CASE OFFICER'S REPORT

Application Reference:	PL/2024/00416
Site Address:	The Old Chalk Pit, Gypsy Lane, Petersfinger, Salisbury, SP5 3DA
Date site notice posted:	01/02/24
Consultation Expiry:	20/02/24

POLICIES

National Planning Policy Framework
Section 2 Achieving Sustainable Development
Section 12 Achieving Well Designed Places
Section 15 Conserving and enhancing the natural environment

Wiltshire Core Strategy
Core Policy 1 Settlement Strategy
Core Policy 2 Delivery Strategy
Core Policy 24 Southern Wiltshire Community Area
Core Policy 47 Meeting the needs of Travellers and Gypsies
Core Policy 50 Biodiversity and Geodiversity
Core Policy 51 Landscaping
Core Policy 57 Ensuring high quality design and place shaping

Other relevant planning policies
DCLG Planning Policy for Traveller Sites (PPTS) December 2023

Saved Salisbury District Local Plan (SDLP) policy C6

Gypsies and Traveller Accommodation Assessment 2022-2038

RELEVANT PLANNING HISTORY

S/2010/1943/FUL – Use of land as a gypsy site for use by one gypsy family to be related to the applicant REF 21.02.2011

18/09279/FUL - Change of use to 1 no. Gypsy pitch and associated works including 1 no. mobile home, 1 no. touring caravan, 1 no. dayroom, and associated works REF 10.12.18

20/03421/FUL - Change of use to 1 no. Gypsy pitch and associated works including, 1 no. mobile home, 1 no. touring caravan, 1 no. dayroom, and associated works REF 17.06.21

PL/2021/11645 - Change of use to 1 no. Gypsy pitch including 2 no. touring caravans, 1 no. dayroom, 1 no. barn, and associated works (part retrospective) A.C 23.11.22

ISSUES

- Principle, planning history issues and policy;
- Public health considerations (including the health of occupier(s) of the site);
- Amenity impacts including the character of the surrounding landscape;
- Ecological Impact;
- Highway safety and PROW

REPRESENTATIONS

Clarendon Park Parish Council – Objection with comments stating:

The original conditions imposed were deemed minimum to approve the application. As far as we are aware nothing has changed that would allow the alterations of these conditions.

The increase in caravans also represents a change from the original application that was strongly opposed by the Parish Council. The Parish Council continues to maintain its strong objections against this environmentally damaging site occupation.

Laverstock and Ford Parish Council – No comment

W.C Landscape Officer – No objection with comments stating:

I note that the original application received an objection from the Landscape Officer on the grounds of urbanising the countryside/ SLA. However I am more inclined to agree with the planning officer's report which states:

• *'Whilst these comments are duly noted for the Landscape Officer, given the relatively secluded location of the site, any harm through the urbanisation of the site is considered to be relatively minor in overall scale given the historic use of the site as a landfill site and the location of the site being adjacent to the Salisbury-Southampton railway line.'*

I consider that two additional caravans in proximity to the existing is unlikely to give rise to any significant increase in landscape & visual harm. The biodiversity enhancement proposals will be beneficial for local landscape character e.g. gapping up hedgerows and planting of understorey shrubs.

W.C Public Protection – Objection with comments stating:

Contaminated Land

Conditions 6, 7 and 8 are in relation to contaminated land and this application proposes to remove these conditions. A letter from the Environment Agency is submitted with the application. I note that the Environment Agency has provided comment on this application advising they do not recommend condition 8 is removed as it is suitable precautionary protection for controlled waters. They also advise in both their letters that removal of conditions 6 and 7 is only recommended should there be no disturbance to the sub surface and that they do not comment on the risk to human health. We struggle to see how there will be no disturbance to the sub surface when there is to be a dayroom, which will need foundations built. It is understood an overground sewerage system and cess pit is proposed but there will need to be some excavation to a banked area. Has it been confirmed this is not part of the capped area? Would utilities also have to run underground? There is no evidence about ground gas and compliance with condition 6 needs to focus on checking the site is not active. We cannot agree to removal of any of the conditions because we do not have any evidence to show there will not be a risk to human health.

Amenity – Noise

It is proposed to remove condition 13 which is in relation to acoustic glazing and mechanical ventilation. The original layout had two touring caravans which were positioned so they had effective protection from the acoustic screen. Given this protection and the information provided in the Inacoustic Technical Note 23 547 this condition could be removed if the site layout does not change. However, the revised layout includes two extra caravans. One of which is in the middle of the site and will not be protected from railway noise by the acoustic barrier. We would need to see façade level predictions for the additional dwellings to be able to make an informed judgment as to whether this would be acceptable.

Drainage

With the additional proposed dwellings will the sewage system be sufficient? We need to see evidence that the system will be able to cope with the additional foul water and discharge from white goods such as dishwashers and washing machines.

UPDATE:-

I provided the comments on this application, though Lucy did assist regarding the contaminated land aspect. Apologies, it doesn't appear I filled officer details out on the memo. The contaminated land explanation in the email dated 18th March is sufficient and we consider the risk low. We therefore do not object to conditions 6 and 7 being removed. Condition 8 is in relation to controlled waters and the EA has advised this should not be removed. If the additional touring caravans are not connected to the sewer system then there is no further comment to make on this aspect. In regard to noise, the touring caravan located in the middle of the site on the layout diagram will not be afforded the same protection from noise by the acoustic barrier as the other caravans. This is because the barrier would not block the line of sight and therefore sound to the railway line. However, considering the context of this site, including the measured sound levels, if the locations of the touring caravans are just indicative and they may be moved then I will not pursue the request for façade noise levels. We would therefore have no objection to condition 13 being removed.

Environment Agency – Comments received stating the following:

We are commenting on condition 6, 7 and 8 only as the other conditions are not within our remit and were not requested by us. Condition 6 & 7 – no objection to removal Providing there is no disturbance of the subsurface we have no objection to the removal of Conditions 6 and 7.

Condition 8 – do not recommend removal. Whilst we acknowledge our letter dated 3rd October 2023, on further reflection we would not recommend removal of Condition 8. This should remain as precautionary protection for controlled waters.

Condition 14 – do not recommend removal This condition has been included to protect the Hampshire Avon river catchment from over-abstraction. All residential development in this catchment is subject to the requirements set out by the condition, therefore we do not recommend the removal of this condition.

Note to LPA The Environment Agency does not comment on the risk to human health; this is the responsibility of the local authority. Please consult with environmental health on these matters.

WC Ecology – Comments received stating the following:

We welcome the information submitted in support of the variation of conditions 1, 2, 3 and 12 and removal of conditions 6, 7, 8, 13 and 14 on PL/2021/11645. Variation of condition 12 and removal of condition 14 relate to Ecology specifically and are supported by the information submitted to include

- *Planning Statement. January 2024. HC Planning*
- *Proposed Site Layout. January 2024. HC Planning*
- *Biodiversity Enhancement Strategy. 2023. Co-ecology*
- *Email received. 25/03/2024. HC Planning*

Variation of Condition 12
We welcome the submission of the Biodiversity Enhancement Strategy in support of the Variation of Condition 12. From the Planning statement submitted and site photographs provided via email on 25/03/2024, works appear to have been undertaken at the site, however, enhancement works remain outstanding. Assuming the enhancement works are carried out in accordance with the submitted strategy, we would not object to the variation of this condition.

Removal of Condition 14
This development falls within the catchment of the Hampshire River Avon SAC and has potential to cause adverse effects alone or in combination with other developments through discharge of phosphorus in wastewater.

Every application within the catchment must be designed to ensure it does not exceed 110 litres per person per day water consumption levels (which includes external water usage). In nutrient neutrality areas this shall be conditioned as part of any planning permission granted for new overnight accommodation.

WC Highways – No objection with the following comments received:

I refer to the above planning application for the variation of conditions 1, 2, 3 and 12 and removal of conditions 6, 7, 13 and 14 on PL/2021/11645. I understand that the site is to remain as a single pitch with the existing teenage residents utilising the additional touring caravans as bedrooms. It is unlikely that vehicle movements will increase as a result of the additional bedroom space and therefore it is considered that the proposal is not detrimental to highway safety and I wish to raise no highway objection.

Third Party Representations – None received

Site Description

The site consists of former chalk extraction pit (and subsequent former landfill site for household waste) having an area of approximately 0.5 hectares, around half of which is in occupation by the applicant, with the remainder used as a paddock for grazing horses. The site benefits from planning consent PL/2021/11645 that allowed for the change of use of land to a traveller/gypsy pitch with associated works that include the siting of 1 no. mobile home, 1 no. touring caravan and 1 no. dayroom. This part retrospective consent was granted in November 2022.

The site which has well vegetated boundaries, is accessed via an unlit, rough, access track (a public right of way - Bridleway CPAR5), leading off the Petersfinger Road, approximately 100 metres away, past residential properties and through a railway underpass (tunnel) beyond

which (a short distance to the north east) is the gated site entrance. Immediately to the south is the Salisbury-Southampton railway line.

Proposal

This application seeks to vary conditions 1, 2, 3 and 12 and to remove conditions 6, 7, 13 and 14 of planning consent PL/2021/11645.

ASSESSMENT

Principle of development and policy

The site consists of former chalk extraction pit (and subsequent former landfill site for household waste) having an area of approximately 0.5 hectares, around half of which is in occupation by the applicant, with the remainder used as a paddock for grazing horses. The principle of development has been established through planning consent PL/2021/11645 that allowed for the change of use of land to a traveller/gypsy pitch with associated works that include the siting of 1 no. mobile home, 1 no. touring caravan and 1 no. dayroom. This part retrospective consent was granted in November 2022 and had a number of conditions imposed around land contamination and ecology matters.

It is therefore not necessary to assess the suitably of this site against the requirements of Core Policy CP47(Meeting the needs of Travellers and Gypsies) of the WCS. This assessment has been carried out under application PL/2021/11645 and can be found within the case officer report which consented approval for the use of the site as a gypsy pitch to be used by the applicant, Mr Peter Cooper and his resident dependants.

A Section 73 application allows for variation and/or removal of condition(s). Any new information received in relation to a previous condition can facilitate the removal of the condition requirements on any new decision notice issued as part of a Section 73 application

The proposal should aim to conform to the objectives of Core Policy 57 of the Wiltshire Core Strategy (WCS) which aims to achieve a high standard of design in all new developments, including extensions, alterations, and changes of use of existing buildings. Development is expected to create a strong sense of place through drawing on the local context and being complimentary to the locality.

As previously outlined, this application seeks to vary conditions 1, 2, 3, 12 and to remove conditions 6, 7, 13 and 14 of planning consent PL/2021/11645.

Conditions 1, 2, and 3 of consent relate to the approved drawings, the use of the site by Gypsies and Travellers only and to the number of tourers stationed above the land.

Condition 1 states:

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

DWG No: PC17-SLP Site Location Plan Date Received 16.12.21
DWG No: 2100098/01A Proposed Site Layout Plan Date Received 16.12.21
DWG No: 2100098/03 Proposed Barn Plan and Elevations Date Received 16.12.21 DWG No: 2100098/02 Proposed Dayroom Plan and Elevations Date Received 16.12.21

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

It is proposed to substitute the previously approved site layout plan with an amended drawing to show the proposed location of the two additional touring caravans to be sited upon the land.

Condition 2 states:

The site shall not be occupied by any persons other than Gypsies and Travellers and those who cease to travel permanently due to ill health or old age as defined in Annex 1 to "Planning Policy for Traveller Sites" published by the Department for Communities and Local Government in August 2015 (or its equivalent in replacement national policy).

REASON: To define the scope of the consent.

This condition is proposed to be varied in light of the government reverting the definition of Gypsies and Travellers used in the Planning Policy for Traveller Sites to that adopted in 2012 as stated in the latest updates to the National Planning Policy Framework in December 2023.

The definition of Gypsies and Travellers as outlined in Annex 1 of Planning Policy for traveller sites states:

For the purposes of this planning policy “gypsies and travellers” means:

Persons of nomadic habit of lift whatever their race or origin, including such persons who on grounds only of their own or their family’s or dependants’ educational or health needs or old age have ceased to travel temporarily or permanently, but excluding members of an organised group of travelling showpeople or circus people travelling together as such.

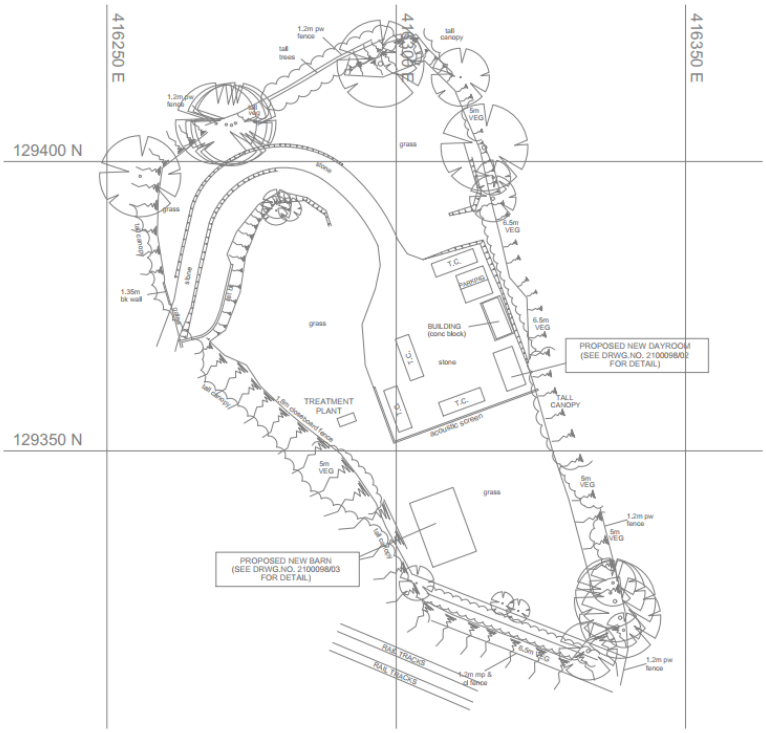
Given that the use of the site has already been approved by planning consent PL/2021/11645, any Gypsy or Traveller that meets this definition as outlined above may use this site at any point in the future should the current applicant/owner of the site decide to vacate it.

Condition 3 states:

No more than 2 caravans, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968, as amended, (of which no more than one shall be a static caravan/mobile home) shall be stationed on the land at any time.

REASON: To preserve the character of the area.

It is proposed to vary this condition to allow for up to 4 caravans to be on the site at any one time. The proposed amendment to the number of caravans allowed on site is to provide additional and separate accommodation in the form of two additional touring caravans for the applicant’s children, who live on site. The additional touring caravans provide for the children’s individual needs and ensures there is no mixed gender accommodation on site. The proposed amended layout of the site is shown below:



Given the personal circumstances of the applicant and his resident dependants, the precedent set by the recent planning approval, PL/2021/11645 where the use of the site for Gypsies and Travellers has been approved and noting the update in respect of the definition of Gypsies and Travellers, officers consider it appropriate to vary the conditions as set out above.

Public health considerations (including the health of occupier(s) of the site)

The application site is a disused chalk extraction pit that has subsequently been used as a landfill site for the disposal of household waste (until the end of 1977) after which the landfill was 'capped' with a deposit of clay. Consequently the site is recorded in Wiltshire Council and the Environment Agency's records as an historic landfill site for household waste, although officers are aware of no records of specifically what waste (other than 'household') may have been deposited within the site and it is likely that little regulation existed at the time over the disposal of specific waste streams. The effect of capping landfill is effectively storage of waste rather than disposal, with a degree of anerobic breakdown of organic elements usually resulting in the production of a contaminated liquid known as leachate. Because of the lack of oxygen, bacteria in the waste produce methane gas, which is highly flammable and potentially dangerous if allowed to collect underground. Due to the site being capped with clay, no excavation into the clay cap should be allowed as it would compromise the integrity of the cap and could result in the release of gases and contaminated liquid, as well as allowing new surface water (such as rainwater) to intercept the stored waste and consequently generate more leachate which could ultimately contaminate external ground water resources. This has significant consequences on respect of the ability to provide suitable foul and surface water drainage of the proposed development. The precise extent of the historic landfill area and the thickness of the clay cap is not known.

In light of the above and the historic use of the site, conditions 6 and 7 were imposed onto the previous consent to require further reports to be undertaken and the results submitted to and approved in writing by the LPA.

Condition 6 states:

Within three months of the date of this decision, a remediation strategy to deal with the risks associated with contamination of the site shall be submitted to, and approved in writing by, the Local Planning Authority. This strategy will include the following components:

1. *A preliminary risk assessment which has identified:*
   - *all previous uses;*
   - *potential contaminants associated with those uses;*
   - *a conceptual model of the site indicating sources, pathways and receptors; and*
   - *potentially unacceptable risks arising from contamination at the site.*
2. *A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.*
3. *The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.*
4. *A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.*

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

REASON: To ensure that the development does not contribute to, is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution or that any risk to human health identified during the site assessment is mitigated against.

Condition 7 states:

Within six months of the requirements of condition 6 receiving written approved from the Local Planning Authority, a verification report demonstrating the completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to, and approved in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.

REASON: To ensure that the site does not pose any further risk to human health or the water environment by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is complete.

These conditions were originally requested by the Council's Public Protection Team in regard to land contamination and by the Environment Agency in light of the previous use of the site as a landfill site for the disposal of household waste.

In terms of justification supporting the removal of these forementioned conditions, the applicant is accompanied by a letter from the Environment Agency that states: "*Given that the landfill records state that deposition ceased by 31st December 1977, the waste is likely to have stabilised over the last 46 years and the peak concentrations of aqueous or gaseous emissions are likely to have significantly reduced or be negligible. If there is to be no*

disturbance of the subsurface, it can be assumed that the current situation with regard to the risk to controlled waters and human health will not change".

Given that there is no disturbance to the subsurface, the development is not considered to present a risk to human health and the Applicant has lived on site for a number of years safely. The Council's Public Protection Team and the Environment Agency (EA) have been consulted on this application and in light of the information provided, partially through discussions with the agent for this application and the EA have no objection to the removal of conditions 6 and 7 associated with this consent.

In light of the evidence and comments received from the relevant statutory consultees, officers are of the opinion that it is acceptable to remove these conditions as any impact around public health or to that of the occupiers of the site would be minimal.

Amenity Impacts including the character of the landscape

The use of the site as a pitch for Gypsies and Travellers has been established in principle by way of planning consent PL/2021/11645. In terms of landscape impacts by way of the increase in the number of tourers to be stationed on the land from 2 to 4, the Council's Landscape Officer has provided the following comments:

I note that the original application received an objection from the Landscape Officer on the grounds of urbanising the countryside/ SLA. However I am more inclined to agree with the planning officer's report which states:

• *'Whilst these comments are duly noted for the Landscape Officer, given the relatively secluded location of the site, any harm through the urbanisation of the site is considered to be relatively minor in overall scale given the historic use of the site as a landfill site and the location of the site being adjacent to the Salisbury-Southampton railway line.'*

I consider that two additional caravans in proximity to the existing is unlikely to give rise to any significant increase in landscape & visual harm. The biodiversity enhancement proposals will be beneficial for local landscape character e.g. gapping up hedgerows and planting of understorey shrubs.

In light of these comments received and having consideration for the existing use of the site, any impact to the character of the wider landscape by the increase in the number of tourers stationed on the land is likely to be minimal in officer opinion.

This proposal also seeks to remove the requirements of condition 13 of the previous consent. Condition 13 states:

Within three months of the date of this decision a scheme of acoustic glazing and mechanical ventilation shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall meet the standards set out in section 5 of the Noise Impact Assessment dated 4th December 2017, reference; VA2044.171204.NIA. Within one month of written approved of the Local Planning Authority, the approved scheme shall be implemented in full and maintained in perpetuity.

REASON: To ensure the creation/retention of an environment free from intrusive levels of noise and activity in the interests of the amenity of the area.

The site layout plan previously shown within this report is an indicative layout of where the proposed additional tourers are to be stationed.

Comments received from the Council's Public Protection Officer in regard to the removal of this condition state the following:

It is proposed to remove condition 13 which is in relation to acoustic glazing and mechanical ventilation. The original layout had two touring caravans which were positioned so they had effective protection from the acoustic screen. Given this protection and the information provided in the Inacoustic Technical Note 23 547 this condition could be removed if the site layout does not change. However, the revised layout includes two extra caravans. One of which is in the middle of the site and will not be protected from railway noise by the acoustic barrier. We would need to see façade level predictions for the additional dwellings to be able to make an informed judgment as to whether this would be acceptable.

In response to the comments of the Public Protection Officer, the agent has stated the following:

In terms of noise and amenity, all caravans will benefit from the acoustic fencing erected on site, caravans (and touring caravans especially) are by their nature moveable and frequently moved, they are not additional dwellings and as a result of their transient nature, further façade level predictions would seem unnecessary and irrelevant.

The Public Protection Officer has considered the comments above and provided the following response:

In regard to noise, the touring caravan located in the middle of the site on the layout diagram will not be afforded the same protection from noise by the acoustic barrier as the other caravans. This is because the barrier would not block the line of sight and therefore sound to the railway line. However, considering the context of this site, including the measured sound levels, if the locations of the touring caravans are just indicative and they may be moved then I will not pursue the request for façade noise levels. We would therefore have no objection to condition 13 being removed.

On the basis of the above and the explanation provided by the agent, officers consider it appropriate to remove the requirements of condition 13 imposed on planning consent PL/2021/11645.

Ecological Impact including the River Avon SAC

WCS policy CP50 (Biodiversity and Geodiversity) and the NPPF requires the Local Planning Authority to ensure protection of important habitats and species in relation to development and seeks enhancement for the benefit of biodiversity through the planning system.

This application seeks to vary the requirements of condition 12 and remove condition 14 imposed on the previous consent.

Condition 12 states:

Within three months of the date of the decision, a Wildlife Protection and Biodiversity Enhancement Scheme shall be submitted to and approved in writing by the Local Planning Authority. The details for Wildlife Measures shall include:

Measures undertaken to avoid harm to tree and hedgerow habitats to include a plan showing any protective fencing and;
Information of the timing of the works/pre-commencement checks for all relevant protected species.
The details for Biodiversity Enhancement measures shall be provided on a plan and a written scheme in line with the submitted Biodiversity Net Gain Assessment Summary by Co-Ecology dated 27th June 2022 and will include details of the following:

The removal of Japanese Knotweed, Winter heliotrope and dense stands of nettles; Scraping back of base-rich substrate to expose the underlaying chalk;
Seeding exposed areas with a calcareous mix of local provenance; Gap planting for the stretch of trees that form the site's eastern boundary; Selected understorey woodland planting and;
The installation of bird and bat boxes on mature trees surrounding the site;

Full details and locations of all plant species, supply, planting sizes and planting densities shall be provided. All planting will be planted in accordance with the approved details in the first planting season.

REASON: To provide mitigation/enhancement for biodiversity.

The agent has provided a Biodiversity Enhancement Strategy (BES) report undertaken by Co-ecology Ltd that has been assessed by the Council's Ecologist. The agent has also confirmed that some works have already taken place and so the requirements to provide wildlife protection measures have not been included with the submission of this application. The enhancement measures as detailed above remain outstanding. Comments received by the Council's Ecologist on this matter state the following:

We welcome the submission of the Biodiversity Enhancement Strategy in support of the Variation of Condition 12. From the Planning statement submitted and site photographs provided via email on 25/03/2024, works appear to have been undertaken at the site, however, enhancement works remain outstanding. Assuming the enhancement works are carried out in accordance with the submitted strategy, we would not object to the variation of this condition.

On the basis of the development already being undertaken with the applicant residing on site and on the level of the information provided with no objection raised by the Council's Ecologist, officers are of the opinion that it would appropriate to vary the requirements of Condition 12 of the previous consent. A new condition can be imposed onto any consent requiring the outstanding enhancement works to be undertaken in accordance with the submitted BES report.

Whilst the site is not adjacent to any rivers or in any respective flood zones, it is situated within the River Avon Special Area of Conservation (SAC) catchment area. The SAC is designated for several species of wildlife that depend on pristine water quality that is typical of chalk rivers such as the Avon. It is part of a network of sites across Europe designated in order to protect these and other species vulnerable to man-induced habitat change. This SAC is particularly vulnerable to the effects of pollutants including phosphate and nitrogen which may enter the river for example at sewage treatment works or from fertilizers applied to farmland throughout the catchment.

Condition 14 states:

The residential development hereby approved shall be designed to ensure it does not exceed 110 litres per person per day water consumption levels (which includes external water usage).

Within 3 months of the development being completed, a post construction stage certificate certifying that this standard has been achieved shall be submitted to the local planning authority for its written approval.

REASON: To ensure that the development delivers betterment in terms of the level of discharge of nutrients.

This application proposes to remove the requirements of Condition 14 as it is considered that the water efficiency requirement forms part of the Building Regulations requirements for new dwellings of which caravans and mobile homes are exempt. However, the Council's Ecology Team and the Environment Agency have objected to the removal of this condition on the basis of the harm/impact to the Hampshire Avon SAC. On the basis of these comments received, the agent has provided a water calculation confirming that consumption levels do not exceed the 110 litres per person per day. It is therefore considered that the requirements of this condition have been adhered to and are not therefore required to be imposed onto any consent for this scheme.

Highway safety and PROW

The site is accessed via an unlit, rough, access track (a public right of way - Bridleway CPAR5), leading off the Petersfinger Road, approximately 100 metres away, past residential properties and through a railway underpass (tunnel) beyond which (a short distance to the north east) is the gated site entrance. Comments received from the Council's Highways Officer to this proposal state:

I understand that the site is to remain as a single pitch with the existing teenage residents utilising the additional touring caravans as bedrooms. It is unlikely that vehicle movements will increase as a result of the additional bedroom space and therefore it is considered that the proposal is not detrimental to highway safety and I wish to raise no highway objection.

On this basis, officers consider the increase of the number of tourers proposed to be sited upon the site from 2 to 4 would not have any significant detrimental impact to highway safety or highway users to warrant the refusal of planning permission.

The site is accessed via the public right of way CPAR5. Whilst it is noted that the Council's Public Rights of Way (PROW) Team have not been consulted on this proposal, reference is made to the comments from the Council's PROW Team received on the previous consent, PL/2021/11645. These comments state:

Given the existing use of the site as described in the Highway Officers response to the previous application dated 23/06/2020 I am minded not to raise an objection, despite my objection to the previous application. This is subject to the site being limited to the use of one family, The property would be accessed by a bridleway (CPAR5). This is not recorded as a public vehicular highway. The only recorded public rights along it are on foot, horseback and bicycle. In order to drive a vehicle along here, the applicant would require a demonstrable private right of vehicular access. Without this private right they would be committing an offence under Section 34 of the Road Traffic Act 1988. The granting of planning permission does not give the applicant or householder a vehicular right of access over the bridleway. The applicant is advised to take private legal advice to ensure they have a right of access. Assuming the

applicant has a private vehicular right of access I would have no objections subject to informatives imposed onto any consent.

The issue of the applicant not having a vehicular right of access over the bridleway is not a material consideration for this planning application and would be a civil issue to resolve. Subject to the imposing of the suggested informatives as outlined in these comments onto any consent for the variation and removal of conditions associated with the previous consent, these matters would be addressed with the onus on the applicant to adhere to the relevant legislation under the Road Traffic Act 1988.

CONCLUSION

The comments received from the Parish Council in respect to this proposal are duly noted and have been carefully considered in respect to the contamination issues, potential health implications of the occupation of this site and the increase in number of the tourers.

The principal policy within the WCS concerning making provision for gypsies and travellers is Core Policy CP47 with the principle of this proposal being established by planning consent PL/2021/11645.

The need for the provision of gypsy and traveller pitches across Wiltshire is apparent with an identified need for pitches. This site is and has been occupied by the applicant and his resident dependents for a number of years. The continuing occupation of the site by the applicant and his resident dependants is a material consideration and contributes towards the identified need.

On the basis of the above, the submitted information to vary and removal the respective conditions, the relevant consultee responses that have no objection to this, officers consider it acceptable to vary conditions 1, 2, 3 and 12 and remove conditions 6, 7, 13 and 14 of planning consent PL/2021/11645.

RECOMMENDATION

Approve with conditions:

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

DWG No: PC17-SLP Site Location Plan Date Received 16.01.24
DWG No: 2023063-HC-EX-XX-DR-E-7080-01-P01 Proposed Site Layout Plan Date Received 16.01.24
DWG No: 2100098/03 Proposed Barn Plan and Elevations Date Received 18.04.24
DWG No: 2100098/02 Proposed Dayroom Plan and Elevations Date Received 18.04.24

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

2 The site shall not be occupied by any persons other than Gypsies and Travellers and those who cease to travel permanently due to ill health or old age as defined in Annex 1 (updated on the 19th December 2023) to "Planning Policy for Traveller Sites" published by the Department for Communities and Local Government in August 2015 (or its equivalent in replacement national policy).

REASON: To define the scope of the consent.

3 No more than 4 caravans, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968, as amended, (of which no more than one shall be a static caravan/mobile home) shall be stationed on the land at any time.

REASON: To preserve the character of the area.

4 No commercial activities shall take place on the land, including the storage of materials and there shall be no burning of any manure or other material derived from the keeping of horses or livestock on the development site or any land connected with it.

REASON: To preserve the character of the area.

5 No vehicle over 3.5 tonnes shall be stationed, parked or stored on the land.

REASON: To preserve the character of the area.

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

REASON: To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site.

7 No infiltration of surface water drainage into the ground is permitted other than with the written consent of the Local Planning Authority. Should any infiltration works be required, a scheme of works prior to the commencement of any works shall be submitted and approved in writing by the Local Planning Authority. Any works required shall be carried out in accordance with the approved details.

REASON: To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution caused by mobilised contaminants.

8 Piling using penetrative methods shall not be carried out other than with the written consent of the Local Planning Authority. Should any piling methods be required to be undertaken, the details of the proposed methods with appropriate justification prior to the commencement of any works of this nature shall be submitted to and approved in writing by the Local Planning Authority. Any works required shall be carried out in accordance with the approved details.

REASON: To ensure that the proposed development does not harm groundwater quality or resources.

9 No new external artificial lighting shall be installed at the site unless otherwise agreed in writing by the Local Planning Authority.

REASON: In the interests of conversing biodiversity.

10 The enhancement works shall be carried out in strict accordance with the Biodiversity Enhancement Strategy dated January 2024 undertaken by Co-Ecology Ltd date received 16.01.24

REASON: To provide mitigation/enhancement for biodiversity.

INFORMATIVE TO APPLICANT

1 Land Contamination

It is recommended that developers should:
1. Follow the risk management framework provided in Land Contamination: Risk Management page on GOV.UK (replaces CLR11, Model Procedures for the Management of Land Contamination, when dealing with land affected by contamination.
2. Refer to the Environment Agency Guiding principles for land contamination for the type of information that we required in order to assess risks to controlled waters from the site. The Local Authority can advise on risk to other receptors, such as human health.
3. 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.
4. Refer to the contaminated land pages on GOV.UK for more information.

2 Foul Drainage

Government guidance contained within the national Planning Practice Guidance (Water supply, wastewater and water quality – considerations for planning applications, paragraph 020) sets out a hierarchy of drainage options that must be considered and discounted in the following order:
1. Connection to the public sewer

2. Package sewage treatment plant (adopted in due course by the sewerage company or owned and operated under a new appointment or variation)
3. Septic Tank

Foul drainage should be connected to the main sewer. Where this is not possible, under the Environmental Permitting Regulations 2016 any discharge of sewage or trade effluent made to either surface water or groundwater will need to be registered as an exempt discharge activity or hold a permit issued by the Environment Agency, additional to planning permission. This applies to any discharge to inland freshwaters, coastal waters or relevant territorial waters. Please note that the granting of planning permission does not guarantee the granting of an Environmental Permit. Upon receipt of a correctly filled in application form we will carry out an assessment. It can take up to 4 months before we are in a position to decide whether to grant a permit or not.

Domestic effluent discharged from a treatment plant/septic tank at 2 cubic metres or less to ground or 5 cubic metres or less to surface water in any 24 hour period must comply with General Binding Rules provided that no public foul sewer is available to serve the development and that the site is not within an inner Groundwater Source Protection Zone. A soakaway used to serve a non-mains drainage system must be sited no less than 10 metres from the nearest watercourse, not less than 10 metres from any other foul soakaway and not less than 50 metres from the nearest potable water supply. Where the proposed development involves the connection of foul drainage to an existing non-mains drainage system, the applicant should ensure that it is in a good state of repair, regularly de-sludged and of sufficient capacity to deal with any potential increase in flow and loading which may occur as a result of the development. Where the existing non-mains drainage system is covered by a permit to discharge then an application to vary the permit will need to be made to reflect the increase in volume being discharged. It can take up to 13 weeks before we decide whether to vary a permit. Further advice is available at: Septic tanks and treatment plants: permits and general binding rules.

3 The applicant is advised that the development hereby approved may represent chargeable development under the Community Infrastructure Levy Regulations 2010 (as amended) and Wiltshire Council's CIL Charging Schedule. If the development is determined to be liable for CIL, a Liability Notice will be issued notifying you of the amount of CIL payment due. If an Additional Information Form has not already been submitted, please submit it now so that we can determine the CIL liability. In addition, you may be able to claim exemption or relief, in which case, please submit the relevant form so that we can determine your eligibility. The CIL Commencement Notice and Assumption of Liability must be submitted to Wiltshire Council prior to commencement of development. Should development commence prior to the CIL Liability Notice being issued by the local planning authority, any CIL exemption or relief will not apply and full payment will be required in full and with immediate effect. Should you require further information or to download the CIL forms please refer to the Council's Website www.wiltshire.gov.uk/planninganddevelopment/planningpolicy/communityinfrastructurelevy

4 The applicant should note that under the terms of the Wildlife and Countryside Act (1981) and the Habitats Regulations (2010) it is an offence to disturb or harm any protected species, or to damage or disturb their habitat or resting place. Please note that this consent does not override the statutory protection afforded to any such species. In the event that your proposals could potentially affect a protected species you should seek the advice of a suitably qualified and experienced ecologist and consider the need for a licence from Natural England prior to commencing works. Please see Natural England's website for further information on protected species.

5 No construction / demolition vehicle access may be taken along CPAR5 without prior consultation with the Rights of Way Team. Where appropriate any safety/mitigation/reinstatement measures must be approved by the Rights of Way Team.

REASON: To ensure the public right of way remains available and convenient for public use.

6 No materials, plant, temporary structures or excavations of any kind should be deposited / undertaken which obstruct or adversely affect the public right of way whilst development takes place.

REASON: To ensure the public right of way remains available and convenient for public use.