Wiltshire Council

The Town and Country Planning Act 1990

Approval of Full Planning Permission with Conditions

Application Reference Number: PL/2023/09364

Decision Date: 30 September 2024

Applicant:	Frogmary Farm Frogmary Green Farm, West Street, South Petherton, TA13 5DJ
Particulars of Development:	Proposed digestate lagoon at Keysley Farm and associated landscaping.
At:	Land at Keysley Farm, Monkton Deverill, BA12 7EY

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:

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:

1826/001 Rev.A (Location Plan) dated 26/04/2023
1826/002 Rev.A (Existing Site Plan) dated 23/05/2023
1826/003 Rev.A (Proposed Site Plan) dated 23/05/2023
1826/050 Rev.A (Proposed Site Sections dated 23/05/2023
Design, Access and Planning Statement Rev.A dated 09/01/2024
Arboricultural Impact Assessment and Method Statement dated 20/09/2023
Appendix 1 (Arboricultural Survey) dated 20/09/2023
Appendix 2 (Tree Protection Plan) dated 20/09/2023

Visual Impact Document Revision A dated 13/09/2023
112 120 Rev.A (Keysley Farm Figure Sheets) dated 01/02/2024
112 210 (Landscape Plan) dated 24/01/2024
Landscape and Visual Impact Assessment Rev.C dated 25/01/2024
Landscape Management and Maintenance Plan dated October 2023
284040.02 Issue 1 (Archaeological Desk Based Assessment) dated 02/11/2023
284040.02 Issue 2 (Written Scheme of Investigation for Archaeological Monitoring and Recording) dated 13/03/2024
020.0886/TS/2 Rev.3 (Transport Statement) dated 25/09/2023
Ecological Impact Assessment Report Rev 1.0 dated 06/11/2023
J10/14812A/10/1/F3 (Odour Assessment) dated 09/10/2023
J10/14812B/10/F2 (Biodiversity Air Quality Report) dated 08/03/2024
Technical Data Sheet - Specialist Geomembranes - Landflex G3000 received 20/05/2024
Technical Data Sheet - Specialist Geomembranes - Landflex™ PE-LL Smooth Finish received 20/05/2024
Leachate Lagoon Detection System received 20/05/2024
Lagoon Leak Detection Details received 24/06/2024
Bi-Weekly Checklist received 24/06/2024
Agents' e-mails dated 16/01/2024, 02/02/2024, 20/05/2024, 24/06/2024 and 07/08/2024

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

3 Once ground works have commenced, an approved programme of archaeological work shall be carried out in accordance with the approved Written Scheme of Investigation for Archaeological Monitoring and Recording) dated 13/03/2024. This work shall include all on-site investigations and preparation of a report on the results of the monitoring that shall be submitted to Wiltshire Council Archaeology Service for review and the Councils written approval prior to the approved lagoon being filled for the first time.

REASON: To enable the recording of any matters of archaeological interest.

NOTE: The monitoring is to be carried out following the standards and guidelines for such work as set out by the Chartered Institute for Archaeologists (CIfA). The costs of the work are to be borne by the applicant.

4 The verges alongside the bridleway (CHIC13) and restricted byway (KDEV15) must be permanently retained and kept clear of crops and overgrown vegetation.

REASON: To ensure these public rights of way are permanently available and to ensure there are adequate areas for the public to take refuge from passing vehicles.

5 Prior to the approved lagoon being filled for the first time, the applicant shall provide details (including locations) of warning signs that will be erected along bridleway (CHIC13) and restricted byway (KDEV15) to inform drivers to slow down and give way to vulnerable users. The signs shall be installed as per the approved details and permanently retained thereafter.

REASON: To ensure the safety of users of these public rights of way and make delivery drivers aware that members of the public may be present.

6 Notwithstanding the submitted Planting Plan and to achieve a quicker impact, 10% of the trees listed on the Planting Plan should be standards and 20% feathered whips.

All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first filling of the lagoon or the completion of the development whichever is the sooner. 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.

REASON: To ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features.

7 The development shall be carried out in accordance with the submitted lagoon liner specification, leachate detection system and maintenance schedule documents submitted to the local planning authority on 20th May 2024 and 24th June 2024.

These measure shall be fully implemented prior to use. The measures shall be retained and maintained thereafter throughout the lifetime of the development.

REASON: To ensure that the proposed digestate storage lagoon does not harm groundwater resources in line with Paragraph 180 of the National Planning Policy Framework and ‘The Environment Agency’s approach to groundwater protection.

8 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 conserving biodiversity and the national landscape.

Informatives:

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.

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.

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.

During construction and filling and emptying of the lagoon, the public rights of way must be kept open and available at all times.

Given the proximity of the lagoon to public rights of way, the Council wishes to remind the applicant that it is their responsibility to ensure the security of the site at all times to prevent public access.

Should the applicant choose to spread any excavated spoil from the construction of the lagoon over their land, they must ensure that any distribution of this spoil is done in a manner which does not alter existing overland flow routes. The applicant should also note that distributing spoil elsewhere may require separate planning permission and they should seek appropriate advice accordingly.

The proposal must comply with the Water Resources (Control of Pollution) (Silage,

Slurry and Agricultural Fuel Oil) (England) Regulations 2010, as amended 2013. The Environment Agency must be informed of any new, reconstructed or enlarged slurry store, silage clamp or fuel stores at least 14 days before construction begins. Further guidance is available on their website at Storing silage, slurry and agricultural fuel oil - GOV.UK (www.gov.uk)

Pollution Prevention During Construction

Safeguards should be implemented during the construction phase to minimise the risks of pollution from the development. Such safeguards should cover:

- the use of plant and machinery
- oils/chemicals and materials
- the use and routing of heavy plant and vehicles
- the location and form of work and storage areas and compounds
- the control and removal of spoil and waste.

Climate Assurance

The site and operator may also wish to consider future proofing if not already done so. For example, taking into account adaptation from climate change to ensure that, for instance, measures are in place to prevent the lagoon from overtopping in extreme wet periods, and be mindful of any changes in legislation which might occur eg. future covering of lagoons. Climate change: risk assessment and adaptation planning in your management system - GOV.UK (www.gov.uk)

Environmental Permit

If the lagoon would be for storing a waste, then it would need an Environmental Permit from the Environment Agency before waste is stored at the location. Further guidance can be found here;
Application for an environmental permit: part A about you - GOV.UK (www.gov.uk)

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