Wiltshire Council

The Town and Country Planning Act 1990

Approval of Full Planning Permission with Conditions

Application Reference Number: PL/2023/10721

Decision Date: 23 April 2024

Applicant:	Fonthill Farms C/O Fowlerfortescue, The Old Dairy, Nr Salisbury, SP3 5SH
Particulars of Development:	Works to create a wetland habitat for biodiversity and environmental benefit.
At:	Pasture Land North of Stockley Wood, Stockley Wood, Ridge, Nr Salisbury

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: (5)

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 Plan dated 5/12/2023
Site Plan (Existing) dated 5/12/2023
Long Section Through Valley and Proposed Ponds (Page 1 of 3) (received 23 Jan 2024)
Long Section Through Valley and Proposed Ponds (Page 2 of 3) (received 23 Jan 2024)
Long Section Through Valley and Proposed Ponds (Page 3 of 3) (received 23 Jan

2024)
Ponds 1 - 6 West (received 23 Jan 2024)
Ponds 4 - 6 East (received 23 Jan 2024)
Site Plan - Ponds 1 – 5 (received 23 Jan 2024)
Site Plan - Ponds 4 – 6 (received 23 Jan 2024)
Plan - Pond 1 (received 23 Jan 2024)
Plan - Pond 2 (received 23 Jan 2024)
Plan - Pond 3 (received 23 Jan 2024)
Plan - Pond 4 (received 23 Jan 2024)
Plan - Pond 5 (received 23 Jan 2024)
Plan - Pond 5-6 - east (received 23 Jan 2024)
Plan - Pond 5-6 - west (received 23 Jan 2024)
Plan - Pond 6 channel - east (received 23 Jan 2024)
Plan - Pond 6 channel - west (received 23 Jan 2024)
Plan - Pond 1 cut-fill (received 23 Jan 2024)
Plan - Pond 2 cut-fill (received 23 Jan 2024)
Plan - Pond 3 cut-fill (received 23 Jan 2024)
Plan - Pond 4 cut-fill (received 23 Jan 2024)
Plan - Pond 5 cut-fill (received 23 Jan 2024)
Plan - Pond 5-6 channel cut-fill - east (received 23 Jan 2024)
Plan - Pond 5-6 channel cut-fill - west (received 23 Jan 2024)
Plan - Pond 6 channel cut-fill - east (received 23 Jan 2024)
Plan - Pond 6 channel cut-fill - west (received 23 Jan 2024)
Planning Design and Access Statement
Baseline Wildlife Habitat Survey (Helen Pengelly) June 2023
Habitats Map June 15 2023
Flood Risk Assessment v2.01 (Haycock Environmental Consultants Ltd) 10/10/2023
Flood Risk Assessment v3.02 (Haycock Environmental Consultants Ltd) 9/1/2024
Historic Environment Assessment ACW1511/1/0 (AC Archaeology) March 2023

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

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

• Baseline Wildlife Habitat Survey. June 2023. Helen Pengelly;
• Site Plan of Ponds 1-6.

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

4 Prior to the commencement of works, including demolition, ground works/excavation, site clearance, vegetation clearance and boundary treatment works, a Construction Environmental Management Plan (CEMP) shall be submitted to the local planning authority for approval in writing. The Plan shall provide details of the avoidance, mitigation and protective measures to be implemented before and during the

construction phase, including but not necessarily limited to, the following:

- Identification of ecological protection areas/buffer zones and tree root protection areas and details of physical means of protection, e.g. exclusion fencing.
- Working method statements for protected/priority species, such as nesting birds and reptiles.
- Monitoring of, and measures to retain, the existing vegetation across the site.
- Details of drainage arrangements during the construction phase.

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 and to ensure that surface water quality and quantity is managed throughout construction and ensure no increase in flood risk or pollution of watercourses.

5 No development shall commence within the area indicated by the red line boundary on Fowler Fortescue's Location Plan, dated 5 December 2023, 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 in writing 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 record and advance understanding of the significance of any heritage assets to be lost in a manner proportionate to their importance and to make this evidence and any archive generated publicly accessible.

Informatives:

Bats
There is a low risk that bats may occur at the site. Bat roosts are protected all times by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019 even when bats are temporarily absent because, being creatures of habit, they usually return to the same roost site every year. Planning permission for development does not provide a defence against prosecution under this legislation or substitute for the need to obtain a bat licence if an offence is likely. If bats or evidence of bats is found during the works, the applicant is advised to stop work and follow advice from an independent ecologist or the applicant is advised to follow the advice of a professional

ecologist or to contact Natural England's Batline through the internet.

Nesting Birds
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.

Reptiles
There is a residual risk that 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)

Lighting
The habitat within the proposed development site and the surrounding area is suitable for roosting, foraging and commuting bats. An increase in artificial lux levels can deter bats which could result in roost abandonment and/or the severance of key foraging areas. This will likely result in a significant negative impact upon the health of bat populations across the region. Artificial light at night can have a substantial adverse effect on biodiversity. Construction should therefore take place during daylight hours only to ensure that there is no requirement for lighting during the construction phase.

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

4 **CIL.** 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. A separate Community Infrastructure Levy Liability Notice will be issued by the Local Planning Authority. Should you require further information with regards to CIL please refer to the Council's Website www.wiltshire.gov.uk/planninganddevelopment/planningpolicy