CASE OFFICER'S REPORT

Application Reference:	PL/2023/06890
Application Type:	Prior notification: Excavation/waste material
Site Inspection:	
Consultation ends:	06 September 2023
Case officer:	Callan Powers

Site Address:	Land South of Five Lanes and East of A429, Malmesbury
Proposal:	Creation of lagoon with excavated material used to form 3m perimeter bund wall
Recommendation:	Prior Approval Granted

Application Reference: PL/2023/06890

POLICIES
Schedule 2, Part 6, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)
ISSUES
Whether prior approval of the local planning authority is required as to the siting, design and external appearance of the resulting development

CONSULTEE RESPONSE
Archaeology – No objection.

SITE DESCRIPTION
The application site is located within a large agricultural parcel, and lies north of the town of Malmesbury. Close to the A429, the site lies in open countryside. The site is not located within an area known to be at a heightened risk of flooding, nor are there any public rights of way located within the immediate vicinity. It is, however, in an area of known archaeological potential and shares a location with an archaeological ridge and furrow feature noted on Wiltshire's Historic Environment Record.

Relevant planning history
The site was previously the subject of an application made under the same Class of the Order. Prior approval was refused in Application No. PL/2023/00654 by notice dated 24 February 2023 due to concerns over the impact on a location of known archaeological interest.

ASSESSMENT:
Class A allows the erection of engineering works reasonably necessary for the purposes of agriculture within an agricultural unit of five hectares or more, subject to restrictions, limitations and conditions.

The proposal
This application seeks a determination as to whether the prior approval of the local planning authority is required in respect of engineering works to provide a lagoon for biofertiliser. The

biofertiliser derives from an anaerobic digestion process operated elsewhere within the agricultural unit. The engineering works entail the excavation of a rectangular area to a depth of 1.2 metres, with the spoil to then be used as a bund wall rising to 3 metres.

Reasonable necessity
The agricultural unit is of substantial proportions and the storage of biofertiliser is considered compatible with an agricultural unit of that size and with the purposes of agriculture. Accordingly there is no reason to cast doubt on whether the proposed engineering works are reasonably necessary for the purposes of agriculture in this instance.

Eligibility
The proposal is eligible for consideration under Class A of the Order, provided that it complies with the limitations and restrictions set out within.

In this case, the development:
a) Would not be carried out on a separate parcel of land forming part of the unit less than 1 hectare in area;
b) would not consist of the erection of a building;
c) Would not consist of any erection, extension or alteration of a dwelling;
d) Would involve the provision of works designed for agricultural purposes;
e) The development does not involve the erection or alteration of a building, nor are works proposed for the accommodation of livestock, plant or machinery arising from engineering operations;
f) The proposed structure is not within 3 kilometres of an aerodrome;
g) The proposed works would be 2 metres in height;
h) Would not be within 25 metres of a trunk or classified road (although the red line of the location plan reaches to a point closer than this, no works constituting development are proposed within this area);
i) Is not within 400 metres of a protected building;
j) Would not involve excavations or engineering operations connected with fish farming; and
k) The proposal involves engineering works rather than a building. In any event, the biofertiliser material is understood to originate from within the agricultural unit.

The application does not fall foul of any of the relevant restrictions or limitations.

Prior approval
Having established that the proposed development is eligible for consideration under Class A of Part 6 of the Schedule to the Order, it remains for the local planning authority to determine whether its prior approval will be required as to the siting of the development.

The current proposal results a greater height than the previously proposed lagoon, standing at 3 metres in height. This height, over the area proposed, results in a significant visual presence in any location, therefore it is reasonable to examine the siting of the proposal. In addition, as with the previous version of the proposal, due to the location of the site in an area of known archaeological potential, the prior approval of the local planning authority will be required in terms of the siting of the development.

Siting

The proposal has been supported by the submission of a Written Scheme of Investigation for Archaeological Observation, intended to address the issue previously raised with respect to the archaeology of the area. This Scheme includes a detailed methodology of works, along with recording and process/analysis protocols. In re-working this revised proposal, the applicants have further sought to avoid harm to archaeological features by raising the height of the lagoon, thereby reducing the degree of ground intrusion. The Assistant County Archaeologist has indicated, in response, that the proposed Scheme is accepted and therefore there is no objection to the development proceeding from an archaeological point of view.

The proposal, taking into account the increased height, has also been amended to manage the consequent landscape impact through the planting of a hedgerow, with details of species provided within a Planting Schedule. The proposed development is a countryside form of development associated with agriculture but nevertheless it is appropriate to ensure its adequate mitigation to avoid significant landscape harm arising from the sheer size of this proposal. As the details of this have been provided including a timeframe for the planting (to be planted the first planting season following commencement of development, with maintenance for a minimum of five years) the Council can be assured that the planting forms a part of the proposed development that can be enforced as part of the details approved in accordance with condition (2)(v) of this Class of the Order. The soft landscaping proposed is considered adequate to manage the development's visual impact and accordingly, the Council has no reasonable basis on which to refuse prior approval.

Conclusions
The proposal meets the limitations and restrictions of permitted development. The landscape impact of the proposed development has been considered and is deemed to be acceptable due to the planting proposed. The management of archaeological interest at the site has been found adequate to allow the development to proceed. Accordingly, while Prior Approval is required, it is recommended that this be granted subject to the conditions set out in the Order.

RECOMMENDATION:
That prior approval is required and is granted, subject to the conditions set out in the Order.

Informatives: (1)

1 For the avoidance of doubt, the details approved are set out below. As a condition of permitted development the development must, except to the extent that the local planning authority otherwise agree in writing, be carried out in accordance with these: Drawing No. 1517-SP-02: Site Location Plan, dated 06.09.23 and received 07

September 2023;
Drawing No. 1517-SP-03: Site Layout Plan, dated 17.01.23 and received 07 September 2023;
Drawing No. 001: Lagoon Sections, received 14 August 2023;
Planting Schedule, dated August 2023 and received 14 August 2023;
Covering Letter, dated 14 August 2023 and received 14 August 2023;
Written Scheme of Investigation for Archaeological Observation, dated June 2023 and received 14 August 2023; and
Application Form, dated 14/08/2023 and received 14 August 2023.