Wiltshire Council

Development Services
Wiltshire Council
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08 May 2025

Dear Sir/Madam

TOWN AND COUNTY PLANNING ACT 1990 (as amended)
APPROVAL OF DETAILS RESERVED BY CONDITION

Application No:	PL/2023/11079
Proposal:	Discharge Conditions 3,4,8,11,15,16 and 17 on PL/2023/00958 - Erection of 132 dwellings, public open space and associated infrastructure, with 0.2ha of land safeguarded for a nursery.
Site Address:	Land at Filands Road / Jenners Lane, Malmesbury, SN16 9GT
On Behalf Of:	Bloor Homes South West Ltd C/O Agent , C/O Agent , United Kingdom, BS1 4QP

I refer to your application for the discharge of condition(s) attached to the above planning permission dated 08 May 2025. After careful consideration, the following decision has been made:

The details submitted in relation to these conditions are approved.

Condition(s) submitted for consideration:

Condition 3

No part of the development hereby permitted shall be occupied until a Landscape and Ecology Management Plan (LEMP) prepared in accordance with Section 4.0 and Table 5.1 of the Ecological Impact Assessment (ead Ecology, January 2023) has been submitted to and approved in writing by the Local Planning Authority.

The LEMP shall include long term objectives and targets, management responsibilities and maintenance schedules for each ecological feature within the development, together with a mechanism for monitoring success of the management prescriptions, incorporating review and necessary adaptive management in order to attain targets.

The LEMP shall also include details of the legal and funding mechanism(s) by which long-term implementation of the plan will be secured. The LEMP shall be implemented in full and for the lifetime of the development in accordance with the approved details.

Condition 4

Prior to the commencement of development, including demolition, ground works/excavation, site clearance, vegetation clearance and boundary treatment works, a Construction Environmental Management Plan (CEMP) in accordance with Section 4.0 and Table 5.1 of the Ecological Impact Assessment (ead Ecology, January 2023) shall be submitted to and approved in writing by the Local Planning Authority.

The CEMP 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. 27

c) 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.

d) Key personnel, responsibilities and contact details (including Site Manager and ecologist/ECoW).

e) 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.

Condition 8

No development shall commence on site (other than that required to be carried out as part of a scheme of remediation approved by the Local Planning Authority under this condition), until steps (i) to (iii) below have been fully complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until step (iv) has been complied with in full in relation to that contamination.

Step (i) Site Characterisation:

An investigation and risk assessment must be completed to assess the nature and extent of any contamination (including asbestos) on the site, whether or not it originates on the site. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings submitted to and approved in writing by the Local Planning Authority. The report of the findings must include:

- A survey of the extent, nature and scale of contamination on site;

- The collection and interpretation of relevant information to form a conceptual model of the site, and a preliminary risk assessment of all the likely pollutant linkages;

- If the preliminary risk assessment identifies any potentially significant pollutant linkages a ground investigation shall be carried out, to provide further information on the location, type and concentration of

contaminants in the soil and groundwater and other characteristics that can influence the behaviour of the contaminants;

- An assessment of the potential risks to

• human health,

• property (existing or proposed) including buildings, crops,

• livestock, pets, woodland and service lines and pipes,

• adjoining land,

• groundwater and surface waters,

• ecological systems,

• archaeological sites and ancient monuments;

This must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11" and other authoritative guidance.

Step (ii) Submission of Remediation Scheme:

If any unacceptable risks are identified as a result of the investigation and assessment referred to in step (i) above, a detailed remediation scheme to bring the site to a condition suitable for the intended use must be prepared. This should detail the works required to remove any unacceptable risks to human health, buildings and other property and the natural and historical environment, should be submitted to and approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, a timetable of works and site management procedures.

Step (iii) Implementation of Approved Remediation Scheme:

The approved remediation scheme under step (ii) must be carried out in accordance with its requirements. The Local Planning Authority must be given at least two weeks written notification of commencement of the remediation scheme works.

Step (iv) Reporting of Unexpected Contamination:

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it should be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment should be undertaken in accordance with the requirements of step (i) above and where remediation is necessary, a remediation scheme should be prepared in accordance with the requirements of step (ii) and submitted to and approved in writing by the Local Planning Authority.

Step (v) Verification of remedial works:

Following completion of measures identified in the approved remediation scheme a verification report must be produced. The report should demonstrate the effectiveness of the remedial works.

A statement should also be provided by the developer which is signed by a person who is competent to confirm that the works detailed in the approved scheme have been carried out.

The verification report and signed statement should be submitted to and approved in writing of the Local Planning Authority.

Condition 11

No dwelling shall be occupied until visibility splays for the private driveways have been provided between the edge of the carriageway and a line extending from a point 2m meters back from the edge of the carriageway, measured along the center line of the access, to the points on the edge of the carriageway 25m in both directions. Such splays shall thereafter be permanently maintained free from obstruction to vision above a height of 0.9m above the level of the adjacent carriageway.

Condition 15

Prior to the commencement of development, full details of the route, design and construction of the up-graded MALMS8 (where it crosses the site) shall be submitted to and approved in writing by the Local Planning Authority. The development hereby approved shall not be first occupied until the up-grade to the MALMS8 public right of way (where it crosses the site) has been completed in accordance with the approved details.

Condition 16

Prior to commencement of development, calculations shall be submitted which demonstrate that the required 20% betterment against greenfield rates as specified in the Wiltshire Council betterment for greenfield sites has been achieved for the 1 in 1 year return period storm event across the site.

NOTE:

- Within the calculations, the MADD factor must be set to zero. The calculations should be revised using a value of 0m3/ha so as to not overpredict attenuation volume, and ensure that surface water will be safely managed on site.

- It is noted that the applicant has proposed to limit discharge rates from the attenuation ponds to 4.5l/s and 8.3l/s using a Hydrobrake. In the LLFA's experience (and through discussion with Hydro International), restricted discharge rates as low as 1l/s can be achieved with appropriate maintenance.

- Wiltshire Council is the land drainage authority under the Land Drainage Act 1991. Land drainage consent is required if a development proposes to discharge flow into an ordinary watercourse or carry out work within 8m of an ordinary watercourse. Wiltshire Council's land drainage bylaws can be downloaded here. The land drainage consent application form and guidance notes can be found on our website here

Condition 17

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.

The AMS shall incorporate all the recommendations within the Stage 1 and 2 Arboricultural Impact Assessment Report (February 2023) by RSK Biocensus Ltd In particular, the method statement must provide a focus on the trees protected by a Preservation Order (ref N/10/00010/IND) and include 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 scaffolding and ground protection within tree protection zones in accordance with British Standard 5837: 2012;

- A schedule of tree works conforming to British Standard 3998: 2010;

- Details of general arboricultural matters such as the area for storage of materials, concrete mixing and use of fires;

- Plans and particulars showing the siting of the service and piping infrastructure;

- 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 access driveway including details of the no-dig specification and extent of the areas of the driveway 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.

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.

Details Submitted for Approval:

Condition 3:	**231120_P1176_CEcoMP** **240422_P1176_LEMP**
Condition 4:	**3020007R01(02)CTR024 CEMP** **SW146-SL-2100C(Construction Management Plan)**
Condition 8:	**B05397-CLK-00-XX-RP-GT-0001 GI report** **CG38164A_Filands_GGIR_Rev1_April2020**
Condition 11:	**SW146-EN-2300A(Vision Splays)**
Condition 15:	**SW146-EN-2002(PROW Plan+Temporary)** **SW146-EN-2003A(PROW Plan+Permanent)**
Condition 16:	**SW Calculations N1 31.01.24** **SW Calculations N2 31.01.24**
Condition 17:	**2482041_Filands North Mamsbury_S3_Arb_Report_Biocensus_0(Final)**

Decision: The details submitted in relation to these conditions are approved.

This letter acts as official confirmation and therefore I suggest that you attach it to the decision notice as evidence that you have complied with the requirements of the relevant condition(s).

Yours faithfully
Head of Development Management

NOTES:

1. **Approved Conditions:**
   If the condition(s) have been discharged, you may proceed with the development in accordance with the approved details. Please ensure that the approved documents or plans are implemented on-site and adhered to as part of the development. It is important to comply with all conditions of the planning permission to ensure the development remains lawful.

2. **Refused Conditions:**
   If the discharge of the condition(s) has been refused, you may submit revised details or further information to address the issues raised as part of a further discharge of the condition's application. Please ensure that any resubmission adequately addresses the reasons for refusal. Alternatively, you can appeal the Council's decision (see below for details).

3. **Partially Discharged Conditions:**
   If the condition(s) have been partially discharged, the remaining details that are required must be submitted for further consideration. You should provide the necessary documents in accordance with any timeframe or trigger specified in the condition to allow for the full discharge of the condition(s).

Right of Appeal:
If you are aggrieved by the decision to refuse to discharge a condition or if the condition has only been partially discharged, you have the right to **appeal** the decision to the **Planning Inspectorate**.

The appeal must be made within **6 months** from the date of this decision notice. If the appeal is submitted after this 6 month period, the Planning Inspectorate will only consider it if there are exceptional circumstances.

The procedure for making an appeal is set out under **Section 78 of the Town and Country Planning Act 1990** (as amended), along with the relevant provisions in the **Planning and Compulsory Purchase Act 2004**. For detailed guidance on how to submit your appeal, please visit the Planning Inspectorate's website: https://www.gov.uk/appeal-planning-decision

Please be aware that the appeal process will focus on whether the submitted details meet the requirements set out in the original planning condition(s) and relevant planning policies.