Park (NSIP) north of the M4, both of which are included within this same landscape character area.

Council Arboriculturalist – No Objection:

I note the comments made in the Arboricultural Impact Assessment prepared by ACD Environmental dated 25th September 2023.

The proposal involves the development of a solar farm of up to 40MW ac of export capacity, comprising the installation of solar photovoltaic panels, associated infrastructure and associated works including grid connection on land at Red Barn, East of Kington St Michael, Chippenham, Wiltshire.

The site comprises of three parcels of land to the east of Kington St. Michael, two parcels to the west of the A350 and one to the east of the A350. The use of which is currently agricultural land.

The AIA states that no trees will be removed to implement this proposal. However, some sections of hedgerow are to be removed to facilitate to allow for permissive footpaths, bridleway and maintenance tracks. The total length of hedgerow to be removed is 38.5m but a total of 1.65km of new hedgerow planting is proposed across the tree parcels of land.

The proposed cabling route for the solar farm is proposed to the south of the site within road verges to the point of connection with the grid at the existing substation on Cocklebury Lane, Chippenham.

Appropriate buffer zones to protect trees and hedgerows are shown on the Tree Protection Plans.

The AIA states that due to the varied orientations of the land parcels and the use of solar arrays, the juxtaposition between the proposed solar arrays and retained trees is sustainable for their long-term retention.

I would have no objections to this proposal provided any works which are intended within the RPA of retained trees should be carried out by hand with arboricultural supervision. All works should be carried out as noted in the AIA.

Final comments to revised submission received 14/10/24, raising no objections:

I also give additional comments with regard to the revised Tree Protection Plans on the 21.08.2024 – No objection.

In relation to the revised AIA dated 08.04.2024, my comments remain the same – No objection provided the works are carried out as per the AIA.

Council Conservation Officer – Identifies harm to heritage assets, but at a level reduced from that originally anticipated:

In respect to the initial submission:

Scope of comments:

The following comments relate to the built historic environment.

Policy:

From the point of view of the historic environment the main statutory tests are set out within the Planning (Listed Building and Conservation Areas) Act 1990. Sections 66 that special regard be given to the desirability of preserving listed buildings, their settings or any features of special architectural or historic interest which they possess.

Section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990 also requires the Council to pay special attention to the desirability of preserving or enhancing the character or appearance of designated Conservation Areas.

The NPPF outlines government policy, including its policy in respect of the historic environment. Section 16 of the NPPF 'Conserving and enhancing the historic environment' sets out the Government's high-level policies concerning heritage and sustainable development. Chapter 16 of the NPPF require a balanced approach with any harm which would be caused being weighed against the potential public benefits which might be achieved. The NPPF requires local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets and of new development making a positive contribution to local character and distinctiveness.

National Planning Practice Guidance provides guidance on interpreting the NPPF.

The Council's Core Strategy Policy CP58 'Ensuring the conservation of the historic environment' requires that "designated heritage assets and their settings will be conserved, and where appropriate enhanced, in a manner appropriate to their significance."

Wiltshire Council's Core Strategy Policy CP57 'Ensuring high quality design and place shaping': A high standard of design is required in all new developments, including extensions, alterations, and changes of use of existing buildings. Development is expected to create a strong sense of place through drawing on the local context and being complementary to the locality.

Historic England Advice Note 2 – Making changes to Heritage Assets illustrates the application of policies set out in the NPPF in determining applications for PP and LBC.

Paragraph 200 requires that applicants describe the significance of any heritage assets affected, including any contribution made by their setting. This should include sufficient information to provide a clear understanding of the significance of the heritage asset and its setting and the potential impact of any proposals on that significance. In this case, the applications are accompanied by a "Design and Heritage Statement" which provides sufficient information to understand the impact of the proposals and is proportionate to their scope. The requirements of the NPPF are therefore met in this respect.

However, the NPPF also provides for the local planning authority to make its own assessment of impact and the following heritage recommendations are offered on this basis.

Significance of assets and contribution of setting:

The NPPF defines significance as the “value of a heritage asset to this and future generations because of its heritage interest. The interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset’s physical presence, but also from its setting.” Historic England assesses significance in a similar manner, referring to evidential, historic, aesthetic and communal values of a place.

In this case the chief issue are the affect of the proposal on the setting of both designated and non-designated Heritage Assets in the locality.

The key issues are the change from a currently rural and open landscape which has a green tranquil character to solar farm and battery storage facility.

At pre-application stage (20/10033/PREAPP) my colleague expressed concern that the proposal would cause harm to the historic environment a degree of harm that was cited as less than substantial harm. Which should not be seen as being of lesser consequence. Indeed, the wording of the NPPF and the ‘special regard’ by Sections 16 and 66 of the Act requires that any level harm caused should be taken seriously.

The harm identified was explained as follows:

This is a large prominent location set on land between Kington St Michael, the A350 dual carriageway and the west side of Days Lane just north of Kington Langley. There are numerous listed buildings in Kington St Michael, South Sea Farm and barn by Days Lane are listed and there are numerous archaeology monument points across the proposed site. The south west boundary to the site butts up against the conservation area boundary, bringing the development including the EV charging point, close to the designated heritage assets. The proposed site is criss-crossed by historic footpaths and the gently rolling, open fields allow views to and from the village, including the Church of St Michael spire (grade II) and to the far side of the A350. Currently, there are relatively few trees on the land and hedgerows are cut which allows good visibility. The land either side of the dual carriageway undulates alongside the main road, often sitting well below the road level and thus offering better views across the landscape.*

The proposals would fill an area of open land with solar panels and associated infrastructure, tall vegetation and altered access. It is understood that the panels will not be fixed as usually seen, but will rotate from east to west through the day. The panels will detract from the rural setting at the best of times but will be particularly intrusive when they glint in views to and from the settlements and heritage assets. At Day’s Lane, the hedgerow alongside the A350 is currently taller and denser than further south. However, the hedgerows are cut on the Days Lane boundaries and here too the rural landscape will be harmed if rows of solar panels are added.

Whilst there are areas where solar farms can be added with minimal harm to the setting of heritage assets, this is not one of them. The proposals would destroy the rural character and setting of the heritage assets causing harm....

I note that in comparing the Pre-app and the current submission that the applicant has reduced the scope of works table to leave a greater sense of separation from the Village of Kington St Michael and the wester edge of the solar farm. This have lessened the degree of impact of the proposals on the setting of the Conservation Area and the Parish Church. Essentially focusing the impact of the proposal on the corridor of the dual carriageway.

As the Natural England Comments have identified the proposals will cause a degree of change to the rural character of the landscape in which the Heritage Assets identified by the Applicant would be appreciated. I agree with the assessment of my colleague in the works would impact on the significance of the Kington St Michael Conservation Area however I would advise that

the impact on Conservation Area and the Parish Church towards the lower to mid-range of less than substantial harm.

In this case I agree that the applicants heritage statement has correctly identified the Heritage Assets that would be impacted on by the proposed works. I also agree with the Historic England Assessment that it is only the manor in which the appreciation of views of the upper section of the tower of St Michaels Church would be affected and the setting of the West and South of the Kington St Michael Conservation Area is from the road network and the footpaths that traverse the application site.

The desk based heritage statement and the wider application reference the presence of 2m high fencing along the foot and bridle paths that cross the site, and that these would be reinforced by planting. I am concerned that such fencing/enclosure would create a tunnel effect that would prevent the appreciation of views across the landscape towards the conservation area and the perception of the upper section of St Michaels Church Tower and thus impact on the setting of these features.

The other particular area of concern is the pocket of panels north of the Torhill Cross Roads and the lane leading back towards Malmesbury Road, as this area has the potential to have the greatest impact on the appreciation of the setting of the village as one approaches from the south. Whilst there is a degree of screening provided by the existing hedges one has a sense of tranquil rural uses beyond the boundary that would be amended to the solar farm. I am not convinced that sufficient measures are in place to maintain the existing experience as one approaches the village.

Of course the proposal by nature would produce significant public benefits especially in these times of climate emergency, as technology may advance in the future what measures exist from a potential reversibility aspect should the proposed use become redundant due to the advent of more efficient energy generation?

The NPPF confirms 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 (and the more important the asset, the greater the weight should be). It makes clear that any harm to a designated heritage asset requires clear and convincing justification.

The proposals will result in harm to the setting of Kington St Michael Conservation Area and St Micheal's Church. The proposals involve only part of the wider setting of the village and Church to the East and South therefore considered as causing 'less than substantial harm' for the purposes of interpreting the NPPF, but they involve the loss of important rural tranquil landscape that serves as buffer from the Dual Carriage Way and separation from the adjacent Village of Kington Langely and should not be seen as being of lesser consequence. Indeed, the wording of the NPPF and the 'special regard' by Sections 66 and 72 of the Act requires that any level harm caused should be taken seriously.

Whilst paragraph 208 allows that a level of harm may be offset by public benefits, which could include conservation benefits, the primarily benefits are associated with the provision solar energy and the secondary benefit of the provision some public open space, the case officer must must apply the tilted balance in this case.

I would suggest further information should be sought prior to final assessment of the case to explore whether further mitigation measures are appropriate to further reduce the degree of harm in respect of further screening to the Southern Pocket of Panels to the southeast of the village of Kington St Michael.

The following additional comment was received:

Please find following additional comments in respect of the above application.

The provision of the additional information is noted, the works still propose a degree of harm as identified in my earlier comments associated with the loss of the rural land use and the principle of the establish of a large solar installation. the loss of important rural tranquil landscape that serves as buffer from the Dual Carriage Way and separation from the adjacent Village of Kington Langley.

The details provided in respect of form of the fencing the impact on the perception the setting of the Village from Torhill Cross Roads have considered in particular.

I am content that the sections through the paths in demonstrate that a tunnel effect would not be caused in this case by the proposed boundary treatments.

In light of the additional information presented I am content that the impact of the installation to south of the village is less than originally assumed and thus the impact on approach to the village from the south will be largely unchanged as perceived from this aspect.

Paragraph 208 allows that a level of harm may be offset by public benefits, which could include conservation benefits, the primarily benefits are associated with the provision solar energy and the secondary benefit of the provision some public open space, the case officer must apply the tilted balance in this case.

Council Archaeologist – No objection subject to conditions

The programme of geophysical survey and archaeological trial trench evaluation identified ditched enclosures sampled by trial trenches T47, T48, T41 and T153. Following discussion with the applicants heritage consultants, and on the understanding that cabling will be restricted to above ground in these areas, I am content that the risk to these enclosures from the proposed development can be adequately mitigated by the preparation of a suitably worded Archaeological Management Plan (AMP). The AMP should establish how the risk to these enclosures is to be mitigated prior to and during the developmental and operational phases of the solar farm.

The AMP is to be secured via a condition to be attached to any planning permission that may be issued and is to be worded thus:

'No development shall commence within the area indicated by application PL/2023/08481 until:

An Archaeological Management Plan, setting out how two archaeological exclusion zones are to be scoped out of the development and then protected from impacts during the developmental and operational phases of the proposals, has been submitted to and approved by the Local Planning Authority

REASON: To enable the protection of any matters of archaeological interest.'

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

In response to the areas of archaeological activity identified by the trial trench evaluation, I would advise that a programme of strip, map and record archaeological excavation be undertaken on the following three areas:

Area A: A Strip, Map and Record archaeological excavation should be undertaken on an area measuring a minimum of 30m by 30m and should be targeted on the pit identified in Trench 5. This area is to include a 5m contingency beyond the last archaeological feature identified within the stripped area.

Area B: A Strip, Map and Record archaeological excavation should be undertaken on an area measuring a minimum of 30m by 30m and should be targeted on the curvilinear ditch identified in Trench 100. This area is to include a 5m contingency beyond the last archaeological feature identified within the stripped area.

Area C: A Strip, Map and Record archaeological excavation should be undertaken on an area measuring a minimum of 30m by 30m and should be targeted on the curvilinear ditch identified in Trench 101. This area is to include a 5m contingency beyond the last archaeological feature identified within the stripped area.

Any archaeological features exposed in the strip, map and record areas should then be planned and recorded, followed by sufficient excavation in order to determine their extent, date and character.

This programme of archaeological strip, map and record excavation should be secured via a condition attached to any planning consent which may be granted. Such a condition is to be worded thus:

'No development shall commence within the area indicated by application PL/2023/08481 until:

- a) A written programme of archaeological investigation, which should include on-site work and off-site work such as the analysis, publishing and archiving of the results, has been submitted to and approved by the Local Planning Authority; and*
- b) The approved programme of archaeological work has been carried out in accordance with the approved details.*

REASON: To enable the recording of any matters of archaeological interest.'

The work is to be carried out following the Standard and Universal guidance for archaeological excavation as set out by the Chartered Institute for Archaeologists (CIfA). The costs of this work are to be met by the applicant.

Council Public Protection team – Comment:

The revised noise assessment demonstrates that there will be a low noise impact from the proposals. On the understanding that the equipment used will have the same noise specification as given with the noise impact assessments, and located in the same position, there are no concerns about noise from the development.

Council Ecologist – No Objection subject to condition:

Thank you for consulting Ecology, I have reviewed the application and additional documents against OS Maps and aerial photography of the site and surrounding area, together with GIS layers of statutory and non-statutory sites and existing records of protected species.

The application is supported by the following documents:

- Planting Plan. Rev S. October 2020. Tor & Co;*

- *Biodiversity Management Plan. April 2024. Wychwood Biodiversity;*
- *Full Ecological Assessment. April 2024. Wychwood Biodiversity;*
- *Response to Comments by County Ecologist. April 2024. Wychwood Biodiversity;*
- *Ecology Buffer Plan. March 2024;*
- *Habitat Table and Woodland Condition Sheets;*
- *BNG Metric V4.0. April 2024. Wychwood Biodiversity;*
- *PV Layout Rev Y. March 2024. Eden Renewables;*
- *Environmental Statement Addendum. April 2024. Eden Renewables;*
- *Bat Activity Surveys. July 2023. Calyx Environmental Ltd;*
- *Breeding Bird Survey report. October 2023. Wychwood Biodiversity and;*
- *Tree protection Plans Sheets 1-20. September 2023. ACD Environmental*

Protected Species and Habitats

Skylark

Twelve notable breeding bird species were confirmed including skylark. Skylark mitigation has been proposed within parcels 17 and 18 within the blue line boundary and is outlined within the Full Ecological Assessment (April 2024. Wychwood Biodiversity) to compensate for lost breeding sites. As this mitigation is to be secured outside of the red line boundary, this strategy may require a separate legal agreement prior to determination.

Bats

The ecology reports have confirmed use of the site by at least 10 species of bat including lesser and greater horseshoe and barbastelle bats. We note that the application was assessed as not requiring AA in relation to the Bath and Bradford on Avon Bat SACs. We would support the conclusions that although lesser and greater horseshoe bats are present within the site, due to the distance of the site from the closest core roost together with the nature of the proposals, we would support this assessment in this instance.

Grid connection route

Additional information to include the location of the connection grid route has been provided and includes details of the mitigation, reasonable avoidance measures, habitat restoration plan and monitoring together with inclusion within the BNG metric.

County Wildlife Site

Manor Farm Brook Fields County Wildlife Site exists within the application boundary. We welcome the proposals to retain and enhance the CWS excluding panels and/or access routes from the area as outlined within the Biodiversity Management Plan. We welcome the relocation of proposed scrub planting to the adjacent field parcel 19 and note that the BNG metric has been updated to reflect this.

The area has been identified as an important foraging and commuting route for bats, although no panels are proposed within the area, lighting details of the adjacent compounds/buildings and security lighting will be required to ensure the retention of a dark corridor throughout the site. This could be secured through condition.

Habitats

We welcome the additional information submitted to include the extent of the ecological buffer zones outlined within 'Ecological Buffer Zone Plan' which demonstrates the feasibility of the proposed habitat margins on site. We welcome the proposals to use existing access points on site and installing cabling by drilling underneath hedgerows to reduce the requirements for vegetation removal and the proposed habitat buffers to ensure construction works do not impact upon hedgerows, trees, woodland edges and waterways. In addition, a number of Reasonable Avoidance Measures have been included within the Biodiversity Management Plan as well as provision for an ECoW during construction. These integrated mitigation measures are welcomed.

Biodiversity Net Gain

This application was submitted prior to Biodiversity Net Gain (BNG) becoming mandatory, therefore BNG per se is not obligatory. However, Core Policy 50 of the Wiltshire Core Strategy requires all development to demonstrate no net loss of biodiversity and for major applications the expectation is that development will deliver biodiversity gains. The NPPF also encourages applications to deliver measurable net gains (para 180 d).

We welcome the submission of the updated metric version together with the Biodiversity Management Plan. From the current metric submission it is clear that no net loss has been achieved and net gain has been met through the inclusion of new hedgerows, woodland and parkland together with the creation and enhancement of wildflower meadows.

LEMP

We note the amendments included within the Biodiversity Management Plan to include the additional details requested in our previous response to include a monitoring schedule and adaptive management proposals.

Conditions:

- *Prior to the commencement of works, including demolition, ground works/excavation, site clearance, vegetation clearance and boundary treatment works, a Construction Environmental Management Plan (CEMP) shall be submitted to the local planning authority for approval in writing. The Plan shall provide details of the avoidance, mitigation and protective measures to be implemented before and during the construction phase, including but not necessarily limited to, the following:*
 - a. *Identification of ecological protection areas/buffer zones and tree root protection areas and details of physical means of protection, e.g. exclusion fencing.*
 - b. *Working method statements for protected/priority species, such as nesting birds and reptiles.*
 - c. *Mitigation strategies already agreed with the local planning authority prior to determination, such as for great crested newts, dormice or bats; this should comprise the pre-construction/construction related elements of strategies only.*
 - d. *Work schedules for activities with specific timing requirements in order to avoid/reduce potential harm to ecological receptors; including details of when a licensed ecologist and/or ecological clerk of works (ECoW) shall be present on site.*
 - e. *Key personnel, responsibilities and contact details (including Site Manager and ecologist/ECoW).*
 - f. *Timeframe for provision of compliance report to the local planning authority; to be completed by the ecologist/ECoW and to include photographic evidence. Development shall be carried out in strict accordance with the approved CEMP.*

REASON: To ensure adequate protection and mitigation for ecological receptors prior to and during construction, and that works are undertaken in line with current best practice and industry standards and are supervised by a suitably licensed and competent professional ecological consultant where applicable.

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

The plans will be in accordance with the appropriate Environmental Zone standards set out by the Institution of Lighting Professionals (ILP) Guidance Notes on the Avoidance of Obtrusive Light (GN 01/2021) and Guidance note GN08/23 "Bats and artificial lighting at night", issued by the Bat Conservation Trust and Institution of Lighting Professionals.

REASON: To avoid illumination of habitat used by bats.

- *The development will be carried out in strict accordance with the following documents:*
 - o *Planting Plan. Rev S. October 2020. Tor & Co;*
 - o *Biodiversity Management Plan. April 2024. Wychwood Biodiversity;*
 - o *Full Ecological Assessment. April 2024. Wychwood Biodiversity;*
 - o *Response to Comments by County Ecologist. April 2024. Wychwood Biodiversity;*
 - o *Ecology Buffer Plan. March 2024;*
 - o *Habitat Table and Woodland Condition Sheets;*
 - o *BNG Metric V4.0. April 2024. Wychwood Biodiversity;*
 - o *PV Layout Rev Y. March 2024. Eden Renewables;*
 - o *Environmental Statement Addendum. April 2024. Eden Renewables*

REASON: For the avoidance of doubt and for the protection, mitigation and enhancement of biodiversity.

- *Prior to the start of construction, a Landscape and Ecology Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority. The LEMP will include long term objectives and targets, management responsibilities and maintenance schedules for each ecological feature within the development, together with a mechanism for monitoring success of the management prescriptions, incorporating review and necessary adaptive management in order to attain targets.*

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

REASON: To ensure the long-term management of landscape and ecological features retained and created by the development, for the benefit of visual amenity and biodiversity for the lifetime of the scheme.

- *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 site or the completion of the development whichever is the sooner,*
 - o *All vegetation [and biodiversity mitigation/enhancement features] shall be maintained in accordance with the Biodiversity Management Plan. April 2024 for the duration of the development from the commencement of the scheme and shall be protected from damage.*
 - o *Any trees or plants which, 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.*
 - o *The installation of the biodiversity mitigation and enhancement measures will be supervised by a professional ecologist and will continue to be available for wildlife for the lifetime of the development*

REASON: To ensure a satisfactory implementation and maintenance of the Biodiversity Mitigation and Enhancement Strategy

- *Within 6 months of the date of expiry of any planning permission, or, if sooner, the cessation of the use of the solar panels for electricity generation purposes for a continuous period of 6 months, the solar panels together with any supporting/associated infrastructure including the inverter stations, security equipment, poles and fencing shall be removed from the land and the land restored in accordance with a scheme of work to be submitted to, and approved in writing by, the local planning authority. The scheme of work, including a restoration plan and a decommissioning scheme that takes account of a recent ecological survey, shall be*

submitted to the local planning authority not less than six months before the removal of the installation.

REASON: To ensure the long-term management of landscape and ecological features retained and created by the development.

REASON: For the avoidance of doubt and for the protection, mitigation and enhancement of biodiversity

Informatives:

- Reptile and Amphibians

There is a residual risk that great crested newts / reptiles could occur on the application site. These species are legally protected and planning permission does not provide a defence against prosecution. In order to minimise the risk of these species occurring on the site, the developer is advised to clear vegetation during the winter, remove all waste arising from such clearance and maintain vegetation as short as possible. If these species are found during the works, the applicant is advised to stop work and follow advice from an independent ecologist or the Council Landscape and Design Team (ecologyconsultations@wiltshire.gov.uk) .

- Birds and the nesting season

The adults, young, eggs and nests of all species of birds are protected by the Wildlife and Countryside Act 1981 (as amended) while they are breeding. Please be advised that works should not take place that will harm nesting birds from March to August inclusive. All British birds, their nests and eggs are protected under Section 1 of the Wildlife and Countryside Act 1981 (as amended) and the Countryside and Rights of Way Act 2000 while birds are nesting, building nests and sitting on eggs. The applicant is advised to check any structure or vegetation capable of supporting breeding birds and delay removing or altering such features until after young birds have fledged. Damage to extensive areas that could contain nests/breeding birds should be undertaken outside the breeding season. This season is usually taken to be the period between 1st March and 31st August but some species are known to breed outside these limits.

Council Climate Change team - Support

The climate team actively and strongly encourages developers of all scales to put the mitigation of and adaption to climate change as a golden theme to run through their development project. This is a proposal that is crucial in supporting the council's goal to seek to make the county carbon neutral by 2030. This is a goal set out in the adopted Climate Strategy. The Climate Strategy is part of the council's constitution and is a non-statutory plan of equal standing as the Business Plan. Delivering on the council's climate change commitments will support the delivery of the Business Plan including its own reiteration of the commitment to reducing the county's carbon footprint, an action derived from the council's 2019 acknowledgement of the Climate Emergency.

In short, Wiltshire Council has embedded addressing climate change into its constitution and needs to use its spheres of influence, such as its regulatory planning powers to affect positive change. Its statutory planning decision tool, the Wiltshire Core Strategy, provides a positive framework for standalone renewable energy proposals such as this.

The proposal will generate a significant amount of renewable energy, which the developer reasonably concludes will provide enough power to service the equivalent of around 15,000 typical homes. The developer estimates that this will save significant tonnes of carbon dioxide, annually, by reducing the need to generate electricity through the burning of fossil fuels. The burning of fossil fuels results in the emission of greenhouse gases. The science of climate change is now irrefutable, the emission of greenhouse gases, such as carbon dioxide, through

human activity is demonstrably warming our climate. The consequences of this negatively impact our economy, our society and our environment. This is an issue at the heart of sustainable development. The delivery of sustainable development is what underpins the planning system. Therefore, the NPPF is clear at paragraph 152 that the planning system needs to support the transition to a low carbon future through shaping places in ways so as to contribute to radical reductions in greenhouse gases.

The provision of renewable energy will be key in meeting this challenge. For example, the UK government sets out in its March 2023 document, Powering Up Britain that we will need to aim for a 5-fold increase in solar PV generation by 2035. This means for the UK will need up to 70GW of power, enough to power around 20 million homes. Place this into a Wiltshire context, where solar PV has historically been by far the greatest source of renewable energy (Wiltshire County Report – Wiltshire Carbon Emissions Baselines and Reduction Pathways, March 2022), and is set to remain so, then this proposal would represent an early and significant contribution to net zero ambitions.

Whilst the council's evidence on the delivery of solar PV in Wiltshire has been strong, this is not reflected in other forms of renewable energy, for example wind. The UK government reviewed its national position in the NPPF this year, but did not reverse its 'de-facto ban'. The carbon reduction pathway for Wiltshire sets out a reliance on wind coming forward and this now seems unlikely. So, realistically, solar PV will be the main source of renewable power for Wiltshire in the foreseeable future and will need to compensate for the lack of other renewable energy sources in Wiltshire in the transition to net zero. In short, a net zero future for Wiltshire will mean we need more solar on the roofs of buildings and we will need more standalone installations too.

Without these types of proposals coming forward now then society will have an unrealistic task of firstly reaching net zero, but also then adapting to the environmental consequences of delayed action. This will include more extreme weather causing overheating and flooding.

This proposal does not only seek to provide renewable energy, it also addresses the well acknowledged issue with renewable energy that is intermittent supply. This is achieved through the concurrent delivery of energy storage. This is a significant benefit of the scheme.

It must be considered in the scope of any planning balance that in Wiltshire, like much of the country there are problems with providing grid connections for all types of development. As such, having a proposal in a location where a point of grid connection can be achieved is important and should be afforded weight in any planning judgment.

The developer has clearly set out a range of benefits from this scheme beyond addressing climate change. This proposal will not only help to decarbonise the grid by the 2035 UK Government target, but it will also support energy security by reducing our reliance of fossil fuels, which are often bought from foreign markets that have become increasingly volatile driving higher energy prices. Furthermore, of particular note is that the scheme will help to deliver strong levels of biodiversity net gain which will help to address the concurrent Ecological Emergency. This relates directly to one of the key criteria for assessing renewable energy proposals set out in the development plan and national planning practice guidance.

Indeed, it is clear from a review of the submission that the developer has been conscientious in their approach to making sure that, in realising the significant benefits of providing this renewable energy development, they have minimised and mitigated any potential impacts on wider planning considerations such as heritage assets. If residual impacts are found in any planning assessment, then the council should be positive and proactive in any discussions with the developer to mitigate impacts as far as practically possible. If harm remains, then each benefit of the scheme needs to be apportioned positive weight in favour of granting approval.

The annual carbon reductions of this scheme for example ought to be afforded significant weight because climate change is the central issue to be addressed by the development plan and the importance of the issue has only increased since the extant plan was adopted in 2015.

The following further comment was received:

Since I previously commented I note that there have been some material changes to policy (as set out within the applicant's submission) and also the 15 May 2024 Written Ministerial Statement: Solar and protecting our Food Security and Best Most Versatile (SMV) Land. The WMS does not set new policy but guides on balancing competing priorities. Relevant to this I note that the majority of the land impacted by this proposal is not BMV. Furthermore, planning does not control how agricultural land is farmed. Solar development can allow agricultural use, such as grazing, to continue, whilst energy is generated.

As such, my support for this proposal remains as per my earlier comments. This scheme will make a valuable contribution to reducing greenhouse gas emissions, and support the transition to net zero and energy solar.

Environment Agency – Comment:

Environment Agency position

Provided that the previously proposed battery energy storage systems have been removed from the proposed scheme and removed from all submitted plans, we would withdraw our objection subject to the following conditions and informatives.

Groundwater Protection

This site is within a Source Protection Zone 2, which is highly sensitive to pollution. However, the submitted report 'Post Application Technical Response to Issues Raised by Consultees and Third Parties' (written by Tor&Co, dated April 2024) states that a decision was taken by the applicants to remove all the battery storage from the scheme.

Biodiversity

We note that according to the 'Full Ecological Assessment' (written by Wychwood Biodiversity Limited, dated 30th April 2024 v10) that 5m waterway buffers are to be instated around all waterways within the application site to protect sensitive riverine biodiversity. We also note that within the same document that 'appropriate fencing (e.g., heras) or markers will be erected during construction to protect the brook edges (south parcel) from any vehicle movements or construction activities. Sediment runoff will be controlled using sediment capturing fencing. A Construction Environmental Management Plan (CEMP) will govern the strict control of sediment, hydrocarbons, and other hazardous materials during the entire construction period.' We however, cannot see a submitted CEMP as part of this application on the council's website therefore we request that a condition be added to any permission requesting the production of a Construction Environmental Management Plan (CEMP).

Flood Risk

The 'Flood Risk Assessment and Drainage Strategy' (Written by Rappor, dated April 2024, Job no: 20-868) states that the development footprint would be located within Flood Zone 1. However, we ask that the following condition be added to make sure no ground raising occurs in flood zone 2 or 3. Ground raising can block or impede flood flow increasing flood risk to the surrounding area.

Conditions

- *Construction Environmental Management Plan (CEMP)
No development approved by this permission shall be commenced until a Construction Environmental Management Plan, incorporating pollution and other prevention measures, has been submitted to and approved in writing by the Local Planning Authority. The plan*

shall subsequently be implemented in accordance with the approved details and agreed timetable.

REASON: To prevent pollution of the water environment

- *Condition – No ground raising within Flood Zone 2 or 3
No ground raising shall occur within Flood Zone 2 or 3 as a result of the approved development.*

REASON: To prevent and minimize flood risk.

Informative:

- *Construction Environmental Management Plan (CEMP)
The submitted CEMP must include safeguarding measures to deal with the following pollution risks and impacts:*
 - o *Details of the protection of the watercourse during construction (eg.fencing)*
 - o *the use of plant and machinery*
 - o *wheel washing and vehicle wash-down and disposal of resultant dirty water*
 - o *oils/chemicals and materials*
 - o *the use and routing of heavy plant and vehicles*
 - o *the location and form of work and storage areas and compounds*
 - o *the control and removal of spoil and wastes.*
 - o *How open excavations on site will be dealt with outside of working hours and after dusk to prevent entrapment of mammals that may cross the site.*

Historic England - Comment:

The proposal includes the creation of a solar farm with PV panels, battery storage units, central inverter system and an underground cable route across 102.7Ha of agricultural land within the setting of several designated heritage assets, including the Grade II Church of St Michael in Kington St Michael.*

Although the intervisibility between the site and the highly designated heritage asset is limited, the upper part of the Church Tower is still discernible from areas of the site, which is also traversed by public rights of way and a bridleway. The experience of approaching and contemplating the Church from the open, rural landscape which is its immediate context will therefore be impacted negatively. We consider this harm to be less than substantial.

However, we consider that the proposal will also have a negative impact on a range of other heritage assets such as the Conservation Areas and the grade II assets that are adjacent or in close physical proximity to the site. The latter are outside of Historic England's remit, but this harm will nevertheless need to be thoroughly assessed by your specialist conservation staff for you to determine whether, cumulatively, it outweighs any public benefits associated with the scheme (NPPF, Paragraph 202).

The following further comment was received:

We still consider that this large scale development will erode the rural, open and visually accessible setting of the asset and will create a more industrialised and screened off landscape. We still consider that views of the highly sculptural tower, however limited, and the overall experience of approaching the Church from a number of directions would be impacted.

In our opinion, the proposals would affect and diminish the extent to which the setting is able to contribute to the overall heritage significance of this highly designated heritage, causing a certain degree of harm to that significance.

If it is helpful to your Authority in considering this harm in the wider planning balance, we believe it to be at the lower end of less than substantial harm.

Natural England - No objection, subject to securing mitigation. Extracts below:

Natural England welcomes what appears to be a well considered scheme. We have the following comments to support your authority in making your decision.

The Manor Farm Brook Fields County Wildlife Site (CWS) is located within the proposed scheme and includes various priority habitats, such as lowland calcareous grassland and deciduous woodland. The proposed protection and enhancement of CWS habitats is welcome. The requirement to promote the restoration and enhancement of priority habitats and ecological networks is set out in paragraph 185 of the National Planning Policy Framework (revised NPPF 2023).

A management plan for the CWS should be agreed with your authority's ecology team. Your authority should be satisfied with the proposed buffers from sensitive ecological receptors and achievable condition of the CWS habitats. The agreed habitat conditions should be reflected in the biodiversity metric.

The scheme will impact on a number of protected species including bats and breeding birds. Natural England has produced standing advice¹ to help planning authorities understand the impact of particular developments on protected species. We advise you to refer to this advice. The final protected species mitigation strategy should be agreed by your Authority's Ecology Team.

Natural England welcomes the Skylark mitigation measures. It should be clear where and how many plots are to be provided and this mitigation should be secured by condition for the duration of the scheme.

All measures within the CEMP should be appropriately implemented to ensure impacts on protected species are minimised.

The application is unlikely to harm designated landscapes. Please note, however, Natural England has not reviewed the LVIA in relation to wider impacts on landscape and accordingly has no comment on this aspect of the application. All proposals should complement and where possible enhance local distinctiveness and be guided by your Authority's landscape character assessment where available, and the policies protecting landscape character in your local plan or development framework.

Natural England also recommends any permission apply a condition to require the site to be decommissioned and restored to an appropriate land use which retains any biodiversity benefits delivered during the scheme when planning permission expires.

From the documents accompanying the consultation we consider this application falls outside the scope of the Development Management Procedure Order (as amended) consultation arrangements, as the proposed development would not appear to lead to the permanent loss of over 20 ha best and most versatile agricultural land.

For this reason we do not propose to make any detailed comments in relation to agricultural land quality and soils, although more general guidance is available in Defra Construction Code of Practice for the Sustainable Use of Soils on Construction Sites, and we recommend that this is followed. If, however, you consider the proposal has significant implications for further loss of 'best and most versatile' agricultural land, we would be pleased to discuss the matter further.

Development should provide net gains for biodiversity in line with the NPPF paragraphs 180(d), 185 and 186. It is anticipated that major development (defined in the NPPF glossary) will be required by law to deliver a biodiversity gain of at least 10% from February 2024 and that this requirement will be extended to smaller scale development in April 2024. For nationally significant infrastructure projects (NSIPs) it is anticipated that the requirement for biodiversity net gain will be implemented from 2025.

[...]

We advise you to follow the mitigation hierarchy as set out in paragraph 186 of the NPPF and firstly consider what existing habitats within the site can be retained or enhanced. Where on-site measures are not possible, provision off-site will need to be considered.

Development also provides opportunities to secure wider biodiversity enhancements and environmental gains, as outlined in the NPPF (paragraphs 8, 74, 108, 124, 180, 181 and 186). Opportunities for enhancement might include incorporating features to support specific species within the design of the scheme such as swift or bat boxes or designing lighting to encourage wildlife.

Natural England's Environmental Benefits from Nature tool may be used to identify opportunities to enhance wider benefits from nature and to avoid and minimise any negative impacts. It is designed to work alongside the Biodiversity Metric and is available as a beta test version.

Further information on biodiversity net gain, the mitigation hierarchy and wider environmental net gain can be found in government Planning Practice Guidance.

The following further comment was received:

The advice provided in our previous response applies equally to this amendment. The proposed amendments to the original application are unlikely to have significantly different impacts on the natural environment than the original proposal.

Should the proposal be amended in a way which significantly affects its impact on the natural environment then, in accordance with Section 4 of the Natural Environment and Rural Communities Act 2006, Natural England should be consulted again. Before sending us the amended consultation, please assess whether the changes proposed will materially affect any of the advice we have previously offered. If they are unlikely to do so, please do not re-consult us.

National Highways – No objection:

The application is seeking permission for a 40mw solar array with associated access, landscaping, infrastructure and grid connection, on an agricultural site comprising approximately 103ha either side of the A350, to the east of Kington St Michel and south of St Modwen Park. The site will be served by a number of accesses from the A350. The route for grid connection will travel south from the development site towards the north-east of Chippenham.

The A350 forms part of the local road network for which Wiltshire Council is the relevant highway authority. It will therefore be for Wiltshire Council to determine the adequacy of the proposed access arrangements. However, the A350 does provide a direct connection to M4 Junction 17 located approximately 700m to the north of the most northern part of the development site.

National Highways accepts that the traffic impact of the development on the SRN once in operation is likely be minimal, with the traffic impacts occurring during the construction phase which is expected to last around 7 ½ months. The application is supported by an outline Construction Traffic Management Plan (CTMP) prepared by TPA and dated September 2023.

This has provided a breakdown of likely construction vehicle movements, both by type and volume, with associated construction vehicle routing. In summary, we consider that the development has the potential to generate a worst case of around 20 two-way HGV movements per day for the duration of the construction period. All vehicles will route via M4 Junction 17 but the CTMP recognises the need to manage deliveries to avoid the network peak hours. On this basis, we consider that the development is unlikely to result in a severe impact on the operation of M4 Junction 17.

In terms of any other potential impacts on the SRN, we consider that given the location of the site relative to the M4, the orientation of the panels and intervening topography, the development is unlikely to result in an unacceptable visual impact on motorway traffic or otherwise adversely impact on the SRN asset.

Recommendation

National Highways has no objection to the proposed development.

Standing advice to the local planning authority

The Climate Change Committee's 2022 Report to Parliament notes that for the UK to achieve net zero carbon status by 2050, action is needed to support a modal shift away from car travel. The NPPF supports this position, with paragraphs 73 and 105 prescribing that significant development should offer a genuine choice of transport modes, while paragraphs 104 and 110 advise that appropriate opportunities to promote walking, cycling and public transport should be taken up.

Moreover, the build clever and build efficiently criteria as set out in clause 6.1.4 of PAS2080 promote the use of low carbon materials and products, innovative design solutions and construction methods to minimise resource consumption.

These considerations should be weighed alongside any relevant Local Plan policies to ensure that planning decisions are in line with the necessary transition to net zero carbon.

The following further comment was received:

Thank you for providing National Highways with the opportunity to comment on revised plans submitted in support of the above application for a proposed 40mw solar array located east and west of the A350, south of M4 J17 and north of Chippenham.

Having reviewed the further information provided, including an updated construction traffic management plan, we consider that our recommendation dated 23 October 2023 remains appropriate and we have no further comments to make and no objection to the proposals.

Dorset and Wiltshire Fire and Rescue – Comments:

Whilst Dorset & Wiltshire Fire and Rescue Service would not object in principle to the lawful development of a Battery Energy Storage System (BESS) or other alternative energy site it is recognised that these installations pose some specific hazards in the event of fire. Any fire involving grid scale Li-ion battery storage would be treated as a hazardous materials incident in order that specialist technical advice can be obtained at the earliest opportunity.

Since these sites generally fall outside the requirements of Building Regulations due to the temporary nature of the structures, the Fire and Rescue Service (FRS) are not generally in a position to comment or make representation regarding the design of the site. We take this opportunity to make early observations and provide comments or recommendations in line with current guidance to influence the development.

We are keen to work with developers to ensure we understand the new technology and potential impact it may have on the surrounding area.

The Regulatory Reform (Fire Safety) Order 2005 is limited in its application to such developments due to the low life risk during normal occupation. Process fire risk is generally regulated by the HSE but in the absence of regulation under COMAH there is an expectation that fire and rescue services will initiate an emergency response in the event of an incident, in conjunction with the site operator's own plans.

Research is ongoing to determine the most suitable method to extinguish a fire within Li-ion battery cells although current guidance recommends copious (and significant) volumes of water for a prolonged period.

Our response crews have been provided with additional training and awareness in the hazards and risk management of BESS installations and as such the risk to them is considered to be controlled, although it would be true to say that the risks cannot be eliminated completely as has been evidenced from fires in BESS sites in other parts of the world.

The following recommendations should be considered at the design stage and early contact with the FRS for site familiarisation and exercising of emergency plans is strongly advised. The proposed safety measures should cover the construction, operational and decommissioning phases of the project. Any development should not negatively impact on the Service's ability to respond to an incident. The Responsible Person must carry out and regularly review the Fire Risk Assessment and Risk Management Plan.

It is our recommendation that before planning permission is granted, the layout, access and provision of a suitable water supply comply as far as is reasonably practicable with the minimum requirements under B5 of Approved Document B, The Building Regulations 2010.

Please also consult the latest guidance - NFCC BESS Planning Guidance Document.

Water Supplies

Fire service resources for the provision of water include standard fire engines, bulk water carriers and High Volume Pumps (HVP's) with additional resources available from neighbouring services through National Resilience capabilities if required. The delivery of water to a BESS site would inevitably require multiple vehicles for a prolonged period.

Specific consideration should be given to water supply resilience for manual firefighting and the terrain over which fire service vehicles may have to drive to access the site. This is particularly relevant where remote sites may have limited access to fire hydrants and where multiple vehicles may be required to ensure continuous water supply.

Current guidance states the water supply should be able to provide a minimum of 1,900 l/min for at least 120 minutes. DWFRS may wish to increase this requirement dependant on location and their ability to bring supplementary supplies to site in a timely fashion. Hydrants should be subject to suitable testing and maintenance by the operator. If a suitable pressure fed water supply is not available, then an Emergency Water Supply (EWS) meeting the above standard should be incorporated into the design for example, a water storage tank or open water source.

- An assessment should be made on the location of fire water tanks. It is recommended that water supplies for boundary cooling purposes should be located close to BESS containers (but considering safe access in the event of a fire). Applicant to confirm the capacity and mechanism for manual firefighting. Access, space and a hardstanding for a pumping appliance should be*

considered. Current guidance suggests a minimum distance of 10m between water tank and BESS container/cabinet.

- Current guidance states water supplies should meet the requirements of ADB Vol 2 B5 where reasonably practicable, which would normally require a hydrant within 90m of an entrance to a building/site. This can not currently be determined from the plans provided.

Further assessment is required to review the flow rates required to achieve tactical priorities.

Site Access

Suitable facilities for safely accessing the site should be provided. Site contingency plans must consider the impact of wind direction on access and egress from the site which may impose operational constraints and an inevitable delay in firefighting. Current guidance states a minimum of 2 access routes.

Following assessment of the plans provided the following areas require further consideration:

- The plans do not appear to show an alternative access route.
- The ability to access all parts of the site should be considered within the design.
- Single access routes to each compound up wind of the battery containers. This could impact firefighting access and choice of operational tactics.
- Dead-end access routes longer than 20m should incorporate turning facilities.
- Access tracks should meet the capacity requirements of attending pumping appliances.

The provision of suitable turning space and appropriately sized footprint for hard standing to enable an effective firefighting response with multiple vehicles is essential. The inclusion of drenchers or fire service inlets to battery modules may be a design consideration.

Access between BESS units and spacing

The NFCC guidance recommends a minimum of 6 metres between battery containers, unless suitable design features can be introduced to reduce that spacing. Any reduction in this separation distance should be considered and designed by a competent fire engineer.

Individual site location and design will mean that distances between BESS units and site boundaries will vary. Proposed distances should consider risk and mitigation factors. Current guidance suggests a minimum distance of 25 metres prior to any mitigation.

Site Design

Sites should be maintained in order that the risk of potential fire spread between units is reduced. This will include ensuring that combustibles are not stored adjacent to units and access is clear and maintained. Areas within 10 metres of BESS units should be cleared of combustible materials and vegetation.

Automatic suppression systems which aim to prevent thermal run-away within cells are a feature of most systems however the effectiveness of these systems is variable. Alternative extinguishing media are not considered appropriate at this time.

- The Integrated Fire Risk Management Strategy should include the full technical detail of all fire protection systems.

Early detection of a potential fire situation is critical and fast response detection system linked to the battery management system is considered an essential component of the design. It is

considered unlikely that fire service resources would be in attendance within the timeframe required to prevent a thermal run-away event once it has begun.

An Information Box should be installed at the FRS access point. This should include emergency contact information, emergency isolation points and details of the specific hazards on site.

- The inclusion of a premises information box and ongoing engagement with the Fire Liaison Framework is noted and welcomed.*

Once thermal run-away has occurred, defensive firefighting tactics would be the preferred option to allow the cell or module involved in fire to burn out and to protect surrounding modules and infrastructure. This would be undertaken on advice and with agreement from the Environment Agency and technical support services.

The potential for contaminated fire water runoff is acknowledged as an area for further consideration, although the type and level of contamination is not easily quantifiable. Our default position is therefore one of containment where possible although this is very difficult to achieve for large volumes of water during a dynamic incident.

Consideration should also be given to engaging with the Environment Agency in relation to protection of water sources or aquifers in the event of fire water runoff and any pollution control measures as may be appropriate.

Airborne smoke and products of combustion would inevitably contain toxic effluents. Liaison with other agencies to support the air monitoring and warning and informing of local residents would form an essential part of the emergency response.

It is our experience that most site designers and operators are keen to engage with fire services to ensure that their operational plans are fit for purpose, and we have already undertaken site visits to the larger installations within our area to assist with operational planning.

We also recognise the concerns of residents in relation to the impact of these sites on the local environment and whilst we cannot provide assurance that we will not experience a fire in one of these sites, we are taking steps to ensure that the impacts are reduced as far as possible.

The following further comment was received:

Thank you for the notification of amended plans submitted. We have reviewed the amended design and note the removal of the battery storage elements from the proposal and have no further comment to make at this stage.

National Gas Transmission – No assets within boundary.

National Grid Electricity – No objection to the proposal from NGET (National Grid Electricity Transmission).

The Gardens Trust – No comment:

Thank you for consulting the Gardens Trust in its role as Statutory Consultee on the above application which affects Bowood, an historic designed landscape of national importance which is included by Historic England on the Register of Parks and Gardens of Special Historic Interest at Grade I.

We have considered the information provided in support of the application and liaised with our colleagues in Wiltshire Gardens Trust. On the basis of this we confirm we do not wish to comment on the proposals at this stage. We would however emphasise that this does not in any way signify either our approval or disapproval of the proposals.

The following further comment was received:

Thank you for consulting the Gardens Trust in its role as Statutory Consultee on the above application which may affect Corsham Court, an historic designed landscape of national importance which is included by Historic England on the Register of Parks and Gardens of Special Historic Interest at Grade II.*

We have considered the information provided in support of the application and on the basis of this confirm we do not wish to comment on the proposals at this stage. We would however emphasise that this does not in any way signify either our approval or disapproval of the proposals.

If you have any further queries, please contact us, and we would be grateful to be advised of the outcome of the application in due course.

At the time of writing, no representation has been received from Chippenham Town Council, Chippenham Without Parish Council, Langley Burrell Parish Council or Sutton Benger Parish Council.

8. Publicity

The application was advertised initially by way of a site notice and neighbour notification letters. An advert was also placed in the press for the application.

Revisions have been received and re-consultation carried out accordingly.

At the time of preparing this report there have been 56 letters of support and 92 letters of objection (including a number of individuals making multiple representations):

The following is a summary of support comments:

- Positive response to climate emergency
- Positive response to meeting net zero targets
- Positive provision of green energy
- Positive impact on biodiversity from newly planted hedges and trees
- Positive general ecological impact
- Positive economic impact
- Positive impact on the local community
- Positive inclusion of footpaths
- Positive inclusion of allotment land
- Positive inclusion of community orchard
- Appropriate location with good grid connections and capacity
- Appropriate location in proximity to A350 – relating to visual impact
- Unobtrusive design
- Appropriate use of otherwise unproductive, grade 4, agricultural land
- Development will support farming businesses
- Potential for a net reduction in traffic movement over the 40-year term
- Positive consumer ownership opportunity
- Positive provision of areas for walking, horse-riding and cycling
- Positive resulting impact on farming
- No likely impact on food production

- Compliant with aims of the NPPF
- Compliant with the aims of the WCS

The following is a summary of concerns raised:

- Negative impact on highway safety during construction – particularly related to insufficient access, as well as increased traffic movements from construction vehicles and the need for employees to use their own cars to work at the site
- Negative impact on PROW users during construction phase
- Negative impact on amenity of nearby residents during construction phase – particularly related to noise and ground vibrations
- Negative impact on horses and cattle during construction phase
- Negative impact on amenity of nearby residents from solar panels – related to glare and glint
- Negative impacts on neighbouring amenity from proposed allotments
- Negative impact on highway safety after completion – particularly related to glare and glint
- Negative impact on wildlife
- Negative impact on potential local food production
- Negative impact on property value
- Loss of privacy because of the requirement for CCTV
- Loss of green space
- Loss of tranquillity (views)
- Loss of unfenced footpaths
- Promised 'circular' bridleway is not delivered and no information provided as to how footpaths/bridleways will be maintained
- Creation of restricted movement areas within the proposed footpaths
- Harm to the character of the village
- Harm to character of countryside setting
- Harm to conservation area
- Harm to setting of listed buildings
- Lack of information to assess impacts on archaeological features
- 40-year period is excessive for a temporary scheme
- Potential for equipment not to last the 40-years
- Materials to be used are non-recyclable
- Unsightly design
- Inappropriate location and scale - proportionately out of keeping with the small neighbouring villages
- Negative cumulative visual impact of all proposed and permitted solar farms in Wiltshire
- Contrary to aims of draft Kington St Michael neighbourhood development plan
- Contrary to aims of NPPF
- Contrary to aims of WCS
- Insufficient information to support claim on the number of houses the scheme can serve
- Insufficient information to support claims that local jobs will be created
- Insufficient evidence to show that alternative brownfield sites have been considered
- Insufficient information to support consideration and mitigation of potential fire hazards
- Insufficient information to support claim that the site is grade 4 agricultural land
- Insufficient information to identify how and when financial community benefit will be allocated
- Insufficient information to show who will be responsible for the decommissioning of the site and return to farmland after 40-years
- Insufficient information to show that development will not result in water pollution
- Insufficient information to show that piles will not result in land contamination
- Insufficient information to show that alternative, less intrusive installation options (such as concrete blocks, or screw piles) have been considered

The above summary includes the matters raised within representations received from the NFU (support), the British Horse Society Wiltshire (mixed) and the CPRE (objection).

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 decisions on applications for planning permission to be made in accordance with the development plan, unless material considerations indicate otherwise. Any conflict identified with development plan policy must be given weight in the planning balance.

Paragraph 165 of the NPPF requires local plans to help increase the use and supply of renewable and low-carbon energy whilst ensuring that adverse impacts are addressed appropriately.

Paragraph 168 of the NPPF expresses that there is no requirement for an applicant to demonstrate the overall need for renewable or low carbon energy and broadly requires LPAs to approve applications for renewable and low carbon development where impacts of the development are (or can be made) acceptable.

In line with national legislation and guidance, Wiltshire Council has made a firm commitment to becoming a carbon neutral council by 2030. The Wiltshire Climate Strategy reiterates this commitment and expresses objectives that include renewable energy generation as part of the efficient and environmentally sensitive use of land, providing for the needs of an increasing population and nature.

Policies CP1 and CP2 of the WCS relate to the spatial strategy for Wiltshire, setting the policy foundations for the promotion of sustainable development within the county. The scheme is for a standalone renewable energy installation and will not directly impact existing housing or employment sites. The scheme will result in some employment provision in the form of construction jobs but does not relate explicitly to employment development.

Policy CP42 of the WCS expresses that proposals for standalone renewable energy schemes will be supported where it has been demonstrated that impacts (both individual and cumulative) specific to following factors (relevant to this scheme) have been satisfactorily considered:

- (i) The landscape, particularly in and around AONBs
- (iv) Biodiversity
- (v) The historic environment [...]
- (vi) Use of the local transport network
- (vii) Residential amenity, including noise, odour, visual amenity and safety
- (viii) Best and most versatile agricultural land

Policy SCC3² of the CNP reiterates the aims of CP42 expressing that proposals for standalone renewable energy development will be supported where all the following factors have been robustly demonstrated:

- (a) the costs and benefits compare favourably with potentially less intrusive options, such as large scale building mounted renewable energy
- (b) a comprehensive landscape impact assessment has been undertaken which has informed the proposals for the location of new infrastructure and all mitigation measures identified in that are implemented
- (c) the wider benefits of providing energy from renewable sources, including contributions to national carbon reduction objectives and targets, outweigh any adverse impacts on the local environment or amenity, including any cumulative adverse impacts from existing or planned renewable energy developments; and

² Only the underground cable connection sits within the Chippenham Neighbourhood Plan area.

- (d) additional social, economic or environmental benefits which benefit the local community over the lifetime of the project are provided.

SCC3 further expresses that any proposal for community energy project, where there is full or partial community ownership involvement, will be strongly supported.

The application has been submitted with supporting information which includes (but is not limited to) the following:

- Heritage assessment, landscape and visual effects assessment, arboricultural impact assessment, environmental statement
- Ecological assessment, Biodiversity management plan, biodiversity metric calculation tool, ecology buffer plan etc.
- Construction traffic management plan including Road Safety Audits amongst other things
- Glint and glare report, flood risk assessment and drainage strategy, noise assessment etc
- Agricultural land classification report

Sufficient information has been provided by the applicant to demonstrate that criteria of CP42 and SCC3 has been reasonably considered prior to making the application.

In principle, the installation of a solar farm is acceptable subject to there being no significant effect and, where any impact is identified, appropriate mitigation measures are provided. Detailed assessment around impacts of the development related to the criteria of CP42 and SCC3 are addressed within the body of this report.

9.2 Best and most versatile agricultural Land

The *overarching NPS for energy* which was published in January 2024 is a material consideration in determining applications under the Town and Country Planning Act 1990 (TCPA) – the NPS is relevant for both NSIPs and small-scale development determined at a local level. Following its publication, in May 2024, a WMS was made by the Secretary of State for Energy Security and Net Zero. The WMS sets out further detail on balancing the competing priorities of energy security and food production including the following point:

“Due weight needs to be given to the proposed use of Best and Most Versatile land when considering whether planning consent should be granted for solar developments. For all applicants the highest quality agricultural land is least appropriate for solar development and as the land grade increases, there is a greater onus on developers to show that the use of higher quality land is necessary.”

The NPS and NPPF defines best and most versatile (BMV) agricultural land a *land in grades 1, 2 and 3a of the Agricultural Land Classification*

Footnote 65 of the NPPF expresses the following:

Where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality.

Paragraph 013 (ID: 5-013-20150327) of the PPG includes the following summarised guidance:

- *The LPA should encourage the effective use of land by focusing large scale solar farms on previously development and non-agricultural land.*
- *Solar farms are normally temporary structures and planning conditions can be used to ensure that the installations are removed when no longer in use and that the land is restored to its previous use*

Policy CP42, criteria (viii) of the WCS expresses the need for proposals for standalone renewable energy schemes to satisfactorily consider best and most versatile agricultural land.

The Wiltshire Climate strategy (2022-2027) includes the following objective relevant to the natural environment, food and farming:

Efficient and environmentally sensitive use of land, providing for the needs of an increasing population and nature; food production, renewable energy generation, housing and transport alongside woodland creation and nature recovery.

Whilst Policy SCC3 to the CNP requires standalone renewable energy schemes to, inter alia, demonstrate that the costs and benefits compare favourably with potentially less intrusive options, such as large scale building mounted renewable energy and proposals for ground mounted solar to make most effective use of the land around arrays through demonstrating that agricultural use will continue, and/or by achieving a minimum of 10% BNG, it should be noted that it is only an element of the underground cable connection to the SSE sub-station at Cocklebury Lane which is within the designated area. For this reason, it is concluded that only the underground cable element of the proposals which should be subject to Policy SCC3 and that, by its nature, this element would be compliant.

There have been objections raised which include comments on the loss of productive agricultural land. The following summarised objection points were made by Kington St Michael Parish Council and Kington Langley Parish Council and similar points have been raised by members of the public:

- *There can be no doubt that the cumulative effect of numerous ad-hoc solar farm proposals in the local area will lead to the unique character of the rural surrounds being destroyed, including the loss of agricultural land uses.*
- *The Agricultural Land Classification Map South West Region ALC006 indicates that the land surrounding Kington St Michael is Grade 3. This map was also used in the land classification for the 88-acre Leigh Delamare solar farm application (PL/2021/06100); however, the report from Amet Property (submitted by the applicant) graded nearly 80% of the land as Grade 4. We are concerned with this discrepancy and perhaps an independent assessment is needed?*

There have also been public comments of support received, some of which expressing that there will not likely be an impact on food production. Wiltshire Councils climate change team were consulted and responded supporting the scheme and provided the following summarised comment relevant to BMV:

[...] The WMS does not set new policy but guides on balancing competing priorities. Relevant to this I note that the majority of the land impacted by this proposal is not BMV. Furthermore, planning does not control how agricultural land is farmed. Solar development can allow agricultural use, such as grazing, to continue, whilst energy is generated.

Natural England raised no objections to the scheme and provided the following summarised comment relevant to BMV:

The proposed development would not appear to lead to the permanent loss of over 20 ha best and most versatile agricultural land.

Public objections and concerns raised by the Parish Council regarding differing observations of agricultural land classification (ALC) within strategic scale maps and findings within the provided ALC report are noted and responded to below:

ALC strategic maps show the likelihood of BMV land and identify the site (as indicated on figure 4) as likely to have an ALC of Grade 3; however, Natural England's explanatory note on ALC strategic scale maps is clear that the gradings are predictions and that the map is *intended for strategic planning*

purposes only, is not suitable for use below scale 1:250,000 or for the definitive classification of any local area of site.

That is not to suggest that the map is redundant for purposes of assessment, the ALC map shows how the site has actively avoided areas which are likely to have an ALC Grade 1 or 2 and provides an initial indication to LPAs that the site could be BMV land with a likely ALC grade of 3. That the land is identified as having a likely ALC grading of 3 indicates to the LPA that detailed site-specific surveys are vital to aid further assessment of matters relating to BMV.

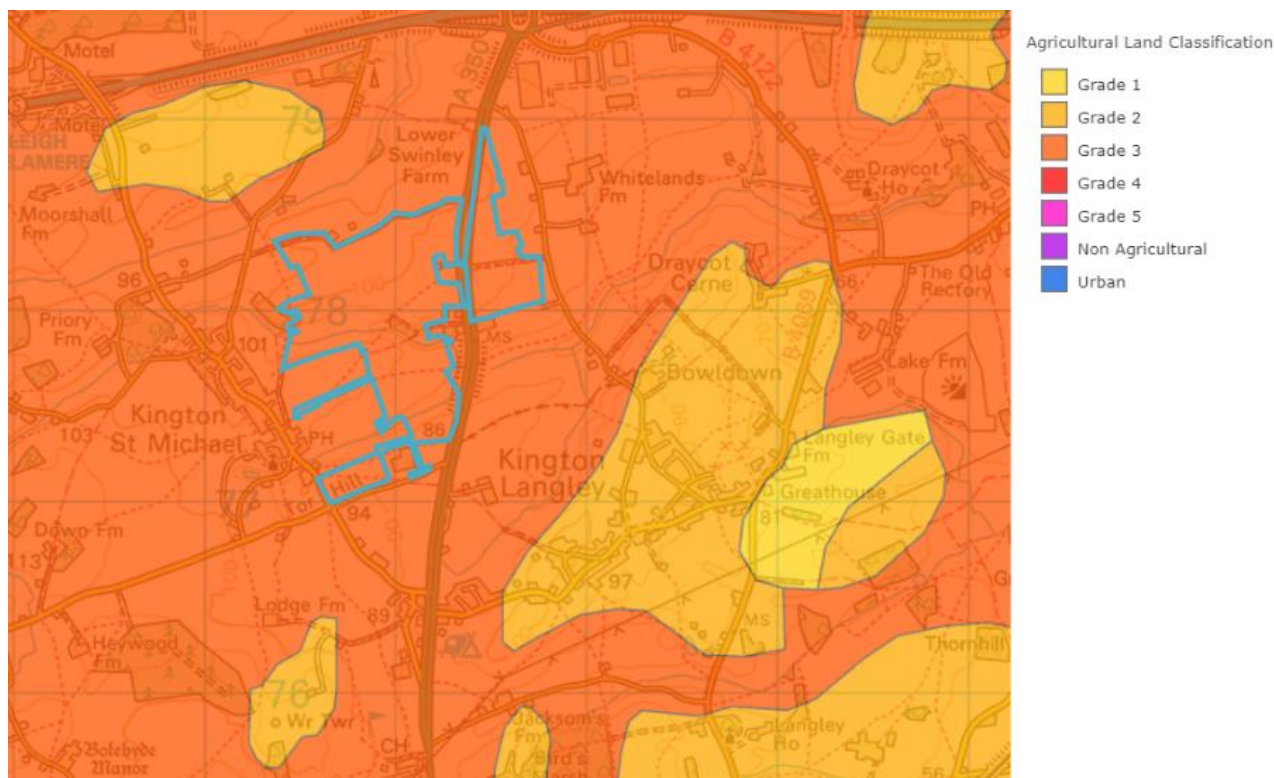


Figure 4: ACL relative to Red Barn Solar (blue outline)

These necessary site-specific surveys have been carried out as part of the application submission and findings have been outlined in an ALC report.

The site has been assessed and report provided by a suitably qualified agricultural consultant who concludes that:

- The site is variously limited by both wetness and droughtiness.
- The breakdown of the surveyed land by classification is:
 - Grade 3b: 21.2Ha (19.5%)
 - Grade 4: 87.3Ha (80.5%)
- The area within the fencing is only 58.9Ha. The breakdown of land grading within the fencing is:
 - Grade 3b: 15.4Ha (26.1%)
 - Grade 4: 43.5Ha (73.9%)

Figures 5 and 6 below show provided plans within the ALC report, indicating the points where samples have been taken within the site and the resulting site-specific ALC respectively.

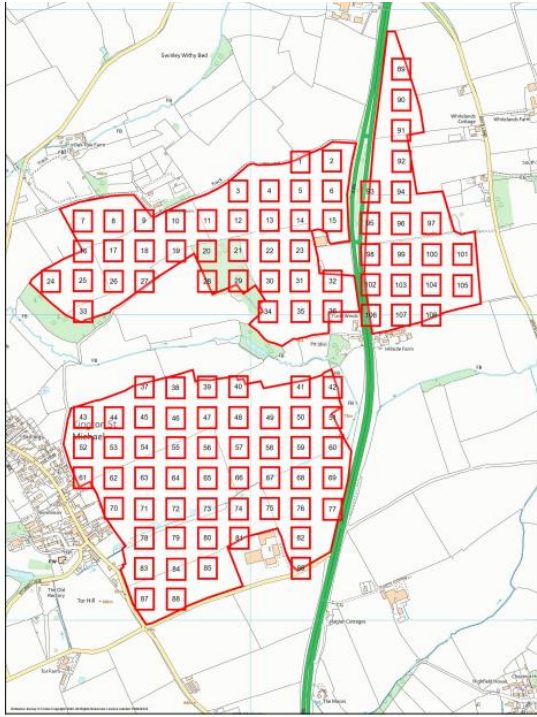


Figure 5: Map of sample points

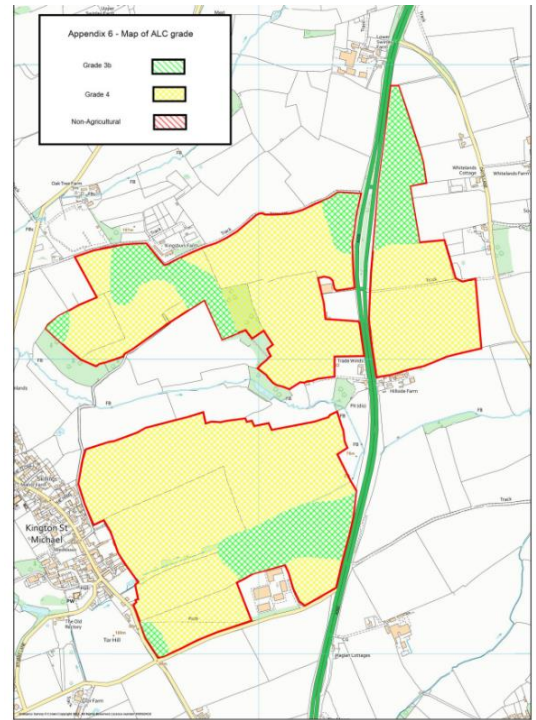


Figure 6: Agricultural Land Classification

In line with planning guidance, previously developed and non-agricultural land should be prioritised over agricultural land for development of ground based solar farms schemes; however, as expressed within the provided planning statement (dated September 2023) *there is limited previously development and non-agricultural land within Wiltshire of a sufficient size that is not in active alternative use to accommodate the solar farm.*

In this particular instance, the agricultural land has been proven as necessary and detail provided indicates how the scheme will be located on land that is not BMV. There will remain sufficient agricultural parcels directly adjacent to the solar site and within the wider areas Kington St Michael and Kington Langley. This includes parcels outside of the site but within the applicant’s control (shown in hatched yellow on figure 7) which are indicated as to be kept available for continued agricultural use.



Figure 7: Proposed layout (as shown on submitted documents)

Furthermore, as expressed within the planning statement, *during the operation of the solar farm, the land will also be used for sheep and cattle grazing [and] chemical pesticides and fertilizers will no longer be applied to the land within the site.* Officers submit that it is possible for some agricultural use of the

land where panels are proposed to continue, and it is likely that the overall soil quality will improve during the life of the solar farm.

Any agricultural impacts resulting from the temporary loss of grade 3b and grade 4 agricultural land is outweighed by the benefits of the scheme. With the inclusion of carefully worded conditions requiring the return of the land to agricultural use, and the removal of the installations when no longer in use, the scheme is broadly in line with the aims of NPPF, policy CP42(vii) of the Wiltshire Core Strategy (as well as policy SCC3 of the Chippenham Neighbourhood Plan, albeit noting that it is only the cable connection element of the application site which is within the plan area).

9.3 Cumulative impact

In addition to providing further guidance around Protecting the Best Agricultural Land, the WMS provided the following summarised comment on addressing cumulative impacts:

“[...] we are increasingly seeing geographical clustering of proposed solar developments in some rural areas. [...] When considering whether planning consent should be granted for solar development it is important to consider not just the impacts of individual proposals, but also whether there are cumulative impacts where several proposals come forward in the same locality.”

At its Full Council meeting on 21/05/24, Wiltshire Council voted to support a motion calling for further guidance over its strategy for delivering solar farms. The motion (no. 2024-03 – Solar Farms) is summarised below:

“[...] this Council is increasingly concerned at the concentration of solar farms, battery storage and associated infrastructure in Wiltshire. Some villages are now completely surrounded by solar farms and their continued concentration represents a significant cumulative impact and industrialisation of the countryside.

Wiltshire Council therefore calls on the Secretary of State for the Department of Levelling Up, Housing and Communities to define more closely what is meant by ‘cumulative impact’ regarding solar farms and to take clear steps to ensure that solar developments are more evenly spread across the UK [...]

This recommendation has come before Committee before the government has provided a specific response on cumulative impacts, but revisions to the NPPF have been made along with Written Ministerial Statements. Indeed, although not touching upon cumulative impacts, it should be noted that the notes accompanying the Autumn Budget (issued 30/10/24) repeatedly references the need to invest in clean energy. In this context, this report provides some analysis and consideration of cumulative impacts of solar farms in Wiltshire.

Policy CP42 of the Wiltshire Core Strategy is explicit that assessment of factors relating to standalone renewable energy installations should include assessment of any cumulative effects.

Criteria (c) of Policy SCC3 of the Chippenham Neighbourhood Plan is similarly explicit that assessment of the wider benefits of providing energy from renewable contributions should include whether there are any cumulative adverse impacts from existing or planned renewable energy development.

The PPG offers the following summarised guidance in relation to assessing consideration of cumulative landscape and visual impacts of renewable energy development:

- *The cumulative landscape impacts are the effects of a proposed development on the fabric, character and quality of the landscape; it is concerned with the degree to which a proposed*

renewable energy development will become a significant or defining characteristic of the landscape.

- *Cumulative visual impacts concern the degree to which proposed renewable energy development will become a feature in particular views (or sequences of views), and the impact this has upon the people experiencing those views. Cumulative visual impacts may arise where two or more of the same type of renewable energy development will be visible from the same point or will be visible shortly after each other along the same journey. [...]*

Both Kington Langley Parish Council and Kington St Michael Parish Council (within which the array would be positioned) have objected to the scheme, with one reason for Kington St Michael Parish Councils objection being a concern that the village will be surrounded by solar farms on all sides.

The Council's Landscape Officer has provided comments and provided a thorough assessment. Concerns raised relate predominantly to the localised impact of the development, however, and not the cumulative impact explicitly. The following summarised representation comments are of note:

The approach to assessing cumulative landscape and visual impact of large-scale solar farms is likely to be the same as assessing the impact of wind turbines. However, in the case of ground-mounted solar panels it should be noted that with effective screening and appropriate land topography the area of a zone of visual influence could be zero.

I don't raise any issues with the LVIA's study area which utilises a 2.5km radius from the sites edge [...] The LVIA's assessment of cumulative effects concludes that there will be no significant cumulative effects for landscape character or significant cumulative visual effects with any other existing operational or consented developments.

The principal difference in landscape and visual terms between the proposed location of this application scheme and other nearby consented /operational solar schemes [...] are located away from highly characteristic and valued historic limestone villages and impact on far fewer / less dense network of rural public rights of way.

Although 'locality' as specified within the WMS is not defined, Wiltshire Councils motion indicates that separate development proposals for solar farms within, or surrounding, the same village have collectively impacted that setting. Furthermore, whilst the reports provided as part of this application include assessments that cover a larger area, a radius of 2.5km from the sites edge is considered an appropriate distance for assessment of cumulative landscape impact for development.

Officers therefore take the view that, specific to this scheme and for the purposes of this report, "locality" should be interpreted as "sites in close proximity, or sites within the same neighbourhood" for the purposes of assessing cumulative impact on village setting and "within a radius of 2.5km from the sites edge" when assessing cumulative impact on the countryside setting.

At the time of writing, several further Wiltshire County solar farm planning application sites (as referenced in section 4 of this report) are currently under consideration. By reason of the distance from Red Barn (approximately all greater than c.3km) there is a significant degree of separation between all sites, which coupled with their location being within separate neighbourhoods, means that they are not considered as being within the same locality for the purposes of assessing cumulative impact.

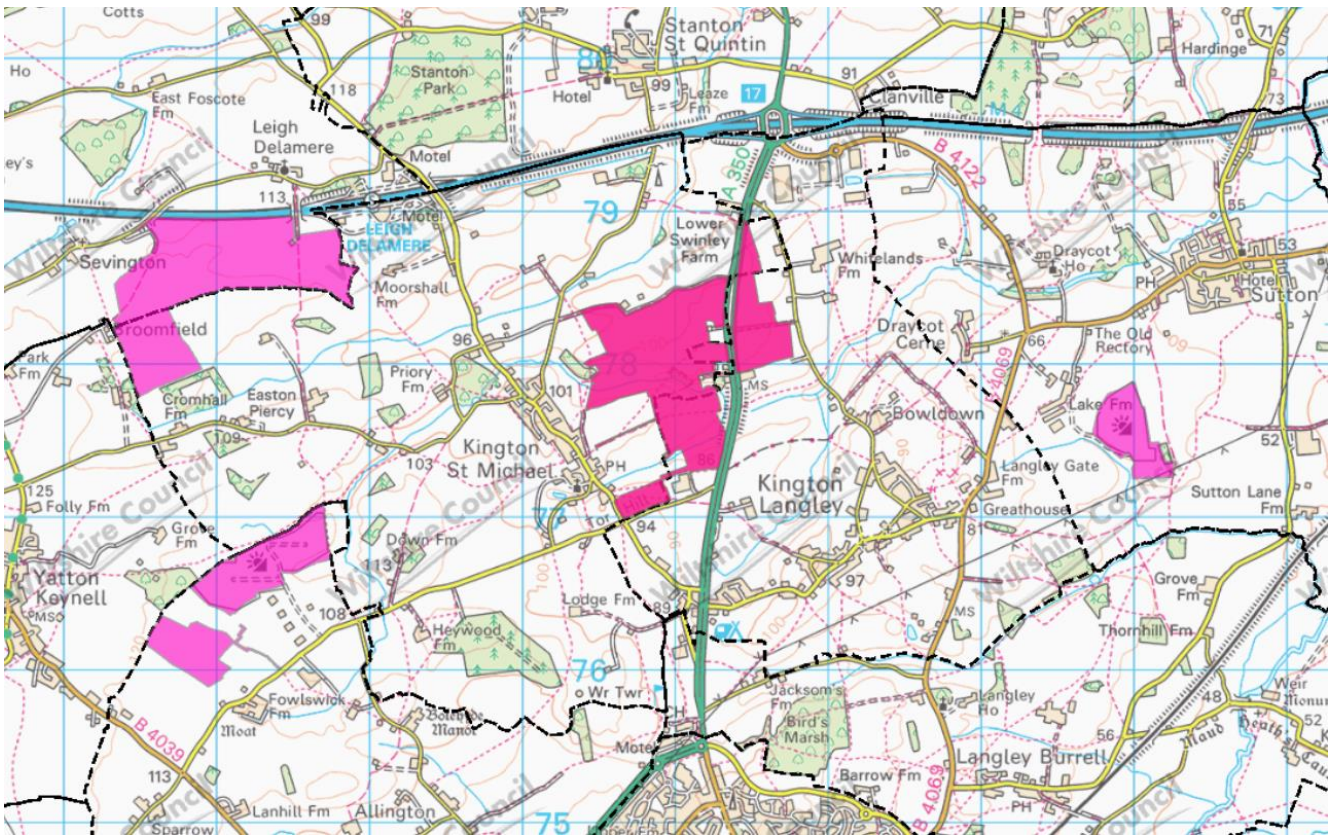


Figure 8: Applications for Solar Parks (pink infill) with parish boundaries (dashed black online) relative to Red Barn Solar (centrally located in image)

Figure 8 shows the spatial relationship between solar farm planning application sites (regardless of their approval/construction status) closest to the Red Barn site. Those being:

- Land to the south of the M4 at Leigh Delamere (PL/2021/06100) approximately 1.5km west – not yet constructed, but permission extant
- Land at Battens Farm (N/13/01311/FUL) approximately 2km west – constructed
- Land East of Battens Farm (PL/2024/09410) – approximately 3km west – application under consideration
- Lake Farm (N/11/00003/FUL) approximately 2km east - constructed

There are no current solar farm sites within the Kington Langley Parish area and only the solar farm at the M4 (reference PL/2021/06100) has a small section of the site within Kington St Michael Parish area. Parts of the application site associated with PL/2021/06100 and N/13/01311/FUL are nonetheless directly adjacent to the Parish boundary.

Whilst the screening opinion given under 17/12295/SCR was for a smaller area, LPA observations made as part of the assessment provides some relevant contextual background. The following comment around cumulative impact was made within the officer’s report associated with that screening opinion:

[...] it is noted that several other medium to large-scale solar facilities are already operational within c.6KM of the site [...] Independently, these facilities have been considered to sit sufficiently comfortable within their immediate landscape and therefore their effects not experienced at any significant wider level.

As outlined within supporting documents provided as part of this application, the following application for major development (1,000,000 sq. ft of B8 employment space and associated infrastructure) affects the Kington Langley Parish area and is within 2.5km of the Red Barn site boundary:

- Land south-east of Junction 17 of M4 Motorway (17/03417/OUT) less than 200m north

Assessment of cumulative impact has been made following review of information provided as part of the application submission (including photographs with indicative views and annotations of viewpoints within chapter 5 of the provided Environmental Statement), consultation representation and independent observations.

Figure 9 shows the relationship between solar farm sites and PRoWs in the locality and the employment site is similarly identifiable on that figure. There are PRoWs and highways that provide a continuous route between all sites, and it is plausible that all three solar sites could be encountered as part of one trip when travelling around/to/from the parishes of Kington St Michael and Kington Langley.

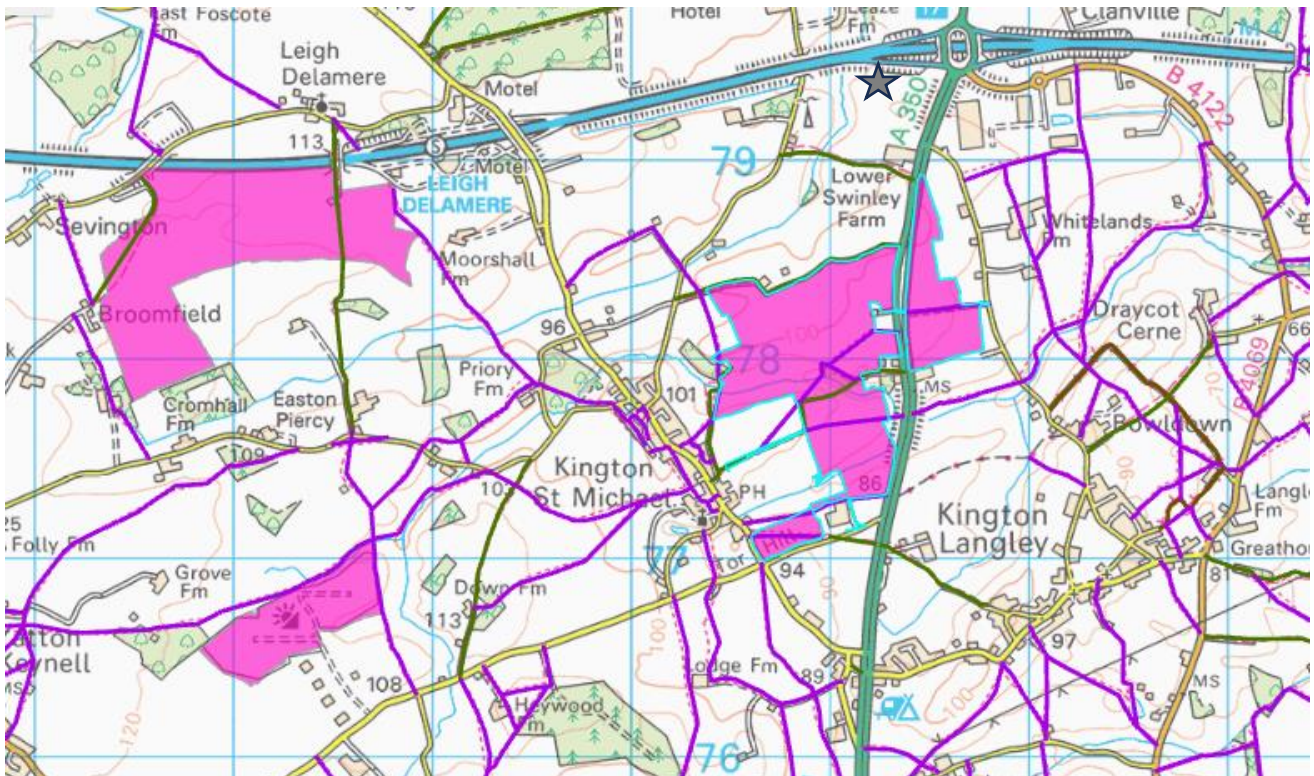


Figure 9: Roads (yellow, green and blue lines) and public rights of way (purple lines) in proximity to Red Barn Solar (pink infill, blue outline), other solar sites (pink infill) and major employment site (grey star)

Given its proximity, the employment site could be visible from parts of the Red Barn site (and vice versa); that the former will be viewed in context with the motorway is relevant, however, as the existing character of this part of the Kington Langley Parish area is already different from the rural character closer to the village settings.

By virtue of the number of agricultural parcels within the parish, the predominant character, as seen when walking (or driving) around the villages will remain as agricultural and clear visibility of all solar sites from one location (other than when viewed aerially) is unlikely. Renewable energy development will be identifiable within the setting but will not becoming a defining characteristic of the landscape.

It is concluded that, as is the case with Battens Farm, built-out solar farm schemes within this part of the County have been successfully integrated into the existing rural setting. Officers further submit that the predominant visual character for most of the surrounding setting will remain as rural agricultural land that there is a sufficient degree of separation between each solar site and so solar will not likely become the significant or defining characteristic of the wider setting.

It is recognised that when viewed in plan form the scale and position of the application sites may, at first view, appear to surround the village of Kington St Michael; however, by virtue of the roads,

remaining agricultural parcels and natural boundary treatments, there exists an appropriate visual buffer and a significant degree of separation between the Red Barn site and the sites associated with previously granted solar farms.

Given the degree of separation, it is concluded that there would not be an unacceptably detrimental, cumulative impact to the village or Parish settings should the scheme be permitted; however, it is recognised that the ratio of solar sites to other agricultural parcels within the Parish of Kington St Michael would be altered as a result of this scheme and it is considered likely that the Red Barn scheme represents the greatest extent of solar development that would be acceptable in the locality. It is considered likely that, should this scheme be permitted, any further solar farm schemes which directly affect the Kington St Michael Parish area, would represent a significant intensification of solar farm type development in the locality which may result in those proposals being resisted.

Whilst not objecting to the revised proposals, in their final comments, the Council's Landscape Officer does note that the character of 'Malmesbury to Corsham Limestone Lowlands' (Landscape Character Area: 16A – as identified within the 'Wiltshire Landscape Character Assessment') continues to incrementally change due to the proliferation of large scale solar and BESS developments that are already operational, approved, and currently in planning. For example, since the application was submitted, a further large scale solar development is now additionally being proposed on greenfield agricultural land adjoining the LVIA study area to the west of this site (under application reference PL/2024/09410 - North Allington Solar Farm) alongside the potential development of Lime Down Solar Park (NSIP) north of the M4, both of which are included within this same landscape character area

Nevertheless, it is evident that the proposal under consideration is somewhat discreet due to the nature of the surrounding roads, remaining agricultural parcels and natural boundary treatments, with an appropriate visual buffer and a significant degree of separation from those solar farms and associated renewable energy developments identified in the North of Wiltshire. Following careful consideration of concerns raised and careful assessment of all detail and guidance available, it is concluded that the landscape or visual impacts will be localised. As such, the following assessments are made to address whether the Red Barn scheme, alone, will result in any significant adverse impacts.

9.4 Archaeology and heritage

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a general duty on decision makers, when considering whether to grant development which affects a listed building or its setting, to have special regard to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses. Section 72 of the same Act places a general duty on local planning authorities to pay special attention to the desirability of preserving or enhancing the character or appearance of CAs when exercising their powers under any of the other Planning Acts and Part 1 of the Historic Buildings and Ancient Monuments Act 1953.

Chapter 16 of the NPPF expresses requirements relating specifically to conserving and enhancing the historic environment, with paragraphs 212 – 221 focussing on how LPAs should consider potential impacts.

Turning to local plan policy, criteria (v) of Policy CP42 of the WCS requires standalone renewable energy installations to take into account the historic environment. Policy CP57 of the WCS requires high quality design and place shaping for all new development with criteria (iv) placing a specific requirement on development being sympathetic to and conserving historic building and historic landscapes. Policy CP58 of the WCS further requires development to protect, conserve and (where possible) enhance the historic environment.

At the time of writing there is no specific CA statement for Kington St Michael CA or Kington Langley CA; however, the WDG references Historic England suite of design guidance. Historic England's Advice note 2 provides guidance on making changes to the Heritage Asset, paragraphs 41 advises the following:

[...] It would not normally be good practice for the new work to dominate the original asset or its setting in either scale, material or as a result of its siting. [...]

Historic England's Advice note 15 relates to Commercial Renewable Energy Development and the Historic Environment, paragraph 53 advises the following:

When informed by relevant assessments, the design of a scheme can help to mitigate the visual impact of a proposal, for example through the use of landscape bunds or tree planting. This is likely to be particularly important in areas known and valued for their historic character, such as conservation areas, registered parks and gardens or registered battlefields. However, such measures need very careful consideration as they are not appropriate in all situations. Bunds, for instance, can themselves be intrusive features in the setting of a heritage asset. Any proposed landscape mitigation needs to be appropriately visualised and presented in the visual impact assessment. [...]

Historic England's Advice note 17 relates to Planning and Archaeology, paragraph 43 advises the following summarised point:

In dealing with applications for planning permission, there are a range of activities relating to archaeology which are usually carried out by planning officers:

- (a) Agree and implement a consultation procedure with their archaeological advisers.*
- (b) Validate the application ensuring that it meets local requirements.*
- (c) Consult Historic England (when required).*
- (d) Ensure sufficient information is available to make an informed planning decision [...]*
- (e) Take advice from archaeological advisers before discharging conditions.*
- (f) Take action if conditions are not being complied with.*

Conservation Areas and Listed Buildings

In support of the application, a Heritage Desk-Based Assessment has been submitted (Cotswold Archaeology, dated April 2024). Within it, a number of heritage assets have been identified as being potentially susceptible to impact as a result of their setting being affected by the development. In their initial comments, the Council's Conservation Officer confirms their agreement that the assets being identified within the desk-based assessment is accurate.

Most of the site is more than 1km from the Kington Langley CA and as such there exists a significant degree of separation to such an extent that development is not likely to affect that CA setting. Parts of the site are however directly adjacent to the Kington St Michael CA and as such careful consideration around how the development proposed will impact this protected environment must be made. Figure 10 shows the wider relationship between the site and these CA's.

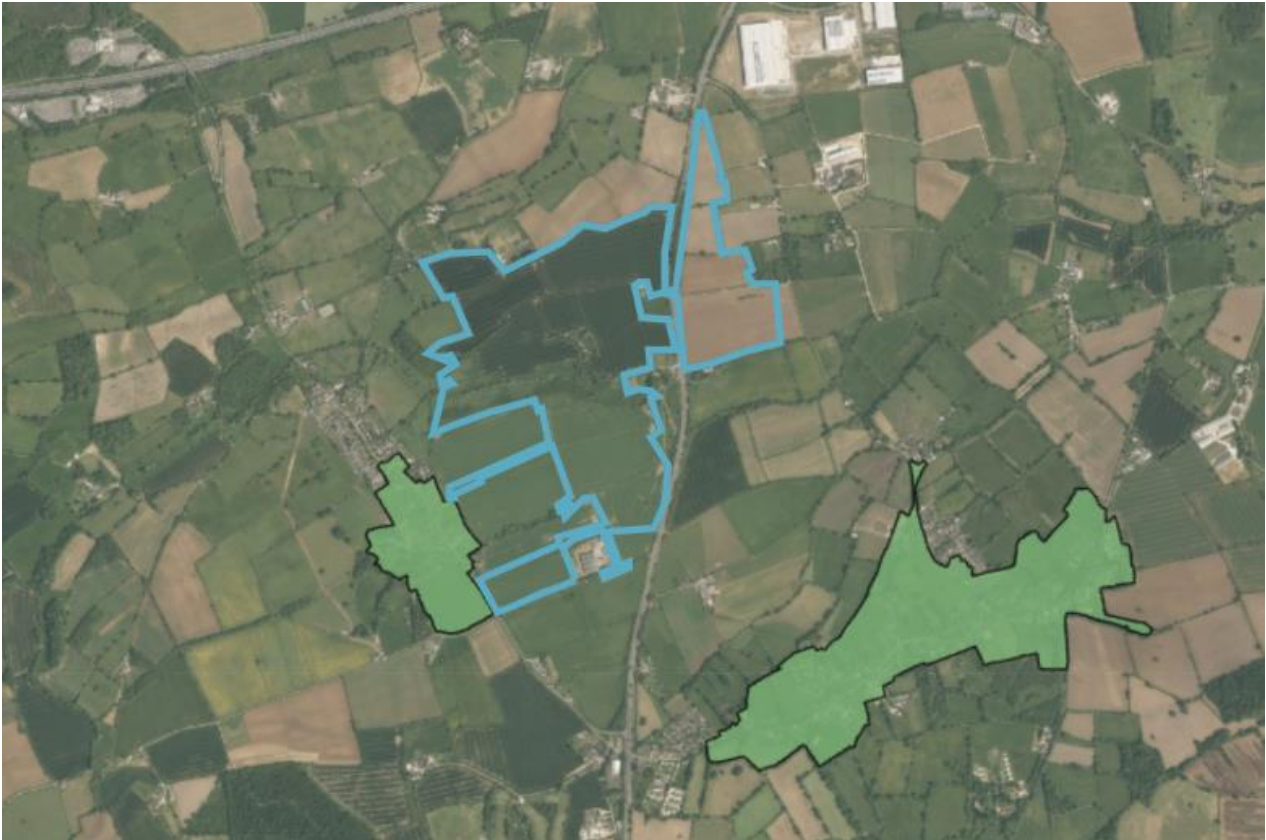


Figure 10: Conservation Areas (green infill) in proximity to Red Barn site (blue outline)

The listed buildings located within Kington St Michael which are within 100m of parts of the western edges of the site boundary are all Grade II listed. Of a higher listing, Grade II* listed Church of St Michael is c.300m from the nearest of the panels and separated by other built form and roads. The location of those listed buildings in relation to the application site is set out in figure 11 below (extract from the submitted desk-based assessment and subsequently submitted drawing showing distance of nearest panels to the Grade II* Kington St Michael Church).

The original list entry for the Grade II* church has been extracted below:

Parish Church, C12 and C13 with west tower of 1725 and north aisle of 1755, restored 1857-8 by J.H. Hakewill. Rubble stone with stone slate roofs and coped gables. West tower, gabled nave and aisles, south porch, chancel and vestry. 1725 tower is ashlar, 3-stage with stopped, curved-fronted diagonal buttresses up to bell-stage, 2-light Y-tracery bell-openings, infilled in pierced ashlar, pierced parapet and pinnacles to angles and centre each side. C18 lead hopper-head on south side. South side has ground floor depressed-arch door with hoodmould and cusped 2-light over. Nave east gable has small sanctus bellcote. South aisle has corbel table and ashlar corners, apparently C12 but late C13 fenestration, C19 three-light west window, original 2-light south windows with cinquefoil over, one each side of porch, and 3-light east window. with large cinquefoiled circle head, probably C19. Large stone-slated porch is ashlar-fronted with thin neo-Norman arch, mid C19, plastered within with c1700 plaque, stone seats and jambs of C12 door, two tall shafts with carved caps. Door and door head are C15 or C16. Chancel has corner flat buttressings, south side cusped lancet and C15 two-light flat-headed window, east end large 3-light C19 window and north cusped lancet. C19 vestry in angle to north aisle. North aisle has large 3-light windows, long lights, pointed centre, arched each side under Tudor-arched head with hoodmould, more C17 than 1755 in appearance. One window each end, 2 to north side and blocked Tudor-arched centre door. Interior: Nave has 3-bay arcades of pointed arches, circular columns with spurred circular bases and moulded circular caps to north, circular columns with octagonal caps to south. C19 roof. Bead-moulded pointed C18 tower arch. South aisle has C19 roof, cusped piscina and circular font. North aisle has king-post and angle

strut roof. Chancel arch is much-restored Norman, very wide with zig-zag meeting at angle in lozenge pattern. Nook-shafts. Chancel has c 1874 wind-braced roof, cusped rear arches to north openings, one south with dog-tooth ornament. Cusped piscina. C19 arcaded reredos. Stained glass: east window 1875 by Cox and Sons, one south lancet of 1857 by Gibbs, south aisle east window brightly coloured glass of 1857 to the antiquarians John Aubrey and John Britton, one south window of 1891 and west window of 1894. Monuments: in north aisle, north east angle fine marble plaque to F. White died 1707, on north wall marble plaque to I. Gale died 1795 by Tyley of Bath, plaques to J. Gastrell died 1678, N. Gastrell died 1662, and to J. Gilpin died 1766. On west wall, plaques to William Coleman of Kington Langley died 1738, R. Glenn died 1775 and Israel Lyte of Easton Piers died 1661. In south aisle, plaque to J. Hitchcock died 1820, signed S. King of Castle Combe and Baroque plaque to D. Yealfe, died 1779. (W. Lewis *The Church Rambler* 1878 2 501-16; *Wilts. Arch. Mag.* 4 1857 36-134; N. Pevsner, *Wiltshire* 1975 281; W. Plomer ed *Kilvert's Diaries* 1969 3 89, 150)

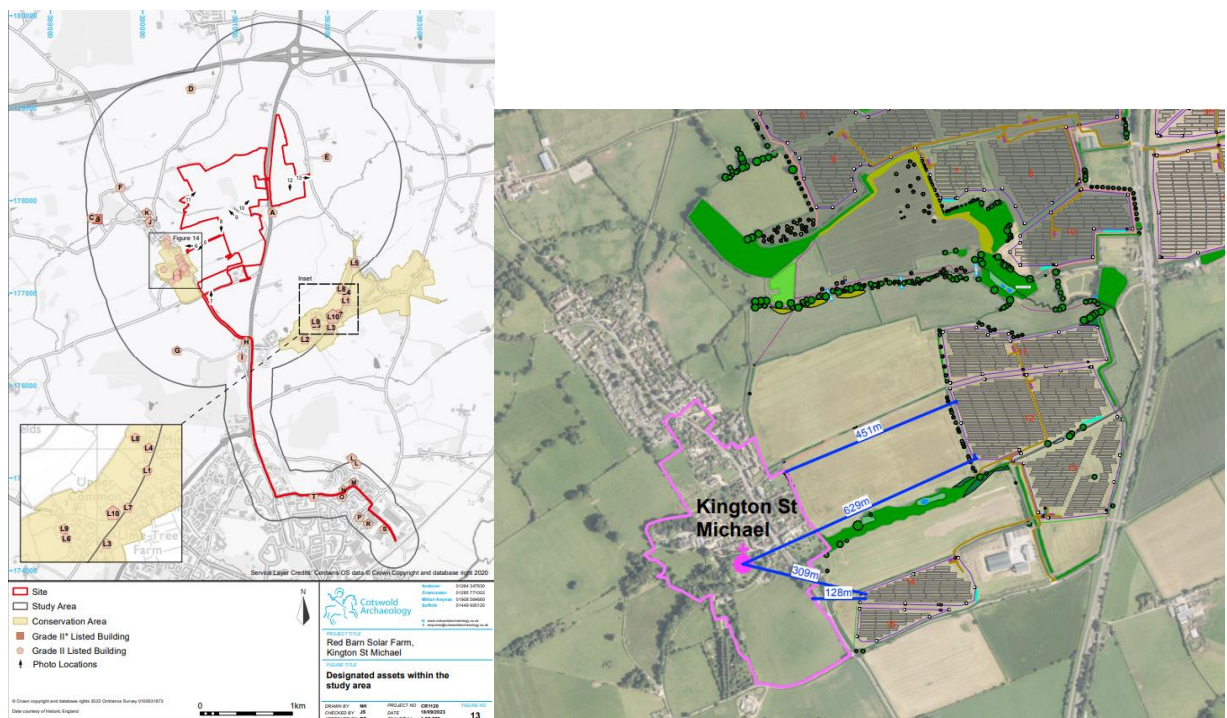


Figure 11: Listed buildings in relation to the Red Barn site

The majority of the solar parcels would be located in the north-eastern part of the site; however, there is a parcel to the south-west of the site which will be more closely related to Kington St Michael village, and consequently the CA setting and setting of listed buildings.

In their initial comment, the Councils Conservation Officer objected to the scheme, suggesting that the development would result in harm to the setting of Kington St Michael Conservation Area and St Michael's Church, involving the loss of an important rural, tranquil landscape that serves as a buffer to the dual carriageway and the village. However, following the submission of additional and revised information to address those concerns (notably the removal of the BESS element, the provision of additional screening adjacent to the field entrance to the south-western part of the site and cross sections through pathways which better illustrate the avoidance of an unacceptable "tunnelling" effect which would have potentially impacted on the views across the landscape toward the St Michaels Church tower), the Conservation Officer confirms that the impact of the development is less than was originally anticipated.

In their final comments, the Conservation Officer does not provide any guidance as to the level of harm they believe would be caused to the setting of heritage assets, but it is apparent that their initial guidance has been taken into consideration by the applicant and has resulted in positive changes compared to the initial submission. Extrapolating from their initial view of less than substantial harm being caused, it

is therefore reasonably inferred that the harm to the setting of heritage assets would continue to be less than substantial and be at the lower end of the scale.

Historic England were consulted, raising concerns that the scheme would result in less than substantial harm to the setting of the Grade II* listed church, suggesting that although the intervisibility between the site and the church is limited, the upper part of the Church Tower is still discernible from areas of the site, which is traversed by public rights of way and a bridleway. They go on to suggest the experience of approaching and contemplating the Church from the open, rural landscape which is its immediate context will therefore be impacted negatively. In a later comment, Historic England go on to confirm that they also consider the harm caused to the setting of the listed church to be less than substantial at the lower end of the scale.

Figure 12 gives an indication of the extent of built form that made up the village of Kington St Michel in the late C19, and clearly shows that the church has, for a substantial period, been a gateway feature to the village when accessed from the south. Maintaining the view of the church as a predominant feature when accessing the village, and subsequently the CA, from the south is of importance to the historic setting.



Figure 12: OS mapping 1885-1900

The retention of agricultural parcels (shown in hatched yellow on figure 7) directly to the east of the village and CA setting is entirely necessary for the scheme to be acceptable in visual terms. That they will remain in agricultural use appropriately reduces the likelihood that the solar farm will be a harmful distraction from the Grade II* listed church when entering the CA from the south.

Clearly, therefore, there is common ground amongst the conservation specialists that the setting and existing character of historic assets are enhanced by, and somewhat interconnected with, the rural character of expanses of undeveloped agricultural land, which includes the agricultural land associated with the application site itself.

In very large extent, this is a point also raised within local representations and, although noting that the applicant's own assessment has concluded that there would be no harm to the setting of the Kington St Michael Conservation Area and Grade II* St Michaels Church, in this case it is agreed that the expanse of PV panels and associated infrastructure will have some impact upon the setting of both the Kington St Michael Conservation Area and the Grade II* St Michaels Church. As referenced above, and following amendments to the scheme, the Council's Conservation Officer regards this resulting in harm to the heritage assets being at the lower end of the less than substantial.

Whilst it is considered that removal of the proposed solar parcels 14 and 15 (shown in the south-west corner on figure 7 and figure 15) from the scheme could further lessen potential harm to the historic settings, it is not considered reasonably necessary on this occasion as the retained agricultural parcels will allow for a degree of separation between the Grade II* listed church and parcels 14 and 15. The new native hedge proposed within field 15, east of the existing field gate (east of the highway) (together with the proposed new hedge to the west of the solar panels in fields 14 and 15), as shown in Figure 15, will to a small degree, encourage visual focus to the west of the highway, where existing access to 'Rowan Cottage' allows for a clear view of the church when entering the village and CA setting from the south.



Figure 13: Closer view of proposed parcels 14 and 15 and proposed planting (as shown on submitted documents)

Figure 13 shows part of the planting plan (revision 'S' submitted as 'appendix 6') which has been provided as part of the scheme submission. The position of the panels in parcels 14 and 15, with an undeveloped triangle of land proposed directly adjacent to the CA, provides a small but necessary visual buffer between the CA and solar farm which will provide a degree of disconnection between the farm and the CA setting, reducing the likelihood that the solar farm would dominate the setting of the CA and listed buildings.

In addition to the planting plans, there has been submission of tree protection plans which show further planning for conservation of features that contribute to the natural rural landscape. Further assessment of planting as part of the design of the scheme will be made at a later point in this report.

Ultimately, and as somewhat acknowledged within the Conservation Officer's commentary, by reason of the revisions to the proposals and the intervening distance and current built form (including roads), the degree of separation between those heritage assets identified above and the site does mitigate the degree of that harm, with the approach to the heritage assets from the south being largely unchanged from at present. For this reason, the level of harm is concluded to be less than substantial at the lower end of the scale.

Archaeology

There are no scheduled ancient monuments within the site or directly adjacent to the setting; however, information held on the Historic Environment Record confirms there are multiple remains within the wider setting, one of which (Saxon Mount) is within the site boundary.

Concerns have been raised within some representations that insufficient information has been submitted to allow a full consideration of archaeological remains on the site and locality. However, the

submission has been submitted complete with an archaeological desk-based assessment, along evaluation fieldwork (comprising the excavation of 158 trial trenches and geophysical survey). Adjustments were made to the layout of the proposal to avoid features, and the submission confirms that, subject to mitigation, no harm would be caused to any identified features. In this case, there is considered to be sufficient information to assess the proposals impact on archaeological features.

Upon completion of the fieldwork element, the Council's Archaeologist subsequently confirmed their agreement with the submitted evaluation, subject to the imposition of conditions which require the submission of an archaeological management plan as well as a further programme of strip, map and recording of archaeological excavation in three areas.

Conclusions

Historic England and the Council's Conservation Officers concerns have been noted by the applicant, and, following amendments being made to the proposals, the development is considered to result in a less than substantial harm to the identified heritage assets at the lower end of the spectrum.

As is required by paragraph 215 to the NPPF, the identified harm to heritage assets must be weighed against the public benefits of the proposal. In this case, and as is advocated by national policy and guidance and well established by appeal decisions, significant weight should be given to nature of the proposal as a renewable energy generation development. As is noted within the applicants own "Further Response" statement (dated October 2024), the development will generate up to 40MW of renewable energy which will contribute to the national target to generate 32% of overall energy generation from renewable energy, assisting with the government objective to move to a low carbon economy. Such public benefits are substantial and do outweigh the less than substantial harm to the identified heritage assets.

On this occasion, the public benefits of the scheme outweigh the less than substantial harm caused to the setting of the heritage assets (Grade II* St Michaels Church and Kington St Michael Conservation Area) and as such, the scheme complies with the aims of section 16 to the NPPF. Given the weight that must be ascribed to the meaning and compliance with paragraph 215 of the NPPF, it is also concluded that the conflict identified with policy CP58 to the Wiltshire Core Strategy (which affords no ability to weigh public benefits) is outweighed.

9.5 Landscape and visual impact, design and appearance

Context

The application site does not fall within any formal landscape designation and it is unlikely that there would be potential for the proposed development to impact upon the visual setting of the Cotswolds National Landscape designation (some 3.5km to the east – see figure 16 below), due to the low height of proposed development (generally limited to 3m above existing ground levels) and the intervening built form of Kington St Michael, in combination with the intervening rolling topography and existing areas of woodland. Nevertheless, by reason of the type of development and the scale of development proposed, the application has been made with the understanding that the scheme has the potential for significant environmental effects. The application has therefore included an environmental statement as part of its submission, including chapter 5 on landscape and visual effects.



Figure 14: Proximity of the Red Barn site (blue outline) in relation to national landscapes (green infill)

In terms of the impact on the wider landscape character, the site is included within the Avon Vale National Character Area (117). Natural England identifies key attributes and opportunities for the Avon Vale character area.

Key landscape attributes which can be seen as relevant to the site include:

- *Settlement pattern closely related to rivers and transport corridors*
- *Largely a tranquil agricultural landscape away from the settlements, under pressure to accommodate further development*

Summarised landscape opportunities which can be seen as relevant to this scheme include:

- *To manage, restore and replant hedgerow and hedgerow trees*
- *To manage arable cropping to encourage rare arable plants and farmland birds, maintaining profitable agriculture while restoring or adding interest to the farmed landscape*
- *To protect the many small well-established villages, particularly their historic cores [...] and narrow winding lanes that connect them aiming to retain their sense of isolation while ensuring viable and vibrant local communities*
- *To seek to maintain the connections between settlements and their agricultural and historical origins*

The site is further included within both the North Wiltshire Landscape Character Assessment (2004) and the Wiltshire Landscape Character Assessment (2005) as having the umbrella 'Limestone Lowland' Character Type; being within Character Area 08 (Hullavington Rolling Lowland) and Character Area 16A (Malmesbury to Corsham Limestone Lowland) respectively.

The site has many of the observed positive landscape features/main characteristics including:

- *Peaceful rural landscape*
- *Continuous hedges*
- *Distinctive traditional limestone villages*

Both assessments are clear that the overall objective should be to conserve and enhance the pastoral character and distinctive character of the villages, and that the hedgerows and mature trees should be conserved.

Policy

Criteria (i) of Policy CP42 of the WCS requires standalone renewable energy installations to take into account the landscape, particularly in and around AONBs

Policy CP51 of the WCS expresses that proposals should be informed by and sympathetic to the distinctive character areas and further expresses that development must not have a harmful impact upon landscape character. If there are negative impacts, they must be mitigated as far as possible through sensitive design and landscape measures. CP51 requires development proposals to demonstrate that identified aspects of landscape character have been protected, conserved and where possible enhanced, which includes the following summarised aspects which are relevant for assessment of the scheme:

- (i) The locally distinctive pattern and species composition of natural features such as trees, hedgerows, woodland, field boundaries, watercourses and waterbodies
- (ii) The locally distinctive character of settlements and their landscape settings
- (iii) The separate identity of settlements
- (v) Landscape features of cultural, historic or heritage value
- (vii) Tranquillity and the need to protect against intrusion from light pollution, noise and motion
- (viii) Landscape functions

Policy CP57 of the WCS requires high quality design and place shaping for all new development and includes the expectation that proposals should make a positive contribution to the character of Wiltshire. Proposals should demonstrate how the development meets the expectations of criteria of CP57 which includes the following summarised points which are relevant for assessment of the scheme on landscape matters:

- (i) Enhancing local distinctiveness by responding to the value of the natural and historic environment, relating positively to its landscape setting and the existing pattern of development and responding to local topography by ensuring that important views into, within and out of the site are to be retained and enhanced.
- (ii) The retention and enhancement of important landscaping and natural features.
- (vi) making efficient use of land whilst taking account of the characteristics of the site and the local context
- (xii) The use of high standards of building materials, finishes and landscaping

Saved policy NE12 of the NWLP supports the creation, conservation, enhancement and positive management of woodlands across the district. Saved policy NE14 of the NWLP is explicit that permission will not be granted for proposals that would result or be likely to result in the loss of trees, hedges, lakes/ponds or other important landscape or ecological features that could be successfully and appropriately incorporated into the design of a development.

Wiltshire's Climate Strategy further refers to the Councils GBI which sets out a long-term vision, strategic goals and principles for delivering green and blue infrastructure across Wiltshire.

Policy GI5 of the Chippenham Neighbourhood Plan³ relates to trees, woodlands and hedgerows, broadly expressing that development should seek to protect existing trees/woodland/hedgerows and proposals should include new planting, appropriate to their scale. Criteria (b) attached to Policy SCC3 of the CNP requires proposals for renewable energy to be informed by a comprehensive landscape impact assessment and for all mitigation measures identified within an impact assessment to be implemented.

Representations and consultations responses

³ Only the underground cable connection sits within the Chippenham Neighbourhood Plan area.

Objections to the proposals impact on the landscape have been raised by most of the consulted Parish Councils as well as within many of the representations – this includes the individual impact of the proposals, but also in respect of the cumulative impacts on the landscape from the high number of recent proposals and permissions for similar development. However, public comments of support have also been raised which include observations that the scheme includes positive provisions of community orchard, planting and footpaths etc.

The Council's Arboriculturist raised no objection subject to a condition requiring works within the root protection area (RPA) to be carried out by hand with arboricultural supervision, and a further condition requiring works to be carried out in accordance with the arboricultural impact assessment (AIA). Both conditions are considered reasonably necessary.

The Council's PRow Officer has raised no objection to the scheme, recommending that the signage and PRow furniture (stiles etc.) be upgraded to the least restrictive options. Comments specific to public benefit include a request for dedication of 2 bridleways and upgrade of one PRow (KSTM37) to bridleway or a requirement for financial contribution to be made under a section 106 agreement.

Turning to the comments of the Council's Landscape Officer, it is evident that revisions made during the life of the application have somewhat ameliorated their initial objections. Indeed, their initial objections and conflict with policy CP51 to the Wiltshire Core Strategy could be summarised as follows:

- The sloping nature of the site as well as the proximity of the site and the role this land serves to provide a landscape setting to the distinctive traditional limestone village of Kington St Michael
- The numerous Public Rights of Way within and overlooking the site, which provide access to local countryside and visual amenity for local people
- The sensitivity of the landscape and visual changes arising from the introduction of the proposed development rendering a greater impact upon landscape and visual receptors than other local solar PV developments within the local area, such as those already approved at Leigh Delamere, Battens Farm, and within Castle Coombe Race Circuit.

In response, the applicant updated the application to include the following clarifications and revisions:

- Clarification that all fencing used will be of a stock proof type fencing, commonly used in the countryside, rather than steel palisade security fencing
- Removal of the Battery Energy Storage System (BESS) element
- Removal of solar panels from the fields nearest to the edge of Kington St Michael Village since the pre-application stage and creation of additional native hedgerow mix

In their final commentary, the Council's Landscape Officer reflects on the changes and concludes that, in combination with the proposed community access land and orchard, there will be a separation of panels from the village edge, and will assist in better safeguarding a better perceptual countryside experience and amenity for users of footpath KSTM4 and bridleway KSTM3.

Nevertheless, the Council's Landscape Officer continues to identify that those views which will be possible from further afield (i.e. locations with roadside gaps in vegetation along the A350) where the development will still register as a notable change in land cover and will impact the appreciable setting of the village in the foreground of wider views where these are available, which will likely manifest for 10+ years & potentially for the duration of the development.

Ultimately, whilst still not being able to support the proposals, the Landscape Officer removes their previous in-principle objections to the scheme, since in their view the landscape impacts will be localised in nature and limited to the eastern setting of Kington St Michael village and views from across the valley from the elevated western edge of Kington Langley. They also reconfirm their initial assessment that the landscape is not a "valued landscape" for the purposes of paragraph 187 to the NPPF. They refer to the need to weigh up the identified harm alongside the benefits of the community use land,

landscape enhancements proposed and biodiversity net gain, as well as improvements to the public rights of way.

Rights of way

In terms of the impact of the development on the visual amenity of users of the PRow, as previously shown on figure 9, there are multiple existing footpaths and bridleways in proximity to, and directly affecting the site. This includes KSTM1, KSTM2, KSTM4, KSTM37, KSTM38, KLAN32, KLAN33, KLAN38 and KLAN39.

Figure 15 below has been extracted from the applicants “response document” (dated April 2024), where in appendix 8 the location of proposed new permissive paths alongside existing PRowS and indicates where there will be proposed boundary treatments adjacent to these PRowS indicating what those boundary treatments will be.

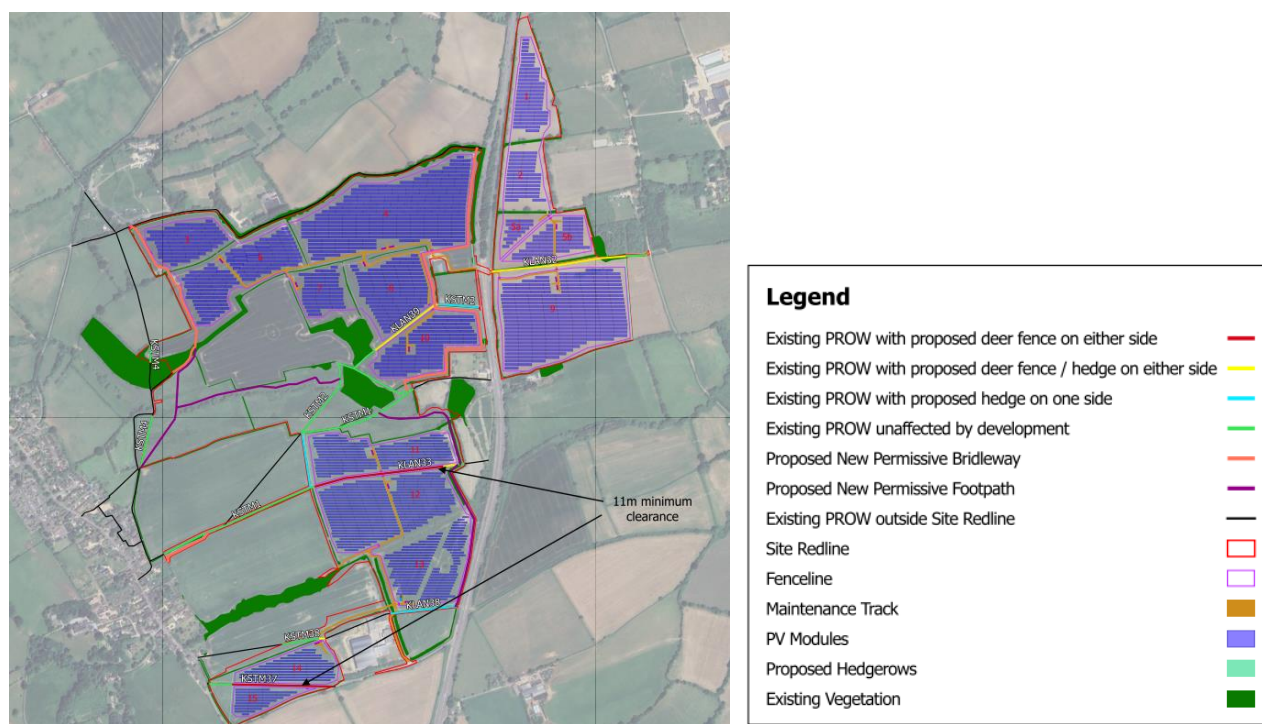


Figure 15: PRowS in relation to the Red Barn site and proposed boundary treatments (as shown on submitted documents)

The response document also provides the following summary of public routes within the site redline:

- PRow unaffected by development: 1,752m
- PRow with proposed deer fence on either side: 632m
- PRow with proposed deer fence and high hedge on either side: 625m
- PRow with proposed hedge on one side: 448m
- Proposed new permissive bridleway: 1,704m
- Proposed new permissive footpath: 1,597m

Review of the response document shows that there will be a significant combined distance of PRowS affected by the development and it is considered likely that the PRow areas which will result in the highest change in visual amenity because of the development are those which require deer fencing on either side (as shown in figure 16 below). The response document indicates that there will be a clearance between deer fencing of at least 11m where the deer fencing is on both side of a PRow, with panel-to-panel distances of some c.25-40m. This level of clearance is both appropriate and necessary to ensure an open feel and avoid any perception of overbearing development when using the PRow. What is also indicated in the response document is that the existing PRowS and public highway, along

with the proposed new permissive paths, will allow for an alternative (if less direct) paths for pedestrians to utilise should they wish to avoid PRoW corridors between solar parcels.

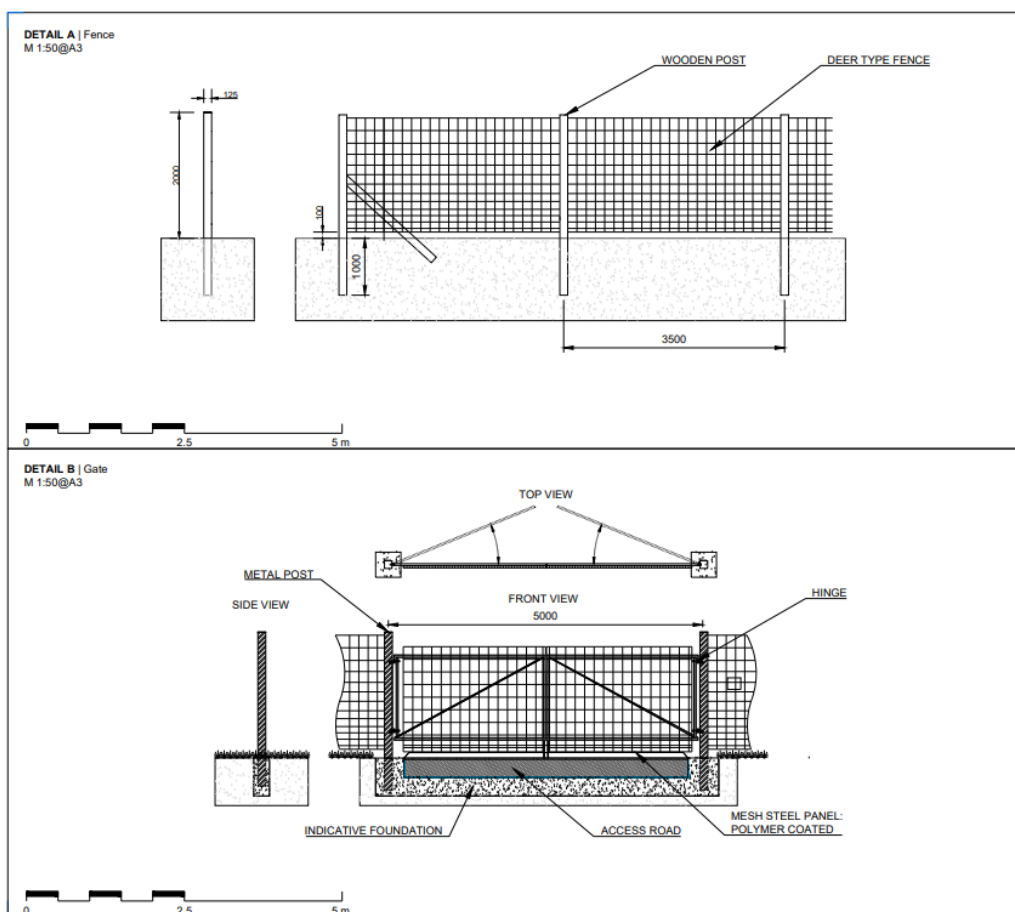


Figure 16: Fence and gate details as submitted

The provided document indicates an area of 1,752m of PRoW within the site that will be “unaffected” by the development; this appears correct to the extent that these areas are not subject to changes in route or requiring the provision of new boundary treatments directly adjacent; however, the visual amenity of users of those PRoWs can nonetheless be affected by the development and it is considered likely that there will be a change to the visual amenity along most PRoWs within the site boundary as a result of the development.

Conclusions

Chapter 5 of the applicant’s landscape and visual effects assessment proposes the following mitigation and enhancement measures:

- Avoidance of development close to the main part of Kington St Michael [...] and siting it beyond an existing hedgerow that lies to the north of field 14. Fields 14 and 15 will also be behind a new hedge on the western boundary
- Avoidance of development on the Manor Farm Brook Fields County Wildlife Site [...]
- Retention of the existing trees and hedgerows throughout the site apart from [those which will] facilitate proposed maintenance tracks and permissive footpaths and bridleways. [...] Approximately 126 individual new trees, 1.65km of hedgerow, 1.09ha of scrub and 0.21ha woodland will be planted
- Retention of the alignment of the PRoWs that run through the site
- Introduction of a new hedgerow with hedgerow trees to the east of PROW KSTM1[...]

- *Planting of Miscanthus giganteus to the north and west of Trade Winds (residential property) to create a fast and temporary visual screen, whilst the existing hedgerow continues to grow to panel height. [...]*
- *Introduction of new native woodland structure planting to strengthen an area of woodland along the stream corridor running east west through the southern part of the site to create an enhanced east west blue/green corridor [...]*
- *Introduction of new native woodland structure planting to the southwest of the properties on the A350*
- *Introduction of two section of new hedgerow planting and hedgerow trees along the western side of the A350 [...]*
- *Planting of a new hedgerow to the north of PROW KLAN39 between fields 8 and 10 and to the south of part of PROW KLAN33 between fields 5 and 9*
- *Infill hedgerow planting to existing hedgerows*
- *Existing hedgerow to the south of Nash Lane to be enhanced and infilled*
- *Introduction of new hedgerows with hedgerow trees. [...]*
- *Creation of wood pasture in the centre of the site north of the CWS. [...]*
- *Introduction of poplar and alder planting along the stream corridor*
- *Introduction of scrub planting within and west of the CWS adjacent to the stream and an area of scrub planting to the north of the CWS*
- *Introduction of diverse native fine grassland and tussock field margins providing a rich habitat for insects, mammals and nesting birds that will be utilised for light sheep grazing and will be cut annually. [...]*
- *Reinstatement and enhancement of the existing pond in the CWS, which will be managed for wildlife. Creation of three new leaky dams along the stream in fields to the west of the CWS*
- *Hibernacula and log piles will be constructed adjacent to the pond, hedgerows and woodland to enhance biodiversity*
- *Creation of a new permissive bridleways and footpaths around the outer edge of the western part of the solar farm to create a loop from Kington St Michael including along the stream corridor within the CWS*
- *New picnic benches adjacent to the stream*
- *Making land available for an off-lead dog walking area and allotments for locals on the western side of the western parcel*
- *Provision of a new community access and biodiversity area*
- *Provision of land and trees for a community orchard on the northwestern part of the western parcel*
- *Introduction of approximately 8ha of wildflower meadow for chalk and limestone soils beneath the panels of fields 3 and 6 and in the central area to the north of the CWS*
- *Biodiversity net gain more than 10% will be achieved.*

In addition to that explicitly listed within the applicant's landscape and visual effects assessments, review of plans provided shows that arrays are proposed to avoid any overlap of existing parcel boundaries and show that there will be retention and provision of hedgerows to clearly define these existing boundaries. This design consideration, coupled with the proposed and retained other planting, will maintain and complement the existing patchwork/irregular field character and will lessen the visual impact throughout the life of the scheme.

Figure 17 provides another closer view of the provided planting plan, focussing on parcels 2-10 as this is the area with the most concentrated number of solar arrays. Figure 18 shows recent aerial photography of the same area.



Figure 17: closer view of parcels 2-10 and proposed planting (as shown on submitted documents)



Figure 18: closer view of existing site relative to areas around proposed parcels 2-10

The scheme has been reduced since pre-application stage and further altered since the original planning submission (removing all battery storage systems). Whilst the panels themselves are of typical appearance of the type, it is apparent that as a whole, there will be a significant change of character to parcels where solar panels are to be sited, it is equally apparent that there has been careful consideration around mitigation measures and landscape enhancement. E.g. The community access and biodiversity area being adjacent to parcels 6 and 7 will provide a necessary visual break from solar development along with positive environmental enhancement.

Further natural-looking breaks in developed areas will also lessen the visual impact of development and, where these areas follow the existing field pattern, will be appropriately integrated into the landscape. New tree and hedgerow planting is proposed; the species and location of which are appropriately in keeping with the landscape setting which will provide necessary softening of the otherwise utilitarian panels, substations, cabins, fences and gates.

The proposed route of the connection to the national grid amounts to 4km in length and will be entirely below ground. Operational works to provide this connection will be highly visible and conspicuous during the construction phase but upon completion will otherwise be hidden throughout the life of the solar farm, thereby reducing impacts to the landscape to being transitory only.

Similarly, the views within, from and across the wider character of the Public Rights of Way network there will be a significant (long-term, reversible) harm to the visual amenity experienced, contrary to the aims of criteria (vii) of CP51 and criteria (i) of CP57. The scheme does, however, include significant public benefits associated with the PRow network (including more than 3km of new permissive footpaths and bridleways, and the creation of circular routes linking up footpaths which previously ended

at the A350) which provides some mitigation above and beyond the wider public benefit that solar development provides. Indeed, both the Council's Rights of Way officer and the Wiltshire Horse Society comments agree with those improvements.

Clearly, therefore, whilst much has been done within the application to avoid and mitigate impacts to the landscape, there remains a degree of harm. Nevertheless, as is identified within the Landscape Officers comment, that harm is localised and limited in scope. To that extent, the impacts identified can be inferred as being at the lower end of the scale.

Within their submissions, the applicant points to the advice contained within Overarching National Policy Statement for Energy (EN-1), whereby there is a recognition that "Virtually all nationally significant energy infrastructure projects will have adverse effects on the landscape..." (Paragraph 5.10.5) and "The scale of energy projects means that they will often be visible across a very wide area..." (Paragraph 5.10.35), yet is clear that residual landscape impacts should not prevent the delivery of CNP Infrastructure, other than in the most exceptional circumstances. The applicants assert that from such advice it should be the case that energy infrastructures which is smaller than nationally significant projects (such as this proposal) should also be approached in such a way.

Although there has been reference to such within appeal decisions as a material consideration, there is no expressly stated or automatic presumption (as set out in EN-1) that is applicable to the consideration of an application for solar energy generation development of this size, but is it nevertheless clear from section 14 to the NPPF, that significant weight should indeed be given to the need to support renewable energy and low carbon development, and that even small-scale projects provide a valuable contribution to significantly cutting greenhouse gas emissions. Recent decisions on renewable energy generating development in Wiltshire confirms this approach including appeal reference APP/Y3940/W/24/3346309, which relates to BESS development at 'land at Somerford Farm, Brinkworth', whereby despite concluding that the development would cause harm to the landscape character and visual amenities of the area in contravention of policies CP51 and CP57, the Inspector acknowledged the tension being created with CP42 (standalone renewable energy installations) and attached great weight to the public benefits of the scheme from its alignment with the NPPF and layers of national policy and guidance which supports renewable energy.

It is acknowledged that there is a differential in the level of landscape and visual impact from the proposals being identified between the Council's experts and some of the local representations. However, in this case, the landscape is not designated and neither does it possess the attributes which could lead to it being described as a 'valued landscape' for the purposes of the NPPF. In other respects, there is in fact no reason to conclude other than in accordance with that set out within the submission and as assessed by the Council's own Landscape Officer, in that the level of harm caused to the landscape is localised and therefore at the lower end of the scale.

In this case, and as is advocated by national policy and guidance and well established by appeal decisions, significant weight should be given to the proposal as renewable energy generating development. As is noted elsewhere in the report, the development will generate up to 40MW of renewable energy which will contribute to the national target to generate 32% of overall energy generation from renewable energy, assisting with the government objective to move to a low carbon economy. Such public benefits must be regarded as substantial.

The proposed development does not comply with all criteria of policies CP51 or CP57 of the Wiltshire Core Strategy and consequently neither can it meet the requirements of criterion (i) of CP42. In other respects, the proposals broadly meets the requirements of saved policies NE12 and NE14 of the NWLP and aims of GI5 and SCC3 of the Chippenham Neighbourhood Plan. Nevertheless, given the aforementioned substantial weight that should be given the benefits associated with the development, the material considerations in this case indicate that a decision should be made other than in strict accordance with those identified elements of the development plan.

9.6 Amenity

Criteria (vii) of Policy CP42 of the WCS requires development to address and take into account residential amenity including noise, odour etc.

Criteria (vi) of Policy CP57 of the WCS requires development to have regard to the compatibility of adjoining buildings and uses.

Saved policy NE18 of the NWLP requires development to not generate, or itself be subject to, harm upon public health or cause pollution to the environment by the emission of excessive noise, light intrusion etc.

Objections received raise concerns that the development will result in a negative impact on nearby residents and on users (including animals) of nearby stables, particularly throughout the construction phase.

Further concerns have been raised regarding the potential loss of privacy from any CCTV. The location of proposed security cameras has been indicated on the site layout plan as to be contained within the field parcels where solar arrays are proposed. No security cameras are proposed directly within publicly accessible areas and potential requirements for security cameras on private land is acceptable where compliance with separate legislation (not explicitly relating to planning matters) is adhered to.

The application has been submitted with a glint and glare assessment, noise assessment and statement of community involvement. The scheme has also been amended during the life of the application and further information provided to respond to public and consultee concerns raised. Plans provided do not indicate that there is any requirement for external lighting.

Noise and disturbance

The proposal has been submitted with a Noise Assessment, updated following initial comments from the Council Public Protection team and the removal of the BESS element. This confirms that the operation of the layout for the development has a low potential to affect the amenity of the closest residential receptors and that in all instances, the noise emissions from the inverter stations will be less or equal to the measured ambient sound level in the area thereby preserving the acoustic character of the area when using the public rights of way. Following assurances being sought on the data and assumptions being used to inform the noise assessment as a worst-case scenario, the Council's Public Protection team raises no objections to the end state development. No conditions are recommended by the Council's Public Protection team, but it is considered useful to include an informative on any decision notice so as to confirm that any noise above and beyond that which has been assessed may result in unacceptable nuisance to occupiers of neighbouring dwellings and bringing their attention to the Environmental Protection Act 1990.

The construction phase is expected to last some seven and half months, and as with most building projects there will be some disturbance, impact on amenity and inconvenience on those who live nearby or pass through the area. To that extent, the objections raised with representations are entirely understood and it is entirely appropriate for the applicant to have submitted a Construction Noise Assessment (included within a wider noise assessment document). This assessment confirms that construction works will be undertaken between 08:00 – 18:00 Monday – Friday and between 08:00 – 13:00 on Saturdays, no work to be carried out on Sundays or bank holidays and that acceptable noise limits will not be exceeded during the construction phase. In order to comply with policies CP42(vii)

and CP57(vi) and ensure that appropriate levels of amenity are achievable, it is reasonably necessary to condition strict accordance with these intended working hours. Again, the Council's Public Protection team raises no objection and does not suggest the need for any conditions to be imposed. However, it is nonetheless considered reasonable to make use of conditions which specify hours of construction and the submission of a Construction Environmental Management Plan so as to minimise impacts.

Following assurances being sought on the data and assumptions being used to inform the noise assessment as a worst-case scenario, the Council's Public Protection team also raises no objections to the development when operational.

Glint and glare

The methodology within the provided glint and glare assessment expresses that residential dwellings which are around 1km from solar PV development boundaries which have a visual line of sight to the panels have been assessed via modelling, as other dwellings were expected to be screened by these receptors, as well as by vegetation and/or other buildings found in between them. Further consideration related to road users, public footpaths, public bridleways and aviation has been made as part of their assessment. Existing obstructions such as buildings, trees and hedges have been included as part of the assessment along with proposed hedges and trees which have been specified within planting plans.



Figure19: Dwellings within 1km of the site which were assessed via modelling. (as shown on submitted documents)

The provided assessment expresses that, by reason of surrounding obstructions, the development will result in either no glint and glare impact or low impact (less than 60mins daily for less than 3 months of the year) on occupiers of neighbouring dwellings. Similarly, the assessment also concludes there would not be an impact on other receptors such as roads, rights of way and aviation etc.

Although often raised as a concern, in this particular case, there is considered to be no evidence to suggest that the proposals will cause an unacceptable impact upon the amenity of surrounding residential occupiers from glint or glare, with no further mitigation required (noting that new trees and hedges are already being proposed as part of landscape mitigation). As the planting of these trees and hedges will be conditioned as part of compliance with the planting plan there are no further mitigation measures necessary specific to glint and glare impacting residential properties. Indeed, the Council's Public Protection team, Landscape Officer, Highway Engineer nor any other consultee has raised any objections in this regard.

On balance, with the inclusion of carefully worded conditions, the proposed development meets the aims CP42(vii) CP57(vi) of the WCS and saved policy NE18 of the NWLP.

9.7 Highways and rights of way

Proposal

The proposal has been submitted complete with an Outline Construction Traffic Management Plan (dated April 2024). Figure 20 below shows the traffic routes for construction vehicles, together with the three access points from the A350/Allington Lane:

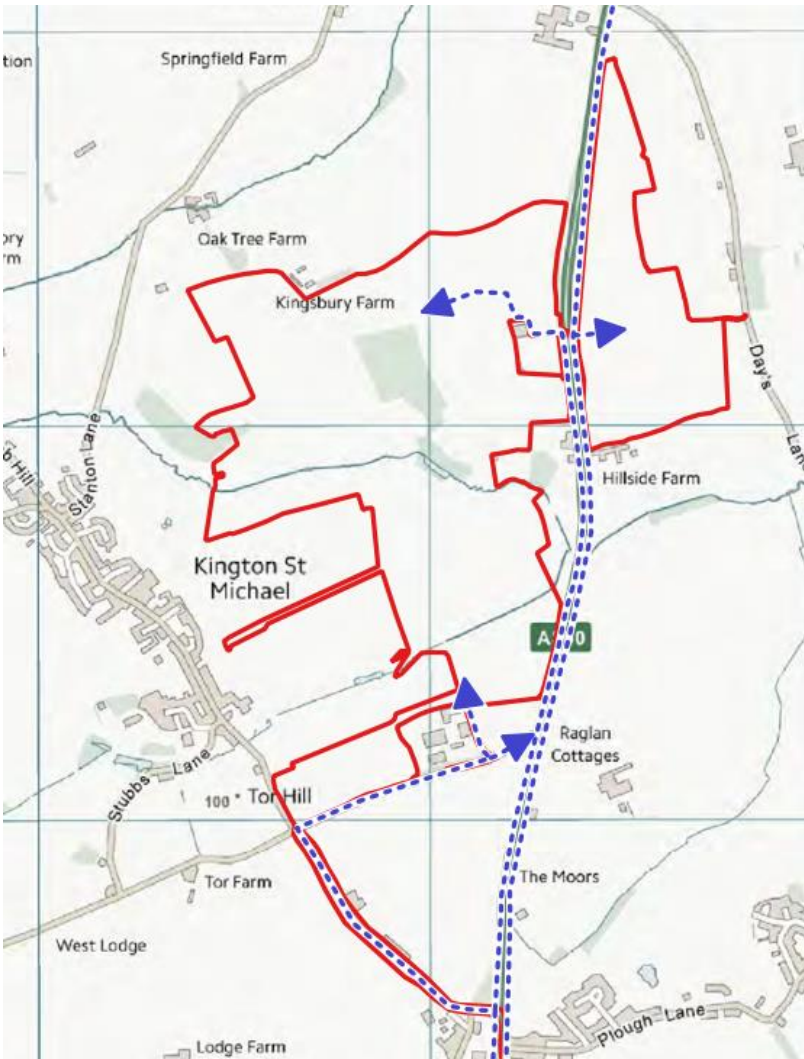


Figure 20: Construction Traffic Route (dashed blue) relative to the site (red line) (as shown on submitted documents)

The submission identifies that there will be three construction compounds set up within the site to accommodate storage of equipment, materials and parking for construction vehicles, including minibuses and cars. The proposals suggest that any non-local construction workers will likely stay in local accommodation and be transported to the site by minibus which would minimise the number of vehicle trips. There would also likely be encouragement for carpooling for anyone not using the minibus service. Further assessment would need to be made as part of an assessment of a final management plan.

The construction phase is anticipated to last for approximately seven and half months, with a total of 970 deliveries (1940 two-way movements) by HGVs. None of the shown construction traffic routes will be through the surrounding villages and will avoid school drop-off times. The submitted Outline Construction Management Plan setting out a table specifying the respective elements:

Activity	Type of Vehicle	Total Number of Deliveries
Solar Construction		
Solar Modules & Mounting Structures	Max 16.5 Articulated	288 (576 two-way movements*)
Inverters/Transformers	10m Rigid	26 (52 two-way movements)
Substation	10m Rigid and 16.5m Articulated	5 (10 two-way movements)
Internal Access Tracks	10m Rigid	258 (516 two-way movements)
JCB Delivery	Low Loader	15 (30 two-way movements if driven to Site)
Other (sand, gravel, waste etc)	Max 16.5 Articulated or 10m Rigid	378 (756 two-way movements)
Total		970 deliveries (average of just under 6 deliveries per day or 12 two-way movements per day**)
10% Buffer		1,067 deliveries (average of just over 6 deliveries per day or 12 two-way movements per day)
*Two-way movements relate to arrivals plus departures		
** Deliveries taking place over a seven and half month period (approx. 171 working days)		

Figure 21: Table of HGV movements from submitted Outline Construction Traffic Management Plan.

In terms of the operational solar farm, maintenance vehicles will access the western parcel of land by the same access junctions as for the construction period, that is off the A350. Maintenance vehicles will access the eastern parcel of land via the existing agricultural access on Day's Lane. Both accesses previously being improved for the purposes of construction.

The application has been submitted with supporting documents which include: proposed site access arrangement and footpaths plan, outline construction traffic management plan (which includes an Allington Road Audit, Stage 1 Road Safety Audit for Site Accesses, and Indicative Traffic Management

Plans and Stage One Road Safety Audit, amongst other things), passing area and signage plan, and maintenance road details.

Policy

Criteria (vi) of Policy CP42 requires proposals to take into account the use of the local transport network.

Criteria (ix) of Policy CP57 of the WCS requires development to ensure the public realm, including new roads and other rights of way, are designed to create places of character which are legible, safe and accessible.

Policy CP60 of the WCS expresses the Councils support and encouragement of sustainable, safe and efficient movement of people and goods within and through Wiltshire. Expressing under part CP60(vi) that there should be assessment and, where necessary, mitigation of the impact of development on transport users, local communities and the environment.

Criteria (ii) of Policy CP61 of the WCS requires proposals to be capable of being served by safe access to the highway network. CP61 further expresses that, where appropriate, contributions will be sought towards sustainable transport improvements.

Policy CP62 of the WCS requires development to provide appropriate mitigating measures to offset any adverse impacts on the transport network at both the construction and operational stages.

Policy CP64 of the WCS relates to demand management which includes traffic management measures.

Strategies included within LTP3 include Wiltshire's Road Safety Strategy (2011) Cycling Strategy (2014) and Accessibility Strategy (2014).

Saved policy T5 of the NWLP requires development affecting PRowS, cycle and pedestrian routes to make a satisfactory provision (in terms of safety, attractiveness and convenience) to retain or divert the existing or proposed route.

Policy T1 of the Chippenham Neighbourhood Plan⁴ requires cycling scheme to be prepared for all major development proposals, where it is appropriate to encourage modal shift from the private car. In this instance there is no suggestion that the development will be likely to generate significant levels of traffic of any sort beyond the construction phase.

Assessment

As might be expected given the scale of the development, a reasonably substantial number of the public concerns received relate to the potential impact on users of PRowS, as well potential impacts on highway safety during construction (especially through Kington St Michael and surrounding villages). In particular, detailed "risk assessment" documents have been submitted by objectors in respect of the perceived risks to footpaths and public access as well as construction traffic. These documents conclude, *inter alia*, that the proposed points of access for construction traffic are not designed and are unsafe for the expected HGV traffic (especially at the Tor Hill crossroads where there is anecdotal evidence of accidents) and that the degree of fencing of the public rights of way will induce anxiety,

⁴ Only the underground cable connection sits within the Chippenham Neighbourhood Plan area.

restrict persons from finding a quicker exit in the event of an emergency and access for emergency services (particularly fire).

Within the April 2024 revisions, and in response to those concerns, the applicant has confirmed that construction traffic will not be routed through Kington St Michael nor any of the other surrounding villages. Additional signage will be erected to alert drivers to the presence of construction traffic, including at Tor Hill crossroads as well as an increase in the width of the Allington Lane junction as well as management arrangements to ensure traffic is deconflicted as far as is possible via a full-time banksman. The applicant refutes the suggestion that the construction accesses are, after they have been widened, unsafe (pointing out that they are already in use by large agricultural vehicles) and that the extent and height of the fencing to the rights of way would not feel unduly enclosed or be unsafe.

In their comments, the Council's Highway Engineer confirms that they find the proposed three points of access for construction traffic to be acceptable (noting that improvements to those points access will necessitate agreement under the Highways Act). Similarly, in their initial comment, the Highway Engineer also confirms the existence of three passing places along Allington Lane which would be available for a car to use in the event of meeting a HGV travelling in the opposite direction, with subsequently provided swept path analysis confirming suitability (notwithstanding the applicant has confirmed a left-in, left-out arrangement).

Ultimately, the Council's Highway Engineer raises no objections subject to the imposition of conditions covering such matters as the detail of the access improvements, provision of the necessary visibility splays, a decommissioning plan and a detailed Constriction management Plan (building on the outline plan submitted) so as to confirm such matters as road maintenance following any damage caused as well as measures to control dust and dirt. A subsequent request that the Council's Highway Engineer consider the points raised within the detailed "risk assessment" documents submitted by objectors confirms that there is nothing within those documents which would change their conclusion that no objection be raised.

Whilst it is accepted that the construction period will inevitably result in some inconvenience and disruption to residents and users of the highways and PRoWs, it needs to be acknowledged that such inconvenience and disruption will be temporary. Indeed, the bar set by paragraph 116 to the NPPF to refuse planning permission on highways grounds is set at a high level:

Development should only be refused on highways grounds if there would be an unacceptable impact on highway safety, or that the residual cumulative impacts on the highway network would be severe, taking into account all future scenarios.

In this particular case, and whilst acknowledging the concerns within representations, there is no evidence beyond the anecdotal that, subject to conditions being imposed, the proposals would cause an unacceptable impact on highway safety or that the cumulative impacts on the highway network would be severe. The applicant has addressed the matters fairly, with the Council Highway Engineer confirming that those objections do not change their conclusion that the proposals are acceptable.

Accordingly, and subject to the imposition of conditions, the proposed development is considered to comply with the aims of CP64 of the WCS, saved Policy T5 of the NWLP and policy T1 to the Chippenham Neighbourhood Plan (albeit acknowledging that only the cable connection route element of the site is within the plan area). Furthermore, with the understanding that further assessment will be

made as part of any discharge of conditions applications, the scheme complies with the aims of CP42(vi), CP57(ix), CP60(vi), CP61(ii), CP64 of the WCS.

9.8 Drainage

Policy CP67 of the WCS relates to flood risks and outlines the expectation that all new development will 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 those measures unsuitable.

A Level 1 strategic flood risk assessment (FRA) for Wiltshire Council was carried out in May 2019 which included the observation that, *for development to be considered at low risk of flooding, it must meet the following conditions, determined by the Council:*

- *Site is within Flood Zone 1*
- *Site is not within Flood Zone 3 plus climate change*
- *Less than 10% of the site is at risk from surface water flooding in the 1 in 1,000 year event*
- *Less than 10% of the site is within highest risk category*
- *Site is not within an area highlighted on the historic flood map*
- *Site is not at risk of reservoir flooding*
- *Site does not contain a main river.*

Most of the site is located within flood zone 1; however, there are tributaries within the site (shown on figure 22) which feed into the River Avon. Some areas around these tributaries are in flood zones 2 and 3 (shown on figure 23). Given the size of the development site and that not all of the site is flood zone 1, the application has been submitted with a site-specific FRA, along with a Drainage Strategy.

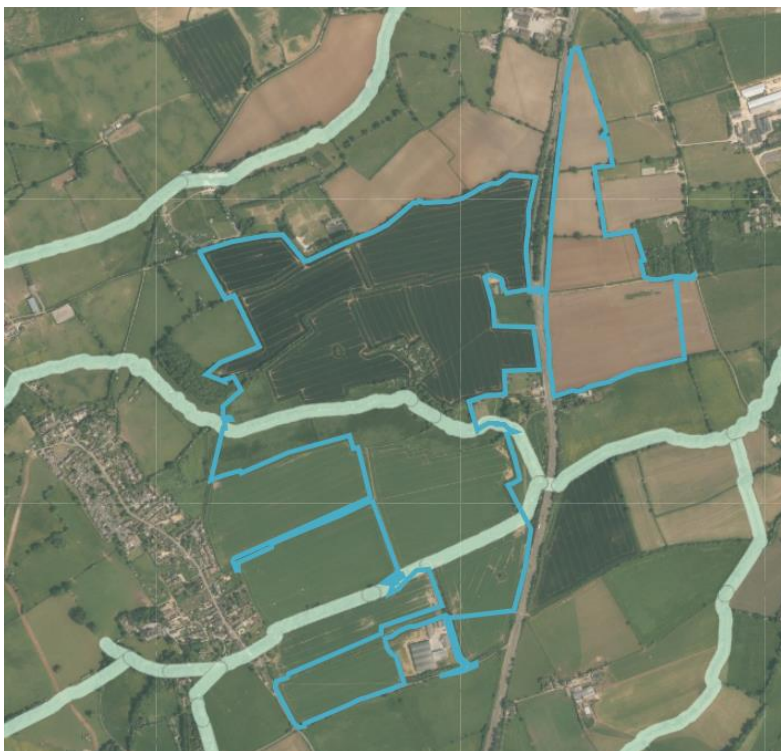


Figure 2: watercourses (light green infill) in and around the Red Barn site (blue outline)

All of the development footprint is to be located on land within Flood Zone 1, at a low risk of fluvial flooding and as such is an appropriate location for essential infrastructure development (which includes solar farms). Similarly, EA mapping confirms the majority of the site is at zero or very low risk of ground

water and pluvial flooding respectively, with relatively small areas of medium risk around the watercourses in the western parcel of the site.

The scheme includes new runoff swale features, which will offset any additional runoff drainage as a result of the development and, given the combined storage volume (approximately 200% larger than Wiltshire Council's anticipated requirement), will result in a drainage betterment to the locality.

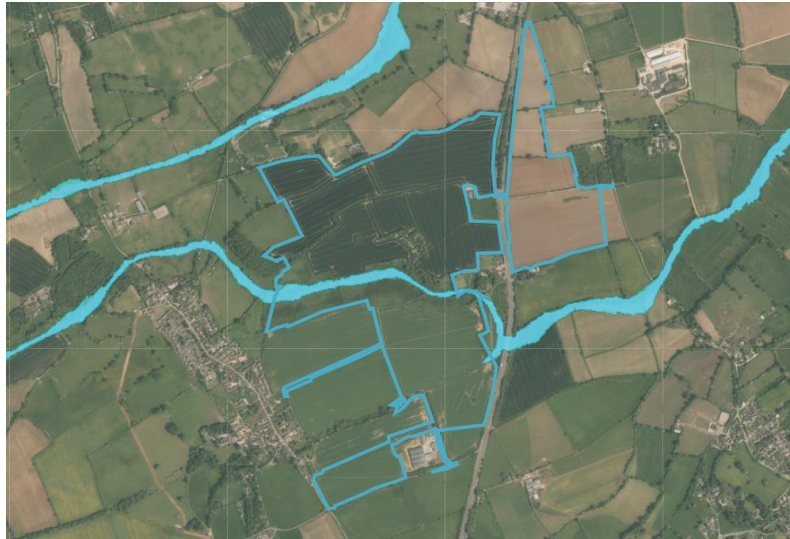


Figure 23: Flood Zone 3 (blue infill) relative to the Red Barn site (blue outline)

Consultation with the Environment Agency (EA) was carried out who raised no objection to the scheme subject to a condition restricting ground raising, explicitly stating that no ground raising shall occur within Flood Zones 2 or 3. The EA's recommended condition is reasonably necessary.

Consultation with the Councils Drainage Engineer was also carried out and their representation also raised no objection subject to a separate condition requiring the submission of a Construction Management Plan.

With the inclusion of reasonably necessary conditions (suitably reworded to clarify requirements and to accommodate overlapping requirements from the various consultees), the scheme complies with the aims of CP67 of the Wiltshire Core Strategy.

9.9 Ecology

Paragraph 192 of the NPPF outlines how plans should protect and enhance biodiversity and geodiversity. In carrying out its statutory function, the local planning authority must have sufficient information to judge whether the proposal would be likely to result in any adverse impact to protected habitats or species.

Schedule 14 of the Environment Act (2021) expresses that every planning permission granted for the development of land in England shall be deemed to have been granted subject to the condition that development may not be begun unless a biodiversity gain plan (BGP) confirming at least a 10% gain in biodiversity be submitted to, and approved by, the planning authority.

Policy CP50 of the WCS identifies the need to protect Wiltshire's natural environment, including features that provide an ecological function for wildlife and requires development proposals to demonstrate how they protect features of nature conservation and geological value as part of the design rationale. CP50

further includes the requirement for all development to seek opportunities to enhance biodiversity, expressing that enhancement measures will contribute to the objectives and targets of the BAP.

Policy G11 of the Chippenham Neighbourhood Plan specifies ways in which features of significant biodiversity value should be retained and enhanced and is explicit that major development must demonstrate at least 10% BNG, secured for at least 30 years.

There have been objections raised which include concerns raised that the scheme will result in a negative impact on wildlife. There have also been public comments of support received, expressing that the new planting etc will provide gains for biodiversity.

The application has been submitted with supporting documents relating to ecology, including: biodiversity metrics, habitat information, ecological assessments and biodiversity management plan. The following the following key biodiversity elements have been identified on site:

- Manor Farm Brook Fields: 6.77ha site
- Woodland: Two blocks of native deciduous woodland
- Hedgerows
- Mixed native scrub
- Trees: Mature free standing and hedgerow trees
- Priority grassland: Three small patches of lowland calcareous grassland
- Arable field margins
- Ponds and waterways: One seasonal pond and a brook across two sections of the site
- Bats: At least 10 bat species using the survey area
- Birds: Skylark territories and many hedgerow nesting birds

The applicant's ecological assessment indicates that amphibians, including GCNs, have been identified as possible within the site. The assessment also indicates that, whilst no setts were observed, badgers within the site are probable.

Natural England's representation raises no objection to the scheme subject to conditions and includes observations that a *final protected species mitigation strategy should be agreed by [the] Authorities Ecology Team*.

The Councils Ecologist similarly raises no objection to the scheme subject to further conditions. Their representation also provides observation that the scheme was submitted prior to BNG becoming mandatory but that the detail provided by the applicant shows that there will be no net loss to biodiversity as is required by Policy CP50 to the Wiltshire Core Strategy, with an anticipated net gain of 53.96% in habitats, 21.63% in hedgerows and 39.26% for watercourses. Informatives have also been recommended to bring the applicants attention to separate legislation relating to protected species.

Indeed, within the submission, it is explained that whilst the proposal is principally a renewable energy development, it is also a biodiversity enhancement scheme. There is a range of ecological features within the site that will be retained and managed to improve the biodiversity of the site, including trees, hedgerows, and a pond. The scheme includes mitigation and enhancements (as encapsulated within para 5.66 of the submitted PDAS), but key elements summarised below, and noting that it is not exhaustive:

- *Avoidance of development on Manor Farm Brook Fields CWS*

- *A specific fencing solution will be employed where the deer proof security fence crosses existing hedgerows to avoid any hedgerow loss*
- *A set back of approximately 4.5m will be established from hedgerows and will be fenced off during construction.*
- *A minimum 5m buffer will be provided around the existing pond and other watercourses*
- *A 15m buffer adjacent to all woodland*
- *A 10m buffer along all field boundaries noted for high levels of bat activity*
- *Site fencing includes a 10cm gap at the base to ensure that mammals such as badgers and hares can access the site post-construction*
- *In total, approximately 1.65km of new species rich hedgerow is to be planted*
- *Retention and management of existing trees and most of the hedgerows and hedgerow trees throughout the site (38.5m of boundary hedgerow and 66m² of hedgerow group will be lost).*
- *New hedgerows, trees and scrub to be planted comprising native shrub species reflecting the local landscape,*
- *A programme of works specifically designed to enhance the botany of the CWS, including calcareous grassland and last the lifetime of the solar farm*
- *Provision of 8.08ha of wildflower meadow on the south facing slopes of fields 3 and 6, as well as within the community access and biodiversity area (field 23)*
- *Provision of six drainage swales which will be planted with a native wetland wildflower and grass seed mix along the swale trenches and tussocky grassland seed mix on the banks to enhance their ecological value*
- *Provision of bird, including one barn owl nest box, and bat boxes and solitary bee and bug hotels*
- *Five hibernacula will be installed adjacent to scrub, woodland, the pond, or hedgerows. Ten wood piles will be constructed adjacent to woodland, the pond, or hedgerows to enhance biodiversity.*
- *Provision of compost heaps suitable for nesting grass snakes positioned around field boundaries*
- *Provision of land and trees to be planted for a community orchard*
- *Provision of skylark plots on arable land use outside of the planning application boundary (in the applicant's control)*
- *Long term habitat management (as detailed in the BMP) to maximise ecological benefits. Measures include low levels of year-round/seasonal sheep grazing, low levels of seasonal cattle grazing in the CWS, hay cuts, rotational tussocky grassland cuts, grass cutting, rotational hedge cuts, removal of scrub where required, management of wetland habitats, management of nest boxes and refugia and avoidance of use of any fertilisers or pesticides and only occasional herbicide use.*

Further information has been provided throughout the life of the application to respond to queries and concerns raised, and this has allowed the Council's Ecologist to reach a positive conclusion, subject to the imposition of conditions. It is considered reasonably necessary to include all recommended conditions made by Natural England and the Council's Ecologist, which includes the requirement for further information to be submitted (as part of a CEMP and LEMP) and approved prior to commencement of development (including ground works/excavations). The ecological enhancements go beyond what is required by policy and the Environment Act and are regarded as a benefit of moderate to substantial weight.

Given the scale of the development being proposed, the local concerns raised are understood, and in this case, it is concluded that the scheme has been well designed to ensure that biodiversity matters

have been considered from the early stages, including ensuring that ecological surveys were carried out at appropriate times within the year, prior to submission of this application. With the inclusion of reasonably necessary conditions the proposed development is considered to meet the aims of CP50 of the Wiltshire Core Strategy, policy GI1 to the Chippenham Neighbourhood Plan, and the requirements of the NPPF.

9.10 Other matters

Benefits not required by planning policy

Although remaining under the control of the current owners, in addition to providing BNG, and improvements to the Public Rights of Way network, the submission also indicates that there would be the facility for further public benefits on land within the applicant's ownership including land proposed for dog walking and land which can be utilised for allotments.

The applicant's supporting documents also indicate a "community benefit" fund that amounts to £21K p/a. The submission explains this would run for the 40-year lifetime of the solar farm and would be administered by a panel comprising members of the parish councils and other local community representatives to bring economic, social and environmental benefits to the area. The scheme will provide an opportunity for shared community ownership of the solar farm with savings on energy bills through Ripple Energy.

A further £3,000 per year is suggested will be allocated to local schools to be used for educational purposes linked to the solar farm.

Neither the community benefit fund nor the education fund are elements which should be taken into account in the planning balance of whether permission should be granted or refused.

Fire risk

In common with their responses to other applications of the type, the Dorset and Wiltshire Fire and Rescue Service raise comments in respect of the presence of Li-ion battery cells and the management of fire risk, and the intersection with other, separate legislation. Although the application was submitted complete with an Outline Battery Safety Management Plan (dated November 2023), in this particular case, revisions were made to the proposals which in any event omit the Battery Energy Storage System (BESS) element.

10. Conclusion (The Planning Balance)

The proposed development is for the installation of a renewable led energy scheme comprising ground mounted photovoltaic solar arrays together with ancillary infrastructure. The proposed development is sustainable development that will make a significant contribution to the supply of renewable energy helping to reduce carbon emissions required to meet the Climate Change Act 2050 net zero target.

The principle of the proposed development is in accordance with local planning policies, which are supportive of renewable energy schemes, particularly policy CP42 to the Wiltshire Core Strategy and policy SCC3 to the Chippenham Neighbourhood Plan, supporting Wiltshire's Green and Blue

Infrastructure and climate strategies. Further, the scheme is also aligned with the NPPFs requirement for the planning system to support the transition to a low carbon future as well as other national policies, such as the National Policy Statement for Energy, EN-1 and EN-3 which offer significant support for renewable energy development and, whilst falling below the thresholds of NSIP development, arguably should be given weight as a material consideration in the determination of this application⁵. Further, both the last and the current government have issued Written Ministerial Statements confirming the importance of renewable energy development and the intention to revise the NPPF to boost the weight that planning policy gives to the benefits associated with it. Written Ministerial Statements are capable of being given weight in the planning balance.

Indeed, in this case the development will generate up to 40MW of renewable energy and, as is advocated by national policy and guidance and well established by appeal decisions, significant weight should be given to the nature of the proposal as a renewable energy generating development. The development will contribute to the national target to generate 32% of overall energy generation from renewable energy, assisting with the government objective to move to a low carbon economy and cutting greenhouse gasses. Such public benefits must be regarded as substantial.

In other respects, the scheme proposes ecological enhancements which comply with and go beyond the minimum requirements of policy CP50 to the Wiltshire Core Strategy and policy GI1 to the Chippenham Neighbourhood Plan as well as the Environment Act. The proposal also includes improved Public Rights of Way connections. Such should be given moderate to substantial weight in favour of the proposals. There are also local economic benefits associated with the development during the construction phase, which should also be given low to moderate weight.

Of neutral weight is the temporary loss of grade 3b and grade 4 agricultural land, which is not objectionable or contrary to the policies as set out within the development plan and the NPPF. Sufficient information has been provided as part of the application to make a provisional assessment of the archaeological impacts of the development; however, it is necessary to condition an Archaeological Management Plan to enable the protection of matters of archaeological interest.

Subject to the imposition of planning conditions, the potential of impacts from noise and dust during construction as well as from glint and glare from the panels when installed is not considered to be unacceptable and will comply with the requirements of policies CP42(vii) CP57(vi) of the Wiltshire Core Strategy and saved policy NE18 of the North Wiltshire Local Plan.

The treatment of the Public Rights of Way are acceptable and, subject to the imposition of conditions, the construction and operational traffic and access arrangements will not cause an unacceptable impact on highway safety, or cause the residual cumulative impacts on the road network to be severe, thereby meeting with the requirements of policies CP42(vi), CP57(ix), CP60(vi), CP61(ii), CP64 of the Wiltshire Core Strategy, saved policy T5 to the North Wiltshire Local Plan and policy T1 to the Chippenham Neighbourhood Plan.

Turning to the adverse impacts associated with the development, it is evident that there will be a less than substantial impact upon heritage assets (the Grade II* Kington St Michael Church and Kington St Michael Conservation Area). As is concluded by the Council's Conservation Officer, that harm is

⁵ As referenced within the applicant's submission documents, within the recent appeal decision (APP/U2235/W/23/3321094) 'Land north of Little Cheveney Farm', published 5 February 2024, the Inspector states at paragraph 12 that "in assessing nationally significant infrastructure projects (NSIPS) EN-1 also makes it clear that the NPSs may be a material consideration in dealing with cases [under the Town and Country Planning Act] such as that before me".

regarded to be at the lower end of the spectrum and would conflict with Policies CP42(v), CP57 (iv) and CP58 to the Wiltshire Core Strategy.

Further harm is caused to the landscape and visual effects from the development. The landscape is not designated, with the Council's Landscape Officer concluding that following amendments to the proposals and the imposition of planning conditions, the impacts to the landscape and visual effects are localised and therefore the harm caused is regarded as being at the lower end of scale. To that extent there remains a conflict with policies CP51 or CP57 of the Wiltshire Core Strategy and consequently neither can it meet the requirements of criterion (i) of CP42 of the Wiltshire Core Strategy.

Taking the benefits and adverse impacts into a balanced account, it is clear that the benefits associated with the development are demonstrable and substantial; greatly outweighing the more limited harm and conflict with local policy identified. On this balanced judgement, therefore, the proposal development is recommended for approval, subject to the imposition of planning conditions.

RECOMMENDATION: The planning permission be GRANTED subject to the following conditions:

Scope of permission

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

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

2. The permission hereby granted shall be for a temporary period and shall expire 40 years from the date that electricity from the development is first exported to the electricity distribution network ('First Export Date') or no later than 44 years from the date of this decision, whichever is the sooner. Written confirmation of the First Export Date shall be provided to the Local Planning Authority no later than 1 calendar month after that First Export Date. Within 6 months of the date of expiry of this planning permission, or, if sooner, the cessation of the use of the solar panels for electricity generation purposes for a continuous period of 6 months, the solar panels together with any supporting/associated infrastructure including the substations, DNO substation, customer cabin, spare parts container, security equipment, poles and fencing shall be removed from the land and the land restored to its former agricultural condition in accordance with a scheme of work to be submitted to, and approved in writing by, the local planning authority. The scheme of work, including a restoration plan and a decommissioning scheme that takes account of a recent ecological survey, shall be submitted to the local planning authority not less than six months before the removal of the installation.

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

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

Plans for approval	Drawing no.
Site location plan	TOR-XX-XX-P-L-002 Rev C
Solar farm layout plan	EDR1008-101 Rev AB
Landscape planting plan	TOR-XX-XX-P-L-001 Rev S
PV array details	EDR1004-200
Fixed-tilt array details (2P)	EDR1008-202
Fixed-tilt array details (3P)	EDR1008-201
40ft (12.2m) central inverter substation details	EDR1008-206 Rev A
Customer substation building details	EDR1008-210 Rev B
Distribution network operator container details	EDR1008-211 Rev B
Customer cabin details	EDR1008-212 Rev B
Fence and gate details	EDR1008-214 Rev O
Security camera plan	EDR1008-215 Rev A
Maintenance road details	EDR1008-216
Hedge crossing details	EDR1008-217
Spare parts container details	EDR1008-222 Rev B
A350 Western Land Parcel – Proposed site access arrangement	2201-050 SK01 Rev D
A350 Eastern Land Parcel – Proposed site access arrangement	2201-050 SK02 Rev D
Southern Land Parcel – Proposed site access arrangement	2201-050 SK03 Rev D
Southern Land Parcel – Existing junction improvements	2201-050 SK04 Rev C
Proposed Day's Lane Operational Access – Existing Junction Arrangement	2201-050 SK05 Rev A
Construction vehicle route	2201-050 Figure 3.1
Indicative Traffic Sign Management Plan: Access Construction	2201-050 SK13 Rev A
Indicative Traffic Sign Management Plan: Solar Construction	2201-050 SK14 Rev A
Allington Lane Audit passing area & signage plan	2201-050 SK15 Rev A
Tree protection plans	Tree Protection Plans PRI23824-03 Sheets 1 of 20 – Sheet 20 of 20
Drainage Strategy Page 1 of 2	20868-RAP-XX-XX-DR-D-3100 Rev P11
Drainage Strategy Page 2 of 2	20868-RAP-XX-XX-DR-D-3101 Rev P11
Documents for approval	
Biodiversity Net Gain metric 4.0	30 April 2024
UK HabTable & Woodland Conditions Sheets 20240430	20240430
Environmental Statement	September 2023
ES Technical Appendix A1a Heritage desk-based Assessment	April 2024
ES Technical Appendix A2 Geophysical Survey Report	October 2021
ES Technical Appendix A3 Archaeological Evaluation	CR1477_ Rev B April 2024
ES Technical Appendix Ba Landscape and visual assessment	April 2024
ES Technical Appendix C1a Full Ecological Assessment	V10 April 2024
ES Technical Appendix C2 Bat report	July 2023 (Updated Sep 2023)
ES Technical Appendix C3 Breeding Bird Survey	V3 October 2023

ES Technical Appendix C4a Biodiversity Management Plan	V 11 April 2024
Environmental Statement Addendum	April 2024
Outline Construction Traffic Management Plan	Rev B April 2024
Flood risk assessment and drainage strategy	Rev 08 April 2024
Noise Assessment	24 April 2024
Arboricultural Impact Assessment	PRI23824aia Rev A 08.04.2024
Glint & Glare Assessment	Revision 5.0 05 April 2024

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

Drainage

4. No development shall commence on site until a drainage management plan, which shall include monitoring of, and measures to retain, the existing vegetation across the site, has been submitted to and approved in writing by the Local Planning Authority. The drainage management plan shall include a robust soil, grass, and/or land management plan maintaining vegetative areas in between the solar arrays at a long length to help interrupt and slow the channelised flows, reducing erosion and also enhance and promote the infiltration and interception capacity. This should also include details of the regime for monitoring vegetation cover including frequency of visits, and set out remedial measures that could be implemented if problem areas are identified. The development shall be carried out in complete accordance with the agreed drainage management plan.

REASON: To ensure that surface water quality and quantity is managed throughout construction and so as not to increase flood risk, or pollution of watercourses.

5. No development approved by this permission shall be commenced until a Construction Environmental Management Plan (CEMP), incorporating pollution and other prevention measures, has been submitted to and approved in writing by the Local Planning Authority. The submitted CEMP must include safeguarding measures to deal with the following pollution risks and impacts:
- a) Details of the protection of the watercourse during construction (eg. fencing)
 - b) the use of plant and machinery
 - c) wheel washing and vehicle wash-down and disposal of resultant dirty water
 - d) oils/chemicals and materials
 - e) the use and routing of heavy plant and vehicles
 - f) the location and form of work and storage areas and compounds
 - g) the control and removal of spoil and wastes.
 - h) How open excavations on site will be dealt with outside of working hours and after dusk to prevent entrapment of mammals that may cross the site
 - i) The arrangements to be made for water during the construction phase

The plan shall subsequently be implemented in accordance with the approved details and agreed timetable.

REASON: To prevent pollution of the water environment

6. No ground raising shall occur within Flood Zone 2 or 3 as a result of the approved development.

REASON: To prevent and minimize flood risk.

Archaeology

7. No development shall commence within the application site until an Archaeological Management Plan (which shall include a setting out how the risk to ditched enclosures in trenches T47-48, T41 and T153 will be mitigated prior to and during the construction and operational phases of the development), has been submitted to and approved by the Local Planning Authority

REASON: To enable the protection of any matters of archaeological interest.

8. No development shall commence within the application site until:

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

REASON: To enable the recording of any matters of archaeological interest.

Tree protection

9. No development shall commence on site and no equipment, machinery or materials shall be brought on to site for the purpose of development until tree protective fencing has been erected in accordance with the details set out in the Arboricultural Impact Assessment and tree protection plans prepared by ACD Environmental dated 8 April 2024.

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 practice.

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

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 first operation or the completion of the development, whichever is the later.

REASON: To enable the Local Planning Authority to ensure the retention of trees on the site in the interests of visual amenity and biodiversity.

Ecology

10. Prior to the commencement of works, including demolition, ground works/excavation, site clearance, vegetation clearance and boundary treatment works, a Construction Ecological Management Plan (CEMP) shall be submitted to the local planning authority for approval in writing. The Plan shall provide details of the avoidance, mitigation and protective measures to be implemented before and during the construction phase, including but not necessarily limited to, the following:
- a) Identification of ecological protection areas/buffer zones and tree root protection areas and details of physical means of protection, e.g. exclusion fencing.
 - b) Working method statements for protected/priority species, such as nesting birds and reptiles.
 - c) Mitigation strategies already agreed with the local planning authority prior to determination, such as for great crested newts, dormice or bats; this should comprise the pre-construction/construction related elements of strategies only.
 - d) Work schedules for activities with specific timing requirements in order to avoid/reduce potential harm to ecological receptors; including details of when a licensed ecologist and/or ecological clerk of works (ECoW) shall be present on site.
 - e) Key personnel, responsibilities and contact details (including Site Manager and ecologist/ECoW).
 - f) Timeframe for provision of compliance report to the local planning authority; to be completed by the ecologist/ECoW and to include photographic evidence.

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

REASON: To ensure adequate protection and mitigation for ecological receptors prior to and during construction, and that works are undertaken in line with current best practice and industry standards and are supervised by a suitably licensed and competent professional ecological consultant where applicable.

11. No external light fixture or fitting will be installed within the application site (either during the constructional and operational phases) unless details of any proposed new lighting have been

submitted to and approved by the Local Planning Authority in writing. The submitted details will demonstrate how the proposed lighting will impact on bat habitat compared to the existing situation.

The details and plans will be in accordance with the appropriate Environmental Zone standards set out by the Institution of Lighting Professionals (ILP) Guidance Notes on the Avoidance of Obtrusive Light (GN 01/2021) and Guidance note GN08/23 “Bats and artificial lighting at night”, issued by the Bat Conservation Trust and Institution of Lighting Professionals.

REASON: To avoid illumination of habitat used by bats and in the interests of the amenities of the area and to minimise unnecessary light spillage above and outside the development site.

12. Prior to the start of construction, a Landscape and Ecology Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority. The LEMP will include long term objectives and targets, management responsibilities and maintenance schedules for each ecological feature within the development, together with a mechanism for monitoring success of the management prescriptions, incorporating review and necessary adaptive management in order to attain targets.

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

REASON: To ensure the long-term management of landscape and ecological features retained and created by the development, for the benefit of visual amenity and biodiversity for the lifetime of the scheme.

13. All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting after completion of the development.

All vegetation [and biodiversity mitigation/enhancement features] shall be maintained in accordance with the Biodiversity Management Plan, 30 April 2024 for the duration of the development from the commencement of the scheme and shall be protected from damage.

Any trees or plants which, die, are removed, or become seriously damaged or diseased due to the development 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.

The installation of the biodiversity mitigation and enhancement measures will be supervised by a professional ecologist and will continue to be available for wildlife for the lifetime of the development.

REASON: To ensure a satisfactory implementation and maintenance of the Biodiversity Mitigation and Enhancement Strategy.

14. Prior to the commencement of development, full and complete details of the proposed Skylark mitigation measures shall have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out incorporating the agreed mitigation measures, which shall remain in place throughout the lifespan of the development.

REASON: So as to secure the Skylark mitigation measures for the duration of the development.

Highways

15. No development shall commence on site until full engineering details of the site accesses from the A350 and the improvements to the Allington Lane/Tor Hill crossroads, together with appropriate details for traffic management, have been submitted to and approved in writing by the Local Planning Authority. The improvements to the accesses shall be constructed and laid out in accordance with the approved details prior to any development commencing on the sites.

REASON: To ensure that the access junctions are laid out and constructed in a satisfactory manner.

16. No development shall commence on site until a visibility splay for the Eastern access from the A350 has been provided between the edge of the carriageway and a line extending from a point 4.5m metres back from the edge of the carriageway, measured along the centre line of the access, to a point on the edge of the carriageway 295 metres to the north from the centre of the access, in accordance with the approved plans. Such splay shall thereafter be permanently maintained free from obstruction to vision above a height of 900mm above the level of the adjacent carriageway.

REASON: In the interests of highway safety.

17. No development shall commence on site until a visibility splay for the Western access from the A350 has been provided between the edge of the carriageway and a line extending from a point 4.5m metres back from the edge of the carriageway, measured along the centre line of the access, to a point on the edge of the carriageway 215 metres to the south from the centre of the access, in accordance with the approved plans. Such splay shall thereafter be permanently maintained free from obstruction to vision above a height of 900mm above the level of the adjacent carriageway.

REASON: In the interests of highway safety.

18. No development shall commence on site until a visibility splay for the Allington Lane access has been provided between the edge of the carriageway and a line extending from a point 2.4m metres back from the edge of the carriageway, measured along the centre line of the access, to a point on the edge of the carriageway 100 metres to the west from the centre of the access, in accordance with the approved plans. Such splay shall thereafter be permanently maintained free from obstruction to vision above a height of 900mm above the level of the adjacent carriageway.

REASON: In the interests of highway safety.

19. No development shall commence on site until details of the proposed width of the access tracks, including any passing bays, between the public highway and the site compound, have been submitted to and approved in writing by the Local Planning Authority.

REASON: In the interests of highway safety.

20. The development hereby permitted shall not be first commenced until the access tracks between the public highway and the site compounds have been consolidated and surfaced (not loose stone or gravel) in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority.

REASON: In the interests of highway safety.

21. The development hereby permitted shall not be first brought into operation until the Day's Lane access for a distance of 10 metres from the Day's Lane carriageway edge has been consolidated and surfaced (not loose stone or gravel) in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority.

REASON: In the interests of highway safety.

22. The development hereby permitted shall not be first brought into operation until parking and turning arrangements for maintenance vehicles at the Day's Lane access have been constructed within the site to the satisfaction of the Local Planning Authority, in accordance with details which shall have been submitted to and approved by the Local Planning Authority. Such parking and turning space shall thereafter be maintained free of obstruction at all times and shall not be used for any other purpose.

REASON: In the interests of highway safety.

23. Upon the expiration of the life of the solar farm, a decommissioning plan to remove the solar panels, together with any supporting/associated infrastructure, shall be submitted to and approved in writing by the Local Planning Authority. Such a decommissioning plan shall include the traffic management requirements to manage the HGV and contractor movements affecting the public highway network.

REASON: In the interests of highway safety.

Public Rights of Way and permissive paths and bridleways

24. Prior to the commencement of development, full and complete details of the proposed permissive paths and bridleways shall have been submitted to and agreement in writing by the Local Planning Authority. Such detail shall include linkages to the Public Rights of Way network, all signage and

stiles, gates and crossings. The development shall be carried out in accordance with the details so agreed.

REASON: In the interests of securing the final detail of the permissive paths and bridleways which are of benefit to the development being proposed.

25. All permissive paths and bridleways and their linkage to the Public Rights of Way network shall be made open and available for public use prior to the first operation of the development hereby granted planning permission. The permissive paths and bridleways shall remain open for use by the public for the lifetime of the development.

REASON: In the interests of securing the final detail of the permissive paths and bridleways which are of benefit to the development being proposed.

External lighting and landscaping

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

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

27. Landscape Planting shall be undertaken in accordance with plan reference drawing no. TOR-XX-XX-P-L-001 Rev S and maintained as such thereafter.

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

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

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 and to ensure that the site is satisfactorily landscaped in order to support protected species and their habitats

Construction

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

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

29. No development shall commence on site until a Construction Management Statement, together with an explanatory site plan, which shall include the following:

- a) Traffic routing plan;
- b) Traffic routing signs and HGV turning warning signs (including signage drawing(s));
- c) Details for off-site and on-site traffic management ensuring that the arrivals and departures of HGVs are controlled to avoid any conflict;
- d) Traffic Management Plan (including signage drawing(s)), and the use of banksmen;
- e) Details of temporary/permanent Traffic Regulation Orders;
- f) Phasing plan;
- g) Number (daily/weekly) and size of delivery vehicles;
- h) Number of construction staff vehicle movements;
- i) Parking and turning of delivery vehicles, site operatives and visitors;
- j) Loading and unloading of plant and materials;
- k) Hours of construction, including delivery schedules;
- l) Storage of plant and materials used in constructing the development;
- m) Location and type of wheel washing facilities;
- n) Confirmation that the passing bays on Allington Lane (as demonstrated on drawing reference SK15 rev.A, dated 18/03/24) are to be provided and are fit for purpose, in terms of construction/surfacing and dimensions;
- o) The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- p) Measures to control the emission of dust and dirt during construction;
- q) A scheme for recycling/disposing of waste resulting from demolition and construction works; and
- r) Measures for the protection of the natural environment.

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

REASON: 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.

30. Prior to the commencement of development, a photographic pre-condition highway survey shall be carried out on the C154 Kington St Michael Road between the A350 to the east of Tor Crossroads, and the full length of the C153 Allington Lane. Upon completion of the construction

phase of development, a further photographic post-condition survey shall be carried out of the same road. Copies of the pre and post condition surveys shall have been submitted to the Local Planning Authority prior to the first operation of the solar farm.

REASON: So as to provide photographic evidence of the road network both before and after the construction phase of development in order to inform a rectification of any defects which are attributed to site construction traffic.

Informatives

Highways

With respect to condition 30, the applicant should be informed that the Highway Authority will pursue rectification of any defects identified by the highway condition survey which can be attributed to the site construction traffic under the provision of S59 of the Highways Act.

The consent hereby granted shall not be construed as authority to carry out works on the highway. The applicant is advised that a S278 agreement will be required from Wiltshire's Highway Authority before any works are carried out on any carriageway, verge or other land forming part of the highway.

Public Rights of Way

The applicant is requested to consider the permanent retention of the new permissive paths at the end of the life of the development and to dedicate them as Public Rights of Way.

If during construction any of the Public Rights of Way need to be closed, then the applicant will need to apply for a TTRO with at least 12 weeks' notice.

It is requested that the new Permissive Bridleways and footpaths are made available as soon as it is safe to do so in the interest of public safety. The permissive Bridleways and Footpaths will need to be signed when they are made available so that they are easy to follow as they will not show up on the Ordnance Survey map.

Any stiles within the development site should be removed if they are not required for the control of livestock, if they are still needed then they should be upgraded to the least restrictive option to allow for as many users as possible to enjoy the Public Rights of Way network.

Any changes to the Public Rights of Way access furniture will need to be authorised by the Countryside Access Officers under section 147 of the Highways act 1980.

Drainage

Wiltshire Council is the land drainage authority under the Land Drainage Act 1991. Land drainage consent is required if a development involves carrying out work within 8m of an ordinary watercourse. This includes watercourse crossing points.

Ecology

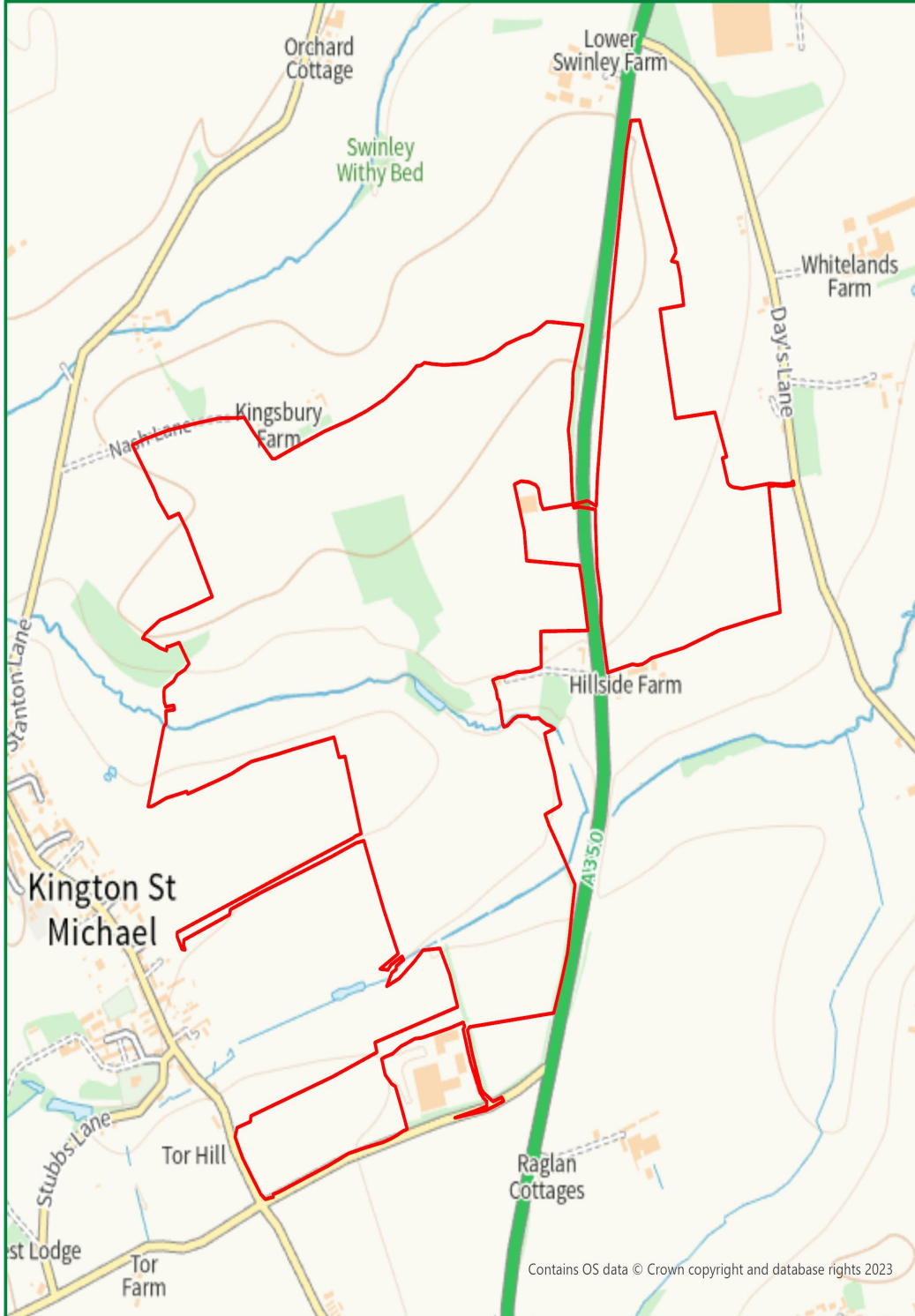
Reptile and Amphibians - There is a residual risk that great crested newts / reptiles could occur on the application site. These species are legally protected and planning permission does not provide a defence against prosecution. In order to minimise the risk of these species occurring on the site, the developer is advised to clear vegetation during the winter, remove all waste arising from such clearance and maintain vegetation as short as possible. If these species are found during the works, the applicant is advised to stop work and follow advice from an independent ecologist or the Council Landscape and Design Team (ecologyconsultations@wiltshire.gov.uk).

Birds and the nesting season - The adults, young, eggs and nests of all species of birds are protected by the Wildlife and Countryside Act 1981 (as amended) while they are breeding. Please be advised that works should not take place that will harm nesting birds from March to August inclusive. All British birds, their nests and eggs are protected under Section 1 of the Wildlife and Countryside Act 1981 (as amended) and the Countryside and Rights of Way Act 2000 while birds are nesting, building nests and sitting on eggs. The applicant is advised to check any structure or vegetation capable of supporting breeding birds and delay removing or altering such features until after young birds have fledged. Damage to extensive areas that could contain nests/breeding birds should be undertaken outside the breeding season. This season is usually taken to be the period between 1st March and 31st August but some species are known to breed outside these limits.

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Wiltshire Council

PL/2023/08481
Land at Red Barn, East of Kington St
Michael, Chippenham



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REPORT FOR STRATEGIC PLANNING COMMITTEE

Date of Meeting	23 January 2025
Application Number	PL/2024/06897
Type of application	Outline planning permission: Some matters reserved
Site Address	Land off Sherston Road, Malmesbury
Proposal	Application for outline planning permission for up to 55 residential units (all matters reserved other than access)
Recommendation	Approve with Conditions
Applicant	Hollins Strategic Land
Town/Parish Council	Malmesbury Town Council
Electoral Division	Malmesbury ED
Case Officer	Adam Madge

1. Reason for the application being considered by Committee

The application is before the Strategic Planning Committee because the proposal involves a departure to the policies of the statutory development plan and the recommendation is to approve subject to completion of a S106 agreement.

The application was also called to Committee if recommended for approval by Councilor Grant for the following reasons:

- Scale of development
- Visual impact upon the surrounding area
- Design Bulk, Height and general appearance

2. Purpose of Report

The purpose of the report is to assess the merits of the proposal against the policies of the development plan and other material considerations and to consider the recommendation that the application be approved subject to completion of a Section 106 agreement.

3. Report Summary

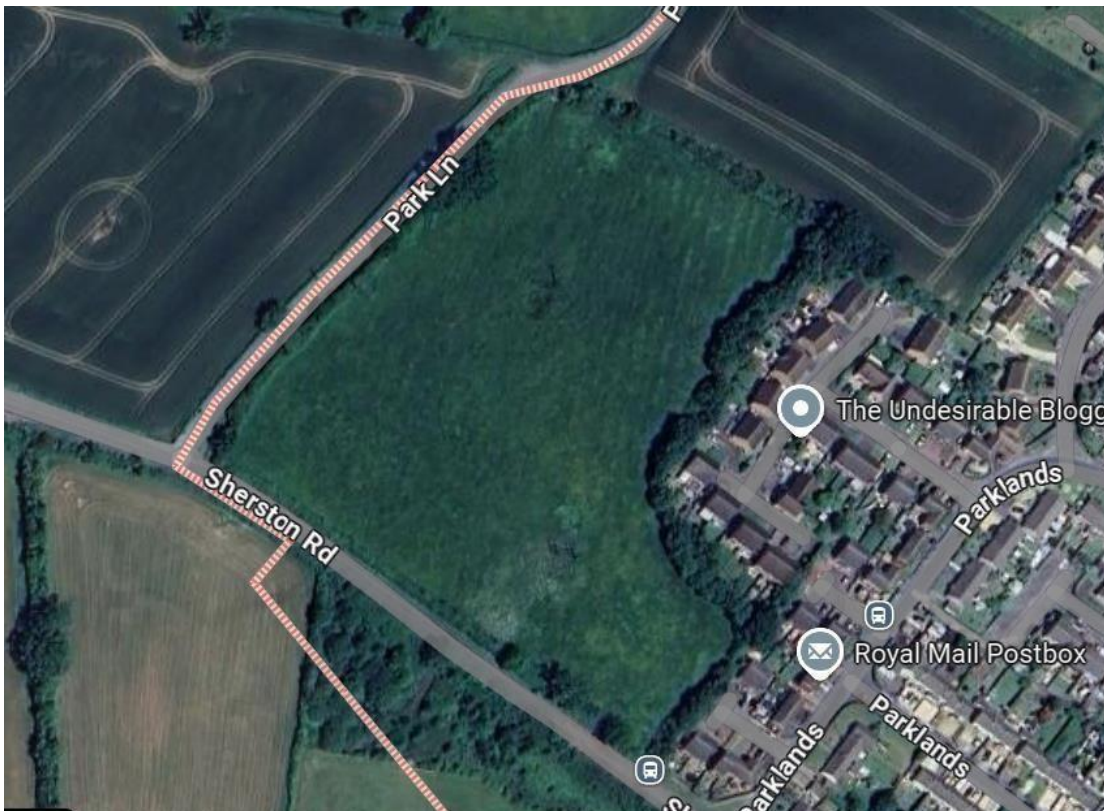
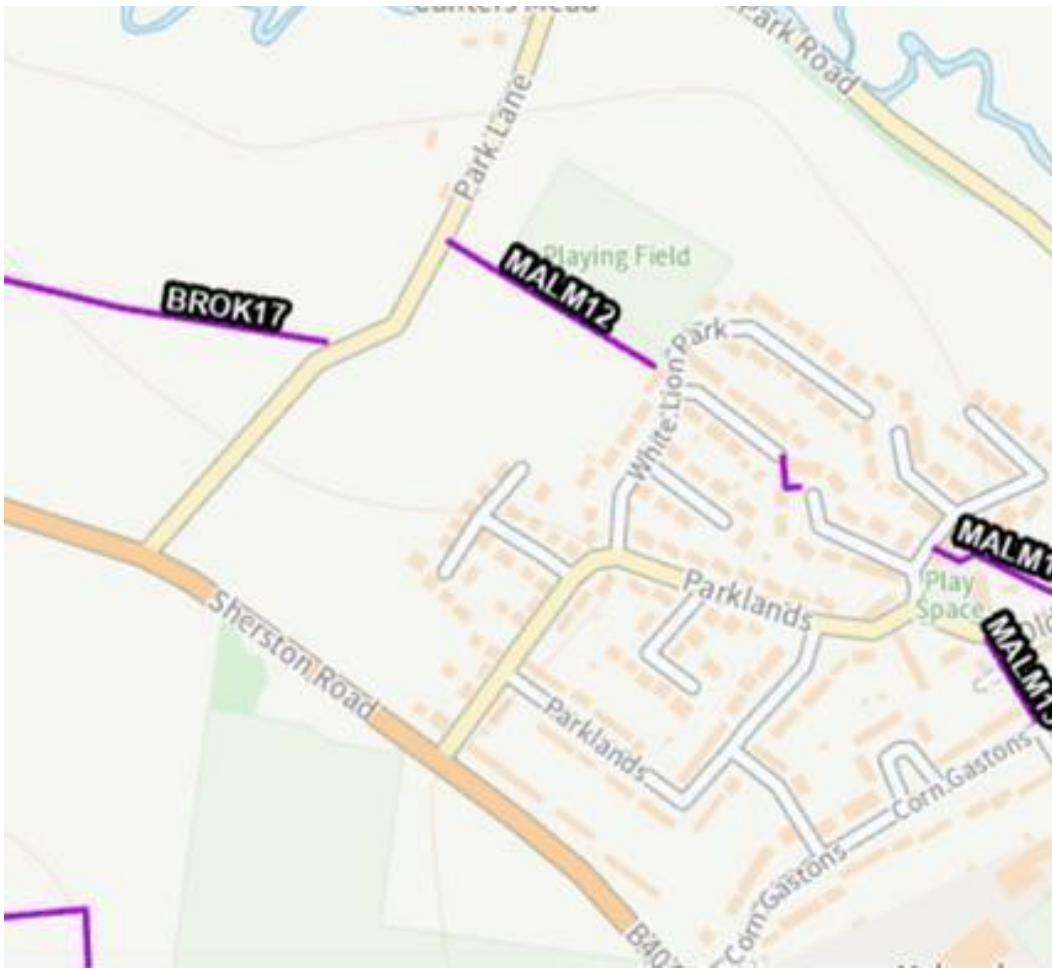
The main issues to be considered are:

- Principle of development
- Impact on the scale and character of the area
- Ecology
- Impact on the significance of heritage assets,
- Archaeology
- Impact on neighbour amenity
- Highway matters
- Public Rights of Way
- Drainage
- Section 106 Legal Agreement
- Planning Balance
- Conclusion

4. Site Description

The site is located on the Western side of Malmesbury adjacent an existing development of residential properties which form the Eastern boundary to this site. The sites Southern edge is bounded by the main Sherston Road. Whilst to the West the site is bounded by Park Lane. Field Hedges provide the boundary on three sides. The site is relatively flat in its appearance and has power lines running across it in an East/West direction.





5. Planning History

There is no planning history relating to the site.

The site is allocated as a reserve housing site in the forthcoming Wiltshire Local Plan which has reached regulation 19 stage.

6. The Proposal

The site measures 3.08 hectares with a development area (hardstanding and buildings of 1.15 hectares) and 1.93 hectares being made available for green infrastructure, gardens and attenuation features. The proposal seeks consent for the construction of up to 55 dwellings with associated infrastructure including gardens, garages, driveways, roads and public open space. Access to the site will be via a new junction on the southern boundary of onto Sherston Road. Also proposed is an on site local equipped play area.



7. Planning Policy

National Context:

- National Planning Policy Framework (NPPF) – revised December 2023 Planning Practice Guidance (PPG)
- Planning (Listed Buildings and Conservation Areas) Act 1990 Habitat Regulations
- Natural Environment and Rural Communities (NERC) Act 2006 Environment Act 2021
- Streets for a Healthy Life – A companion to Building for a Healthy Life Building for a Healthy Life
- Manual for Streets

Local Context:

Wiltshire Core Strategy (WCS) adopted 2015:

- CP1 – Settlement Strategy,
- CP2 – Delivery Strategy,
- CP3 – Infrastructure Requirements
- CP13 - Spatial Strategy Malmesbury Community Area,
- CP41 – sustainable construction,
- CP43- Providing Affordable Homes, CP48 – Supporting Rural Life,
- CP50 – Biodiversity and Geodiversity,
- CP51 – Landscape,
- CP52 – Green Infrastructure,
- CP56 – Contaminated Land,
- CP57 – Ensuring High Quality Design and Place Shaping,
- CP58 – Ensuring the Conservation of the Historic Environment,
- CP60 – Sustainable Transport,
- CP61 – Transport and New Development,
- CP64 – Demand Management,
- CP67 - Flood Risk Saved Policies from the North Wiltshire District Local Plan:
 - NE14- Trees and the control of new development.
 - NE18 Noise and pollution
 - H4 Residential development in the open Countryside.
 - CF3 Provisions of open space.

Other

- Wiltshire Leisure Services Strategy – Indoor Facilities Action Plan 2011 – 2025 adopted April 2012
- Open Space provision in New Housing Developments – A Guide (Supplementary Planning Guidance)
- Affordable Housing Supplementary Planning Guidance adopted August 2004 Art and Design in the Public Realm in Wiltshire May 2024
- Air Quality SPD (July 2023)
- Leisure and Recreation Development Plan Document Wiltshire Car Parking Strategy
- Malmesbury Neighbourhood Plan (made 25th May 2015)
- Bat SAC Planning Guidance for Wiltshire, 2015

- LTN1/20 – Cycle Infrastructure Design
- Wiltshire Active Travel Standards and Travel Parking Standards Wiltshire Design Guide
- Housing Land Supply Statement 2024

8. Consultation responses

Malmesbury Town Council: Object.

Malmesbury Town Council objects in the strongest possible terms to this significantly large development (up to 55 units) and the application will be Called-In. Given the increased development in Malmesbury, contrary and in excess of Wiltshire Council housing allocation land supply, we object to development on a hitherto earmarked 'reserve' site. It remains above the housing allocation allowance for Malmesbury and there are serious concerns of the impact of this development on Malmesbury's infrastructure and resources. Also concerning is the proposal of a new gas main which is contrary to a government white paper and does not accord with moving to renewable systems and creating sustainable housing stock.

This development sits directly within the Area Of Outstanding Natural Beauty, Malmesbury's town perimeter and therefore undermines the core tenants of green-belt land. Not only does it fall outside of the settlement framework boundary and is potentially contrary to planning policy, the fact that it is also in breach of the boundary detailed in Malmesbury's Neighbourhood Plan is of paramount importance to this council and to the people of Malmesbury.

Brokenborough Parish Council: Object.

on the basis of comments already raised and the following:-

- The site was not earmarked for development in the Neighbourhood Plan;
- Malmesbury has already developed more than originally required;
- The development would increase traffic through Brokenborough village and most likely used as a "rat run".

Wiltshire Council Highways Officer: No objection subject to conditions and S106 contributions

Wiltshire Council Drainage Officer: No objections subject to conditions

Wiltshire Council Archaeology Officer: No objection

Wiltshire Council Housing Officer: No objection subject to S106 obligation

Wiltshire Council Climate Change Officer: Holding objections subject to a sustainable energy strategy.

Wiltshire Council Landscape Officer: No objection subject to conditions

Wiltshire Council Public Rights of Way Officer: No objection subject to 106 contribution.

Wiltshire Council Waste Officer: No objections subject to conditions and 106 contribution

Wiltshire Council Ecology Officer: – No objection subject to conditions

Wiltshire Council Education: - No objections subject to early years 106 contribution

Wiltshire Arboricultural Officer: –No objections

Dorset and Wiltshire Fire Rescue Service: No objection subject to informative

9. Publicity

8 letters of objection have been received from the general public over the period of the public consultation which make the following comments which have been summarised:

Principle

- There is plenty of land to build on why build on this land that supports wildlife.

Impact on Area

- There are Swifts nesting in the neighbouring area. Requests that 110 swift bricks are installed at the development. Policy and good practice suggest swift bricks and nesting boxes should be provided at a 1:1 ratio.
- Concern is expressed that the infrastructure does not exist to support 55 dwellings as well as those at Filands. Only one doctors surgery and limited primary and early years provision exists locally. No NHS dentist
- Would like TPO's put on the two Oak trees bordering Sherston Road.
- Development would have a negative effect on the Kestrels and bats that use the two Oak trees
- We see all types of wildlife come from the field, deer, hedgehogs, green woodpeckers and bats, amongst a variety of other birds. What will happen to them?
- believe the land was gifted to the people of Malmesbury many years ago, Henry Wheeler, fought hard and proved this to be the case.
- Land is known to flood

Highway

- Malmesbury has built hundreds of houses on what was beautifully rich natural habitats, and this is a further proposed encroachment that will add to the traffic in the neighbouring estates, which have far too much traffic passing through residential areas
- There are no amenities within walking distance of the proposed site which will mean even more cars on roads not suitable for the volume of traffic they convey.

10. Planning Considerations

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

10.1 Principle of development

Beginning with the development plan (the Wiltshire Core Strategy (WCS)), the site lies outside the Limits of Development of Malmesbury which is allocated as a 'Market Town' under Core Policies 1 and 2 'Market Towns have the potential for significant development that will increase the jobs and homes in each town in order to help sustain and where necessary enhance their services and facilities and promote better levels of self containment and viable sustainable communities.' (CP1)

However, as the site falls outside of the Limits of Development and has not been brought forward through either a Neighbourhood Plan or through an allocation in a development plan document for the area, the proposal does not comply with the requirements of Core Policies 1, 2 and 13 of the WCS.

Housing supply and delivery

Paragraph 72 of the revised National Planning Policy Framework (NPPF) requires local planning authorities to be able to demonstrate a deliverable supply of housing sufficient to meet five years against their housing requirement set out in adopted strategic policies (or against their Local Housing Need where the strategic policies are more than five years old) As the Council's adopted strategic policies in the Wiltshire Core Strategy (WCS) became 5 years old on 20 January 2020, the housing requirement used in the housing land supply calculation is the Local Housing Need (established using the standard methodology set out in the Planning Practice Guidance). The housing requirement in the calculation should also include a 20% buffer if the Council's Housing Delivery Test results indicate under-delivery of 85% or lower against the housing requirement.

In July 2024 the Council contested an appeal for a proposal for residential development at Land off Storridge Road, Westbury. As part of the inquiry, the NPPF requirements on the housing land supply position was challenged. In the appeal decision (issued 31 August 2024) the Inspector considered that only a 3.85 years supply could be demonstrated. The Council have accepted the Inspector's findings. As a result, the Council have accepted that the requisite housing land supply cannot be demonstrated. Since that point the new NPPF has been published which requires local authorities to recalculate their housing land supply. The current position to be used in decision-taking is 2.06 years supply.

Paragraph 11 (d) and footnote 7 of the NPPF state that where a five-year housing land supply cannot be demonstrated then, for applications including housing provision, the policies which are most important for determining the application should be considered out- of-date. As a result, the presumption in favour of sustainable development (often referred to as the 'tilted balance') should be applied and permission should be granted unless protection policies set out in footnote 7 of the NPPF apply, or the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits. The implications of the housing land supply position, and in particular the weight to be attributed to the development plan policies, must be taken into account when determining applications. The weight to be attributed to such policies is a matter of judgment for the decision-taker. The extent of the housing land supply shortfall and how it has arisen, the actions being taken to recover the shortfall, and the

potential for the proposal to deliver housing in the forthcoming five-year period to help remedy the current shortfall should also be taken into account in the balancing exercise which will be done at the end of the report.

Wiltshire Council on 31 May 2023 published the “5 year housing land supply and housing delivery test briefing note No 22-09” (the briefing note) which outlined how the Council would restore its 5 year housing land supply in the face of the acknowledged shortfall. In paragraph 6.1 the third point states that the Council will positively consider speculative applications where there are no major policy obstacles material to the decision other than the site being outside the settlement boundaries or unallocated. Whilst the Council only need to demonstrate a 4 year housing land supply, this briefing note would hold some weight in the decision making process.

Neighbourhood Plan

The Malmesbury (NP) was made on 25 May 2015. Paragraph 14 of the NPPF (DEC 23) states: *14. In situations where the presumption (at paragraph 11d) applies to applications involving the provision of housing, the adverse impact of allowing development that conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits, provided the following apply:*

- a) *The neighbourhood plan became part of the development plan five years or less before the date on which the decision is made; and*
- b) *The neighbourhood plan contains policies and allocations to meet its identified housing requirement (see paragraphs 67-78)*

The Malmesbury NP has policies and allocations within it to meet its identified need and therefore is a relevant up to date document that has to be taken into consideration when making a recommendation on this application. The Planning Inspectorate at other appeals in Malmesbury has previously stated that there are no specific policies within the MNP which prohibit residential development coming forward outside of the allocations, but equally there are no policies which support it. The MNP is silent with regard to such development, although it is implicit that the allocated housing sites are deemed sufficient to meet the housing need for Malmesbury. In comparison, CP2 of the WCS clearly identifies that development outside the limits of development will be strictly controlled and sets out where development would be supported. Whilst not explicitly saying so in the policy, it is considered that the proposed development would conflict with Policies of the Neighbourhood Plan.

The site is an allocated site within the upcoming Wiltshire local plan and is allocated as a reserve site under policy 3 and policy 16 of that forthcoming plan. However, that plan is only at regulation 19 stage and therefore can be given very limited weight at this stage until such time as it moves forward for adoption. None the less its allocation shows the councils intent and in principle suitability for dwellings.

The proposed residential development scheme of up to 55 dwellings would represent new purpose built dwellings within the countryside which at face value would not accord with the settlement strategy of the WCS. The site is also not allocated within the MNP. The proposed development would therefore conflict with the Council's plan-led approach to sustainable development as originally set out within these plans. However, the current status of the development plan documents and the councils lack of 4 year housing land supply are important considerations which must be considered within the overall planning balance as detailed below.

10.2 Impact on the scale and character of the area

Core Policy 51 ('Landscape') of the Wiltshire Core Strategy states that new development should protect, conserve and where possible enhance landscape character, and should not have a harmful impact on landscape character. The policy requires applications to demonstrate how development proposals conserve and where possible enhance landscape character through sensitive design, landscape mitigation and enhancement measures.

A Landscape and Visual Appraisal has been submitted with the application which has been assessed by the Councils Landscape Officer.

The site lies within National Character Area Profile (NCAP) 117: Avon Vales. The NCAP 107 (Cotswolds) lies a short distance to the north and west of the site wrapping around the northern and western countryside edges of Malmesbury.

The site lies within Landscape Character Type 16: Limestone Lowland within Landscape Character Area 16A: Malmesbury-Corsham Limestone Lowland. "Malmesbury-Corsham Limestone Lowlands is the only area within the Limestone Lowlands Type. It covers a large area of northwest Wiltshire occurring between areas of limestone valleys and higher limestone wold to the west (outside the County) and clay to the east.

The area is predominantly rolling mixed pastoral and arable farmland, in a pattern of large fields bounded by hedgerows with hedgerow trees. The hedgerows vary in condition with some gappy and low flailed hedges in evidence for example around Grittleton. Changes in the underlying geology and land use cause subtle localised variations throughout the area within an overall graduation from higher ground founded on limestone to the west to lower ground on clay to the east. On the higher and steeper ground of the Forest Marble Limestone to the west, and particularly to the south of Corsham, hedgerows are less prominent with dry stone walls dividing the fields. With less visual obstruction, there are panoramic and distant views of the farmland as it falls away gently to the east. There are also some more open areas around Biddestone and to the north of the area. Here a comparative scarcity of tree cover creates a greater sense of exposure. Shallow valleys along the numerous springs and brooks in the area have a more intimate and enclosed feeling. The most prominent of these is along the River Avon where the locally steep valley sides give a sense of containment, and the rich vegetation including willows line the riverbank. There are also areas of estate and historic parkland, often associated with large houses. Areas of open pastoral land with numerous standard trees can be found throughout the area, some contain more designed elements such as the large avenue near Monkton Farleigh.

A key element in this area is the distinctive limestone villages and towns, connected by a network of winding rural lanes and straight Roman roads. Some brick-built dwellings and farmhouses appear to the east of the area reflecting the changing geology. Traditional buildings are frequently centred around village greens and ponds or form a more linear settlement forming a main street along one of the rural roads.

Malmesbury Neighbourhood Plan

Volume 1 Main body

Policy 13: "The Neighbourhood Plan Design Guide as set out in Volume II of this Plan should be taken into consideration in all developments to ensure a high quality of design that respects the specific character of Malmesbury Town and the surrounding area"

Volume II – Design Guide (2015 Designations)

The site itself does not lie within a national or local landscape designation. However, and importantly the site lies adjacent to and fronts onto a boundary with the Cotswolds National Landscape (formerly Cotswolds AONB) along both its southern and western edges, only separated by Sherston Road and Park Lane respectively. In this regard the site is considered to fall within the setting of a nationally valued landscape.

Cotswold AONB Management Plan & Cotswold Landscape Strategy and Guidelines

WCS, Core Policy 51: Landscape, references under point (ix) that ‘Special qualities’ of Areas of Outstanding Natural Beauty (AONBs) will be afforded great weight in relation to conserving and enhancing landscapes and scenic beauty, and further states that “proposals for development within or affecting the Areas of Outstanding Natural Beauty” ... “shall demonstrate that they have taken account of the objectives, policies and actions set out in the relevant Management Plans for these areas. Proposals for development outside of an AONB that is sufficiently prominent (in terms of its siting or scale) to have an impact on the area’s special qualities (as set out in the relevant management plan), must also demonstrate that it would not adversely affect its setting.”

Cotswold AONB Management Plan Policies

Cotswolds AONB Management Plan

POLICY CE1: LANDSCAPE

CE1.1 Proposals that are likely to impact on, or create change in, the landscape of the Cotswolds National Landscape, should have regard to, be compatible with, and reinforce the landscape character of the location, as described by the Cotswolds Conservation Board’s Landscape Character Assessment and Landscape Strategy and Guidelines. There should be a presumption against the loss of key characteristics identified in the landscape character assessment.

CE1.2 Proposals that are likely to impact on, or create change in, the landscape of the Cotswolds National Landscape, should have regard to the scenic quality of the location and its setting and ensure that views – including those into and out of the National landscape – and visual amenity are conserved and enhanced.

CE1.3 Conserving and enhancing landscape character should be a key objective of Environmental Land Management and rural development support mechanisms in the Cotswolds National Landscape.

CE1.4 Rural skills training and the utilisation of those skills – such as dry stone walling, stonemasonry, traditional woodland management and hedge laying – will be supported to ensure the long-term retention, creation and management of the key features of the Cotswolds National Landscape.

POLICY CE3: LOCAL DISTINCTIVENESS

CE3.1. Proposals that are likely to impact on the local distinctiveness of the Cotswolds national landscape should have regard to, be compatible with and reinforce this local distinctiveness. This should include:

- being compatible with the Cotswolds Conservation Board’s Landscape Character Assessment, Landscape Strategy and Guidelines and Local Distinctiveness and Landscape Change;
- being designed and, where relevant, landscaped to respect local settlement patterns,

building styles, scale and materials and in accordance with design guidance prepared by local planning authorities;

- using an appropriate colour of limestone to reflect local distinctiveness.

CE3.2. Innovative designs, compatible with the conservation of natural beauty – which are informed by local distinctiveness, character and scale – should be welcomed.

CE3.3. The development of design guidance – which is supported by a robust evidence base and which reflects relevant guidance published by the Cotswolds National Landscape Board – will be encouraged.

CE3.4. Provision should be made for the quarrying of limestone, at an appropriate scale, in order to provide building materials that help maintain and enhance the local distinctiveness of the National Landscape. Any production of aggregate and agricultural lime should be secondary and necessary for local and necessary operational purposes. Any such mineral sites should be required to demonstrate that they do not have any significant adverse effects on the natural beauty of the National Landscape including its special qualities or the integrity of existing wildlife sites.

POLICY CE5: DARK SKIES

CE5.1. Proposals that are likely to impact on the dark skies of the Cotswolds National Landscape should have regard to these dark skies, by seeking to avoid and where avoiding is not possible, minimise light pollution.

CE5.2. Proposals that are likely to impact on the dark skies of the CNL should have regard to recognised standards and guidance, in particular, that published by the Institution of Lighting Professionals and the Commission for Dark Skies. CE5.3. Measures should be taken to increase the area of dark skies in the Cotswolds National Landscape by removing, and where removal is not possible, minimising existing sources of light pollution.

CE5.4. Consideration will be given to seeking a formal dark sky designation for those parts of the Cotswolds National Landscape that are least affected by light pollution.

The site lies in an elevated location on a rolling ridge above and separating the two river valleys that confluence just north of Avon Mills, Malmesbury. The site's few perimeter trees, and taller hedgerows contribute to the wooded skyline visible on the local rolling ridgeline/plateaux, viewed from the wider landscape and when approaching the town from the west. The agricultural land and its peripheral vegetation serve and function to provide an effective transitional landscape buffer from the town's existing westernmost modern urban influences and the CNL. In this regard the site provides an important standoff and contribution to the setting of the National Landscape. The development of this site for housing alongside the creation of a new means of vehicular access into it, will extend the westernmost limits of the existing urban area into countryside further west and will increase the town's urban influence up to the Cotswolds National Landscape (AONB) boundaries. The proposed development site is fronted on 3 sides by open countryside, separated from the boundary with the NL by the existing retained site hedgerows and adjoining rural roads.

Since the original application was submitted the applicants have provided a revised parameters plan which now offers certainty that substantial new structured tree planting will be necessary to deliver along shared boundaries with the CNL as part of the development but as long as the parameters plan is included as a conditioned approved particular of development which any subsequent RM submission proposals need to be substantially in accordance with this will be acceptable in landscape terms.

The landscape officer previously identified concerns regarding conflicts between the new

frontage footway and retained roadside hedgerows and oak trees which have been addressed which would permit the footpath connection within the site (thereby demonstrating that the existing frontage hedgerow and Oak tree/s could be retained as part of the development proposal).

Detailed hard and soft landscaping can be suitably controlled at Reserved Matters stage, and conditions are included as part of this recommendation.

10.3 Ecology

Core Policy 50 requires all development proposals to *“incorporate appropriate measures to avoid and reduce disturbance of sensitive wildlife species and habitats throughout the lifetime of the development”*... *“all development should seek opportunities to enhance biodiversity. Major development in particular must include measures to deliver biodiversity gains through opportunities to restore, enhance and create valuable habitats, ecological networks and ecosystem services”*... *“Sustainable development will avoid direct and indirect impacts upon local sites through sensitive site location and layout, and by maintaining sufficient buffers and ecological connectivity with the wider environment. Damage or disturbance to local sites will generally be unacceptable, other than in exceptional circumstances where it has been demonstrated that such impacts:*

- i) Cannot reasonably be avoided*
- ii) Are reduced as far as possible*
- iii) Are outweighed by other planning considerations in the public interest*
- iv) Where appropriate compensation measures can be secured through planning obligations or agreements”*

The application is supported by a Preliminary Ecological Appraisal (July 2024) and a Biodiversity Net Gain Assessment (July 2024). I consider that the level of survey has been thorough and appropriate to both the nature of the site and the scale of the development.

The Preliminary Ecological Appraisal report makes a series of recommendations in Section 4 for measures to be implemented as part of the development, to ensure that sensitive ecological features are not adversely impacted by the works. These comprise:

- Production of a Construction Environmental Management Plan to be implemented during the construction phase of the development. The Plan should include pollution prevention measures, reasonable avoidance measures for reptiles, pre-commencement survey for invasive species, precautionary working measures for common amphibians, nesting birds, badger (to include a pre-commencement badger survey) and common mammals such as brown hare and hedgehog.
- Retention and protection of hedgerows and mature boundary trees. Replacement tree planting at a 1:3 ratio.
- Sensitive lighting strategy

Paragraph 5.3.2 sets out recommendations to enhance the site for biodiversity which comprise:

- Bat and bird boxes
- Planting of linear features to add commuting features within the site
- Hedgehog highways to facilitate movement across the site
- Hibernacula for reptile/amphibian
- Creation of habitats to benefit wildlife e.g., wildflowers for invertebrates and a pond for amphibians.

Any subsequent reserved matters application will be expected to adhere to the recommendations in the Preliminary Ecological Appraisal.

To provide increased opportunities for biodiversity/ fauna/ animals it is expected that new developments will provide features to benefit biodiversity such as for birds, bats and invertebrates. Integrated features are preferable and can include integrated bird/bat boxes or features such as access tiles for roosting bats. It is recommended that features are provided at a ratio of 1:1 feature to building. Features must seek to benefit target species/s or group/s and demonstrate viability in terms of position on building, location and clustering in accordance with relevant guidance.

The Illustrative Masterplan shows the retention of mature oak trees and boundary hedgerows, a green buffer along the northern and southern edges and a minimum 25 m green buffer along the western edge of the site. In total the proposals are anticipated to provide 1.27 ha of public open space which may include attenuation features, wildflower and tree planting (Sketch Layout, Rev D). Although the Parameters Plan does not show the locations of high value trees, the green buffers do appear wide enough to incorporate the Root Protection Zones of these trees as shown in the Arboricultural Report (Ref: AWA5901). Any detailed design at reserved matters stage will be expected to ensure the protection of retained trees and hedgerows and the incorporation of large, unlit, green corridors to secure the integrity of local ecological networks. If any of the mature trees with bat roost potential are likely to be impacted (e.g., by root impaction or light spill) then further survey will be required to inform an appropriate mitigation strategy.

The habitat within the proposed development site and the surrounding area is suitable for roosting, foraging and commuting bats. An increase in artificial lux levels can deter bats which could result in roost abandonment and/or the severance of key foraging areas. This will likely result in a significant negative impact upon the health of bat populations across the region. Artificial light at night can have a substantial adverse effect on biodiversity. Any new lighting should be for the purposes for safe access and security and be in accordance with the appropriate Environmental Zone standards set out by the Institute of Lighting Engineers in their publication GN01:2021, 'Guidance for the Reduction of Obtrusive Light' (ILP, 2021), and Guidance note GN08/23 "Bats and artificial lighting at night", issued by the Bat Conservation Trust and Institution of Lighting Professionals.

Biodiversity Net Gain

Under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021) this application is required to deliver 10% Biodiversity Net Gain (BNG). The Biodiversity Gain Plan condition will automatically apply if approval is forthcoming.

A completed statutory metric calculation (completed 5 July 2024) confirming the pre- and predicted post- intervention biodiversity value of site has been submitted.

A plan showing the baseline habitats onsite has been submitted (Sherston Road – UKhab 20.03.2024). This plan shows the grassland onsite to be 'other neutral grassland'. An updated metric has not been provided but in the interests of moving this application forward the grassland type in the submitted metric has been updated from modified grassland (poor condition) to other neutral grassland (poor condition). Biodiversity Net Gain Metric_WC Edit is now the accepted metric.

It is accepted that at this stage no trees are anticipated to be lost due to development and therefore trees within hedgerows will not need to be recorded individually in the metric.

The Biodiversity Gain Plan condition will require the submission of a Biodiversity Gain Plan demonstrating how the biodiversity objective (10% biodiversity net gain) will be met. The development can only legally commence once the Biodiversity Gain Plan condition has been

discharged.

The Biodiversity Gain Plan must be accompanied by a completed Biodiversity Metric (supported by corresponding habitat maps) with the following issue addressed:

- Habitats within the private curtilage can only be recorded as 'unvegetated/vegetated garden' and enhancement of hedgerows within gardens can therefore not count towards BNG.

In order for the council to fulfil its BNG monitoring responsibilities. A BNG monitoring contribution will be required and secured via a separate legal agreement.

The Council's Ecologist and Natural England have raised no objections to the scheme subject to conditions regarding the submission of an Ecological Parameters Plan, Landscape and Ecology Management Plan and a Construction Environmental Management Plan.

Details regarding the construction of the SuDs, details of integrated roosting/nesting features, restrict new external lighting and the development to be built in accordance with the Biodiversity Metric (or subsequent Biodiversity Metric that may be submitted with any future reserved matters application that would need to broadly align with that submitted on the current application) all of which are considered to be acceptable. As such the proposal is considered to comply with CP50 and has overcome the previous reason for refusal relating to ecology.

10.4 Impact on the significance of heritage assets, such as listed buildings and conservation areas

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires 'special regard' to be given to the desirability of preserving a listed building or its setting. Paragraph 199 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. ..This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance".

Core Policy 57 of the Wiltshire Core Strategy states: "A high standard of design is required in all new developments, including extensions... Development is expected to create a strong sense of place through drawing on the local context and being complementary to the locality. Applications for new development must be accompanied by appropriate information to demonstrate how the proposal will make a positive contribution to the character of Wiltshire through... being sympathetic to and conserving historic buildings"

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.

There is only one listed structure close to the site which is a listed milestone located on Sherston road which will largely be unaffected by the proposal. The nearest conservation area is the main Malmesbury town centre conservation area which will be unaffected by the proposal.



10.5 Archeology

The application was submitted with an Archaeology and Historic Assessment. Trial trenching has since taken place. The Councils Archaeologist has assessed the submitted information and as a result of the findings of the evaluation no further archaeological investigations need to be carried out on the site. The proposal is therefore considered to comply with the requirements of CP58 and has overcome the previous reason for refusal.

10.6 Impact upon neighbouring amenity

The site is bounded by residential properties on its Eastern boundary from properties in Silveston Way and White Lion Park both of which roads have houses that back onto this site. As an outline application at this stage there is little information on where dwellings will be precisely located at the site. However it is considered with the number of dwellings proposed and the potential layout of the site including drainage, open spaces roads and Natural Greenspace that it would be possible to design a scheme that would not have an adverse effect on the amenity of neighbouring properties.

Whilst the exact detail would be a reserved matter issue, the amenity of future occupiers should be taken into consideration and therefore the proposed dwellings would need to ensure that they meet the minimum sizing requirements noted in the Governments Technical Housing Standards and their associated gardens should be at least the same size as the ground floor of the dwelling they serve in accordance with the Councils Design Guide. In addition to the appropriate garden each dwelling in Wiltshire has access to 1 x 180 litre household waste bin, up to 2 x 240 litre wheeled bins, up to 2 x 55 litre black recycling box and the option of 1 x 180 litre chargeable garden waste bin and as such sufficient space should be provided for each dwelling for the storage of these waste bins/boxes alongside appropriate cycle storage. The submitted details appear to show that it is capable of delivering these requirements alongside no overlooking or overshadowing taking place between the proposed dwellings.

As such it is considered that whilst views from neighbouring properties will be affected by this development it should be possible to preserve the outlook from the existing dwellings such that

planning permission can be granted for this development and as such the proposal is considered to comply with policy CP57 of the Wiltshire Core Strategy.

10.7 Highway Matters

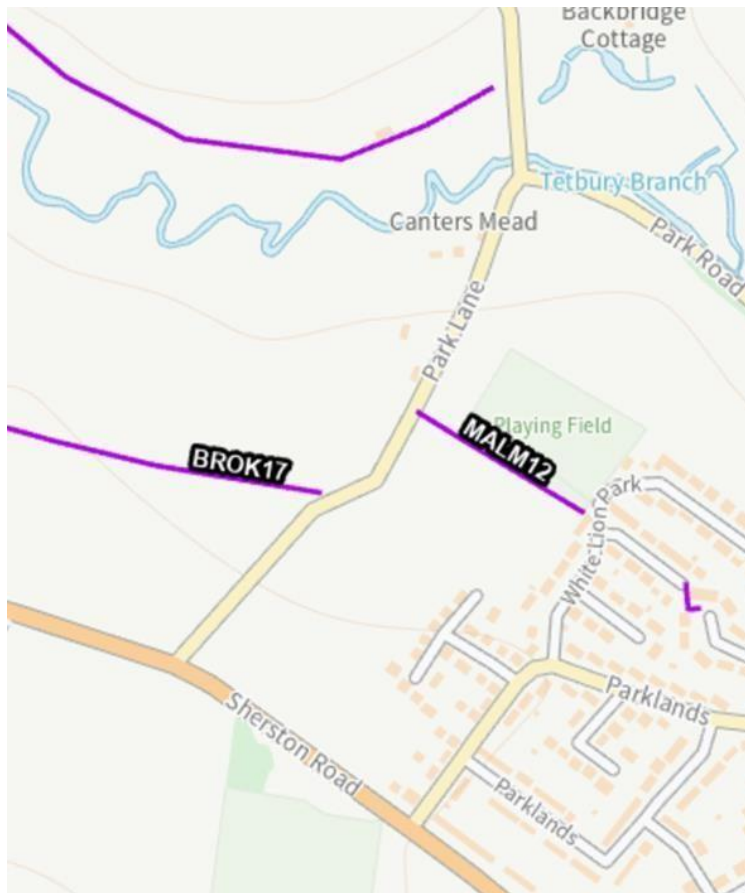
The objectives of Core policies 60 and 61 are to reduce the need to travel particularly by private car, and support and encourage the sustainable, safe and efficient movement of people and goods within and through Wiltshire, and identify that new development should be located and designed to reduce the need to travel particularly by private car, and to encourage the use of sustainable transport alternatives.

There are two bus stops locally, one at Parklands to the South East of the site where the no 90 bus runs circular around the town on a regular basis roughly 9 -5.30. The second bus stop is slightly further away where the number 41, 278 and C62 buses run to chipping Sodbury/Yate, Tetbury (once a day) and the C62 is a college bus running once a day to Cirencester College.

The application has been submitted with a Transport Statement, and the highways officer has asked for a Travel plan as part of any S106 The amended plans showed a revised access arrangement which has been considered by the Councils Highway Officer to be acceptable. As have the footway elements associated with the frontage. As such the proposal is considered to comply with CP60, CP61 and CP64.

10.8 Public Rights of Way

There are several Public Rights of Way near to the site. BROK17 runs in a westerley direction away from the site. BROK16 and BROK5 also run nearby to the site.



The Council's Public Right of Way Officer has assessed the application and noted that a number of public footpaths in the vicinity of the development are likely to be much more heavily used and there is a need to replace some of the access furniture in the vicinity of the development on footpaths BROK16, 17 and BROK5. The agreement to replace some of this access furniture in principle means the proposal is considered to comply with CP52.

10.9 Drainage

CP67 of the WCS states that all new development will include measures to reduce the rate of rainwater run-off and improve rainwater infiltration to soil and ground (SUDs).

The site is located in Flood Zone 1 which is the least likely to flood. The Environment Agency classifies this site as at Very Low risk of surface water flooding. It also classifies the site to be at very low risk from groundwater flooding. The proposed finished floor levels are to be at least 150mm above the adjacent road level to ensure that they are not at risk from flooding from all sources.

The application has been submitted with a site specific Flood Risk Assessment which has been assessed by the Council's Drainage Officer who has supported the scheme subject to conditions which are considered to be acceptable. As such the proposal is considered to comply with CP67.

The council's drainage officer has asked for further details to be required by condition which are included at the end of this report as part of the recommendation.

10.10 Section 106

CP3 states that all new development will be required to provide necessary on-site and where appropriate off-site infrastructure requirements arising from the proposal.

The infrastructure items listed below are those that are relevant to the application site and are required in order to mitigate the impact of the proposed scheme, in line with the tests set under Regulation 122 of the Community Infrastructure Levy Regulations 2010, and Paragraph 57 of the National Planning Policy Framework 'The Framework'. These are:

- Necessary to make the development acceptable in planning terms
- Directly related to the development; and
- Fairly and reasonably related in scale and kind to the development

The developer has agreed to the following Section 106 requirements:

Affordable Housing: CP43 states that on dwellings of 5 or more affordable housing provision of at least 40% will be provided. This results in a need for 22 affordable homes. From this, the Local Planning Authority would require a tenure split of 60% (13) affordable rented homes, 15% (3) shared ownership homes and 25% (6) First Homes. These dwellings will need to be transferred to a Registered Provider.

Open Space: The principle of obtaining quality open spaces and opportunities for sport and recreation is stated in paragraph 96 of the NPPF. The Leisure and Recreation DPD requires developers to provide public open space. The requirement for this development is 2305.25m² of public open space and 116.82m² of equipped play which has been calculated using the latest Sport England Guidance. The application includes sufficient on space requirement. The

proposal would also generate a requirement of 1557.60m² of Sports and Pitches & Courts which equates to an off-site financial contribution of £15,576.00 which would go towards the upgrading of existing facilities in Malmesbury.

Education: The NPPF (paragraph 94) encourages Local Authorities to ensure that sufficient choice of school places is available to meet the needs to existing and new communities. In order to fulfill this requirement the proposed development is required to fund the following:

Early Years Assessment: There are currently 2 preschools and 2 childminders within a two-mile safe walking route of this proposed development. The provision is operating at full capacity. The Local Planning Authority has a duty to provide sufficient childcare for working parents under Section 6 of the Childcare Act 2006. As a result the development would need to provide 6 places at a cost of £17,522 each with a total cost of £105,132.00 (indexed linked)

Primary School Assessment: There are primary schools in the designated area which because of the decline in birth rate in the Malmesbury area have capacity and therefore no contribution would be required.

Secondary School Assessment: There is spare capacity at Malmesbury secondary school and therefore no contribution is required.

Highways: CP 61 states that where appropriate contributions will be sought towards sustainable transport improvements and travel plans will be required to encourage the use of sustainable transport alternatives. CP 63 identified transport strategies for Wiltshire's Principle Settlements which seek to achieve a major shift to sustainable transport by helping to reduce reliance on the private car and by improving sustainable transport alternatives. Part of the funding for these strategies is to be derived from developer contributions. Such requests are also listed under Core Policy 3 as infrastructure priority theme 1.

A highways 106 requirement is for the inclusion of a travel plan

Public Rights of Way: CP52 states "Development shall make provision for the retention and enhancement of Wiltshire's Green Infrastructure network and shall ensure that suitable links to the network are provided and maintained". This is also confirmed in Saved Policy CR1 of the Leisure and Recreation DPD and the Local Cycling and Walking Infrastructure Plan which is nearing adoption. The NPPF at paragraph 104 requires planning decisions to protect and enhance public rights of way and take opportunities to provide better facilities for users.

This development will lead to an increase in usage of the Public Rights of Way network particularly to the West of the site and as such a contribution of £5,400 (index linked) is required to go towards access furniture improvements on BROK17, BROK5 and BROK16.

Ecology: The S106 must identify who will be responsible for maintaining the biodiversity habitat and commit the body(ies) to be responsible for those matters detailed below:

- a) Within the application site
- b) Within the Public Open Space

Waste: Under Core Policy 3 and WCS6 the Waste Team will require contributions towards the provision of waste and recycling containers for each residential unit (£101 per dwelling) and therefore a total cost of £5,555.00 would be required. This is in conformity with the Wiltshire Council Waste Collection Guidance for New Development.

Management Company: The S106 Legal agreement would need to ensure that the proposed dwellings are served by a management company to ensure that the area of public open space and other shared areas are managed and looked after in perpetuity. The Management Company

would also be responsible for maintaining the biodiversity habitat within the application site and within the public open space.

S106 Monitoring Fee: A S106 monitoring fee would be required to be included within the S106 Legal Agreement which would be 1% of the total financial contributions capped at £10,000.00.

Other

Wiltshire Council adopted CIL (Community Infrastructure Levy) on 18th May 2015 and therefore the proposed dwellings subject of this application will be liable to pay CIL and therefore an informative should be added to any approval informing the applicant. It will also be expected that the S106 would include the creation of a management company to look after the public areas and a S106 monitoring fee.

11. PLANNING BALANCE

Paragraph 11 (d) and footnote 8 of the NPPF state that where a Local Planning Authority cannot demonstrate a four-year housing land supply then, for applications including housing provision, the policies which are most important for determining the application should be considered out-of-date. As a result, the presumption in favour of sustainable development (often referred to as the 'tilted balance') should be applied and permission should be granted unless protection policies set out in footnote 7 of the NPPF apply, or the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits.

Turning to the benefits, the following is noted:

The provision of market housing is a key part of national and local planning policy and has recently been re-enforced by the Written Ministerial Statement confirming the government's commitment to the delivery of new housing. Given the Council's shortfall in housing (3.85yrs against a 4yr housing requirement), and the direction of travel from central government, the contribution this site will make to the provision of housing is a positive benefit of the scheme. This benefit should be attributed substantial weight. The proposal would also provide 40% affordable housing where there is a current, significant shortfall against the Council's target. The term significant is used as the Inspector at the Storridge Road Appeal noted that there was a shortfall of 936 affordable homes and used the term significant when referring to this shortfall. The benefit of providing 40% affordable housing (potentially 20 dwellings) is afforded substantial weight.

The site would also generate short term economic benefits during construction and long term economic benefits from the expenditure on local goods and services by the future residents. The NPPF at paragraph 85 states that "Significant weight should be placed on the need to support economic growth and productivity..." In line with the NPPF, significant weight is attached to this benefit.

The provision of those items required through the S106 legal agreement such as public open space, education and public rights of way improvements as well as BNG would be as a result of the proposed development but would provide some benefit to existing residents in the area and therefore moderate positive weight is given to these.

Turning to the adverse impacts, the proposal fails to comply with the development plan as whole given the policy conflict identified in this report. CP1, CP2 and CP13 of the Wiltshire Core Strategy are key in this judgement as they form the spatial strategy of the development plan and therefore indicate whether or not a proposal is in a suitable location for housing. Whilst noting the site is in a relatively accessible location with access to public transport links, by reason of the site being located outside the limits of development the conflict with these policies is attributed significant weight.

The development of a field into housing would impact the character and appearance of the area. Such an impact would occur with the development of any green field. Given the impacts are very localised and with the planned mitigation taken into account, this harm is given limited weight.

Set against these adverse impacts is the substantial and significant benefits identified above (notably, the provision of market and affordable housing and economic benefits).

Accordingly, it is judged that the adverse impacts of allowing this development in conflict with the local plan policies is not likely to significantly and demonstrably outweigh the benefits.

12. Conclusion

The proposal fails to comply with the spatial strategy contained in the Wiltshire Core Strategy and the Neighbourhood Plan and in accordance with Paragraph 14 those adverse impacts must be seen to significantly and demonstrably outweigh the benefits. Wiltshire Council is currently unable to demonstrate a four-year housing land supply and has a significant shortfall of affordable housing units. The application has received support from statutory consultees and this report demonstrates that there are no adverse impacts arising from the proposal on the wider landscape, ecology, highways or amenity. In light of the above, it is considered that the adverse policy impacts of allowing this development do not significantly and demonstrably outweigh the benefits identified above and as such the application is recommended for Approval.

Recommendation

Subject to a suitable S106 agreement being agreed as per the report, then approve, subject to the following conditions:

Conditions:

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

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

2. No development shall commence on site until details of the following matters (in respect of which approval is expressly reserved) have been submitted to and approved in writing by the Local Planning Authority:
 - (a) The scale of development;
 - (b) The layout of the development;
 - (c) The external appearance of the development;
 - (d) The landscaping of the site

The development shall then 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.

Informative: The council will expect the reserved matters above to be accompanied by a sustainable energy statement that has been taken into account in the design and orientation

of dwellings proposed on the site in order to comply with policy CP41 of the local plan.

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

Proposed site access arrangements Drawing no 2831-F01 rev E
Proposed Off site pedestrian improvements Drawing no 2831-F02 rev A
Landscape Parameters Plan Drawing no 3 rev C The urbanists
Proposed Landscape plan Drawing prepared by Collington Winterno 20-1652 rev 1
Proposed Location plan Rev A dated 29/7/2024
Affordable housing statement July 2024
Flood risk assessment and drainage strategy Dated July 2024
Preliminary ecological appraisal July 2024
Phase 1 desk study report Brownfield Solutions Ltd May 2024
Transport statement by Eddisons April 2024
Waste Audit Statement by EdgePlan July 2024
Arboricultural report by AWA tree consultants May 2024
Archaeological report by CFA archaeology dated June 2024
Planning statement July 2024 by Edgeplan
Topographical land survey drawing dated 30/11/18 drwg no S18-1094
Landscape and Visual appraisal by Tyler Grange, Report No. 16755_R01c_OK
Design and access statement dated July 2024, Revision

Biodiversity net gain assessment July 2024

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

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

REASON: The matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, in the interests of visual amenity and the character and appearance of the area.

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

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

Highways

7. No development shall commence until a Construction Traffic Management Plan (to include details of all development phases) has been submitted to and approved in writing by the Local Planning Authority. Thereafter the construction of the development shall only be carried out

in accordance with the approved Plan. The Construction Traffic Management Plan shall include details of:

- a) Construction vehicle numbers, type, routing;
- b) Access arrangements to the site;
- c) Traffic management requirements
- d) Construction and storage compounds (including areas designated for car parking, loading /unloading and turning areas);
- e) Siting and details of wheel washing facilities;
- f) Cleaning of site entrances, site tracks and the adjacent public highway;
- g) Timing of construction activities (including delivery times and removal of waste);
- h) Provision of sufficient on-site parking prior to commencement of construction activities;
- i) Post construction restoration/reinstatement of the working areas and temporary access to the public highway;

REASON: In the interest of highway safety

8. Prior to any approved access as shown on plan 2831-F01 Rev E – Site Access Arrangement being brought into operational use full details of the approved off-site works generally shown on the approved highway plan shall be submitted to and agreed in writing by the Local Planning Authority and constructed in accordance with the approved details.

REASON: In the interest of highway safety

9. Prior to any occupation of the approved development full details of the approved off-site works generally shown on the approved highway plan 2831-F02 Rev A – Offsite pedestrian improvements plan shall be submitted to and agreed in writing by the Local Planning Authority and constructed in accordance with the approved details.

REASON: In the interest of highway safety and to secure infrastructure that provides a genuine choice of travel mode opportunity.

10. No development shall be occupied or brought into use until such time as a Full Travel Plan including the appointment of a Travel Plan Co-ordinator and monitoring has been submitted to and approved in writing by the Local Planning Authority.

REASON: To promote and support sustainable travel and a genuine choice of travel modes.

Landscaping

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

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

12. 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.

Ecology

13. Prior to the commencement of works, including demolition, ground works/excavation, site clearance, vegetation clearance and boundary treatment works, a Construction Environmental Management Plan (CEMP) shall be submitted to the local planning authority for approval in writing. The CEMP will be prepared in accordance with recommendations set out in Section 4 of the Preliminary Ecological Appraisal (July 2024). The Plan shall provide details of the avoidance, mitigation and protective measures to be implemented before and during the construction phase, including but not necessarily limited to, the following:

- a) Identification of ecological protection areas/buffer zones and tree root protection areas and details of physical means of protection, e.g. exclusion fencing.
- b) Working method statements for protected/priority species, such as reptiles, nesting birds, badger, brown hare and hedgehog.
- c) Restrictions on artificial lighting and any measures to be implemented to reduce light spill on sensitive ecological features.
- d) Details of pollution prevention measures including safeguarding measures to deal with the following pollution risks: the use of plant and machinery wheel washing and vehicle wash-down and disposal of resultant dirty water oils/chemicals and materials the use and routing of heavy plant and vehicles the location and form of work and storage areas and compounds the control and removal of spoil and wastes.
- e) Work schedules for activities with specific timing requirements in order to avoid/reduce potential harm to ecological receptors; including details of when a licensed ecologist and/or ecological clerk of works (ECoW) shall be present on site.
- f) Key personnel, responsibilities and contact details (including Site Manager and ecologist/ECoW).

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

REASON: To ensure adequate protection and mitigation for ecological receptors prior to and during construction, and that works are undertaken in line with current best practice and

industry standards and are supervised by a suitably licensed and competent professional ecological consultant where applicable.

14. No external light fixture or fitting will be installed within the application site unless details of existing and proposed new lighting have been submitted to and approved by the Local Planning Authority in writing.

REASON: In the interests of conserving biodiversity.

INFORMATIVE:

The submitted details should demonstrate how the proposed lighting will impact on bat habitat, including trees with bat roost potential (identified in Table 3.1 of the Preliminary Ecological Appraisal (July 2024)) compared to the existing situation. The plans should be in accordance with the appropriate Environmental Zone standards set out by the Institution of Lighting Professionals (ILP) Guidance Notes on the Avoidance of Obtrusive Light (GN 01/2021) and Guidance note GN08/23 "Bats and artificial lighting at night", issued by the Bat Conservation Trust and Institution of Lighting Professionals.

15. Prior to the commencement of any works, including vegetation removal and demolition, details of the number, design and locations of features for wildlife (i.e., bat and bird boxes, hedgehog highways, hibernacula and enhancements for invertebrates) shall be submitted to the local authority for approval. These details should be clearly shown on an enforceable plan (e.g., site plan/technical elevations drawing). The approved details shall be implemented before occupation of the final works. These features will continue to be available for the target species for the lifetime of the development.

REASON: To provide enhancement for biodiversity.

16. No development shall commence on site until a Habitat Management and Monitoring Plan (HMMP), prepared in accordance with the approved Biodiversity Gain Plan and including:
 - a. a non-technical summary;
 - b. the roles and responsibilities of the people or organisation(s) delivering the HMMP];
 - c. the management measures to maintain habitat in accordance with the approved Biodiversity Gain Plan for a period of 30 years from the completion of development; and
 - d. the monitoring methodology and frequency in respect of the created or enhanced habitat to be submitted to the local planning authority, has been submitted to, and approved in writing by, the local planning authority. The created and/or enhanced habitat specified in the approved HMMP shall be managed and maintained in accordance with the approved HMMP.

REASON: To ensure the long-term management of landscape and ecological features retained and created by the development, for the delivery of biodiversity net gain.

17. No development shall take place until surface water drainage strategy, complying with Wiltshire Council requirements, NPPF, and the Non Statutory Technical Standards for SuDS has been submitted to and approved in writing by the Local Planning Authority.

REASON: To minimise the risk to people and property during high return period storm events

18. No development hereby permitted shall be occupied until details of the implementation, maintenance and management of the sustainable drainage scheme have been submitted to and approved by the local planning authority. The scheme shall be implemented and

thereafter managed and maintained in accordance with the approved details.

REASON: In order to ensure adequate drainage of the site

Informatives: (3)

1. This permission shall be read in conjunction with an Agreement made under Section 106 of the Town and Country Planning Act, 1990 and dated TBC
2. The applicant is advised that the development hereby approved may represent chargeable development under the Community Infrastructure Levy Regulations 2010 (as amended) and Wiltshire Council's CIL Charging Schedule. If the development is determined to be liable for CIL, a Liability Notice will be issued notifying you of the amount of CIL payment due. If an Additional Information Form has not already been submitted, please submit it now so that we can determine the CIL liability. In addition, you may be able to claim exemption or relief, in which case, please submit the relevant form so that we can determine your eligibility. The CIL Commencement Notice and Assumption of Liability must be submitted to Wiltshire Council prior to commencement of development. Should development commence prior to the CIL Liability Notice being issued by the local planning authority, any CIL exemption or relief will not apply and full payment will be required in full and with immediate effect. Should you require further information or to download the CIL forms please refer to the Council's Website <https://www.wiltshire.gov.uk/dmcommunityinfrastructurelevy>.
3. Wiltshire Council is the land drainage authority under the Land Drainage Act 1991. Land drainage consent is required if a development proposes to discharge flow into an ordinary watercourse or carry out work within 8m of an ordinary watercourse. [An ordinary watercourse is a watercourse that does not form part of a main river. The term watercourse includes all rivers and streams and all ditches, drains, cuts, culverts, dikes, sluices, sewers (other than public sewers within the meaning of the Water Industry Act 1991) and passages, through which water flows].



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