

## Strategic Planning Committee

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### MINUTES OF THE STRATEGIC PLANNING COMMITTEE MEETING HELD ON 23 JANUARY 2025 AT COUNCIL CHAMBER - COUNTY HALL, BYTHESEA ROAD, TROWBRIDGE, BA14 8JN.

#### **Present:**

Cllr Christopher Newbury (Vice-Chairman, in the Chair), Cllr Ernie Clark, Cllr Adrian Foster, Cllr Carole King, Cllr Stewart Palmen, Cllr Pip Ridout, Cllr Jonathon Seed, Cllr James Sheppard, Cllr Elizabeth Threlfall and Cllr Bridget Wayman (Substitute)

#### **Also Present:**

Cllr Gavin Grant, Cllr Nick Holder, Cllr Ashley O'Neill and Cllr Martin Smith

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#### 1 **Apologies**

Apologies were received from Cllrs Howard Greenman and Robert Yuill.

Cllr Greenman was substituted by Cllr Bridget Wayman.

In the absence of the Chairman, Cllr Christopher Newbury, the Vice-Chairman, presided over the meeting.

#### 2 **Minutes of the Previous Meeting**

The minutes of the meeting held on 12 December 2024 were presented for consideration, and it was,

#### **Resolved:**

**To approve and sign the minutes as a true and correct record.**

#### 3 **Declarations of Interest**

There were no declarations.

#### 4 **Chairman's Announcements**

There were no announcements.

#### 5 **Public Participation**

The procedure on public participation was noted.

#### 6 **Planning Appeals and Updates**

Kenny Green, Planning Manager, provided an update on the Council's housing land supply, particularly in the context of government changes to the National Planning Policy Framework (NPPF), and made reference to the December 2024 member briefing note as set out in Agenda Supplement 2. The Committee also heard a summary on the allowed appeal for housing on land at Glenmore Farm near Westbury. The Committee was also informed about the revised NPPF and the return of the 5-year housing land supply requirement for the Council as well as being told about the Council's housing land supply being reduced to 2.03 years (when tested against the necessary 5-year requirement (which is now subject to a 5% buffer).

With respect to the Glenmore Farm appeal, members asked questions seeking additional detail on the meaning of sustainable development and new forms of development outside of defined settlement limits pursuant to electric vehicles becoming more common and the requisite charging infrastructure being a building regulations requirement for new development. Members also asked about the emerging Local Plan and how Wiltshire's HLS position compared with our neighbouring Councils, as well as asking about the implications for Wiltshire in 2026 when the HLS will require a 20% buffer - which would effectively require the Council to demonstrate a 6-year housing land supply. A question was asked whether the emerging Local Plan reserve sites could address the shortfall.

It was then,

**Resolved:**

**To note the update.**

**7 PL/2023/11188 - Land at Blackmore Farm, Sandridge Common, Melksham, SN12 7QS**

**Public Participation**

Cllr John Glover, Chairman of Melksham Without Parish Council spoke in objection to the application.

Cllr David Pafford, Chairman of Melksham Neighbourhood Plan and Vice-Chairman of Melksham Without Parish Council spoke in objection to the application.

Teresa Strange, Clerk to Melksham Without Parish Council, spoke in objection to the application.

Jacqueline Mulliner, agent, spoke in support of the application.

Cllr Richard Wood, Chairman of Melksham Without Planning Committee, spoke in objection to the application.

Senior Planning Officer, Steve Sims, presented a report which recommended that authority be delegated to the Director of Planning to grant outline planning permission for development of up to 500 dwellings and up 5000 square meters of employment land for uses falling within classes E(g)(i) & class E(g)(ii) and other matters detailed in the report, subject to the completion of a s.106 legal agreement and planning conditions.

Key issues included the scale of development, highway and access matters with the vehicular access onto the A3102 being the only detailed matter for assessment), the landscape and visual impacts, land drainage and ecology as well as setting out relevance of the emerging Local Plan, our adopted policies and design guide.

The Council's emerging local plan status and the application's broad conformity with the emerging WLP in terms of the red lined site area was explained, along with explaining the increased housing quantum that required a balanced judgement given the lack of any technical objections to the application at a time when the Council's HLS was significantly below the required 5 year requirement.

The detailed means of vehicular access was explained along with the modelling work that informed its design and acceptability. The Committee was also informed of the necessary s106 contributions to include 40% affordable housing, as well as developer contributions for various infrastructure including highways and PRoW improvements, £750,000 to go towards a new bus service to link the site with the town centre, £512,727 to go towards funding local health care improvements at the Giffords Surgery and Spa Medical Centre in Melksham, securing public open space and a developer contribution for £118,000 to enhance local leisure/ sporting provision (as a summary of some of the identified necessary s106 obligations).

Members were also advised of the negotiated agreement officers had reached with the applicant to agree to construct future highway infrastructure up to the western site boundary to prevent a future ransom strip scenario impacting upon site permeability and having a future linkage with the Skylark Roundabout and Eastern Way. Following member/officer exchanges, it was accepted that the 'no ransom' strip s106 obligation could be extended to also refer to the southern boundary to avoid compromising future highway connections to the identified employment site within the application site and the emerging local plan employment land allocation outside the site parameters.

The report concluded that officers considered there were no technical grounds to refuse the application.

Members of the Committee then had the opportunity to ask technical questions of the officers. Queries were raised about the sole vehicular access serving the proposed development instead of a roundabout off the A3102 or having a secondary access from the western side via Eastern Way. In response, it was explained that the adjoining land to the west was not within the control or ownership of the applicant and it would be unreasonable and unlawful to burden the applicant to provide additional highway infrastructure over third party land when assessed against the three legal tests that all Council imposed developer obligations must comply with.

Moreover, the Committee was informed that the site's proposed junction onto the A3102 designed with a ghost island and right turn entry point has been fully scoped and modelled, and the local highway authority was supportive of its

siting and design. It was confirmed by the Council's own strategic specialist highway engineer that the proposal would not compromise the A3102 in terms of its principal road function and the A3102 would remain safe and suitable.

Members asked about why no secondary contribution was listed as a developer obligation. In response, it was confirmed and included in the agenda papers that the Council's education team had identified capacity at Melksham Oak and only early years and primary school place contributions were necessary.

Details on the site's flood risk and surface water drainage issues were asked about and duly explained with reference made to the consultation response from the Council's drainage authority and recommended planning conditions relating to land drainage and sewerage.

The future provision and siting of a community hall building on the site and for the eastern part of Melksham was raised - with concern being raised regarding the applicant's proposed provision of less than 0.2ha on the site. It was confirmed that the application was for outline permission and access only, with the potential siting of a mixed-use community hub being a matter for a future reserved matters application. Officers accepted that the applicant's proposal area of land was less than what was identified in the emerging WLP, and that officers sought Members to consider the recommended s106 summarised obligation to require the applicant to confirm the siting and future delivery as a bespoke legal agreement requirement.

Questions were also raised regarding how traffic would access the identified employment land parcels in the southwestern part of the application site (and wide emerging WLP allocation). In response officers explained that that would be a matter covered in the future REM application(s) although it was accepted that there was a need to secure the applicant's commitment to deliver highway infrastructure up to their site boundaries to ensure such land is fully accessible with no ransom strips.

Further queries were raised regarding the types of employment uses that would take place with reference made to local light industry/warehousing businesses seeking new premises. In response, officers advised the Committee that those type of uses were not compatible with the application description and what was before the Committee for determination. Moreover, those uses had not been modelled as part of the application assessment and unlike offices/research and development premises, light industry/warehousing uses on the site were not considered suitable for residential areas.

The Committee was informed that the proposal had been subject to a rigorous assessment by highway and planning officers and the recommendation to approve was fully justified.

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

The Local Member, Cllr Nick Holder, then raised a number of concerns with the application, highlighting the need for a community hub of a size that meets local needs, as well as highlighting concerns regarding the employment allocation and the types of uses to be provided, and questioning the merits of a standard ghost island junction on the A3102 rather than a roundabout. The published recommended delivery triggers for highways improvements were also challenged.

The item was then opened for debate. A motion to approve the application subject to the future completion of a s.106 legal agreement and compliance with planning conditions was moved by Cllr Jonathan Seed and requested that authority be delegated to officers to negotiate a legal agreement with the applicants that includes additional land on site for a community hub, and that the committee does not approve the parameters plan document submitted with the application given the reference made to less than 0.2ha of land for a mixed use hub. Cllr Seed also included in the motion the need for officers to secure an earlier delivery trigger for the completion of the pedestrian crossing over Eastern Way (and for this to be a s106 matter and thus negate the need for the recommended planning condition no.10), and to secure the additional no ransom strip safeguard within the application site to avoid compromising the future delivery of the employment land parcels and the other parts of the emerging WLP site allocation. This was seconded by Cllr Adrian Foster.

Without further discussion, it was then,

**Resolved:**

**To delegate to the Director of Planning to grant outline planning permission subject to all parties entering into an agreement under s.106 to the Town and County Planning Act 1990 (as amended) to secure the developer obligation set out within section 10 of the published report with the aforesaid committee endorsed amendments, and subject to the following planning conditions :**

- 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 (note.**

**Notwithstanding the colour hatching shown on the said plan, no approval is hereby given for the indicative mixed-use hub. The s106 will secure the respective on-site requirements and associated developer obligations pursuant to this on-site provision)**

**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 17,464m<sup>2</sup> of Public Open Space (POS), 885m<sup>2</sup> 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 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.**

**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 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.

12. 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.

13. 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.

14. 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**

15. 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.**

**16.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**

**17.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.**

**18. 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.

**19. 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.**

**20. 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**

**21. 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**

**22. 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**

**23.** 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.

**24.** 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**

**25.** 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**

**26. 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

**27. 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/communityinfrastucturelevy](http://www.wiltshire.gov.uk/planninganddevelopment/planningpolicy/communityinfrastucturelevy)

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](http://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](http://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.

*A break was then taken from 13.50-14.35. Cllrs Ernie Clark and Carole King left the meeting at this time.*

8 **PL/2023/08640 - Land South of Stanley Lane, Chippenham**

Public Participation

Ruth Pocock spoke in objection to the application.

Colin Danks, agent, spoke in support of the application.

Principal Planning Officer, Victoria Davis, presented a report which recommended that authority be delegated to the Director of Planning to grant outline planning permission for development of up to 150 dwellings and other matters detailed in the report, subject to the completion of a s.106 legal agreement and conditions. Key issues included the principle of development, impacts upon highways, residential amenity, ecology, and flooding.

Details were provided on the access plans for the site, 40% affordable housing allocation, lack of objection from conservation officers subject to appropriate mitigations, and policy considerations. The site was contrary to parts of the existing Local Plan and an unallocated site, but particularly due to the changes to the National Planning Policy Framework and lack of five year housing land supply, on assessment under appropriate policies it was considered that benefits outweighed any harm, and there were no technical grounds to refuse the application.

Members of the Committee then had the opportunity to ask technical questions of the officers. Additional details were sought on flood risk assessment on the site given recent major flooding within the Chippenham area, on proposed highways improvements and usage, confirmation that the Town Council maintained its initial objections, and that they had expressed interest in taking on the proposed allotments as part of the application.

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

The adjoining Division Member, Cllr Ashley O'Neill, then spoke in objection to the application, highlighting changes to government policy and the negative impacts leading to recommended approval of unsuitable sites such as the application.

The Local Division Member, Cllr Clare Cape, then spoke in objection to the application, highlighting concerns regarding traffic, education, and the speculative nature of the application.

The item was then opened for debate. Given the housing situation and recommendations as outlined, it was not considered there were grounds in this specific case to refuse the application. On the motion of Cllr Bridget Wayman, seconded by Cllr Jonathan Seed, it was then,

**Resolved:**

**To delegate to the Director of Planning to grant the application subject to all parties entering into an agreement under s.106 to the Town and County**

**Planning Act 1990 (as amended) as specified at seconds 9 and 10 of the report, and subject to the following conditions:**

**1**

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

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

**2**

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

- (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 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<sub>Amax, F</sub> 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 35dBLAeq15mins 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 (note: to be completed when s106 is sealed)**

**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](mailto: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.**

**9 PL/2023/08481 - Land at Red Barn, East of Kington St Michael, Chippenham**

Public Participation

Chris Niker spoke in objection to the application.

Sarah Merrick, agent, spoke in support of the application.

Max Sealy spoke in support of the application.

Ian Pitman spoke in support of the application.

Simon Smith, Planning Manager, presented a report which recommended that permission be granted for development of a solar farm of up to 40MW of export capacity, comprising the installation of solar photovoltaic panels, associated infrastructure and associated works including grid connection. Key issues included the principle of development, the use of agricultural land, landscape and highways impacts, and other matters as set out in the report.

Details were provided on the proposed access for the site, the provision of a community orchard, and National Planning Policy Framework policies in support of renewable or low carbon development where impacts can be made acceptable.

Members of the Committee then had the opportunity to ask technical questions of the officers. Details were sought on the condition of local highways, with improvements required by conditions to ensure these were suitable for the construction traffic and other matters. Queries were also raised on assessing the level of visual or landscape impact of a solar farm, including the distance and direction from which there would be any detrimental visual impact. Officers stated there were some conflicts with relevant WCS policy in terms of developing the greenfield site, but when tested against the NPPF and having due regard to appeal decisions, officers reported that the application should be approved with the requisite planning conditions including appropriate mitigation.

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

The item was then opened for debate. There was discussion on the relevant planning policies relating to the benefits of renewable energy installations and associated infrastructure, as well as reflecting upon the long-term use of the site, and the diversification of farmland. On the motion of Cllr Jonathan Seed, seconded by Cllr Stewart Palmen, it was then,

**Resolved:**

**That planning permission be granted subject to the following planning 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:**

<b>Plans for approval</b>	<b>Drawing no.</b>
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
<b>Documents for approval</b>	
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 routeing plan;
  - b. Traffic routeing 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.**

10 **PL/2024/06897 - Land off Sherston Road, Malmesbury**

Public Participation

Matthew Symons, agent, spoke in support of the application.

Adam Madge, Principal Planning Officer, presented a report which recommended that delegated authority be authorised to officers to grant outline planning permission for up to 55 residential units (all matters reserved other than access), subject to the completion of a s.106 legal agreement and compliance with planning conditions. Key issues included the scale of development, the visual and landscape impacts, highway and access implications and design.

Details were provided on the proposed access for the site, its location, and relevant planning policies particularly in the context of the council's lack of a five-year housing land supply. Attention was also drawn to late correspondence received from the NHS, who owned the site, and supported the application identifying the perceived benefits of the proposed development.

Members of the Committee then had the opportunity to ask technical questions of the officers. In response to queries it was confirmed that the site lay directly alongside the Cotswolds National Landscape. It was also confirmed following Member questions, that the National Landscape Board were not a statutory consultee and had not been sent a formal consultation on the application which several Committee members considered a material omission. Consequently, it was suggested that a motion to vote on a deferment to allow officers to consult with the Cotswolds National Landscape Board and to report back to Committee was mooted.

Those Members of the public who had registered to speak to the item then had the opportunity to express their views before the Committee considered the proposal to defer. One speaker made representations, as detailed above.

The Local Member, Cllr Gavin Grant, supported a deferment of the application to receive the comments from the Cotswolds National Landscape Board.

The item was then opened for debate. On the motion of Cllr Jonathan Seed, seconded by Cllr Adrian Foster, and without further discussion, it was then,

**Resolved:**

**To defer the application to the next meeting (if a consultation response from the Cotswolds National Landscape Board was to be forthcoming in time). Otherwise, to report the application back at the earliest possible date and to place the item first (under the planning items) on a future confirmed and published agenda.**

11 **Urgent Items**

There were no urgent items.

(Duration of meeting: 10.35 am - 4.35 pm)

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

Press enquiries to Communications, direct line 01225 713114 or email [communications@wiltshire.gov.uk](mailto:communications@wiltshire.gov.uk)

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