Wiltshire Council

The Town and Country Planning Act 1990

Approval of Wiltshire Council Regulation 3 Application

Application Reference Number: PL/2023/10488

Decision Date: 22 April 2024

Applicant:	Wiltshire Council Wiltshire Council, County Hall, Bythesea Road, Trowbridge, Wiltshire, United Kingdom, BA14 8JN
Particulars of Development:	Proposed surfaced and lit shared use path (SUP) from new development at East Melksham (Hunters Wood) across adjacent fields that connects access to Melksham Oak School and joins the A365 via a route through Woolmore Farm.
At:	Fields North of Melksham Oak School, Bowerhill, Melksham, SN12 6QZ

In pursuance of its powers under the above Act, the Council hereby **GRANT PLANNING PERMISSION** for the above development to be carried out in accordance with the application and plans submitted (listed below).

In accordance with paragraph 38 of the National Planning Policy Framework, Wiltshire Council has worked proactively to secure this development to improve the economic, social and environmental conditions of the area.

Subject to the following conditions:

Conditions: (7)

1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

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

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

Location and Block Plan (10813-MS-TO-01), Arboricultural Impact Statement (SPTC tree consultancy AIS-23-11-29 v1 29/11/2023), Johns Associates Preliminary Ecological Appraisal Report (J00990/Version 1.0 - 29 April 2022), Johns Associates

Ecological Impact Assessment Report (J00990/Version 2.1 25/01/2023), Johns Associates Biodiversity Net Gain Report and Tree Survey - all received 5 December 2023

Concept Plans 1 and 2 (10813-WCC-MLK-DR V4.0 and V5.0) and Arboricultural Impact Plan 1 of 2 (AIP 231129-1) and 2 of 2 (AIP 231129-2) - all received 18 December 2023

Johns Associates - Ecological Impact Assessment Report (J00990/version 2.2 - 20 October 2023) - received 24 January 2024

Johns Associates - Habitat Enhancement and Management Plan - 26 February 2024 - received 28 February 2024

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

3 No demolition, site clearance or development shall commence on site until an Arboricultural Method Statement (AMS) prepared by an arboricultural consultant providing comprehensive details of construction works in relation to trees has been submitted to, and approved in writing by, the Local Planning Authority. All works shall subsequently be carried out in strict accordance with the approved details. In particular, the method statement must provide the following:-

 A specification for protective fencing to trees during both demolition and construction phases which complies with BS5837:2013 and a plan indicating the alignment of the protective fencing;
 A specification for ground protection within tree protection zones in accordance with British Standard 5837: 2013;
 A schedule of tree works conforming to British Standard 3998: 2010;
 A full specification for the construction of any arboriculturally sensitive structures and sections through them, including the installation of boundary treatment works, the method of construction of the footpath including details of the no-dig specification and extent of the areas of the footpath to be constructed using a no-dig specification;
 Details of the works requiring arboricultural supervision to be carried out by the developer’s arboricultural consultant, including details of the frequency of supervisory visits and procedure for notifying the Local Planning Authority of the findings of the supervisory visits; and
 Details of all other activities, which have implications for trees on or adjacent to the site.
 In order that trees to be retained on-site are not damaged during the construction works and to ensure that as far as possible the work is carried no demolition, site clearance or development should commence on site until a pre-commencement site meeting has been held, attended by the developer’s arboricultural consultant, the designated site foreman and a representative from the Local Planning Authority, to

discuss details of the proposed work and working procedures.
 Subsequently and until the completion of all site works, site visits should be carried out on a monthly basis by the developer's arboricultural consultant. A report detailing the results of site supervision and any necessary remedial works undertaken or required should then be submitted to the Local Planning Authority. Any approved remedial works shall subsequently be carried out under strict supervision by the arboricultural consultant following that approval.

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

NOTE: This method statement is required to protect trees T4, T5, T12, T13 and T14 which will be impacted by the construction of the footpath.

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

a. Identification of ecological protection areas/buffer zones and tree root protection areas and details of physical means of protection, e.g. exclusion fencing.
b. Working method statements for protected/priority species, such as nesting birds and reptiles.
c. Mitigation strategies already agreed with the local planning authority prior to determination, such as for great crested newts, dormice or bats; this should comprise the pre-construction/construction related elements of strategies only.
d. Work schedules for activities with specific timing requirements in order to avoid/reduce potential harm to ecological receptors; including details of when a licensed ecologist and/or ecological clerk of works (ECoW) shall be present on site.
e. Key personnel, responsibilities and contact details (including Site Manager and ecologist/ECoW).
f. Timeframe for provision of compliance report to the local planning authority; to be completed by the ecologist/ECoW and to include photographic evidence.

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

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

5 No external lighting shall be erected or installed on any part of the footpath hereby permitted 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 approved lighting shall be installed and shall be maintained in full accordance with the approved details and no additional external lighting shall be installed.

REASON: In the interests of conserving biodiversity and protected species (bats)

NOTE: There are numerous records of bats, small mammals and reptiles within the site and in the local area.
Some of these may be sensitive to artificial light and this condition seeks to ensure that the most appropriate light type and illuminance is proposed in relation to protecting these species.

6 The footpath hereby approved shall not be first brought into use until the lighting scheme (as to be approved in condition 5) has been fully implemented on site.

REASON: In the interests of public safety

7 The Johns Associates Habitat Enhancement and Management Plan shall be implemented in full and for the lifetime of the development in accordance with the approved details.

REASON: In the interests of biodiversity

Parvis Khansari **- Corporate Director, Place**

NOTES

1 **Other Necessary Consents.** This document only conveys permission for the proposed development under Part III of the Town and Country Planning Act 1990 and the applicant must also comply with all the byelaws, regulations and statutory provisions in force in the area and secure such other approvals and permissions as may be necessary under other parts of the Town and Country Planning Act 1990 or other legislation.

1.1 the need in appropriate cases to obtain approval under Building Regulations. **(The Building Regulations may be applicable to this proposal. Please contact the Council's Building Control team before considering work on site);**

1.2 the need to obtain an appropriate order if the proposal involves the stopping up or diversion of a public right of way or other highway (including highway verge);

1.3 the need to obtain a separate "Listed Building Consent" to the demolition, alteration or extension of any listed building of architectural or historic interest;

1.4 the need to make any appropriate arrangements under the Highways Act 1980, in respect of any works within the limits of a highway. The address of the Highway Authority is County Hall, Trowbridge, BA14 8JD (It is the responsibility of the applicant to ascertain whether the proposed development affects any listed building or public right of way / other highway, including highway verge).

2 **Appeals.** If the applicant is aggrieved by the decision of the local planning authority to grant permission subject to conditions, he may appeal to the Secretary of State for the Environment in accordance with Section 78(1) of the Town and Country Planning Act 1990 within six months of the date of this decision. (Information and forms relating to the appeals process can be found at the Planning Portal - http://www.planningportal.gov.uk/planning/appeals).

3 **Climate Change.** Wiltshire Council acknowledges the climate emergency and is seeking to make the county carbon neutral. You are encouraged to include energy efficiency that exceeds building regulations and to meet residual energy demand through renewable energy and low-carbon technologies, including high levels of electric vehicle charging points. The developer is encouraged to contact the climate team to discuss this further. climate@wiltshire.gov.uk