

**Planning Statement for Erection of up to 205 no.
dwellings, community hub, public open space,
access, infrastructure and associated works,
with all other matters reserved.**

Land West of Westbury Road, Warminster, Wiltshire.

On behalf of BDW Trading Ltd.

Date: January 2026 | Pegasus Ref: P19-2831

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1. Introduction

- 1.1. This Planning Statement is prepared by Pegasus Group on behalf of BDW Trading Ltd. (the Applicant) in respect of an Outline planning application for residential-led redevelopment at Land West of Westbury Road, Warminster (the Site). The application is a resubmission of Outline application PL/2021/09013, which was subsequently dismissed at appeal.
- 1.2. The description of development is as follows:

"Erection of up to 205 no. dwellings, community hub, public open space, access, infrastructure and associated works, with all other matters reserved."
- 1.3. The purpose of the Planning Statement is to present an assessment of the revised proposed development against relevant planning policy and other material considerations. **Section 2** of this report therefore sets out the context of the previous appeal decision APP/Y3940/W/24/3338217, the Inspector's findings and the fundamental measures undertaken by the applicant to overcome the previous reason for refusal.
- 1.4. **Sections 3 and 4** then provide a description of the site and its surroundings together with the site's broader planning history respectively. **Section 5** sets out the details of the proposed development while **Section 6** sets out the planning policy and material considerations against which the application is to be assessed, within the wider context of housing need and strategic housing delivery through the planning system.
- 1.5. **Section 7** presents an assessment of the proposed development, organised thematically, dealing first with the principle of residential development of the site and subsequently, inter alia, the impacts in respect of local amenity; housing and affordable housing; design; transport; landscape; ecology; arboriculture; heritage; flood risk and drainage.
- 1.6. **Sections 8 and 9** then set out the proposed s.106 Heads of Terms and final planning balance respectively, with final conclusions set out at **Section 10**.
- 1.7. The Planning Statement explains that the site represents a sustainable location for residential development and in the context of the 'tilted balance' and in accordance with the National Planning Policy Framework (the Framework) and s.38(6) of the Planning and Compulsory Purchase Act 2004 planning permission should be granted without delay.

- 1.8. This Planning Statement should be read in conjunction with the plans and reports submitted with the application as set out in Tables 1 and 2 below:

Plans	Consultant
0736-201 – Location Plan	Focus on Design
0736-201-1 – Location Plan + Aerial	Focus on Design
0736-201-2 – Location Plan + Aerial	Focus on Design
0736-200-1 – Topographical Survey	Focus on Design
0736-200-2 – Topographical Survey	Focus on Design
0736-2001 – Development Considerations Plan	Focus on Design
0736-2002 – Illustrative Masterplan	Focus on Design
0736-2004 – Connectivity Plan	Focus on Design
0736-2005-1 – Parameter Plan – Access and Movement	Focus on Design
0736-2005-2 – Parameter Plan – Green Infrastructure	Focus on Design
0736-2005-3 – Parameter Plan – Building Heights	Focus on Design
0736-2005-4 – Parameter Plan – Land Budget	Focus on Design
0736-2006 – Concept Plan	Focus on Design
403.066266.00001 W-71 – Illustrative Landscape Masterplan	SLR
403.066266.00001 W-72 – Open Space Strategy	SLR
BBS22778-01 – Tree Survey Plan (Pages 1-3)	ACD Environmental
P19-2831 Figure 5.1 – Proposed Access Arrangements (in TA)	Pegasus
P19-2831 Figure 5.2 – Proposed Off-Site Mitigation on Westbury Road and WARM18 (in TA)	Pegasus

Table 1: List of plans supporting the application

Report	Consultant
Design and Access Statement	Focus on Design
Transport Assessment	Pegasus Group
Framework Travel Plan	Pegasus Group
Flood Risk Assessment and Drainage Strategy	Phoenix Design
Nutrient Neutrality Strategy	Marian Cameron
Landscape and Visual Appraisal (LVA)	SLR
Tree Survey	ACD Environmental
Ecological Impact Assessment (EcIA)	Ethos
Ecological Addendum	Ethos
River Enhancement Technical Note	Ethos
Biodiversity Net Gain Statement and Assessment	Ethos
Shadow Habitats Regulations Assessment	Ethos
Phosphorous Neutrality Report	Marian Cameron
Heritage Impact Assessment	TCMS
Archaeological Assessment	Cotswold Archaeology
Sustainability and Energy Statement	Turley
Statement of Community Involvement	Marengo
Education Impact and Mitigation Assessment	EHP
Noise and Vibration Assessment	Hepworth Acoustics
Phase 1 and 2 Site Investigations	Clarkebond
Air Quality Assessment	Air Quality Consultants
Site Waste Management Plan	Biffa

Table 2: List of reports supporting the application

2. S.78 Appeal APP/Y3940/W/24/3338217

- 2.1. This application is a resubmission of an Outline planning application for the same description of development, which was dismissed by the Inspector appointed by the Secretary of State pursuant to the above reference number, notwithstanding the Council's not contesting the appeal at the time.
- 2.2. As set out at Section 4 of this Statement, the overriding reason for refusal introduced unilaterally by the Inspector related to flood risk and drainage, and specifically to the operation of the sequential test, which seeks to direct development to locations at the lowest risk of flooding.
- 2.3. In determining the appeal, the Inspector found the operative policies in relation to the principle of development, Core Policies 1, 2 and 31, were manifestly out of date owing to the Council's severe shortfall in housing land supply, however ultimately concluding that in relation to flood risk and drainage:
- That parts of the proposed access / escape routes, land raising areas and the waste water recycling centre, together with the nutrient mitigation ponds, were shown to be in flood zone 2 within the submitted drainage strategy;
 - It had not been demonstrated that these elements would not comprise some aspect of 'built development', while even if falling to be considered 'less vulnerable' then these elements would still be deemed vulnerable to flood risk;
 - As such, the proposals do not benefit from exemption from the expectation that a sequential test should be undertaken to identify whether the development could be accommodated on some 'reasonably available' alternative site;
 - As no such sequential test had been undertaken, it was not possible to conclude that there are not reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding;
 - The proposals therefore conflicted with Core Policy 67 (Flood Risk) of the adopted Core Strategy and the content of the Framework in respect of flood risk, this was to be ascribed very substantial weight;
 - While according with all other policies in the development plan, the identified conflict with Core Policies 1, 2 and 31, together with Core Policy 67 equated to conflict with the development plan when taken as a whole;
 - The failure to undertake a sequential test, in the context of national policy, represented a 'strong reason for refusing the development proposed', engaging Paragraph 11(d)(i) of the Framework; and
 - Therefore, the tilted balance was not engaged and there were no material considerations indicating the appeal should be determined other than in accordance with the development plan.
- 2.4. The Inspector accordingly dismissed the appeal in the decision dated 15 May 2025.

- 2.5. In light of the outcome of the appeal, the applicant has therefore undertaken a detailed review of the proposals, amending the illustrative layout of the development together with the proposed nutrient mitigation solution such that:
- The earlier waste water recycling centre has been entirely removed;
 - The nutrient mitigation ponds have also been removed; and
 - No means of access, escape routes or land raising will be located within flood zones 2 or 3.
- 2.6. It must also be noted that significant intervening changes have arisen since the time of the appeal decision, both in terms of the content of the Planning Practice Guidance and prevailing appeal decisions, in respect to this single main issue, as discussed in the course of this Statement.
- 2.7. As such, the sole reason for the previous appeal's dismissal, in relation to flood risk and the sequential test, has been demonstrably overcome in the course of this revised application. Accordingly, with no other matters at issue and with continuity of other circumstances including the Council's severe shortfall in housing land supply, and given the importance of consistency in decision-making, the revised proposals should be approved without delay.

3. Site and Surroundings

The Site

- 3.1. The site comprises an irregularly proportioned parcel of agricultural land situated between the C-classified Westbury Road to the East and railway line to the West, immediately northward of the built envelope of Warminster, Wiltshire, which also extends to the West of the site beyond the railway embankments.
- 3.2. The total site area totals 10.45ha and, having been surveyed previously, comprises swathes of Grades 3a (good), 3b (moderate) and 4 (poor) agricultural land, as shown on the below Magic Map excerpt.

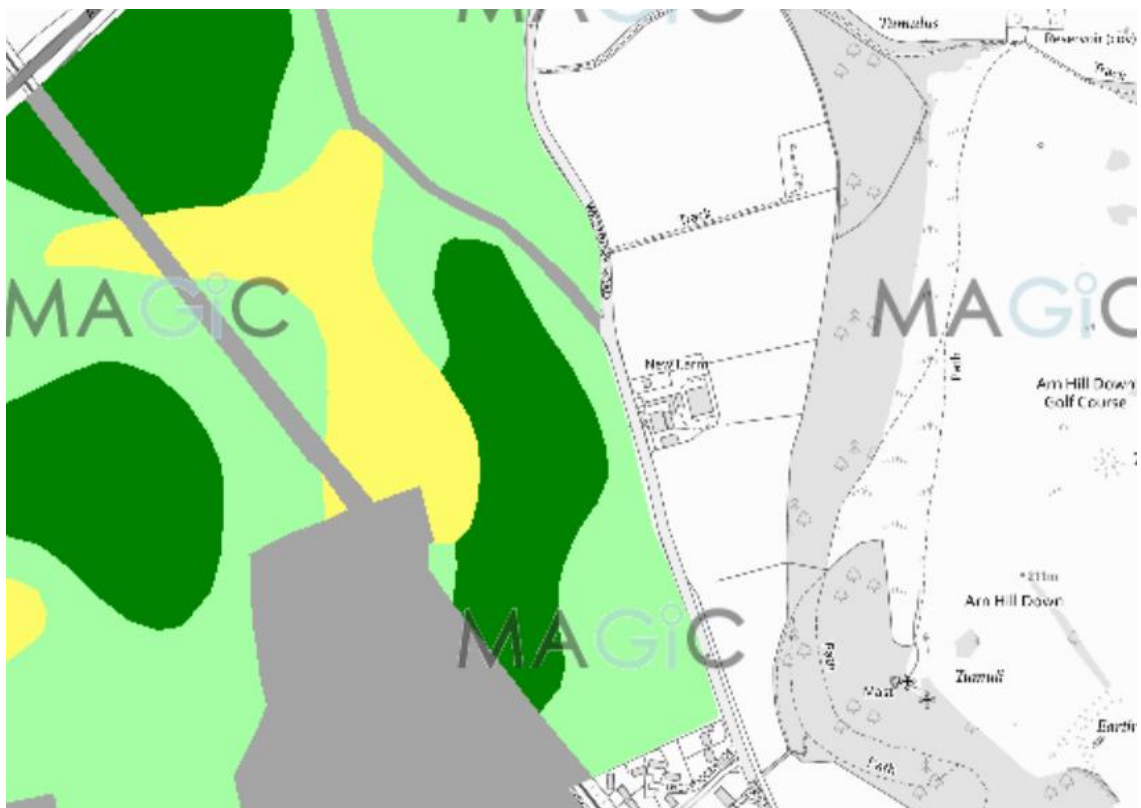


Figure 1: Magic Map excerpt; surveyed agricultural land classification

- 3.3. As shown on the Council's proposals map, the site lies immediately beyond the settlement boundary for Warminster, and approximately 600m eastward of the defined limits of the strategic allocation at the West Warminster Urban Extension (WWUE).
- 3.4. Immediately southward of the site lies 'The Woodlands', a residential cul-de-sac of mid-C20th housing accessed from the Westbury Road. To the East, from the opposite site of the road, the land rises gently then more steeply toward the wooded hillside occupied in part by the Arn Hill Down Golf Course.
- 3.5. The site is located predominantly in Flood Zone 1, turning to Flood Zone 2/3 in the lower lying north-western part, as shown in the below excerpt from the Environment Agency Flood Map for Planning. This has been further refined through technical modelling.

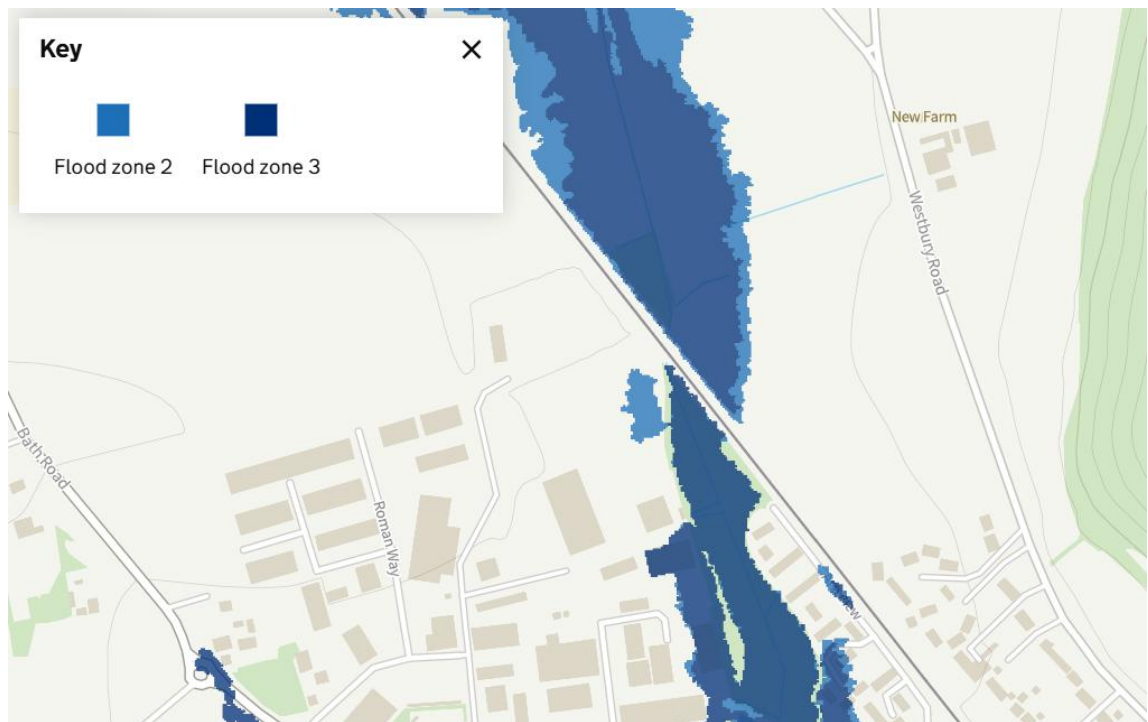


Figure 2: Excerpt from EA Flood Map for Planning

- 3.6. The site is not subject of any specific protected landscape or heritage. Of note in the vicinity are however the scheduled Bowl barrow on Arn Hill Down and, further northeast, Colloway Clump long barrow. The Cranborne Chase AONB extends from the south of Warminster, its closest boundary being approximately 2.6km from the site.
- 3.7. The site is located within the Bath and Bradford on Avon Bat SAC consultation zone. It is also located within the impact zones of a number of European sites, the closest of which (approximately 2–3 miles away) are Cley Hill SSSI and Salisbury Plain SSSI/SPA.
- 3.8. A public right of way, WARM18, crosses the railway from Arn View and enters the site via its western boundary, before turning to proceed north to link to the unclassified lane to Upton Scudamore. Other notable rights of way include the right of way WARM26, which loosely follows the edge of the wooded hillside of Arn Down, to the East.

Warminster

- 3.9. Warminster is a Market Town – as identified in the Wiltshire Core Strategy settlement hierarchy – situated in the southwest of the county and notably home to a significant military garrison, which is located in the northeast part of the town.
- 3.10. The town benefits from a good range of local services, including shops, supermarkets, library, museum, churches, doctors' surgery, community hospital, parks, primary and secondary schools, with additional significant employment at the Crusader Park estate on the northwest edge of the settlement.

- 3.11. In terms of connectivity, Warminster benefits from a railway station providing direct links to Bristol/Cardiff and Southampton/Portsmouth, with further links to London available from nearby Westbury and Salisbury stations. The local highway network includes the main routes of the A350 and A36, providing good wider connectivity by other public transport and private car.
- 3.12. According to the Office for National Statistics, Warminster had a population of 18,500 in 2022, with a significantly higher proportion of residents aged over 50 than the national average profile. The 2021 Census identified that a significantly higher than average number of residents owned a residential property outright in the town, and correspondingly fewer occupiers living either with a mortgaged home or in social rented accommodation.

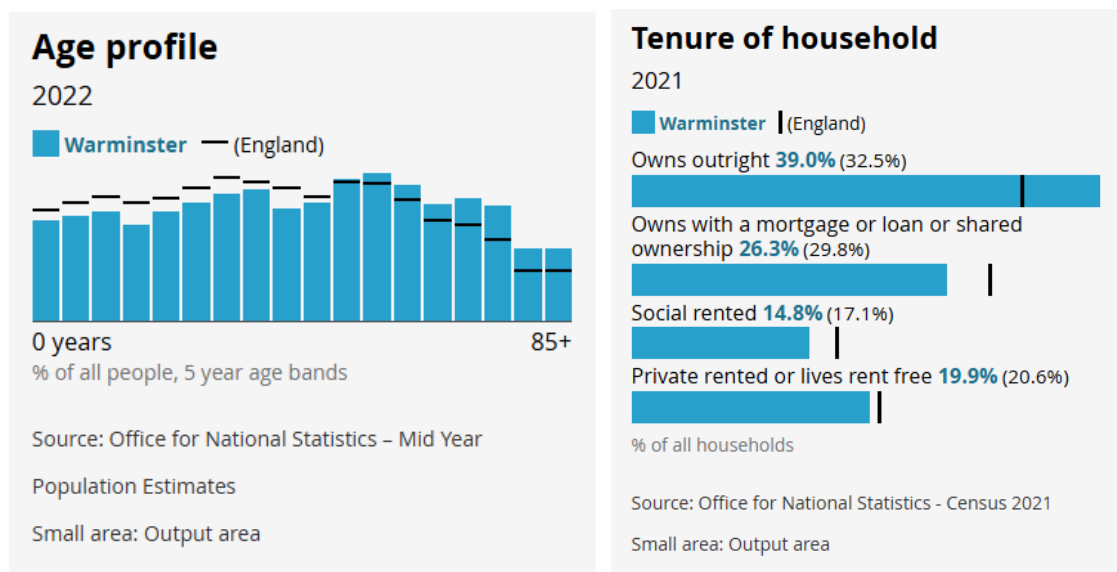


Figure 3: ONS Infographics for the Warminster Output Area

4. Planning History

Application Site

Planning Applications

- 4.1. The only historic planning application of note is Outline application PL/2021/09013, of which the current application is a resubmission. That application related to the same description of development, including the same number of dwellings and policy-compliant quantum of affordable homes.
- 4.2. An excerpt of the final illustrative site masterplan is shown below.



Figure 4: Excerpt of Previous Application Illustrative Layout

- 4.3. As can be seen from the excerpt above, the most significant deviation between the previous substantive illustrative layout and that as now proposed is the subsequent omission of the previously proposed wastewater recycling centre (WwRC) and tertiary nutrient treatment basins shown within the western part of the site. This is due to a change in the preferred nutrient neutrality solution, as detailed later in this Statement.

- 4.4. At the time, following extensive negotiation to resolve all technical and environmental issues, including the completion of satisfactory Habitats Regulations Assessments in respect of the Hampshire Avon SAC, Bath and Bradford on Avon Bats SAC and Salisbury Plain SSSI/SPA, the application was recommended for approval at the Strategic Planning Committee held on 1 November 2023, at which Members agreed their officers' recommendation and resolved to grant planning permission subject to completion of the s.106 Agreement.
- 4.5. The original officer report is enclosed in full at **Appendix 1**, and the Committee minutes at **Appendix 2**.
- 4.6. Subsequently, however, the Council reversed its resolved position following the temporary changes introduced to national policy through the December 2023 Framework, which included notional 'four-year supply'. At that time, the Council believed itself to be such an authority that needed only to, and could, demonstrate in excess of four years' housing supply and deemed that for this reason the application – were it to be determined at that point in time – would not benefit from the 'tilted balance' and would instead be refused.
- 4.7. Officers therefore advised at that time that the application, in relation to which little to no progress had been made on the s.106 Agreement, should be returned to Committee with a reversed recommendation for refusal as a matter for principle and no other reason. Faced with this complete reversal, the Applicant at that time elected to exercise their right under s.78 of the TCPA and appeal against the authority's non-determination of the application.
- 4.8. Following submission and validation of the appeal, officers returned the application to the Strategic Planning Committee meeting held on 6 March 2024, at which it was resolved without a single word of debate that had the Council been in a position to determine the application at that time it would have refused to grant Outline permission as a matter of principle. This thus became the Council's initial stance at the ensuing appeal, PINS reference number APP/Y3940/W/24/3338217.
- 4.9. Officer's revised report to Committee and associated minutes are enclosed at **Appendices 3 and 4** respectively.
- s.78 Planning Appeal
- 4.10. Following submission of the appeal against non-determination of the application in early 2024, it was confirmed that owing to the scale and nature of the development, this should proceed via the Inquiry procedure. Following an initial Case Management Conference in May 2024 it was however agreed between the appeal parties and the Inspector that due to an imminent housing land supply update by Wiltshire Council the original sitting days scheduled for mid-June should be postponed.
- 4.11. This decision was vindicated by the publication of the Council's housing land supply update in early June 2024, which indicated a revised supply of 4.2 years' housing land, a reduction on the c.4.7 years the authority had hitherto relied upon, such that housing evidence would have required re-writing from both parties.

- 4.12. However, in the appeal decision at *Storridge Road, Westbury*¹, in allowing the appeal and granting permission from 200no. homes, the Inspector accepted that the Council could in fact demonstrate no more than 3.85 years' supply, a significant further reduction and, critically, below the four-year requirement prescribed at that time in national policy.
- 4.13. Accordingly, with an effective reversion in the Council's view back to the position prior to the publication of the December 2023 Framework, officers reviewed their appeal case and opted in retrospect not to seek to defend the position adopted at the March 2024 Committee, agreeing on reflection that Outline planning permission should in fact be granted after all. This was the Council's position upon the opening of the Inquiry on 14 October 2024, following a slight delay caused by procedural notification issues.
- 4.14. Notwithstanding the lack of any objection from the Council, in a marked departure from the appeals Procedure Guide, the Inspector sought to hear evidence on a number of technical and environmental subjects not in dispute, namely: ecology, nutrient neutrality, landscape, public protection, transport, rights of way, drainage, flood risk and sequential testing, necessitating the calling of some additional 11no. witnesses across both parties.
- 4.15. The extent of new subjects introduced resulted in the Inquiry being first adjourned on 18 October 2024 (the day it had been due to close, on the basis that the Council were contesting the appeal as a matter of principle), before reconvening on 15 January 2025, adjourning again that same day, and finally sitting again on 10 February 2025, with closings still yet following on and the Appellant's final submissions being submitted on 3 March. The appeal was finally closed by PINS the following day.
- 4.16. In the protracted course of the appeal, the parties had the opportunity to review and respond to changes made to the National Planning Policy Framework on 12 December 2024. Although no longer determinative in the Council's ability or otherwise to demonstrate a sufficient housing land supply, amongst the Framework's noteworthy amendments was the reintroduction of the requirement for all authorities to demonstrate at least five years' supply.
- 4.17. The appeal was ultimately dismissed and Outline permission refused on 15 May 2025 for a single reason, namely the Inspector's judgement that the nature of the proposals triggered a requirement for the sequential test to be undertaken in relation to flood risk and, that exercise not having been requested or undertaken, this represented a 'strong reason for refusal' in the context of Paragraph 11(d)(i) of the Framework.
- 4.18. The decision is enclosed in full at **Appendix 5**.
- EIA Screening Request
- 4.19. A request for a Screening Opinion under the Environmental Impact Assessment regulations was submitted to the Local Planning Authority in January 2021, local reference. 21/00602/SCR. The description of the anticipated development was as follows:

¹ APP/Y3940/W/24/3340811 – Land off Storridge Road, Westbury

"EIA Screening Opinion for proposed development of up to 250 no. dwellings and associated works."

- 4.20. The Council's decision letter was issued on 2 April 2021 providing confirmation that an Environmental Statement would not be required in relation to the development, with the proposed quantum of development having been subsequently reduced in the preparation of the subsequent planning application and this later resubmission.
- 4.21. The fact that an Environmental Statement is not required does not mean that the broad subject headings it would cover will not be properly considered through the Outline application process; to the contrary, the application is supported by all requisite specialist reports necessary to consider the relevant environmental matters.

Site Promotion

Wiltshire Core Strategy Review

- 4.22. The site, together with adjacent land to the North and East, has been promoted through the Council's Core Strategy Review (SHELAA site ref. 3676 – 'Land at New Farm' – and Site 9 in the Council's 'Planning for Warminster' consultation document). An excerpt is shown below.

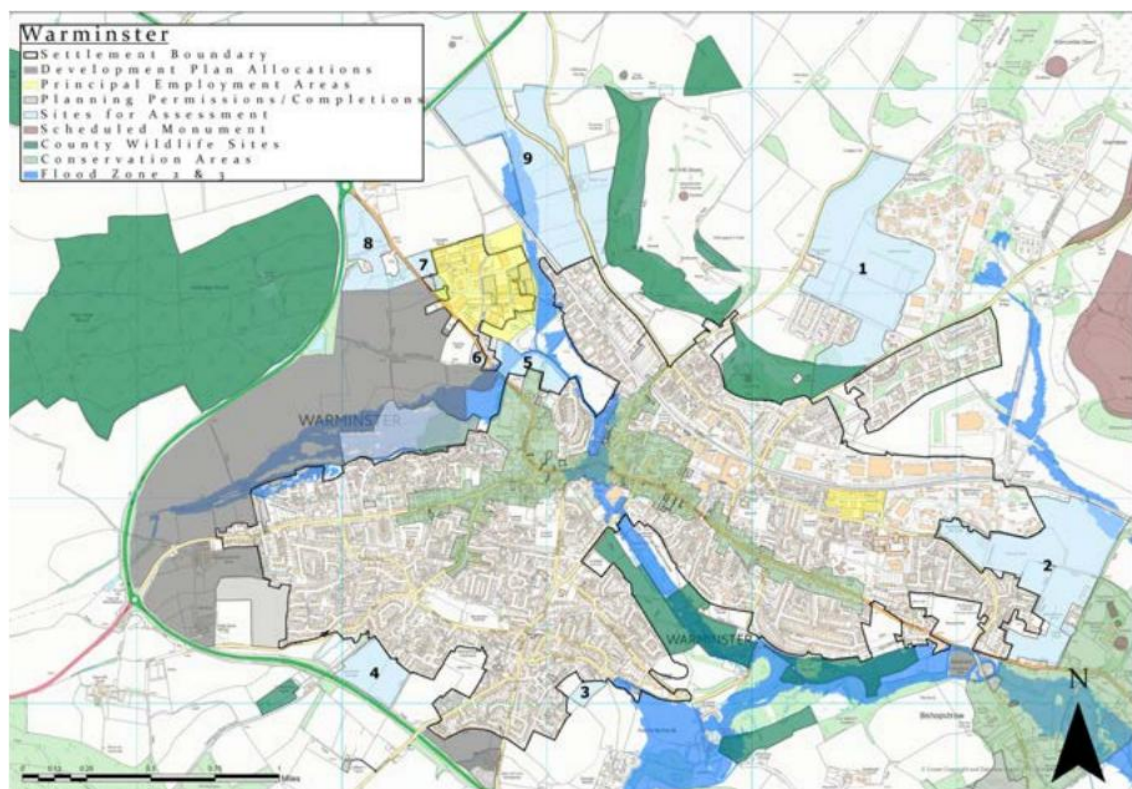


Figure 5: Map showing potential development sites for assessment

- 4.23. The applicant has engaged proactively with the review of the current Local Plan, which is at the time of writing subject of Examination in Public. This has entailed submission of written representations at both Regulation 18 and 19 consultation stages, coinciding with the live application and appeal in respect of the site.

- 4.24. Notably, representations have focused on the technical matters already positively resolved within the ambit of the planning application, including *inter alia*, transport and accessibility, landscape impacts on ecological implications.
- 4.25. Of these, a more fundamental point arises in relation to the proposed growth figure for housing within Warminster, which has been reduced by an arbitrary half – from the basic 10% down to 5% – on the basis that the area is subject of Phosphorous mitigation, notwithstanding that at the time the site had already demonstrated an achievable solution agreeable to the Council as competent authority, Natural England and the Environment Agency.
- 4.26. At the time of the consultation on Wiltshire’s Regulation 19 pre-submission plan the site was already subject of a Committee resolution to grant planning permission. Notwithstanding these points, the site is not marked as a draft allocation in the context of the submission Local Plan, whose overall aspirations for growth remain a substantial way short of the latest standard method for establishing local housing need owing to the operation of the transitional provisions within the Framework.

Warminster Neighbourhood Plan

- 4.27. The site has also been promoted in the recent past in the course of both Regulation 14 and 16 stages of the Warminster Neighbourhood Plan Review, which seeks to plan at a more localised level for development beyond the existing Neighbourhood Plan period.
- 4.28. These consultations have adopted much the template of the emerging Local Plan insofar as the scale of growth and site assessment at Warminster is concerned. In this regard, the Applicant’s representations have focused, as per the Local Plan, on the technical matters already resolved in the course of the first planning application, and the deliverability of the site as a significant contributor to the supply of market and affordable housing.
- 4.29. The expected timescale for submission and review of the draft plan by an independent examiner is not currently known with certainty, however it is highly unlikely that this will have reached an advanced stage sufficient to gather any significant weight within the timespan of the current application.

5. Proposals

- 5.1. The application seeks Outline planning permission for residential-led development of the site, also incorporating a proposed new community hub, with the creation of new vehicular and pedestrian access from Westbury Road, supporting infrastructure and associated landscaping.
- 5.2. The description of development is as follows:
- "Erection of up to 205 no. dwellings, community hub, public open space, access, infrastructure and associated works, with all other matters reserved."*
- 5.3. The proposals are a direct resubmission of the previous Outline proposals, save for reconfiguration of the illustrative site layout to demonstrate that vulnerable elements of the development can be located entirely out of the areas subject of elevated flood risk.
- 5.4. It is anticipated that a final dwelling mix will reflect broadly the following parameters, ultimately to be informed by a subsequent reserved matters submission and the exact mix of affordable homes, to be provided as a policy-compliant 30% of the total (i.e. up to 61no. homes), required by the Council's Enabling officers.

Unit Size	No.	% (% of affordable)	SHMA % *
Affordable			
1-bed house/flat	8	4 (13)	1.3
2-bed bungalow	2	1 (3)	11.0
2-bed house	29	14 (48)	
3-bed house	20	10 (33)	13.6
4 bed house	2	1 (3)	4.2
Open Market			
2-bed house	18	9	8.3
3-bed house	97	47	37.4
4-bed house	29	14	17.0
Total	205	100	92.8

Table 3: Indicative Dwelling Mix/SHMA Mix

* based on overall need identified at Figure 40, Wiltshire Local Housing Needs Assessment Update: Volume II, February 2023, note does not total 100% as bespoke to proposed mix.

- 5.5. As shown on the accompanying illustrative drawings, all homes are expected to be provided with allocated on-plot or adjacent parking, together with enclosed private rear gardens for the benefit of occupiers. The scale of development is to comprise a mixture of two, two-and-a-half and three-storey dwellings, reflecting individual characteristics within the development framework, with the addition of single-storey garages comprised either as single or shared double units.
- 5.6. Vehicular and pedestrian access, the only element in respect of which detailed approval is sought at this time, is to be created directly from Westbury Road through dual priority junctions with right-turn lanes to enable the free-flow of traffic. As previously agreed with the Council, the applicant will provide financial contributions for a Traffic Regulation Order (TRO) to reduce the speed limit along this section of the road to 40mph.
- 5.7. Aside from the creation of new accesses and enhanced pedestrian/cycle links from the site itself, the proposed s.278 highways package of off-site works includes the provision of a new pedestrian footway and cycleway facilities at Westbury Road, upgrading of public rights of way and improvements at nearby Portway to promote sustainable travel.
- 5.8. In conjunction with the proposals, it is intended to stop up the existing level crossing and redirect PROW WARM18 upon the re-provision of a suitable alternative footpath link to the Westbury Road, which will in turn connect to the inherently safer alternative footbridge crossing on PROW WARM16 thus better connecting central Warminster to Upton Scudamore.
- 5.9. Toward the western and north-western part of the site it is proposed that a flexible community building is provided, together with public open space including allotments and play facilities. The surrounding open areas are to be landscaped, with SUDS basins situated toward the northwest corner, outside of Flood Zones 2 and 3, reflecting the existing topography and hydrology, which includes an unnamed watercourse and outfall beneath the railway.
- 5.10. A substantial green buffer is to be delivered through the northernmost part of the site, thus creating a more graduated transition to the countryside where currently there is a fairly hard urban edge at Woodlands, providing for additional habitat creation including mandatory Biodiversity Net Gain and softening distant views of Warminster from the village of Upton Scudamore.
- 5.11. As set out in the draft Heads of Terms, other elements to be secured by s.106 Agreement include the provision of the community building and open space, future management/maintenance arrangements for public areas and additional contributions to local sports and education provision.
- 5.12. Where previously proposed as an on-site wastewater recycling centre and tertiary water treatment basins, phosphorous mitigation measures to address nutrient neutrality in the Hampshire Avon SAC catchment are to be provided through this revised scheme by way of purchased off-site credits. Thus, the earlier proposed apparatus is omitted from the revised site layout and the relieved space reallocated to open space and landscaping.

5.13. As indicated previously, technical and environmental matters have been comprehensively rehearsed and resolved through the previous application and appeal, such that with the adjustment to the site layout to accommodate sequential test and phosphate mitigation measures there should be no requirement to revisit these. A summary of consultees' previous substantive positions is contained below for ease of reference.

Consultee	Response
Spatial Planning Officer	Comment on policy position
Highways Officer	No objection subject to s.106 and conditions
Highways England	No objection
Housing Officer	No objection subject to s.106
Public Rights of Way Officer	No objection
Landscape Officer	No objection
Conservation Officer	No objection
Public Open Space Officer	No objection
Ecology Officer	No objection subject to condition/s.106
Natural England	No objection subject to condition
Urban Design Officer	Holding objection
Archaeology Officer	No objection subject to condition
Public Protection Officer	No objection subject to condition
Drainage Officer	No objection subject to conditions
Environment Agency	No objection subject to conditions
Education Officer	No objection subject to s.106 contribution
Waste Management Officer	No objection subject to s.106 contribution and conditions
Historic England	No comments
Wessex Water	No objection
Sport England	No objection
Network Rail	Support subject to condition
Salisbury and Wilton Swifts	No objection subject to condition
Policy Architectural Liaison Officer	No objection subject to further consideration of detail in the reserved matters application

Table 4: Summary of Previous Consultee Positions

6. Planning Policy

- 6.1. S38(6) of the Planning and Compulsory Purchase Act 2004 directs that planning decisions should be made in accordance with the development plan, unless material considerations indicate otherwise.

Development Plan

- 6.2. In this case, the development plan comprises the following:

- Wiltshire Core Strategy, adopted 2015;
- 'Saved' policies of the West Wiltshire District Plan, adopted 2004; and
- Warminster Neighbourhood Plan, adopted 2016

Wiltshire Core Strategy

- 6.3. The following policies are of relevance to the proposals:

- Core Policy 1 – Settlement Strategy;
- Core Policy 2 – Delivery Strategy;
- Core Policy 3 – Infrastructure Requirements;
- Core Policy 31 – Spatial Strategy for the Warminster Community Area;
- Core Policy 41 – Sustainable Construction and Low Carbon Energy;
- Core Policy 43 – Providing Affordable Homes;
- Core Policy 45 – Meeting Wiltshire's Housing Needs;
- Core Policy 50 – Biodiversity and Geodiversity;
- Core Policy 51 – Landscape;
- Core Policy 52 – Green Infrastructure;
- Core Policy 55 – Air Quality;
- Core Policy 57 – Ensuring High Quality Design and Place Shaping;
- Core Policy 58 – Ensuring the Conservation of the Historic Environment;
- Core Policy 60 – Sustainable Transport;
- Core Policy 61 – Transport and Development;
- Core Policy 62 – Development Impacts on the Transport Network;

- Core Policy 64 – Demand Management;
- Core Policy 67 – Flood Risk
- Core Policy 69 – Protection of the River Avon SAC

Saved District Plan Policies

- C40 – Tree Planting
- U1a – Foul Water Disposal
- I3 – Access for Everyone

West Wiltshire Leisure and Recreation DPD

- CR1 – Footpaths and Rights of Way

Warminster Neighbourhood Plan

- L1 – Design
- E2 – New Leisure Facilities
- E5 – Surrounding Environment
- GA3 – Pedestrian Links
- GA4 – Rights of Way

Material Considerations

National Planning Policy Framework

6.4. The National Planning Policy Framework was last updated in December 2024 and provides the national planning context against which all proposals will be considered.

6.5. Paragraph 8 of the Framework states in full:

“Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):

a) an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;

b) a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with

accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and

c) an environmental objective – to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy."

- 6.6. Paragraph 10 confirms that the "presumption in favour of sustainable development" lies at the heart of the NPPF.
- 6.7. Paragraph 11 states that plans and decisions should apply a presumption in favour of sustainable development, and at 11(c) that where proposals accord with an up-to date development plan they should be approved without delay.
- 6.8. Paragraph 11(d) directs that where there are no relevant development plan policies, or the policies which are most important for determining the application are out of date (such as where an Authority cannot demonstrate a five year supply of deliverable housing sites) permission should be granted unless:

"i. the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed; or

ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination".
- 6.9. Paragraph 61 states: *"To support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay. The overall aim should be to meet an area's identified housing need, including with an appropriate mix of housing types for the local community."*
- 6.10. Paragraph 116 states *"Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios."*
- 6.11. Paragraph 137 states in full that *"Design quality should be considered throughout the evolution and assessment of individual proposals. Early discussion between applicants, the local planning authority and local community about the design and style of emerging schemes is important for clarifying expectations and reconciling local and commercial interests. Applicants should, where applicable, provide sufficient information to demonstrate how their proposals will meet the design expectations set out in local and national policy, and should work closely with those affected by their proposals to evolve designs that take account of the views of the community. Applications that can demonstrate early, proactive and effective engagement with the community should be looked on more favourably than those that cannot."*

- 6.12. In relation to flood risk and sequential testing, Paragraph 175 now clarifies: *“The sequential test should be used in areas known to be at risk now or in the future from any form of flooding, except in situations where a site-specific flood risk assessment demonstrates that no built development within the site boundary, including access or escape routes, land raising or other potentially vulnerable elements, would be located on an area that would be at risk of flooding from any source, now and in the future (having regard to potential changes in flood risk).”*

Consultation draft NPPF

- 6.13. On 16 December 2025, the government published its consultation draft NPPF, including the non-statutory National Decision-Making Policies (earlier cited as new National Development Management Policies) which crystallise much of the existing content of the Framework and in favour of which any conflict between the new Framework and adopted Development Plan policies should be resolved. It is unclear how this would interact with the statutory duty under s.38(6).
- 6.14. Overall, the consultation draft ostensibly strengthens the presumption in favour of sustainable development (see in particular draft policy S5(1)(h) and (j) in relation to well-located residential and mixed-use development, and the weight in favour of granting permission in applying the tilted balance (see S5(2)).
- 6.15. As the document remains at consultation stage, without even a published account of responses, only minimal weight may be ascribed to its content at the present time, and in any event its content does not significantly alter the broad approach directed by the current Framework insofar as relates to the proposals subject of this application.

Changes to the Standard Method

- 6.16. Coinciding with the publication of the latest Framework in December 2024 the standard method for calculating housing need was revised pursuant to the government’s target of achieving 380,000no. homes per annum in order to deliver 1.5 million new homes over the current parliament.
- 6.17. The effect for Wiltshire Council, was to initially increase the unitary authority’s annualised housing requirement from 1,917no. dwellings to 3,525no. representing a considerable uplift within an area already provably failing to meet even that previous lower figure. This has been subsequently adjusted to 3,472 under the latest affordability ratios, but nonetheless still an uplift of c.81% on the pre-December 2024 requirement.

Housing Land Supply

- 6.18. Based on the Council’s latest published figures, per the June 2025 Briefing Note² and Housing Land Supply Statement of June 2025, the Council can demonstrate, at best, a standard method-adjusted housing land supply (including 5% buffer) of 2.42 years, having previously taken the position of 2.03 years.

² Briefing Note no. 25-04: Wiltshire’s Housing Land Supply Statement, 18 June 2025

- 6.19. The Briefing Note and HLS Statement are contained in full at **Appendix 6**.
- 6.20. This is by any measure a chronic shortfall in housing supply, with the deficit being persistent and without sign of remedy prior to – and even beyond – the adoption of a new local plan. Within this substantial numerical figure representing the homes needed but not being provided, is an acute need for affordable homes, of which the council has historically delivered little more than 50% of the figure identified in the SHMA.
- 6.21. Having regard to these circumstances, Paragraph 11(d) of the Framework is irrevocably engaged and, in the light of considerations to be examined in the course of this Statement, the ‘tilted balance’ in favour of granting planning permission is engaged.
- Planning Practice Guidance
- 6.22. On 6 March 2014, the Department for Communities and Local Government (DCLG) launched the planning practice guidance web-based resource. The suite provides planning guidance on various planning policy and development management topics. The resource is maintained as an up-to-date record of guidance.
- Emerging Wiltshire Local Plan
- 6.23. Wiltshire’s Review of its Local Plan is currently at Examination in Public (EiP) stage, however it is a large and complex plan which has already elicited fundamental questions and concerns from the examining Inspectors. The authority is planning for c.60% of its housing need as identified from the latest standard method, under the transitional provisions of Paragraph 234 of the Framework.
- 6.24. Accordingly, as per Paragraph 236 of the Framework, because the emerging plan seeks to deliver less than 80% of local housing need, the Council will be expected to begin work on a new plan, under the revised plan-making system pursuant to the enactment of the Levelling Up and Regeneration Act 2023 in order to address the shortfall in housing need. The Council will also be subject to a 20% uplift (i.e. ‘six-year housing supply’) from 1 July 2026, which may well occur prior to the new plan’s adoption.
- 6.25. Surprisingly, in this context, the background document ‘Planning for Warminster’ prescribed a revised housing requirement for the entire review period of just 60no. homes for the settlement, and this has subsequently been taken up through the submission plan, which does not seek to allocate a single new home at Warminster, including at the application site or any part of it.
- 6.26. On 22 December 2025, following the suspension of Examination hearings on 17 November 2025, the Inspectors acting for the Secretary of State examining the emerging plan wrote to Wiltshire Council expressing serious concerns in relation to fundamental matters of housing supply including, *inter alia*, local housing need in respect to the baseline affordability ratio used, the plan period, stepped delivery, broad locations for growth, efficacy of reserve sites, and the prospect of offsetting anticipated under-delivery in the Salisbury HMA through additional housing in other HMAs. The letter is enclosed at **Appendix 7**.

- 6.27. The latter point above is pertinent to our own submissions in that the Council's HRA identifies nutrient neutrality constraints as an incumbrance to development, especially early in the plan period, but explores no meaningful solution in this respect. It has been highlighted previously that Warminster is affected by similar issues but that solutions are available to assist in securing the balanced distribution of new housing.
- 6.28. The Inspectors have requested that the Council provide an updated programme for the production of suitable responses no later than 30 January 2026. As this will clearly necessitate the considerable overhauling of the local plan evidence base to derive an updated local housing need figure, amongst other things, it is clear that hearing sessions will not re-commence for some significant time, at least a matter of several months, and thus there is a considerable distance to even the prospect of an adopted plan.
- 6.29. Having regard to these considerations, notwithstanding the advancement of the emerging plan to EIP stage, no more than limited weight can be ascribed to the policies it contains, which in reality plan for significantly less development than is needed at Warminster.

Status of the Neighbourhood Plan

- 6.30. For completeness, while Warminster has an adopted Neighbourhood Plan, and despite the national policy's simplified criteria, Paragraph 14 of the Framework is not engaged under any circumstances for the following reasons:
- a) the neighbourhood did not become part of the development plan five years or less before the date on which a decision is to be made; and
 - b) the neighbourhood plan does not contain policies or allocations to meet its identified housing requirement.
- 6.31. Furthermore, the Neighbourhood Plan is likewise predicated on an anticipated housing requirement derived from the Core Strategy. As discussed, the relevant Core Strategy policies are out of date by reason of their age and thereby the Neighbourhood Plan is also out of date with respect to the delivery of housing in any event.

Relevant Legislation

- 6.32. In addition to the above relevant policy, any decision maker must take account of the following legislation:
- Regulation 122 of the Community Infrastructure Levy Regulations 2010 (as amended) sets out when a planning obligation may constitute a reason for granting planning permission;
 - Section 66(1) of The Planning (Listed Buildings and Conservations Areas Act) 1990 places a duty to have special regard to "the desirability of preserving the building or its setting" of listed buildings;
 - The Wildlife and Countryside Act 1981 (as amended) sets out requirements as they pertain to protected species;

- Section 40 of the Natural Environment and Rural Communities Act 2006 (as amended by Section 102 of the Environment Act 2021) sets out a general duty to conserve and enhance biodiversity;
- Section 85 of the Countryside and Rights of Way Act 2000 sets out a general duty to have regard to the purpose of conserving and enhancing the natural beauty of AONBs; and
- The Conservation of Habitats and Species Regulations 2017 sets out the requirements to protect designated European sites and conduct a Habitat Regulations Assessment and Appropriate Assessment where relevant.

Other Material Considerations

6.33. Principally in support of the application of other policies, the following documents are of relevance as material considerations:

- Wiltshire & Swindon Strategic Housing Market Assessment (SHMA);
- Wiltshire Open Space Standards;
- Hampshire Avon Nutrient Management Plan

7. Assessment

- 7.1. This section provides an assessment of the proposal against the relevant planning policy and material considerations, with emphasis on the three dimensions of sustainable development identified in the NPPF – economic, social and environmental.

Principle of Development

- 7.2. The starting point for assessing the principle of the proposed development is against the requirements and provisions of the Development Plan. In this respect, the operative Policies are Core Policies 1, 2 and 31, which set out the spatial strategy, delivery strategy and Warminster-specific policy objectives respectively.
- 7.3. Core Policy 1 identifies Warminster as a 'Market Town' with an indicative growth requirement for the town (i.e. excluding the remaining Community Area) of 1,920 dwellings over the plan period, and is not specific as to where at such settlements the advocated 'significant development' of new homes should be located; that is left to Core Policy 2.
- 7.4. Accordingly, it remains highly questionable what policy conflict may arise in relation to Core Policy 1, as the location, scale and nature of the proposals align with the overarching spatial strategy.
- 7.5. Core Policy 2 governs the distribution of new housing and makes clear that at Market Towns residential development will be supported within the defined limits of development (i.e. settlement boundaries), at allocated sites (such as West of Warminster) or otherwise as rural exceptions as indicated by other policies within the Core Strategy.
- 7.6. As the site is located outside of, albeit immediately adjacent to, the defined limits of Warminster, is not allocated and the proposals do not amount to any of the exceptional forms of development in the countryside that would be supported by other Local Plan policies there is clearly identifiable definitional conflict with Core Policy 2.
- 7.7. Finally, Core Policy 31, the Spatial Strategy for the Warminster Community Area, directs, inter alia, that *"Development in the Warminster Community Area should be in accordance with the Settlement Strategy set out in Core Policy 1."* In light of the above, Core Policy 1 does not actually oppose development 'at' but not within the defined settlement limits of Warminster, and so this part of the policy is not offended.
- 7.8. However, Core Policy 31 does however go on to state that *"Growth in the Warminster Community Area over the plan period may consist of a range of sites in accordance with Core Policies 1 and 2"*, with the latter reference necessarily invoking the approach to settlement boundaries' role in directing development by proxy. There is therefore some consequential conflict with Core Policy 31 in this instance, and again harm arising that is solely definitional in nature.

- 7.9. This approach is consistent with the decisions at Malmesbury³, concerning development outside of but adjacent to the settlement boundary of a Market Town, in which the respective Inspectors concluded *“There would be some conflict with Policies CP2 and CP13 of the CS, and Policy H4 of the LP”* and *“... there would be conflict with WCS CP 2, CP 13 [the relevant area strategy] and NWLP Policy H4... given that the Council’s approach to restoring housing supply relies on developing sites which would inevitably breach WCS CP 2’s restrictive approach to building outside limits of development...”*
- 7.10. In that context, it is therefore necessary to consider the proposals’ compliance with all other policies within the development plan pursuant to s.38(6) – a position previously agreed with the Council both in the course of the earlier application’s being reported twice to Committee and at the subsequent s.78 appeal.
- 7.11. This represents some 25no. other agreed policies and, noting the Inspector’s deviating from this list only in respect of Core Policy 67 (upon the unilateral introduction of flood risk as a reason for refusal) the reinstated position must be that, with this technical and academic reason now overcome, the balance of considerations indicated compliance with the development plan read as a whole in the first instance, consistent with the judgment in *Corbett*⁴.
- 7.12. Thus, as demonstrated through the subsequent commentary on technical compliance, the proposals are acceptable as a matter of principle even considered in the ‘straight balance’ per Paragraph 11(c) of the Framework. The operation of the ‘tilted balance’, as discussed later in this Statement, serves only to strengthen the presumption in favour of granting permission, a point made clearly through the appeal decision at *Neston*⁵.
- 7.13. In that respect, as a matter of principle, there is a definitional tension with the operative delivery policy within the development plan, and this was likewise identified in the previous Inspector’s concluding, *inter alia*, *“The location of the proposed development in the countryside beyond the settlement limit for Warminster means that it would conflict with WCS Core Policy 1, Core Policy 2 and Core Policy 31.”* (Paragraph 87).
- 7.14. However, in that same paragraph, the Inspector goes on to state that *“Whilst these policies are generally consistent with the Framework, the Council’s HLS of only 2.03 years means that they are out of date and so the conflict with these policies attracts only very limited weight.”* [emphasis added]
- 7.15. The prospect of the Council’s housing land supply position having improved subsequently by a little less than 0.4 years’ supply, in the context of its continuing to demonstrate less than half of what is required, does not materially alter the above judgement. Those policies, and any conflict arising in respect of them, can be ascribed no more than very limited weight, particularly when having regard to the definitional nature of that harm. For the same reason, the degree to which these can weigh against the proposals’ compliance with the development plan read as a whole is correspondingly reduced.

³ APP/Y3940/W/22/3290305 – Land to the North of Whychurch Farm and to the South of Filands, Malmesbury and APP/Y3940/W/21/3289757 – Land off Park Road and Land south west of Park Road, Malmesbury

⁴ R (Corbett) v Cornwall Council [2020] EWCA Civ 508

⁵ APP/Y3940/W/19/3243873 – Land south of Westwells Road, Neston, Corsham – see paragraph 66

Housing Mix and Quantum

- 7.16. The proposed 205 no. units is proportionate to both the settlement role and function of Warminster, and to the extent of the current housing land supply shortfall at Warminster and in Wiltshire as a whole. Moreover, while making a significant contribution to the provision of market and affordable housing, the scale of development will not overwhelm the settlement; an estimated 472no. incoming occupiers (based on an average 2.3 persons per dwelling) would be an increase in population of just 2.5%.
- 7.17. As indicated above, the housing growth currently planned for in this area falls well below the town's actual needs, having been artificially suppressed by unfounded concerns over nutrient mitigation, and the failure to allocate a single new home at Warminster represents a considerable threat to the town's vitality and self-containment.
- 7.18. It is expected that the quantum and delivery timescales for the site, with first occupations expected by early 2027, will also compensate for anticipated delays in the delivery of the West Warminster Urban Extension, bridging the gap to ensure a reliable supply of housing locally.
- 7.19. The proposed number of units will also comfortably assimilate with the settlement of Warminster, which is a reasonably large market town with an excellent range of amenities and transport connectivity. Together with the community infrastructure to be provided directly and through CIL, they will not overwhelm the settlement in terms of demand for local services.
- 7.20. In terms of the mix and character of housing, having regard to the site context, local need and nature of the proposals, the application complies with the development plan.

Access and Transport

- 7.21. As detailed above, access to the proposed development is to be obtained directly from Westbury Road through the provision of two right-turn lane priority junctions utilising land within the respective control of the applicant and the adopted highway. As access is the one matter not expressly reserved at this time, these may be conditioned as a matter of detail at this time, including their phased delivery in relation to the build-out of the site.
- 7.22. Attendant upgrades will include extensive works within the highway boundary, including the verge opposite, to provide a dedicated footway and cycleway, with integrated bus stop, proceeding as far as Elm Hill. This comprehensive package of works has been agreed by the Local Planning Authority, including through the production of a Statement of Common Ground for Transport (SoCGT) at appeal stage, and not disputed by the Inspector.
- 7.23. Warminster's inherent suitability as a settlement capable of accommodating significant levels of growth is illustrated by its being classified as a Market Town – the second tier of settlements – in the Core Strategy's settlement hierarchy. As highlighted previously, it benefits from a high level of day-to-day services, community facilities, dedicated employment space, recreational opportunities, transport and social provision commensurate with a strategically important settlement.

- 7.24. The site's convenient access to local services, employment and transport is set out in detail in the accompanying Transport Assessment. This demonstrates that the site is within c.25m of the nearest bus stop and within a comfortable 25-minute walking distance (6-minute cycle) of Warminster train station, providing onward links by public transport. Pedestrian access to employment at Crusader Park is with a 700m walk via footpath WARM16 and Glovers Lane. The site is also within a 19-minute walking time to the nearest primary school, and 30 minutes from Kingdown Secondary School.
- 7.25. In order to balance the comments of Network Rail while promoting safe and convenient pedestrian access to and through the site, a condition is recommended in relation to the testing of the route of Public Right of Way WARM18 through an application for diversion to enable the closure of the existing level crossing. The appeal Inspector indicated that this should adopt a Grampian format, and this will allow all parties to test the implications of and, as needed, implement such a diversion well ahead of first occupations.
- 7.26. Having regard to Core Policy 61, the development's location will therefore reduce the need to travel, particularly by private car, and encourage the use of sustainable transport alternatives through its physical connectivity with services, key employment and public transport. Having regard to the objectives of the Core Strategy and the Framework, the site therefore represents a sustainable location for new housing.
- 7.27. These points were again verified through the SoCGT and the Local Highways Authority has confirmed previously its agreement on all matters relating to access and transport, subject to appropriate planning conditions and financial contributions, including sums for public transport and improvements to nearby PRoW WARM16.
- 7.28. As such, the proposals are compliant with Core Policies 61, 62 and 64, and through the pedestrian and cycle improvements policy GA3 of the Neighbourhood Plan, and mindful of the 'severe' threshold set out at Paragraph 116 of the Framework, acceptable in the context of national policy.

Landscape

- 7.29. The revised application is accompanied by a Landscape and Visual Appraisal (LVA) prepared by SLR, which provides an assessment of the baseline landscape character – having regard to the relevant Landscape Character Assessments – and values before proceeding to analyse the development's impacts in practice with reference to earlier field work. The LVA assesses visual and landscape impacts from a range of surrounding viewpoints including, inter alia, Upton Scudamore, Cley Hill and Arn Hill Down.
- 7.30. Core Policy 51 states, inter alia, that *"Development should protect, conserve and where possible enhance landscape character and must not have a harmful impact upon landscape character, while any negative impacts must be mitigated as far as possible through sensitive design and landscape measures. Proposals should be informed by and sympathetic to the distinctive character areas identified in the relevant Landscape Character Assessment(s) and any other relevant assessments and studies."*
- 7.31. The updated LVA follows a robust methodology, concluding that the landscape and visual effects of the proposed development, which is very similar in form to that previously proposed, less some engineering works, would be localised, with all landscape effects further from the site being moderate or less.

- 7.32. In particular, the landscape and visual effects of the proposals are reduced due to the existing context of the site such that development would not result in a fundamental change to the local landscape or views; new homes would be seen in the context of existing development and would not be seen to extend into open countryside.
- 7.33. The LVA has also undertaken a comparative landscape assessment and further notes that all other alternative sites around Warminster have significant landscape and visual constraints. The application site is one of the least constrained in landscape and visual terms, and this is a material consideration in the context of the immediate need to release additional land around the town in order to address the current shortfall in housing supply.
- 7.34. To this end, it is critical to highlight that Wiltshire Council's Landscape Officer had no objection to the previous proposals, which resulted in a slightly greater degree of physical change on site given the inclusion at the time of the (now omitted) treatment basins. Likewise, as confirmed by the Inspector at paragraph 59 of the appeal decision *"Notwithstanding the outline nature of the proposal, after visiting the appeal site and the surrounding area, I am satisfied the site's location between the railway line and Westbury Road and next to existing housing in Warminster, would not cause unacceptable harm to the landscape character of the area."*
- 7.35. Considered in the context of Core Policy 51 and Section 15 of the Framework, therefore, the proposals are compliant with the local policy's initial wording in that they would not significantly alter the overriding character of the landscape, notwithstanding the localised effects on the character of the site itself, with the adjoining fields maintaining their transitional function between the urban area of Warminster and the surrounding countryside.
- 7.36. As previously, the overall impact on local landscape characteristics is aided by the specific measures employed in the proposals including a substantial landscaped buffer, additional tree, hedgerow and shrub planting, overall visual containment and a suitable lighting strategy, all of which would become increasingly established over time following completion of the development.
- 7.37. The assessment details how the identified negative landscape impacts arising can be mitigated as far as possible through sensitive design and landscape measures, in alignment with the wording of Core Policy 51. As the site is neither part of a protected or valued landscape, neither does the Framework indicate any conflict with national landscape policy, notwithstanding the acknowledged limited harm arising in respect of the localised landscape effects identified.

Heritage

- 7.38. A Heritage Statement is submitted with the application to assess the potential impacts on designated heritage assets. It also considers the potential impact on archaeological assets and follows relevant Historic England guidance contained in GPA3: The Setting of Heritage Assets and HEAN3: The Historic Environment and Site Allocations in Local Plans.
- 7.39. Following initial consultation in the course of the previous Outline application, extensive archaeological trenching has been carried out at the site, with the results of this exercise reported in the accompanying Archaeological Assessment, which it is understood has been agreed with the County Archaeologist.

- 7.40. In terms of built heritage, the site does not contain or is bounded by any designated or non-designated heritage assets. Those identified as potentially affected in a wider-range setting are a limited number of assets situated on the southern edge of Upton Scudamore namely:
- The Church of St Mary the Virgin (II* listed);
 - Parks Court (II* listed); and
 - The Old Rectory (non-designated asset).
- 7.41. The Assessment concludes that the proposal will have little or no impact on the significance or setting of the Old Rectory, a non-designated heritage asset, or on those of Parks Court, and will not affect their appreciable value unduly. This weighs neutrally in the planning balance.
- 7.42. Although the Assessment indicates that by reason of its introducing built form into the wider rural setting of the asset, the proposals would result in some impact on the church's setting, this view has not been shared by the local Conservation Officer who upon both rounds of consultation previously has stated *"No designated or non-designated built heritage assets will be affected by the proposed development and there is no objection from this point of view"*.
- 7.43. In any event, the impact of buildings will, the report notes, be tempered by the introduction of structural planting serving to filter views which, together with the intervening distance, will result in a very limited impact to the historic interest of the church. As such, any degree of harm would be at the very lowest end of 'less than substantial' at worst.
- 7.44. Were it necessary to consider any modicum of 'less than substantial' harm, this would need to be weighed in the balance against public benefits of the proposals, per Paragraph 216 of the Framework. In that context, plainly the substantial benefits including the provision of market and affordable housing, public open space, community hub, positive drainage and biodiversity enhancement are particular public benefits outweighing minor harm.
- 7.45. By either route, therefore, the proposals comply with the policies of the development plan, chiefly Core Policy 58, and national policy, while ensuring the statutory duty under s.66(1) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 is properly discharged.

Community Facilities

- 7.46. The proposals allow for the provision of a community hub, details of the mechanism for securing which were negotiated during the course of the previous appeal. This facility shown indicatively in the northern part of the site, where it can be physically integrated with the surrounding built context while relating positively to the sport and open play provision shown in the northwest portion of the development.
- 7.47. A range of options are available in respect of the final form and function of this element of the proposals however it is anticipated that a multi-functional space would be preferred, enabling benefits to extend to the maximum variety of users and ensuring long-term viability and community value.

- 7.48. In seeking to facilitate the delivery of improved community facilities through housing and employment growth at Warminster, the supporting text to Core Policy 31 states inter alia at Paragraph 5.158 that facilities for young people in the town are particularly lacking.
- 7.49. It is anticipated that the provision of additional flexible community space in this location would contribute to redressing this existing issue, being both for the benefit of incoming occupiers and those already resident in the town. It should be noted that this is an additional benefit of the development, and in itself not necessary to make acceptable an otherwise unacceptable development.
- 7.50. The integration of dedicated community space within the proposals, well related to the transport, sport, leisure and play benefits of the development, further enhances its sustainability as an extension of Warminster, and the self-containment of the town more generally, pursuant to the overarching objectives of the development plan.

Flood Risk, Drainage and the Sequential Test

- 7.51. The site is located mostly within EA Flood Zone 1 with a low flood risk (less than 1:1,000 or 0.1% annual probability of flooding from rivers). The low parts of the site adjacent to the watercourse are Flood Zones 2 and 3 having a high risk of flooding. The proposed dwellings will only be in EA Flood Zone 1, as will all supporting built development, including access, means of escape and other ‘vulnerable’ land uses.
- 7.52. Additional flood modelling has been undertaken by the applicant, as reflected in the supporting Flood Risk Assessment, and in refining the EA Flood Map this has demonstrated that the extent of areas at higher risk of flooding is in actuality less than shown on the EA map, receding further westward. As a site-specific, bespoke exercise, the modelled extent should be given precedence, consistent with the approach adopted by the LLFA in respect of the previous application.
- 7.53. In light of this, the creation of this ‘margin’ between the respective areas allows for the introduction of non-essential but nonetheless beneficial additional features including a hoggins or similarly surfaced recreational route northward of the LEAP, and an accessible fitness trim trail targeted for teenagers’ use in the northernmost part of the open space. It also provides an additional significant precautionary buffer as regards the envelope of ‘more vulnerable’ residential built development, and ensures the LEAP is contained entirely within Flood Zone 1 such that it remains optimally fit for use in all weathers.
- 7.54. Paragraph 175 of the Framework, as amended, states that *“The sequential test should be used in areas known to be at risk now or in the future from any form of flooding, except in situations where a site-specific flood risk assessment demonstrates that no built development within the site boundary, including access or escape routes, land raising or other potentially vulnerable elements, would be located on an area that would be at risk of flooding from any source, now and in the future (having regard to potential changes in flood risk).”* [emphasis added]
- 7.55. The exceptions to a requirement for a sequential test are therefore explicitly exclusive to ‘built development’ as per s.55 of the TCPA and the literal meaning of the words. The proposed residential development is classified as ‘More Vulnerable’ and is in Flood Zone 1; the proposed residential development is suitable in this zone and the NPPF Sequential and Exception Tests are not required, applying the same tests as those employed by the earlier Inspector.

- 7.56. Notwithstanding, the further refinement of the modelled extent of the areas at increased risk of flooding has enabled other beneficial but non-essential facilities, as set out above, as well as demonstrating the improved resilience of those elements such as play areas and allotments that would be deemed acceptable in Flood Zones 2 and 3 in any event.
- 7.57. Other water-compatible uses will be in residual Flood Zones 2 and 3 in accordance with the NPPF/PPG compatibility, namely the provision of public open space. Accordingly, the development proposals – and specifically the FRA – demonstrate that the exceptional circumstances identified clearly in Paragraph 175 are applicable in this instance, and thereby a sequential test is not required.
- 7.58. The distribution of land uses is summarised in the below table, with the ‘margin’ being the area within EA Flood Zone 2/3 but excluded in the modelled extent of elevated flood risk upon which the Council should rely in practice.

Flood Zone 1	Margin	Increased Flood Risk
Residential Built Development	LEAP	Public Open Space
Community Hub inc. Parking	Informal POS Path	Strategic Landscaping
Vehicular and Pedestrian Access	Fitness Trim Trail	Allotments
Allotment Parking		
SuDs Basin		
Pumping Station		

Table 5: Summary of Land Uses and Flood Risk

- 7.59. The above demonstrates that, having due regard to Paragraph 175 of the Framework and the accompanying PPG, no built development would intrude into areas at risk of flooding.
- 7.60. In real-world practical terms, floor levels of all dwelling will be set a minimum of 600mm above the Flood Zone 2 flood level (0.1% or 1:1,000 annual probability flood event) and safe and dry access/egress provided to all dwellings. This is a critically important point given the recent additions to the PPG, specifically at Paragraph O27 Reference ID: 7-O27-20220825, updated in September 2025, which states *inter alia*:
- “In applying paragraph 175 a proportionate approach should be taken. Where a site-specific flood risk assessment demonstrates clearly that the proposed layout, design, and mitigation measures would ensure that occupiers and users would remain safe from current and future surface water flood risk for the lifetime of the development (therefore addressing the risks identified e.g. by Environment Agency flood risk mapping), without increasing flood risk elsewhere, then the sequential test need not be applied.” [emphasis added]*

- 7.61. This is an absolutely fundamental point, and a matter of clarification as to the Government's intention as to how the sequential test is to be applied, that was not before the Inspector at the time of the previous appeal. It is a material change in circumstances given that, at that time, there was no suggestion that occupiers would not be safe from surface water flood risk for the lifetime of the development, nor is there such at this time.
- 7.62. To ensure the further protection of the residential parts of the site, development levels will be designed to route surface water flows away from dwellings to protect them from flooding even in the event of exceedance above the attenuation basins proposed.
- 7.63. These basins will be located, as before, in the lower-lying western part of the site and will be designed as naturalised features for the betterment of safety and reduced landscape impact, also offering incidental benefits for biodiversity. They are designed with a reasonable allowance for the effects of climate change and increasingly frequent and severe weather events, ensuring appropriate future-proofing across the lifetime of the development.
- 7.64. Flood risk from fluvial, pluvial, sewers, surface water, groundwater and artificial sources has been assessed and it has been demonstrated that the proposed development will not be at risk from flooding from any source. For completeness, notwithstanding the recent changes to the PPG, a summary of those elements of the development deemed by the previous Inspector to have offended the sequential test and Paragraph 175 of the Framework (see paras 35–40 of appeal decision) are summarised in the table below.

Element	Status
Proposed Access/Escape	Physical infrastructure removed from FZ2 / 3
'Land Raising Areas'	No land raising proposed within FZ2 / 3
Water Recycling Centre	Omitted from revised proposals
Nutrient Treatment Basins	Omitted from revised proposals

Table 6: Summary of Sequential Test Elements

- 7.65. As clearly demonstrated above, those elements previously deemed to have triggered a requirement for a sequential test have been comprehensively addressed through the revised proposals, such that this single earlier Reason for Refusal in this regard is overcome even before considering the implications of the updated PPG. The PPG changes simply provide a further backstop and serve to emphasise that a sequential test is not required.
- 7.66. A Flood Risk Assessment (FRA) and Drainage Strategy has been prepared in support of the application. The FRA demonstrates in technical terms that the proposed development will be safe from flood risk and that it will not increase flood risk elsewhere.

Nutrient Neutrality

- 7.67. The site is located within the Hampshire Avon SAC catchment, a short distance from its north-westernmost limits and, as such, the application falls to be considered under the Habitats Regulations in respect of the development's implications for phosphate discharge and nutrient neutrality. Notwithstanding that control of the levels of phosphates and other nutrients entering the SAC lies ultimately with the operators of relevant water treatment works, it is acknowledged that in principle new development incorporating overnight accommodation (i.e. homes) creates the potential for additional loading in this respect.
- 7.68. Core Policy 69 of the Core Strategy requires proportionate measures to demonstrate that the proposals would have no adverse effects upon the SAC, including through the management of phosphate loading in accordance with the Nutrient Management Plan. In this instance, the Natural England phosphates calculator tool indicates a phosphate surplus requiring suitable mitigation in order to ensure the favourable status of the SAC, as set out in the accompanying Phosphates Mitigation Strategy, although this will be relieved through planned upgrades to Warminster Wastewater Treatment Works in 2030.
- 7.69. The previous application ultimately developed an on-site treatment solution consisting of a dedicated wastewater recycling centre for the treatment of all on-site foul drainage, connected to tertiary floating wetland treatment basins that would also treat surface water nutrients from the site and upstream catchment – which is extensive – to achieve a net reduction in phosphorous discharge, applying a significant buffer margin. This was to be secured by legal Agreement, including a 'firebreak' clause at 160no. homes to allow for efficacy to be demonstrating before construction and occupation in full.
- 7.70. Subsequently, suitable off-site credits have become available in respect of upstream mitigation projects, such that these may be purchased in lieu of an on-site treatment solution, and delivered immediately. This strategy has the benefits of relieving land as additional open space and ecological mitigation, providing certainty in relation to sequential testing and enabling swift rollout of the already delayed development by averting any need for the earlier 'firebreak' clause.
- 7.71. Additionally, and while such suggestions are without scientific or practical basis, the applicant is aware that public protection and the risk of disease associated with the earlier tertiary water treatment basins have been raised as concerns by third parties, such that any such concern is now entirely ruled out.
- 7.72. In the manner now proposed, the proposals would achieve overall nutrient neutrality compliant with Core Policy 69, the Habitats Regulations and the conservation objectives of the SAC. Notably, such a solution is not reliant upon any restrictions on water usage and, with no adopted policy in this regard and an emerging policy yet to be fully examined and indeed with the stated objective of resource efficiency, not SAC protection, it is not necessary to impose any limitation by condition in this respect.

Ecology

- 7.73. The application is supported by an updated suite of ecological supporting documents, including Ecological Impact Assessment (EclA), shadow HRA (sHRA), Biodiversity Net Gain (BNG) reporting and dark corridors framework plan to secure appropriate mitigation for the Bath and Bradford on Avon Bats SAC. The application is also supported by a shadow Habitats Regulations Assessment addressing the proposals' impacts in relation to the Bats SAC, Salisbury Plain SSSI/SPA and River Avon SAC.

- 7.74. The supporting surveys, which have been updated through a further walkover to ensure no significant change in site conditions, have informed the ecological strategy for the development, with key hedgerow features retained where possible and new areas of ecological enhancement integrated with public open space and SuDs infrastructure to provide benefits to biodiversity relative to the limited baseline value of the site.
- 7.75. Since the submission of the original Outline planning application, which comfortably demonstrated in excess of 10% on-site BNG in any case, the achievement of a minimum 10% Biodiversity Net Gain for developments of this type has become mandatory as of 12 February 2024.
- 7.76. As demonstrated within the supporting information, the proposals will achieve this figure, with no reliance placed on land outside of the application red line boundary, including the highway verge to be subject of some nominal ecological improvement in the course of s.278 works, namely the removal of non-native species. This means that BNG areas on site may be secured for the appropriate timeframe, but do not need to be Registered as a BNG site.
- 7.77. It is also noteworthy that the protected highway verge adjoining the Westbury Road has been surveyed and found to be of low ecological value due to a combination of active maintenance and the presence of non-native species within the banked component. Notwithstanding that its protection operates wholly at the discretion of the Local Highway Authority, nominal benefits to the verge can be achieved through removal of non-native species in the retained section that represents the original reason for protection.
- 7.78. Having regard to Core Policy 50, Section 15 of the Framework, and relevant legislation the proposals make appropriate provision for ecological protection and enhancement, with meaningful gains to biodiversity that weigh positively in the planning balance.

Arboriculture

- 7.79. Saved Policy C40 seeks to retain trees where these maintain an amenity value. A Tree Survey and accompanying plan have been prepared in support of the application. The survey confirms that high value trees are essentially absent from the site, with those identified lying along or beyond the site's boundaries. No trees will be significantly affected by the proposed development.
- 7.80. The impacts on the existing hedgerows have been considered in the Arboricultural Impact Assessment. This identifies the hedgerows to be removed, the quality of said hedgerows and recommendations for their replacement/enhancement. As shown on the illustrative plans, the scheme presents ample opportunity for new tree planting, including the creation of tree-lined streets, to be detailed through the reserved matters, compliant with the updated Framework.

Contamination

- 7.81. A Phase 1 and 2 site Investigation survey has been undertaken by Clarkebond and has concluded that there are no risks to human health, plants or groundwater have been found on the site. The report has made further recommendations with regard to the construction phase based on the results of the survey.

- 7.82. Having regard to the findings of the earlier survey, there is no reason why any further appropriate testing, reporting and – if required – remedying of ground contamination cannot be secured by way of a suitably-worded planning condition, thus ensuring compliance with Core Policy 56.

Layout, Scale, Appearance and Landscaping

- 7.83. These matters will be dealt with through the submission of a Reserved Matters application. As per the request of the Urban Design Officer at the pre-app stage, the submitted illustrative layout provides a sufficient level of detail for the layout and landscaped areas to be confident that the proposed quantum of development can be accommodated alongside the supporting land uses (e.g. road infrastructure and public open space).
- 7.84. Notwithstanding, subject to earlier clarification on the quantum of development, no objection was forthcoming from the Council's Urban Design consultee in relation to the original proposals, which followed a similar framework in terms of the built composition of the site. As concluded previously by the Inspector, the proposals as amended are not expected to give rise to any unacceptable effect on local character or appearance.
- 7.85. The accompanying Design and Access Statement, prepared by Focus on Design, details the fundamental approaches adopted in respect of the overall strategy for the layout, landscaping and movement hierarchy for the site, and the approach to the design and appearance of buildings and spaces within the illustrative framework. The principles set out in this document will guide the final design detail to secure a high standard of placemaking consistent with the objectives of Core Policy 57 and of Section 10 of the Framework.

Amenity

- 7.86. The proposals, although in illustrative form for the present time, take account of key material considerations in order to ensure that both future residents and visitors will enjoy a high standard of environment throughout both the public and private realms. In practice this will be achieved through the appropriate distribution, scale, orientation, massing and fenestration of buildings to protect against overlooking, overbearing and overshadowing, while ensuring good passive surveillance and permeability of public space to promote safety, convenience and enjoyment.
- 7.87. It is anticipated that all dwellings will benefit from enclosed private amenity space in the form of side and rear gardens, while the limited number of apartments will have proximate access to communal and/or shared public green space for the enjoyment of occupiers. In terms of internal accommodation, affordable and market units will achieve at least 85% of the Nationally Described Space Standards (NDSS) across a range of types and sizes, and provide for flexible accommodation to give choice in the market.
- 7.88. The accompanying updated Noise and Vibration Assessment, prepared by Hepworth Acoustics, examines exposure to nuisance from key adjacent sources, principally the railway and Westbury Road, concluding that through appropriate design responses including dwelling proximity and orientation, boundary treatments and glazing, appropriate mitigation can address any threats of excessive noise and/or activity, which may diminish individuals' peaceful enjoyment of a place. To the same end, dwellings are to be offset the minimum 20m as recommended by Fields in Trust from the LEAP facility to guard against disturbance.

- 7.89. Having regard to Core Policy 57 (vii) and Paragraph 135(f) of the Framework, the Outline proposals therefore make sufficient provision for a high standard of amenity, noting that the Council has confirmed no objection is raised in this regard in the course of the previous application.

Agricultural Land

- 7.90. The site comprises a variety of agricultural land qualities, which unusually have been subject of detailed surveys previously as detailed at Figure 1, comprising a mixture of Grades 3a, 3b and 4. Of these, only 3a – comprising a central swathe running SW-NE through the site, is classed within the category of 'Best and Most Versatile' (BMV) land, within which it sits at the lowest end.
- 7.91. Paragraph 187(b) of the Framework states, *inter alia*, that planning decisions should contribute to and enhance the natural and local environment by "*recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;*"
- 7.92. The development plan contains no policies for the protection of BMV land save for its consideration in specific respect of standalone renewable energy installations subject of Core Policy 42, which is not relevant to this application. The appropriate approach to assessing the impacts on BMV land in this case therefore fall squarely to national policy, as set out in the Framework as above.
- 7.93. In this instance, the development would result in the permanent loss of the swathe of Grade 3a agricultural land, which forms a minority of the site as a whole. Despite its limited productivity given that this a single crop holding that therefore supports only what the lowest-grade land is capable of producing, the loss of this element is a limited disbenefit of development that should be weighed in the final planning balance.
- 7.94. This point was again considered in evidence at the recent Inquiry, having also been raised by third parties, with the Inspector ultimately concluding that "*The proposal would entail the loss of agricultural land, some of which is classified as Grade 3a, and so amongst the best and most versatile (BMV) agricultural land. However, whilst the loss would be harmful, the limited extent of BMV agricultural land within the site means this would not cause unacceptable harm in this case.*" (Paragraph 60)
- 7.95. Thus, having regard to relevant national policy, the loss of agricultural land, including an element of lower-grade BMV, is not determinative in this case.

Sustainability

- 7.96. Sustainability is a fundamental consideration cutting across all pertinent planning considerations, and the economic, social and environmental dimensions of this have been discussed in the round through the preceding sections. In terms of built form, it is noteworthy that all homes will meet or exceed the Building Regulations, including in terms of energy efficiency and both energy and water usage.

- 7.97. In respect of the former, new homes will adopt high standards of insulation, together with opportunities for passive heating and cooling, in order to minimise energy requirements in the first instance. As required, these will be complemented by renewable and renewable-ready technologies including PV panels and air source heat pumps.
- 7.98. All plots will benefit from an electric vehicle charging point, promoting the transition to zero-carbon with the wider decarbonisation of the grid, while BDW themselves have committed to all new houstypes being zero carbon by 2030, backing this position through extensive testing to achieve future homes standard including their pioneering Zed House project.
- 7.99. Other resource efficiency measures may include rainwater harvesting, while the strong presence of additional planting and SuDs infrastructure within the site is an important contributor to climate change resilience in terms of increasingly prevalent extremes of weather. This infrastructure is also multi-functional in terms of benefits, particularly in terms of creating new and varied habitats for the benefit of local biodiversity.
- 7.100. Subject to detailed design at the reserved matters stage, therefore, the sustainability credentials of the development are an important material consideration weighing in favour of the proposals.

Other Material Considerations

- 7.101. Having regard to the above considerations, and their proper assessment against relevant local policies, the development plan, read as a whole, indicates that the development is acceptable. As prescribed under s.38(6) it is then necessary to determine whether material considerations indicate that the application should be determined other than in accordance with that development plan.
- 7.102. As set out previously, the Council cannot currently demonstrate a five-year housing land supply, with the most recently published figure suggesting at most 2.42 years' supply. This in itself is a critical material consideration indicating that the provision of housing, including affordable housing, promptly and in sustainable locations weighs further in favour of the approach directed by the policies of the development plan.
- 7.103. National planning policy and guidance are critical material considerations and do not set out any basis on which the application of s.38(6) should lead to a conclusion other than that indicated by the development plan, having regard in particular to policies and guidance relating to drainage and the sequential test in relation to the revised scheme.
- 7.104. Furthermore, the Framework sets out at Paragraph 11(d) the proper approach to decision-making in the event that the most important policies are out-of-date. In this context, although not exclusively, a shortfall in housing supply is expressly one such circumstance.
- 7.105. This extent of shortfall – which in numerical figures is particularly striking – cannot be described in terms other than chronic, especially given its persistence, and in the light of footnote 8 of the Framework the 'most important' policies are irrevocably out of date.
- 7.106. Accordingly, the most important policies' being definitionally out of date and the consequential engaging of Paragraph 11(d) (in the absence of any policies listed under footnote 7 of the Framework that would disapply it in the context of Paragraph 11(d)(i)), engages the 'tilted balance' prescribed by Paragraph 11(d)(ii).

- 7.107. National policy, an important material consideration, therefore sets out a strong presumption that planning permission should be granted in this case, regardless of whether the proposals are in compliance or not with the development plan when read as a whole. As a material consideration this can, and should, outweigh any specific or overall conflict with the development plan in this instance, and in practice serves only to reinforce the proposals' compliance with such.
- 7.108. For completeness, the 'most important' policies of the emerging Local Plan Review are not materially different to those of the adopted Core Strategy as regards the strategy for growth at Warminster. Neither allows for growth sufficient to meet the needs of the locality or wider authority area, even in cases such as this in which both the Council and the Secretary of State agree the site is sustainable and suitable for residential development.
- 7.109. Whilst for the reasons already given the weight that can be ascribed to the emerging plan is very limited in any event, it would be irrational to suggest that essentially the same policies reiterated in a draft plan should supersede those of the adopted plan; that would be to misapply the principle that the development plan has primacy in the context of s.38(6). As such, the emerging plan does not indicate a decision should be taken other than in accordance with the development plan.
- 7.110. The extent and duration of the housing land supply shortfall, coupled with the complete absence of any plan-led solution for the delivery of new homes at Warminster under the emerging development plan, places a greater emphasis on the need to grant permission at this freehold-owned, deliverable site. This should be reflected by amplifying the weight to be given to all forms of new housing in the planning balance.
- 7.111. Accordingly, having regard to the proper operation of s.38(6), the proposals accord development plan read as a whole in the first instance, but in any event the relevant material considerations either reinforce or impose the strong presumption that planning permission is granted.

8. Planning Obligations

8.1. Regulation 122 of the Community Infrastructure Levy Regulations 2010 (as amended) stipulates inter alia that a planning obligation may only constitute a reason for granting planning permission for the development if the obligation is—

(a) necessary to make the development acceptable in planning terms;

(b) directly related to the development; and

(c) fairly and reasonably related in scale and kind to the development.

8.2. Core Policy 43 sets out the Council's expectations in terms of affordable housing provision, set at 30% in this location unless otherwise dictated by viability considerations, to be provided on site if possible, while Core Policy 3 sets out other contributions that may be required toward appropriate local infrastructure as new development is accommodated.

8.3. In this instance, anticipated Heads of Terms are summarised as follows:

Item	Detail
Affordable Housing	Provision of 30% on-site Affordable Housing, to a size and tenure mix to be informed by Council Housing officers, transferred at appropriate intervals and clustered in line with build programme.
Public Open Space	Provision of on-site Public Open Space, to typology mix to be negotiated, to be completed and transferred prior to completion.
Play Facilities	Provision of on-site Local Equipped Area for Play (LEAP), to be completed and transferred prior to completion of development.
Community Hub	Mechanism for delivery of Community Hub by Warminster Town Council or other community organisation.
Travel Plan	Financial contribution for monitoring of Travel Plan initiatives.
Off-Site Highways Works	Financial contribution to off-site highway works, including improvements to Public Right of Way WARM16.
Public Transport	Financial contribution for the provision of local public transport.
Sports Facilities	Financial contribution for the provision of local sports facilities.
Education	Financial contribution as reasonably justified, likely limited to Early Years and SEND facilities.

Table 7: Summary of s.106 Heads of Terms

Section 278 Agreement

- 8.4. The applicant will also provide for off-site highway works to achieve suitable infrastructure and associated improvements, including site access, by way of a Section 278 agreement to be completed with the relevant local highway authority, Wiltshire Council.

9. Planning Balance

- 9.1. Having regard to the above considerations, it is necessary to consider the benefits and harms of the development, together with the respective weight to be ascribed to these, in arriving at a reasonable planning balance in respect of the proposals.
- 9.2. These are therefore summarised below in the context of the three overarching objectives of sustainable development as set out in the Framework; economic, social and environmental.

Objective	Consideration	Weight
Economic	Construction Employment	Significant Benefit
	Local Spend	Significant Benefit
Social	Delivery of Market Housing	Substantial Benefit
	Delivery of Affordable Housing	Substantial Benefit
	Provision for Community Hub	Moderate Benefit
	Open Space and Play Facilities	Moderate Benefit
Environmental	On-site Biodiversity Net Gain	Significant Benefit
	Localised Landscaping	Moderate Benefit
	Sustainable Transport Measures	Moderate Benefit
	Sustainable Drainage System	Moderate Benefit
	Sustainable Transport	Modest Benefit
	Improved PRow safety	Modest Benefit

Table 7: Summary of Benefits

Housing

- 9.3. As confirmed through the recent appeal decision in respect of precisely this site (see Paragraph 83) the delivery of both affordable and market housing is a benefit of development that attracts substantial weight, certainly given the chronic shortfall in supply locally but moreover at a time of national housing crisis.
- 9.4. Specifically, the provision of 61no. affordable homes to meet identified local requirements at a time of acute need and persistent and severe under-delivery both locally and nationally is a substantial benefit of development, which weighs heavily in favour of the proposals.

Construction Employment

- 9.5. Construction workers are reliant on a continuous stream of new sites to keep them employed while reasonable levels of certainty are necessary to encourage construction companies to employ new workers.

- 9.6. The combined disastrous economic effects of Brexit and the Covid-19 pandemic on supply chain, materials and labour availability highlighted the high level of dependency of housebuilders upon the network of related skills, and in turn the dependency of workers on developer confidence and continuing build-out of housing. It is fair to say that the wider industry is still recovering from the dual effects of these national setbacks.
- 9.7. In the Warminster area specifically, slow delivery of the West Warminster Urban Extension (WWUE) has hampered the potential benefits to the local supply of materials and labour. Associated economic benefits arising through the construction and operational phases of development are ascribed significant weight, in line with Paragraph 85 of the Framework, which notably does not require economic gains either to be permanent or to be localised.
- 9.8. Barratt Homes, a subsidiary of the applicant and delivery outlet for this site, are a major national housebuilder with an excellent track record of delivering sites in a timely manner. Recognising their commitment in this respect, pursuant to Paragraph 81 of the Framework, the applicant is willing to accept condition to secure a reduced timescale for the submission of reserved matters following the grant of Outline planning permission and then for the commencement of development following the approval of the last of the reserved matters, if deemed necessary.
- 9.9. As such, the development will not only generate direct and indirect employment at all stages of the construction programme, but a high proportion of this will be locally sourced, providing genuine opportunities within the immediate area and in the near future.
- 9.10. While it has been established in the courts that decision-makers are not bound by the Framework to ascribe significant weight in all instances⁶, given the scale and nature of the proposals in this instance it is reasonable to do so in this case.

Local Spend

- 9.11. The delivery of new housing at the scale proposed will generate an estimated 492no. new residents, based on an average occupancy of 2.4 persons per dwelling, of whom a large proportion would be expected to be economically active.
- 9.12. Once the development is completed and occupied, it is anticipated that total combined expenditure by new households will provide a significant input of capital into the local economy, supporting the sustainability of Warminster as a target for growth, with an estimated combined £1,025,000 in first occupation expenditure⁷.
- 9.13. The appeal site is within the applicant's ownership (also noting that Barratt is a major housebuilder and not a land promoter) and therefore capable of coming forward quickly upon the grant of reserved matters approval and discharge of any associated pre-commencement conditions. The site is also free of other burdensome legal or regulatory constraints that may otherwise hinder the progress of delivery, and therefore the identified economic benefits are capable of being realised quickly.

⁶ See *Bewley Homes PLC v Secretary of State for Levelling Up, Housing and Communities & Anor* [2024] EWHC 1166 (Admin)

⁷ The average homeowner spends approximately £5,000 to make their house 'feel like home' within 18 months of moving in, figure referenced in the report 'Economic Footprint of House Building in England and Wales' HBF, July 2018

- 9.14. Taken as a whole, therefore, the above economic benefits should be ascribed significant weight in the planning balance.

Community Hub

- 9.15. As previously, the proposals include the provision for a community hub, the final specifications for which will be led through dialogue with the Town Council or other local community operator, in line with the mechanism for its provision and transfer as resolved through the previously agreed s.106 Agreement. It should again be emphasised that this is a pure benefit of development, and not mitigation or other component whose purpose is to make acceptable a development which is otherwise unacceptable; officers' earlier reports to Committee do not suggest otherwise.
- 9.16. As set out in the Transport Assessment and agreed by the Council, the site benefits from reasonable accessibility to local services, however existing community facilities, including the Warminster Community Hub and Civic Centre are located centrally, while the Warminster Garrison Community Centre is obviously situated within the garrison area of the East of the town.
- 9.17. The provision of a community hub within the proposals will create a new flexible facility for the benefit of new and existing residents and will be particularly accessible relative to other alternatives locally for those living in the enclaves of family housing off of the Westbury Road and Hollybush Road/Arn View.
- 9.18. Anticipated potential uses of the community hub may ultimately provide a range of functions including meeting or event space, youth provision, recreational facility and/or remote working hub, and will aid integration and community cohesion by creating a focal meeting point for new and existing residents.
- 9.19. In line with relevant recent appeals including at Thornbury⁸, in which the Inspector identified that *"The provision of the new school and retail/ community hub would also be available to the existing population, most particularly the residents of Park Farm. These are each ascribed moderate weight as benefits of the scheme."*, it is appropriate that moderate weight may be ascribed to this benefit, a weighting previously agreed with the Council in relation to the previous appeal proposals.

Public Open Space and Play

- 9.20. The proposals will deliver an above-policy level of on-site public open space, comprising a mix of landscaped features, community orchard area, allotments, linear green corridors and more formalised recreational space. They will also secure the provision of a LEAP, to be integrated with the open space offer.

⁸ APP/PO119/W/21/3288019 – Land to the west of Park Farm, Thornbury, South Gloucestershire

- 9.21. Aside from such provision's inclusion as a matter of good urban design and the promotion of social interaction between groups, the inherent value of access to good-quality green space was highlighted in the course of the Covid-19 pandemic, which saw those individuals with access to good local green space provision generally exhibiting greater resilience to depression and other mental health indices such as anxiety, stress and loneliness⁹.
- 9.22. It is also noteworthy that the parameter plans demonstrate that the proposed areas of open space are capable of integrating appropriately with a redirected route for PRow WARM18 toward Upton Scudamore.
- 9.23. As these areas will be maintained in perpetuity for the enjoyment of not only the occupiers of the development but those from the wider settlement, the provision of public open space is a benefit of development weighing significantly in favour of the proposals.

Biodiversity Net Gain

- 9.24. The proposals will provide net gains to biodiversity of a projected 43.93%, subject to final layout and landscaping. Owing to the excess of public open space, it is also noteworthy that potential headroom remains to provide BNG in relation to other sites where gain opportunities are more limited through the use of intensified planting, etc, hence the selective identification of the areas utilised for BNG in this instance.
- 9.25. Owing to the material enhancements to the natural environment arising from the proposals, which unlike the previous appeal proposals now require mandatory provision of Biodiversity Net Gain, and well in excess of policy expectations, significant weight should be ascribed to this benefit of development.

Landscape Enhancements

- 9.26. Related to, but not the same as, the provision of public open space and habitat creation and improvement, the proposals' capacity to deliver robust localised landscape enhancements is a consideration weighing positively in the planning balance.
- 9.27. Specifically, strategic planting to soften the northernmost site boundary, together with the orientation of units to address the intervening space and thus present a softer edge to this side of the town, subject to final details to be agreed through reserved matters and/or conditions represent a marked improvement, and these localised enhancements should therefore be afforded some moderate weight in the balance.

Sustainable Transport

- 9.28. It has previously been a matter of common ground with the Council that modest weight should be ascribed to the provision of sustainable transport measures as part of the application proposals, the proposed package of which remains essentially unchanged through this revised application submission.

⁹ Association Between Urban Greenspace and Mental Wellbeing During the COVID-19 Pandemic in a U.S. Cohort', Wortzel et al. 2021

- 9.29. These measures include the provision of a new footway/cycleway and improved bus stop on Westbury Road, a Green Travel Plan to promote modal shift away from the private car, and s.106 financial contributions toward local public transport, pedestrian and cycle improvements, including upgrades to PRoW WARM16.
- 9.30. These benefits are not limited in their application solely to the incoming residents of the development and, in terms of physical provision, permanent in their nature. As such, they weigh positively in the planning balance.

Public Right of Way

- 9.31. The planning conditions previously agreed with the Council and formulated on the written advice of Network Rail include a requirement for an application to be made to the Secretary of State for the extinguishment of the Public Right of Way WARM18 at the existing level crossing adjacent to the site, with the outcome of that application to determine whether or not stopping up is necessary.
- 9.32. If it is, and WARM18 is stopped up/diverted accordingly, the applicant and council have previously agreed this should be ascribed modest weight as a benefit to public safety, also having regard to the related contribution to the upgrading of alternative, and much safer, route WARM16 nearby.
- 9.33. In moderation, this weight is tempered by the additional distance required to take WARM16 between certain points (for instance from the centre of the site to the Crusader Business Park) and comparative inconvenience in this respect, albeit noting that both routes are stepped and are unsuited to those with buggies or mobility issues, for instance.

Interim Conclusion – Benefits

- 9.34. At the scale of development proposed, the absolute value of the capacity to deliver infrastructure such as open space, a community hub, transport improvements and phosphate mitigation, together with environmental benefits such as BNG and strategic landscaping, alongside the delivery of desperately needed market and affordable housing, is such that significant weight should be ascribed to the identified benefits overall.

Disbenefits

- 9.35. Weighing against the proposals are the loss of a small amount of Best and Most Versatile agricultural land, localised ‘in principle’ landscape harm associated with the conversion of agricultural land to mixed-use development, and increased traffic associated with the operational phase of development.
- 9.36. Notably, none of these impacts gives risk to a policy conflict, either at development plan or national level, and have been largely mitigated in particular through active and public transport measures and strategic landscaping enhancements.
- 9.37. In this context, the identified disbenefits should be ascribed no more than very limited weight against the presumption that Outline planning permission should be granted.

The Tilted Balance

- 9.38. As concluded by the Inspector in the recently-determined appeal for substantively the same development, *"The location of the proposed development in the countryside beyond the settlement limit for Warminster means that it would conflict with WCS Core Policy 1, Core Policy 2 and Core Policy 31. Whilst these policies are generally consistent with the Framework, the Council's HLS of only 2.03 years means that they are out of date and so the conflict with these policies attracts only very limited weight."*
- 9.39. That the operative planning policies, which are also the most important for the purposes of decision making, are out of date inherently engages Paragraph 11(d) of the Framework, with the marginal improvement in housing land supply having no material bearing in this respect. As set out herein, the revised proposals address the matter of flood risk and sequential testing which, in the view of the Inspector, proved fatal in the case of the earlier proposals.
- 9.40. Accordingly, having regard to Paragraph 11(d)(i) there are no protective policies in the Framework that would provide a 'strong' reason for refusal, and it would be inappropriate and unjustifiable to introduce such other reason from the exhaustive list of policies at footnote 7 in this respect at this stage.
- 9.41. As such, decision-making proceeds in the context of Paragraph 11(d)(ii) and the 'tilted balance'. Pursuant to the December 2024 changes to the Framework, this sub-paragraph now refers to particular 'key policies' of increased importance in the exercise of this judgement, namely those *"for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination."*
- 9.42. In respect of the first of these, it is a matter agreed with the Council that the appeal site is located sustainably in relation to Warminster and its associated transport, services and facilities, and will deliver enhancements to accessibility, per Paragraphs 110 and 115 of the Framework. The site is not 'isolated' in the terms of Paragraph 84 of the Framework and the site's location in relation to Warminster was found by the Inspector to be appropriate in the circumstance of the appeal.
- 9.43. The appeal proposals secondly make effective use of land, taking account of the relevant constraints and opportunities, and have prompted no objection from either the Council or third parties in relation to under-utilising the developable part of the site. Instead, upon queries raised in the first instance by the Council's urban design consultee, the applicant previously provided additional evidence demonstrating the full quantum of development could be accommodated.
- 9.44. Turning to securing well-designed places, the previous proposals have elicited no objection from the Council on urban design grounds, the final details of which will be addressed through the reserved matters, and it is not anticipated any concern would be forthcoming in respect of their revised form given the need for consistency in this respect. The accompanying Design and Access Statement demonstrates how quality will be carried forward to detailed design in this respect.

- 9.45. Finally, in respect of providing affordable homes, the proposals will deliver a policy-compliant level of affordable housing, comprising up to 61no. homes to a mix specified by the Council (see Paragraph 66 of the Framework), a matter to which the Inspector agreed as per the applicant's position at appeal that substantial positive weight should be ascribed in the planning balance.
- 9.46. Taking all of these elevated key policies together, therefore, the appeal proposals' compliance with national policies in their respective scope serves only to strengthen the effect of the tilted balance and only serve to reinforce the presumption in favour of granting planning permission.

10. Conclusions

- 10.1. Outline planning permission is sought in respect of the erection of up to 205 no. dwellings, community hub, open space, access, infrastructure, and associated works, with all matters except access reserved for later consideration. The application is a resubmission of a very similar proposal previously considered by the Council and subject of a resolution to grant Outline permission in comparable circumstances.
- 10.2. This Statement has reviewed the site context, policy considerations and other material considerations with reference to appropriate specialist advice as contained with the application submission and provided a detailed assessment of the proposals to assist in decision-making.
- 10.3. Specifically, this Statement demonstrates that the single reason for which the previous appeal was dismissed, in relation to the sequential test, has been fully addressed, having regard to the amended site masterplan, change in approach to securing nutrient neutrality and the intervening changes to national Planning Practice Guidance.
- 10.4. The balance of considerations indicates the proposals' overall conformity with the Development Plan, read as a whole, and national planning policy. The development's approval would not prejudice the overall housing strategy or future site allocations through the plan-led process, noting the emerging Local Plan's being currently subject of Examination in Public.
- 10.5. There is a chronic shortfall in the supply of housing within Wiltshire, and in the light of the above conclusions, the 'tilted balance' is engaged in this instance as no policies within the Framework – either those specifically referenced at Footnote 7 or those in the Framework taken as a whole – indicate that permission should not be granted.
- 10.6. The weight to be afforded to the delivery of new market and affordable homes, and their associated implications is of particular importance, while the practical economic, social and environmental implications of the proposals contribute demonstrably and significantly to the pursuit of sustainable development.
- 10.7. There are no adverse impacts of granting permission that outweigh the benefits of the development when assessed against the Framework as a whole.
- 10.8. Having regard to all relevant policy, material and statutory considerations, including the applicant's suitably overcoming the previous appeal reason for refusal, it is therefore respectfully requested that the Outline application is approved without delay.



Appendix 1 – Committee Report 01.11.23

REPORT FOR STRATEGIC PLANNING COMMITTEE

Date of Meeting	1 November 2023
Application Number	PL/2021/09013
Application type	OUTLINE
Site Address	Land West of Westbury Road, Warminster
Proposal	Outline application for the erection of up to 205 dwellings, community hub, public open space, access, infrastructure and associated works (access to be approved with all other matters reserved)
Applicant	Barratt Homes
Town/Parish Council	Warminster Town Council
Electoral Division	WARMINSTER NORTH & RURAL – Cllr Bill Parks
Case Officer	David Cox

Reason for the application being considered by Committee

This application has been 'called in' for Committee to determine at the request of the local Warminster Division Member, Cllr Bill Parks, for the following reasons:

- Visual impact on the surrounding area
- Design - bulk, height, general appearance
- Outside town settlement boundaries

This is an application for a large-scale major development which represents a significant departure from the housing delivery policies of the development plan, and so is a matter to be decided by the Strategic Planning Committee.

1. Purpose of Report

The purpose of this report is to assess the merits of the proposal against the policies of the development plan and other material considerations and to consider the recommendation that the application should be approved subject to conditions and s106 obligations.

2. Report Summary

The key determining planning issues are considered to be:

- Principle of development
- Access and Highway Impact
- Landscape Impact
- Drainage and Flood Risk
- Impact on biodiversity including phosphorus
- Impact on neighbouring amenity
- Noise impact on potential residents

- Archaeology
- Urban Design
- Section 106 Legal Agreement

Warminster Town Council has raised objections to the application. Upton Scudamore Parish Council (adjoining) has also raised objections, and so have 66 further interested third parties.

3. Site Description

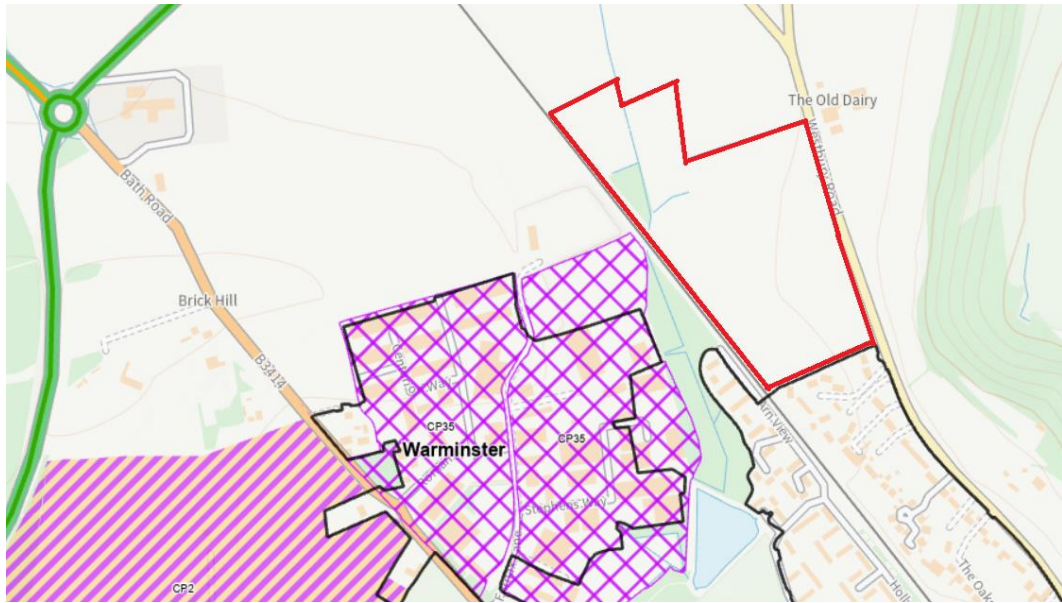
The site comprises open fields covering approximately 10.45 hectares, located to the north of the market town of Warminster. The site has access from Westbury Road (a 'C' class road) that connects to the A350 to the north and leads directly into Warminster town and town centre to the south.

The site is immediately adjacent to the settlement boundary for Warminster to its south side, and separated from the Crusader Park & Warminster Business Park and a residential development at Hollybush Road/Portway Lane to the west by the railway line (which is elevated on an embankment above the application site). The site is approximately 570m east of the limits of the strategic allocation at the West Warminster Urban Extension (WWUE), as seen in the snip images below.

Immediately to the south of the site lies no. 27 Westbury Road (the end house in a row of large, detached houses that front Westbury Road and form the outer suburbs of Warminster); and to the rear of no. 27 on 'backland', The Woodlands – a cul-de-sac of 9 houses accessed from the Westbury Road. To the east, on the opposite side of Westbury Road, the land rises towards a wooded hillside, forming part of the Arn Hill Down Golf Course.



Site Location Plan and Council Mapping Image of the site in relation to Warminster



Red outline of the application site in relation to the existing limits of development for Warminster (black line), the Existing Employment sites (purple hatch) and WWUE (purple and yellow diagonal lines)

The land is understood to be used for a mixture of agricultural purposes including crop growing and for cattle farming, and comprises swathes of Grades 3a (good), 3b (moderate) and 4 (poor) agricultural land.

Public Right of Way (PROW) WARM18 runs through the site and crosses over the railway line, and connects into the housing estate on Arn View road and Portway Lane. There are also two further PROWs to the east, WARM26 and WARM27, which are elevated relative to the application site, but only WARM26 would offer any potential views due to being on the western side of the woodland that rises up Arn Hill.



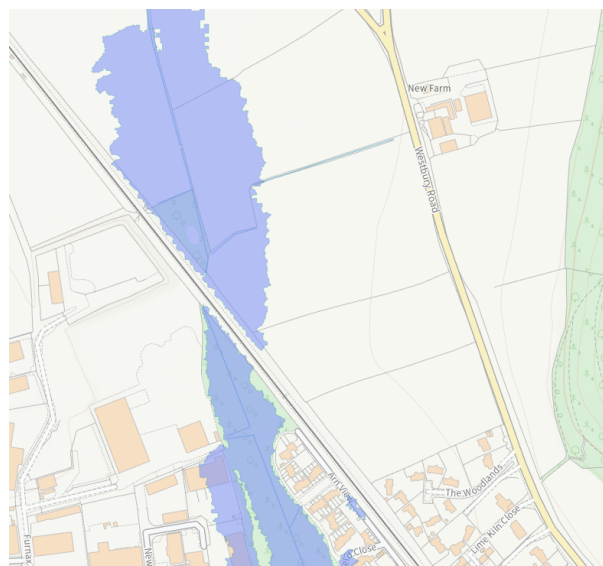
The public rights of way

The site slopes from its highest point at the east alongside Westbury Road down towards the railway line and along the railway embankments. The site also has a slight incline up from the existing urban edge to the first hedgerow line, and then slopes down slightly to the north towards New Farm.

The lowest parts of the site lie at its north-west end at the larger of the 3 main fields. The railway line to the west is on average approximately 2.5 to 3m above the site. The site is located predominantly in Flood Zone 1, turning to Flood Zone 2/3 in the lower lying north-western part, as shown in the snip image below.



Flood Zone 2 mapping image



Flood Zone 3 mapping image

The site is not subject to any specific protected landscape or heritage designations. However, approximately 515m to the east on Arn Hill is the scheduled “*Bowl barrow on Arn Hill Down*” and, further north-east, “*Colloway Clump long barrow*”. The Cranborne Chase AONB extends from the south and west of Warminster, but its closest boundary is approximately 2.6km from the site.

The site is within the ‘Greensand Terrace A6’ character area of the Wiltshire Landscape Character Assessment and the ‘G3 Upton Scudamore Greensand Terrace’ West Wiltshire Character Assessment area.

The site is located within the Bath and Bradford on Avon Bat SAC consultation zone. It is also located within the impact zones of a number of European sites, the closest of which is approximately 2-3 miles away) at Cley Hill SSSI and Salisbury Plain SAC/SSSI/SPA.

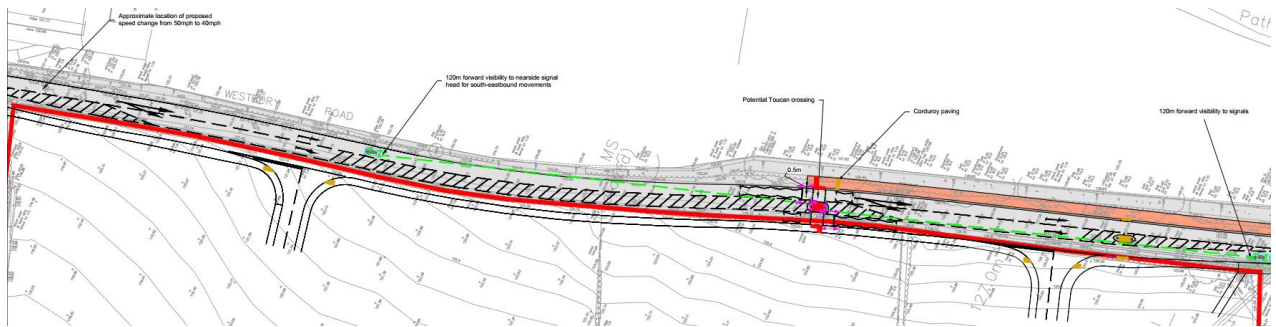
4. Planning History of Application Site

A request for an EIA Screening Opinion for up to 250 dwellings and associated development under the Environmental Impact Assessment Regulations was made with application no. 21/00602/SCR. The Council issued a decision on 2 April 2021 confirming that the development would not be EIA development and would not require an Environmental Statement.

5. Proposal

The application is for outline planning permission to erect up to 205 dwellings, community hub, public open space, access, infrastructure and associated works. Details of the access are to be considered at this stage with all other matters reserved.

The 'access' would be in the form of two new road junctions on the Westbury Road, along with an extended footpath from no. 27 Westbury Road across the entirety of the application site's eastern frontage with Westbury Road. Each of the accesses would be provided with right-turning lanes to ensure continuity of traffic flows and would be provided with suitable visibility splays for the current speed limit of 50mph. This said, a reduction in the speed limit to 40mph along this section of Westbury Road is also proposed by the applicant.



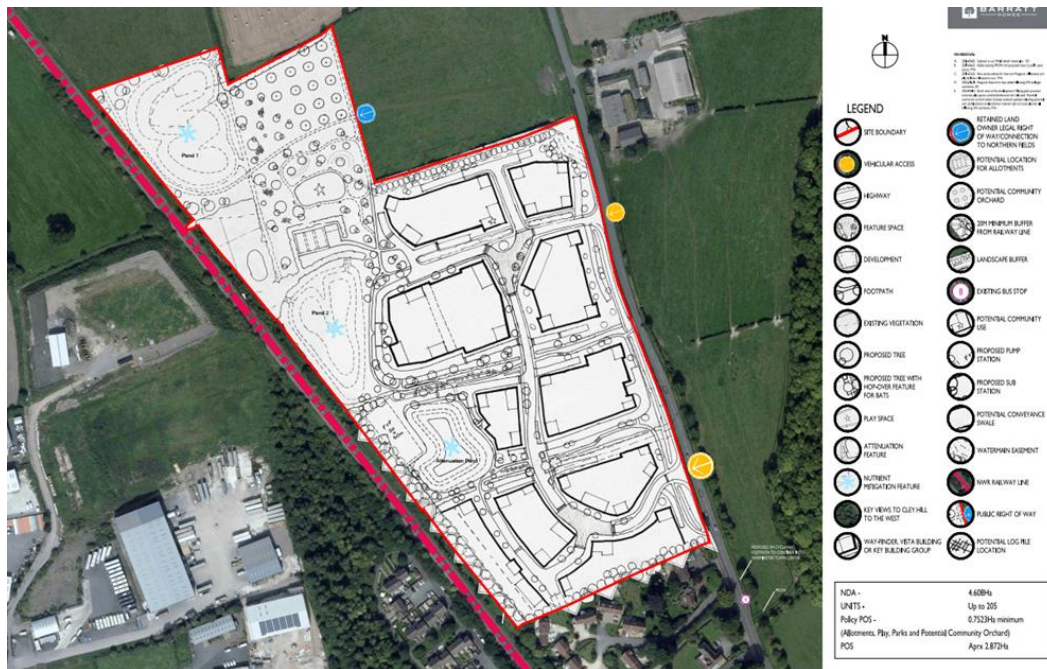
Extract from plan P19-2831 SK/13Rev B showing the proposed access points and part of the proposed off site junction improvements

Off-site road improvements are also proposed as shown in the two snipped images below. The off-site works propose ghost islands, central islands and new shared footway/cycleway paths on the eastern side of Westbury Road to the south of the application site, and would also be subject to a separate 's278 application'. The works extend down to, and include, the junction with Elm Hill, Cophead Lane and Portway.



Extracts from plan P19-2831 SK/13Rev B showing the proposed off-site highways works

The application includes an illustrative masterplan which is shown in the snip image below. The yellow circles show the location of the two proposed vehicular accesses.



Illustrative Proposed Site Layout

The masterplan shows that the built form is to be on the southern and eastern parts of the site and adjacent to Westbury Road, wholly within Flood Zone 1 and set back from the railway line.

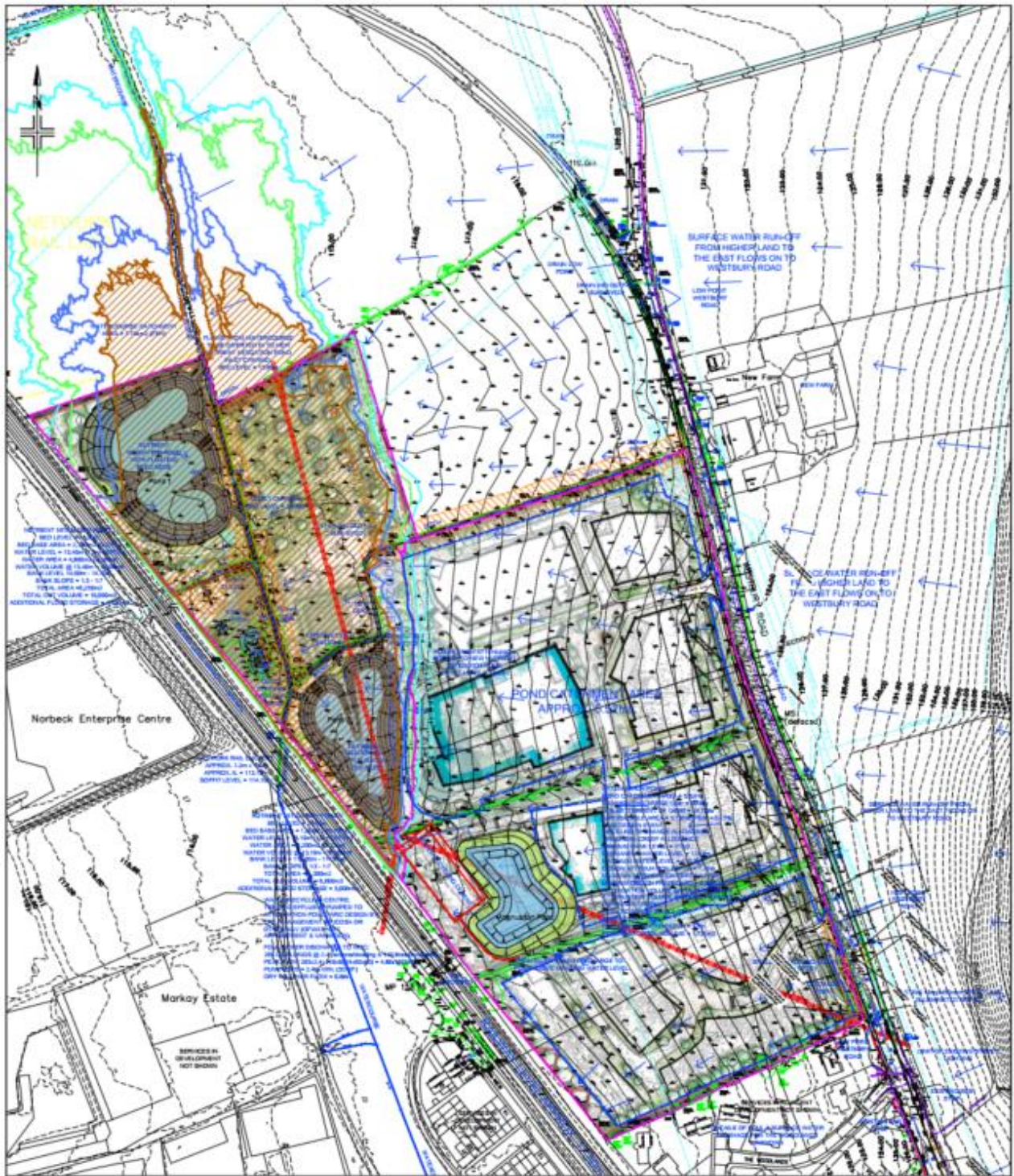
Each development block would have small landscape strips around them, and toward the western and north-western part of the site it is proposed that a flexible community building would be provided. A substantial green buffer is to be incorporated at the northern most part of the site, thus creating a more graduated transition to the countryside where currently there is a fairly hard urban edge. This would also allow additional habitat creation and would soften distant views of Warminster from the village of Upton Scudamore.

The application has been delayed in view of highways negotiations (for the access and off-site work details) and initial objections from Natural England on phosphorus impacts on the River Avon, which has led to the applicant submitting a 'Phosphorous Neutrality Report (revision 3)'. The Report sets out how phosphates generated by the development would be captured and processed on site before treated water is then released into the watercourses. This process includes a 'Water Recycling Centre' and two ponds adjacent to the western boundary which would be "nutrient mitigation ponds with floating reed beds".

Sewage pipes would take all foul water from the development into the recycling centre prior to discharge in 'Pond 2'. As explained in the Report

"The key updated information presented in this report includes the introduction of an on-site Water Recycling Centre (WwRC) to treat the foul water generated by the Proposed Development prior to discharge into Pond 2 with the floating treatment wetland for tertiary treatment alongside treatment of surface water. Pond 2 has been moved and modified to facilitate treatment of foul and surface water. The treatment of the foul water generated by the Proposed Development at the WwRC will also mean that none of the proposed foul water will be treated at Warminster Waste Water Treatment Works (WWTW). Furthermore, this change in approach focuses treatment on the foul and surface water generated on site, with Pond 1 (which continues to treat water from the unnamed

watercourse) providing an extra buffer to ensure that the Proposed Development is nutrient neutral.”



Drainage Strategy plan – showing Water Recycling Centre, on-site Ponds and wetlands

The recycling centre would require regular maintenance and would also be a self-monitoring system.

A further attenuation pond to deal with surface water is proposed near the south-western corner where ground levels are lowest. In the Neutrality Report paragraph 4.41 states;

“Prior to discharge from the Site, the surface water run-off from the Proposed Development will be collected and pass through, as a minimum, the attenuation pond which has been designed to provide storage of, and some treatment, including sedimentation and removal of total suspended solids, from the proposed residential development’s surface water run-off before the water flows to Pond 2 and the floating treatment wetland for removal of Total Phosphorus.”

As part of the Phosphorous Neutrality Report, the applicant has had to submit details of phosphorus calculations. In order to provide more certainty of the calculations the applicant has proposed a phased approach to the proposed development with ‘Phase 2’ dependant on the monitored performance of the two floating wetlands and because the proposed Water Recycling Centre would not reach maximum efficiency until the new houses are actively discharging into it. Therefore, the calculations are based on ‘Phase 1’ comprising 165 dwellings and then - following data collection and monitoring of the phosphorus removal performance, and evidencing that the mitigation works - ‘Phase 2’ for the remaining dwellings.

For the avoidance of doubt the water recycling centre/treatment plant would need a Permit from the Environment Agency (EA) and one pond would also need a water abstraction licence. Both of these are separate legislative processes (with the EA) and so are not planning reasons to object to the development.

It is also important to note that this is an outline application for ‘up to’ 205 dwellings. The reserved matters application(s) could come in for 205 dwellings or less depending on layout and design considerations. Furthermore, it could transpire that the developer may only be able to secure a licence from the EA for ‘x’ number of dwellings, which would then influence the reserved matters application(s). The applicant has confirmed agreement to a clause in the s106 to secure the phased approach to the development with no more than 165 dwellings in the first phase, and the remainder subject to the evidence and monitoring.

The application also seeks to stop public right of way WARM18 that passes over the railway line and divert it across the site and onto Westbury Road, where it would link with WARM16 (which has a bridge over the train line). However, this would also require a separate application process under highways legislation outside the remit of this planning application. Should the separate application to divert the footpath not be successful then the footpath route and its crossing over the railway line would remain, would be improved, and would be incorporated into the reserved matters application(s). This can be addressed by planning condition.

It is the applicant’s intention that following the determination of the application by the Strategic Committee (and the completion of the s106 process, as relevant) for these two separate application processes for an EA Permit and for the footpath diversion to be started, in order for them to be completed alongside or in advance of submitting the reserved matters application(s).

6. Planning Policy

National Context:

National Planning Policy Framework (the Framework) and Planning Practice Guidance (PPG)

Local Context:

Wiltshire Core Strategy (WCS) adopted 2015;

CP1 - Settlement Strategy;

CP2 - Delivery Strategy;

CP3 - Infrastructure Requirements;

CP31 - Spatial Strategy for the Warminster Community Area;

CP43 - Providing affordable Homes;

CP45 - Meeting Wiltshire's Housing Needs;
CP50 - Biodiversity and Geodiversity;
CP51 – Landscape;
CP52 - Green Infrastructure;
CP55 - Air Quality;
CP57 - Ensuring High Quality Design and Place Shaping;
CP58 - Ensuring the Conservation of the Historic Environment;
CP60 - Sustainable Transport;
CP61 - Transport and Development;
CP62 - Development Impacts on the Transport network;
CP64 - Demand Management;
CP67 - Flood Risk
CP68: Water Resources

West Wiltshire District Plan 1st Alteration (2004) 'saved policies'

C3 - Special Landscape Areas;
C40 - Tree Planting; R12 – Allotments;
U1a - Foul Water Disposal;
I2 - The Arts
I3 - Access for Everyone

Wiltshire Landscape Character Assessment 'Greensand Terrace A6'

West Wiltshire Character Assessment 'G3 Upton Scudamore Greensand Terrace'

West Wiltshire Leisure and Recreation DPD (adopted January 2009)

LP4 Providing recreation facilities in new developments;
LP5 New Sport and recreation facilities;
CR1 Footpaths and Rights of Way;
CR3 Greenspace Network;
GM2 Management and maintenance of new or enhanced open space;
YP1 Children's play areas
YP2 Provision for teenagers

Wiltshire Housing Site Allocations Plan (Adopted February 2020)

Wiltshire and Swindon Waste Core Strategy 2006-2026

WCS5: The Wiltshire and Swindon Waste Hierarchy and Sustainable waste Management
WCS6: Waste Reduction and Auditing

Warminster Neighbourhood Plan (November 2016)

Policy L1 – Design
Policy E2 – New Leisure Facilities
Policy E5 – Surrounding Environment
Policy GA4 – Rights of Way

Emerging Wiltshire Local Plan Review (Regulation 18 consultation undertaken, draft submission pending)

Wiltshire Council's adopted Car Parking Strategy

7. Consultations

Warminster Town Council: Objection.

Principle of development -

- The proposed development is contrary to national and local planning policy by being outside the Settlement Policy Boundary. The proposed development is also not in-keeping with the stylistic context or scale of the local area.
- This development should not be permitted on land outside the Policy Settlement Boundary, as other land is available and allocated for housing in the area. Allowing it would create a dangerous precedent.
- The application does not comply with paragraphs 77, 109, 110, 111, 117, 127, 130, 131, 137, 150, 170, 175, 177 and 180 of the NPPF.

Design –

- The layout and density of the proposed development is inappropriate.
- The type of housing proposed will not satisfy local housing needs. The ‘affordable housing’ proposed is beyond the reach of those in housing need.

Highways –

- The development will cause traffic problems such as traffic generation, access and safety problems. There is a significant safety issue with regards to the entrance and exit to the development. The plan shows a straight road whereas in reality there is a blind bend, thus vehicles would be in danger of collision upon exit and causing a hazard when turning into the development.
- This development would also increase cross town traffic due to the need of access to services that sit on the opposite side of town, bringing gridlock to the already congested town centre.
- There is a protected verge that would be adversely affected by the development.

Ecology –

- There is great biodiversity in this area and protected species which would be adversely affected by the development.
- The development will increase phosphate levels and associated problems, particularly having an adverse impact on local rivers.

Landscape –

- The proposed development will adversely affect the vista of and from the hills which are a key cultural and heritage feature of Warminster.

Drainage –

- The proposed development will have a negative impact on the amenity of other residents by increasing the risk of flooding elsewhere in the town.
- The proposed development falls within flood zone 2 & 3. There will be a loss of water courses leading to increased flooding across Warminster, where the sewerage system currently struggles to cope. Wessex Water have already reported that there is a significant rise in water levels in the area. The recreational areas mentioned within the proposal are situated in the zone 3 areas. This would render them boggy and unusable at regular intervals.

Upton Scudamore Parish Council: Objection.

Principle of development -

- This site is contrary to national and local planning policy as it is outside the Settlement Policy boundary. Other land is available and allocated for housing so there is no need for this development and allowing it would set a dangerous precedent and make it harder to stop similar proposals.

- This site ignores the Warminster Neighbourhood Plan updated and endorsed by the local community in Warminster in 2021. Although this Plan shows a need to increase the land for housing by 2036 the shortfall is only 60 dwellings and the proposed development is for 205 houses.
- This is a greenfield site – it is agricultural land which has been farmed for centuries. Planning guidelines stipulate that such sites should only be used to meet local housing need if there are no available brownfield sites. The proposed development would not meet local needs as the Affordable Housing element is beyond the reach of those in the area in housing need. In addition, there are ample brownfield sites within the town itself to meet the requirement for additional homes.

Landscape –

- The development sets a dangerous precedent for further expansion threatening the integrity and identity of the village of Upton Scudamore with the importance of visual separation between Warminster and Upton Scudamore being included in the Wiltshire Local Plan 2020. It is overdevelopment both in terms of line of sight to Upton Scudamore and its place in the landscape. It is also out of character with the area which is much less densely populated and it will have a significant impact on the local landscape.
- The development will increase light pollution in an area which currently has relatively dark skies. Warminster being on the edge of the Cranbourne Chase AONB International Dark Sky Reserve.

Ecology –

- The site is important for its biodiversity with protected species which would be threatened. In addition, it falls within flood zone 2 and 3 which should not normally be used for housing.

Drainage –

- Development in this area also increases the risk of flooding for other residents. With the increase in extreme and wetter weather this raises further concerns.

Highways –

- The site will bring increased traffic to an already congested town centre which, at times, is already gridlocked. It will put further strain on local infrastructure e.g., schools, single GP surgery, dentistry, which residents of Upton Scudamore require access to.

Wiltshire Council Spatial Planning: General comments

The proposal is in conflict with WCS policies CP1, CP2 and CP31. Additionally, we have during the course of site assessment for the local plan looked at sequential testing for site. When looking at the pool of sites we have applied an area based strategy and worked on a place based assessment. The site has performed well against all reasonable alternatives at the town.

Wiltshire Council Highways Officer: No objection subject to s106 and conditions

Highways England: No objection

Having reviewed the revised/additional documents submitted, we are satisfied that there is no change to the proposed quantum of development for which an assessment of traffic impact has already been provided by the applicant, and reviewed by us in terms of the A36 trunk road. We therefore remain satisfied that our formal recommendation of no objections dated 9 December 2021 remains appropriate and we have no further comments.

Wiltshire Council Housing Officer: No objection subject to s106.

An on-site affordable housing provision of 30% will be sought in this location. As this site is proposing up to 205 new homes, the on-site affordable housing requirement will be for 62 affordable homes (the applicant is proposing 61 affordable homes). From this we will require a tenure split of 60% affordable rented homes and 40% shared ownership homes. Therefore, we would seek 37 homes for affordable rent and 25 homes as shared ownership dwellings.

Wiltshire Council Public Rights of Way (PRoW) Officer: No objection (following the consultation response from Highways)

Wiltshire Council Landscape Officer: No objection subject to conditions

Cranborne Chase AONB approximately 2.7km to the southwest and Norridge Wood Ancient Woodland approximately 950m to the west.

The site is not within a designated landscape however Salisbury Plain SLA lies immediately to the north of Westbury Road. Here the ground rises steeply to Arn Hill Down, a dramatic, rounded hill to the north of Warminster. It is the northern most hill of a chain of chalk hills around the east of Warminster, which forms the edge of Salisbury Plain and sweeps around to form the scarp backdrop to Westbury with its White Horse.

The site was considered in the Landscape Appraisal of Potential Sites (2020) for the Local Plan Review (LPR). The boundary for the review included land to the north of Westbury Road around New Farm that forms the lower slopes of Arn Hill. While it was considered that land to the south of Westbury Road could accommodate some development with mitigation the LPR would not uncouple the land to the north of Westbury Road, so the site was rejected.

The site comprises a series of small to medium size fields predominantly bound by low, often gappy hedgerows. The site forms part of an expansive, generally low-lying, open landscape that extends north of Warminster, at the foot of the chalk hills and escarpment of Salisbury Plain. The wooded slopes of Arn Hill Down form the eastern setting of the site. The west site boundary is formed in part by the Great Western Railway, which is bound by a low embankment with scattered shrubs and trees. The north site boundary to the A350 is also formed of a low, grass embankment with scattered trees and shrubs. The short southern boundary is comprised of residential properties with hedgerow boundaries containing occasional trees and forms a relatively well integrated settlement edge and soft transition from the countryside to the suburbs of Warminster.

Warminster is generally well integrated by surrounding vegetation, within the lower-lying valley of the River Wylye. More recently, Warminster has begun to expand to the west (WUE) from the town centre, although remains largely located on lower-lying landform. Settlement to the north of the site comprises the small, nucleated village of Upton Scudamore on a low hill to the north of the site and scattered small farmsteads and cottages. The site contributes to rural sense of separation between Warminster and outlying settlement of Upton Scudamore. The site has a strong rural character, with some localised intrusion from traffic along the A350 to the north of the site.

Arn Hill Down is one of a series of dramatic chalk hills around Warminster, from which there are wide-ranging, expansive views across the landscape north of Warminster, in which the site is located. The site contributes to the distinctive transition from the well-integrated, treed settlement edge to the open, large-scale rural landscape that extends north towards Westbury and around the edge of Salisbury Plain. It lies within an identifiable, open, chalk landscape that contains distinctive local features of value. The site contributes to the separation between the town and outlying rural village of Upton Scudamore. The features of the site are in generally moderate condition and the surrounding landscape provides a good sense of place and scenic quality, particularly considering rural intervisibility between the distinctive hills.

The LPR site assessment included the lower slopes of Arn Hill. However, the current proposals are confined to the lower ground that relates to the town and therefore provides more opportunity for integration through landscape mitigation. It is recognised that there is potential for the development to form a hard, prominent settlement edge in the open landscape and stand out in expansive views from the surrounding hills; and for the development to contribute to coalescence of Warminster with outlying rural settlement including Upton Scudamore.

If you are minded to approve the application further detailed landscape plans will be required at the Reserved Matters application stage where detailed landscape mitigation can be addressed including the following:

- Limit the height, scale and density of development to ensure that it does not break treed skylines or form prominent settlement edges or conspicuous settlement expansion in views to and from the surrounding hills;*
- Establish a substantial and appropriate landscape buffer through the north of the site, to maintain the sense of separation and separate identity between Warminster and Upton Scudamore;*
- Retain and enhance shrubs, trees and hedgerows as part of a mature landscape framework that contributes to landscape buffers to development and maintains the integrated settlement edge character.*
- Seek opportunities to establish new, small-scale woodland planting through the development to break up massing of development and contribute to the treed settlement character, with green links through the landscape to adjoining woodland;*
- Seek opportunities to create biodiverse, accessible and connected greenspaces throughout the development that conserve and augment existing vegetation and public rights of way as part of the landscape strategy for the site, in order to contribute to placemaking quality, to appropriately integrate existing landscape features within development and to provide effective landscape transitions between urban settlement edges and the surrounding dramatic countryside;*
- Seek opportunities to enhance the sense of place through use of appropriate building materials and housing densities in respect of new development.*

Wiltshire Council Conservation Officer: No objection

No designated or non-designated built heritage assets will be affected by the proposed development and there is no objection from this point of view.

Wiltshire Council Public Open Space Officer: No objection subject to s106 contribution to Public Open Space (POS) onsite requirements being met as follows:

POS – 7523.09m²
Equipped Play – 362.85m²
Sports - 4838.00m²

Wiltshire Council Ecology Officer: No objection subject to condition/s106

Natural England: No objection subject to condition

We have received the following revised phosphorus reports and budgets for the aforementioned proposals from the applicant:

- New Farm Warminster Phosphorus Neutrality Report 260523 (Revision 5)*
- Appendix 3 – Avon Nutrient Budget Calculator 120922*
- Appendix 3 – P loading with WRC and FTW 230523*

• *Appendix 8 – P loading with WRC and FTW 250523 165 dwellings*

On this basis Natural England is satisfied that the scheme can achieve phosphorus neutrality for the phase 1 (165 units).

The remainder of the scheme should, however, only proceed once your Authority has received adequate monitoring data from the floating wetlands to demonstrate they are achieving the sufficient phosphorus reductions to offset the additional phosphorus budget for the remainder of the scheme.

Should the monitoring data not come forward then the land earmarked for Phase 2 should be secured as additional greenspace. In such an event we would recommend that any permission required the conversion to greenspace of the Phase 2 land within 5 years of completion of Phase 1.

Interim Drainage Solution for up to 20-30 dwellings (Before the WwRC is Fully operational). Provided the measure is appropriately secured Natural England has no objection to the proposal for tanking out foul water from the first 20-30 units to the Westbury WWTWs.

Wiltshire Council Urban Design Officer: Holding objection

“The Concept and DAS show a good understanding of basic urban design principles. It appears, in my view, a legible, landscape-led concept, with coherent, efficient urban form nestled within a strong GI framework.

There is a simple, legible strategy for Access/movement and with good balance of permeability of both streets and pedestrian routes.

My main criticism of the application is that The Framework Plan only appears to demonstrate how a maximum of up to about 184 homes might fit.”

Wiltshire Council Archaeology Officer: No objection subject to condition.

Wiltshire Council Public Protection Officer: No objection subject to condition (acoustic report)

The Phase 1&2 Site Investigations undertaken by Clarkebond on behalf of Barratt Homes are sufficiently detailed, and follow current guidance. This study concludes that there are no risks to human health, plants or groundwater on the site, and no remedial action needed. So, we have no further comments regarding contaminated land.

Wiltshire Council Drainage Officer: No objection subject to conditions.

The application has been supported with a Site-Specific Flood Risk Assessment (FRA).

The drainage team have reviewed the revised information provided. We thank the applicant for providing additional information which has demonstrated that flows will be restricted in accordance with the Council’s betterment policy for greenfield sites, and now agree with the proposed discharge rates.

Environment Agency: No objection subject to conditions

Wiltshire Council Education Officer: No objection subject to s106 contribution.

Wiltshire Council Waste Management Officer: No objection subject to s106 contribution and conditions.

Historic England: No comments to make

Wessex Water: No objection.

Sports England: No objection.

Network Rail: Support subject to condition

In order that the crossing is closed prior to any occupation of the proposed development a suitably worded condition should be added....

Suggested condition 1;

i) *No development shall commence until a diversion order of the existing footpath (WARM18) under section 257 of the Town and Country Planning Act 1990 to prevent any public access to the railway level crossing (including the erection of signage and fencing prohibiting such access) has been made and confirmed by the local planning authority or the Secretary of State.*

ii) *No dwelling hereby permitted shall be occupied until:*

- the railway level crossing has been closed; and*
- in the context of i) above, an alternative route (temporary or otherwise) is made available to the written satisfaction of the Local Planning Authority.*

The agreed diverted route shall be provided in full to adoptable standard and to the written satisfaction of the Local Planning Authority prior to the final occupation of the last dwelling hereby approved. In the event that the diversion order is not confirmed, the Railway Bridge Contribution shall become payable pursuant to the Section 106 Agreement. or;

Suggested condition 2:

Using proposed condition 20 from application 15/04736/OUT

Prior to the commencement of development of any residential units in any Phase or Sub-Phase of the development an application for the stopping up and/or diversion of public rights of way WARM18 shall be submitted to Wiltshire Council. Following which no residential development within any Phase or Sub-Phase crossed by these rights of way shall commence unless either:

i) *A footpath diversion and stopping up order that incorporates the stopping up of the existing footpath route across the railway at level has been made and confirmed by the local planning authority or the Secretary of State, or*

ii) *the Secretary of State, upon consideration of a stopping up order made by the local planning authority as aforementioned in (i) above does not confirm the order.*

Upon any confirmed diversion and stopping up order coming into force, the new footpath route shall be fully completed prior to the occupation of units within any Phase or Sub-Phase crossed by public rights of way WARM18.

REASON: To ensure the continued safe operation of the rights of way network.

INFORMATIVE: Network Rail will provide the developer with all the appropriate information to ensure railway safety issues concerning the railway level crossing are fully considered before a decision on the stopping up or diversion of the public rights of way WARM18 is taken by the local planning authority or Secretary of State.

Sailsbury and Wilton Swifts: No objection subject to condition.

Police Architectural Liaison Officer: No objection but subject to further consideration of detail in the reserved matters application

8. Publicity and subsequent representations

The application was advertised by:

- press notice,
- site notice,
- publication to the Council's website,
- posted neighbour notifications, and
- notification to interested local organisations and parties.

66 letters of objection were received on the application plans. This is a summary and does not purport to be a full recitation of all comments made. The comments made are summarised as follows:

- not appropriate development in a rural location beyond settlement boundaries;
- flooding risk;
- no need established;
- conflicts with NPPF;
- increased noise and light pollution;
- loss of best and most versatile farmland;
- climate effects;
- increased traffic causing danger to road users;
- biodiversity losses;
- infrastructure will not cope;
- contrary to neighbourhood plan;
- nutrient neutrality;
- too high a density of housing;
- landscape and visual effects;
- effects on ProWs;
- urban sprawl;
- SCI is flawed;
- Object to the offsite works including the cycle path;
- Offsite works make no provision for the signs that would need to be re-installed;
- Offsite works would not respect the landscape character of Warminster;
- Proposing a cycle crossing on a blind bend at the bottom of Elm Hill is dangerous;
- Proposed cycle lane would be on a 'protected verge'.

9. Planning Considerations

Section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004 require that the determination of planning applications must be made in accordance with the Development Plan, unless material considerations indicate otherwise.

9.1 Principle of the Development

9.1.1 Wiltshire Core Strategy 'Spatial Strategy'

The Wiltshire Core Strategy (WCS) sets out a 'Settlement Strategy' and 'Delivery Strategy' for development across the County. WCS Core Policy 1 addresses the Settlement Strategy and identifies four tiers of settlement – 'Principal Settlements', 'Market Towns', 'Local Service Centres', and 'Large and Small Villages'. Within the Settlement Strategy, Warminster is defined as a market town. Principal Settlements, Market Towns, Local Service Centres and Large Villages have defined limits of development. Beyond these limits is countryside.

WCS Core Policy 2 addresses the Delivery Strategy. It sets out a presumption in favour of new residential development within the Limits of Development of the settlements – including Warminster – and further states that housing should not be permitted outside the limits except in the few circumstances explained at paragraph 4.25, none of which apply in this case. Core Policy 2 continues that the limits of development may only be altered through the identification of sites through a site allocations DPD or a neighbourhood development plan. The Council adopted the Wiltshire Housing Sites Allocation Plan (WHSAP) in February 2020 and it allocates 3 sites for new development at Warminster (Bore Hill Farm, Boreham Road and Barters Farm Nurseries in Chapmanslade).

WCS Core Policy 31 sets out the Council's sustainable plan-led approach to delivering development that responds to and reflects economic, social and environmental needs for the Warminster Community Area. Paragraph 5.157 of the WCS states that the strategy for the Warminster Community Area *"is to increase the level of employment, along with residential development, as part of sustainable growth. It will deliver, within the overall objective of conserving the designated landscape, a modest and sustainable level of development."*

The Warminster Neighbourhood Plan (WHP) was 'made' in 2016. It sets out principles for new housing and good design (Policy L1); it, however, relies on the WCS and WHSAP to define the settlement boundary and make allocations for new development.

This application site is not allocated in either the WCS or the WHSAP (nor the WNP). Therefore, as the site lies outside of the limits of development and none of the exception policies apply, the proposal does not accord with the WCS Core Policies CP1, CP2 and CP31, and the general principles set out in the Neighbourhood Plan.

9.1.2 Housing Land Supply and the 'tilted balance'

The Council is at the present time unable to demonstrate a 5-year supply of deliverable housing land, and this is a significant material consideration. According to the most up to date Housing Land Supply Statement (dated April May 2023 (base date: April 2022)), the number of years deliverable supply is 4.6 years (since 'agreed' to be 4.59 yrs following a more recent appeal decision). This means that the 'tilted balance' flowing from paragraph 11d)ii of the National Planning Policy Framework(NPPF) is engaged; it says the following –

"For decision taking this means:

c) approving development proposals that accord with an up-to-date development plan without delay; or

d) Where there are no relevant development plan policies, or the policies which are the most important for determining the application are out-of-date, granting permission unless:

i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or

ii) any adverse impact of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.”

As Wiltshire Council is unable to demonstrate a 5-year housing land supply, the local plan policies which would restrict new housing provision must be treated as being out of date. This does not mean that the policies carry no weight, but rather that the NPPF expectation that planning permission should be granted (*.... unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the NPPF taken as a whole*) has effect. And the effect in this case is – in the context of there being no identified adverse impacts outweighing the benefits of the development in terms of it delivering housing – that planning permission should be granted. The other ‘non-impacts’ of the development are discussed later in the report.

In a recent allowed appeal decision relating to a proposal for 200 dwellings in countryside on the edge of Devizes the Inspector considered the housing land supply position, and concluded as follows (with emphasis added) –

“The proposal would help boost the Council’s supply of deliverable housing sites through a mix of market units next to a second-tier settlement that offers accessible facilities and services. The proposed units could be delivered in the short term, and they would help address the persistent shortfall of housing in Wiltshire when there is not a plan-led mechanism to address this until the DPD is potentially adopted. Against this backdrop, I do not consider the shortfall to be modest, regardless of the number of permissions which the Council have granted and the Council’s performance on the Housing Delivery Test. The extent of the shortfall has largely been flat in recent times despite the Council’s briefing notes. I therefore attach substantial weight to this social benefit in the context of the Framework’s aim to significantly boost the supply of housing.”

In another recent (July 2023) allowed appeal relating to a site in the countryside on the edge of Holt for up to 90 dwellings (ref. PL/2022/03315), the Inspector said the following –

“When considering other appeals across Wiltshire, I am aware that Inspectors have given varying weight to shortfalls of this scale. In my view, even the Council’s position of 4.59 years cannot be termed a moderate shortfall. Rather, I see it as being significant, as it constitutes an appreciable deficiency when compared to what the supply should be. Furthermore, it would appear the earliest this could be resolved through the adoption of a revised Local Plan is the end of next year, though I fully accept such timetables have a habit of slipping and the adoption date could be further into the future.”

There have been 26 appeals since 2019 where 5 year land supply has been a principal material consideration. 19 of the appeals have been allowed, with 12 of 15 allowed in the last 16 months. Those few appeals that were dismissed had, in the main, other technical objections which tipped the balance the other way (for example, ecology, highway safety, loss of a country park, etc.). There are no technical objections relating to this application.

In order to address the shortfall the Council has issued two briefing notes, in September 2020 and April 2022. The April 2022 note is appended to this Committee report. In section 6 – *What can we do to restore a five-year housing land supply?* – the note states that the Council will:

iii) Positively consider speculative applications where there are no major policy obstacles material to the decision other than a site being outside settlement boundaries or unallocated.

In the Holt appeal decision the Inspector stated the following in relation to this Briefing Note –

"I afford significant weight to this Briefing Note, as it is a realistic attempt to address the shortfall and, as such, I also attach significant weight to this stated intention in paragraph 6.1. To my mind, this case falls under this intention, for although I found harm to the character and appearance of the area, that harm was primarily due to the effects of placing a housing estate on a field and so commonly arises when the site is outside a settlement. As such, while that is a policy objection I do not consider it to be a major one.

Overall, I attach significant weight to the content of the Framework in relation to the need for a 5-year supply and the consequences that flow from failing to identify that quantity of housing land. I also attach significant weight to the delivery of 90 dwellings, as it would make an appreciable contribution to addressing a shortfall of this size".

9.1.4 Principle of development – conclusion

The Council does not currently have a 5-year supply of housing, and accordingly WCS Core Policies CP1, CP2 and CP31 cannot be given full weight. In the context of a lack of any detailed objections from statutory consultees, the NPPF 'tilted balance' favours the application as "any adverse impacts of granting permission" cannot demonstrably outweigh the benefits, the main benefit being the supply of housing, including up to 62 affordable units.

Notwithstanding the site's location in 'countryside', it is considered to be reasonably sustainable being adjacent to the existing edge of the town. Whilst there would be some undoubted change to the landscape at and around the site, it is not considered that there would be sufficient 'harm' arising from this to warrant a refusal decision under WCS Core Policy 51 (Landscape).

There are no other 'policy obstacles' (as highways, drainage, phosphates and ecology issues are all satisfactorily addressed in the application).

Regarding the relevance of the Warminster Neighbourhood Plan (NP), paragraph 14 of the NPPF provides guidance, stating the following –

In situations where the presumption (at paragraph 11d) applies to applications involving the provision of housing, the adverse impact of allowing development that conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits, provided all of the following apply:

a) The neighbourhood plan became part of the development plan two years or less before the date on which the decision is made:

The Warminster NP was made in 2016 meaning that it became part of the development plan more than two years ago. It follows that in accordance with paragraph 14, the policies of the WNP cannot significantly and demonstrably outweigh the benefits of the proposed development in supplying housing. And in any event, as the WNP relies on the WCS housing delivery policies which are now out of date in the context of the NPPF, little weight can be given to it anyway.

9.2 Access and Highway Impact

The application is accompanied by a Transport Assessment which addresses the impact of the proposal on the adjoining highway network. This shows that there will not be an unacceptable impact in highways safety terms. The Council's Highways Officer agrees with these conclusions. The proposed site access complies with current standards. In view of this, there is no highway safety objection to the application.

The Highways Officer has, however, engaged with the applicant to ensure the proposal satisfies all reasonable safety and sustainable development requirements. The comments of the Highways Officer are produced below;

Walking and Cycling –

The site is currently afforded direct access across the railway line that segregates the site from employment opportunities to the west and alternative quiet and possible dedicated active travel route to the town centre and education facilities. However, this direct access, following Public Rights of Way WARM18, is served by a level crossing which would receive an intensification of use from the development and thus Network Rail are concerned that this presents a significant safety issue. The Highway Authority do not disagree with this position, but seek opportunities to retain the PROW in situ, avoiding intensification or indeed enhancement and this will be subject to a condition. With specific regard to avoiding intensification, this may be achieved by re-routing the PROW towards the eastern boundary of the site and provide secure fencing to private properties to avoid development access to the route. This retention would meet the aims of Wiltshire Council's Public Rights of Way team but would not aid the wider accessibility demands of the site and this would only be maximised by enhancement of the route; notwithstanding this, the potential deleterious impact on the Public Rights of Way network would be mitigated.

With regards to route enhancement, this would be in the form of a new railway bridge that would directly link the site to routes on to the western side of the railway line, providing traffic free routes to local employment opportunities and the northern areas of the town. However, as established through previous comments, the cost of the bridge is not considered economically viable for delivery by the development at the proposed scale and is hence not directly attributed to the site.

....

In addition to WARM 18, alternative means to cross the railway line is provided by PROW WARM 16, however this route is narrow, overgrown, unlit and not overlooked. With the absence of access to WARM 18, in order to improve the attractiveness of the alternative route an obligation has been agreed to provide a contribution for the upgrade of surfacing, lighting and improvements to the existing railway bridge to facilitate improved cycle access – this is in the form of specialised cycle ramps to allow dismounted cyclists to push their bikes up/down the existing stepped provision. Improved access and attractiveness of WARM 16 is necessary to offset the relatively inhospitable pedestrian access along Westbury Road, which is subject of relatively high traffic flows being a key commuter route into and out of the town.

With specific regards to cycling, the applicant has proposed a new route provided on the northern side of Westbury Road, which will facilitate a walking/cycling route to bus stops and a cycle priority scheme thereafter. This route is located within an ecologically protected verge, and this is a matter of consideration for Ecology rather than highways. The delivery of this scheme is covered by an obligation, which further considers possible timely local interventions as a result of the Warminster Urban Extension scheme located between Bath Road and Victoria Road; the obligation sets out a contribution towards the delivery of additional crossing facilities required as a result of the delivery of the Urban Extension Scheme – the contribution dictates the need for an obligation rather than condition. Given the cycle priority of this scheme and the segregation from traffic, the route provides a quick and attractive designated cycle route along Westbury Road; cyclists are less affected by heavy traffic flows, when segregated, due to higher comparable speeds – the cycle route does not present an attractive route for pedestrians.

With regards to 3rd party representations the 'detailed design' for the scheme at S278 stage will need to take account of local constraints and this will include existing access points. I do not believe that the delivery of the cycleway will result in a 0.6m level differential between the cycleway and an access into an adjoining field.

Bus Service Accessibility –

The local bus service serving bus stops closest to the development site is the D1, which is funded by Wiltshire Council with commercial status not guaranteed. It is recognised within the Travel Plan that there is a target to increase the bus modal share from 2% to 3% and such a shift would aid the commerciality of the service, but not guarantee its existence far into the future nor support enhanced frequency or increased destination choice that would enhance the sites sustainability. In order to address this, two obligations are necessary, 1) to secure the intended modal share through soft travel planning measures and 2) to secure direct funding. In order to enshrine this in the travel patterns associated with the development, the Travel Plan suggests the potential to fund the provision of a 3-month local area bus freedom ticket and in this regard, due to the financial implications of the Travel Plan, Travel Plan delivery is secured by obligation, rather than condition.

In order to determine an appropriate level of bus service contribution, it is acknowledged that the D1 service has the potential to be re-routed to Bath Road to serve the larger Urban Extension site, however this would remove bus accessibility from Westbury Road. In order to address this, duplicate enhanced services will be needed to serve the development site and the Urban Extension and contributions for the development site have been calculated proportionate to those already secured from the Urban Extension Site.

Calculation:

Urban Extension Contribution = £990,000

Contribution per Dwelling = £990,000/1000 = £990 per dwelling

Gross Development Contribution = 205 x £990 = £202,950

Net Development Contribution = £202,950 - £40,000 = £162,950

Note: The Net Contribution is reduced by the value of £40,000 to account for committed Bus Shelter and infrastructure works as part of the Westbury Road Cycle Scheme works obligated above.

The spend of the Public Transport related Condition will be secured against public and strategic transport measures and provisions. The focus of spend will be upon the retention and enhancement of existing bus service provision, however additional infrastructure may be necessary to enhance or re-route existing services, such as additional bus stops to maximise service coverage, and hence the resultant obligation will provide for a contribution towards Transport Service and Infrastructure provision, with a primary focus to secure, enhance and retain public transport service provision to directly serve the site.

Rail Accessibility –

The TA confirms that the railway station is located 2km from the site. Whilst this may be considered an excessive distance, it may represent a small step in a much longer strategic journey. One particular downside of the rail station is that it does not provide for a level disability access and whilst this may be addressed by development funding, both the scale of the development and likely patronage would make the necessary sizeable contribution unreasonable.

Electric Vehicle Charging –

The TA illustrates the location of EV charging within Warminster, with the nearest provision being 900m away from the site. However, as per recent building regulation changes, EV charging will be required of each new dwelling with an associated parking space. In order to ensure that this is delivered, a condition will be applied to secure details of the EV charging strategy and whilst this will address charging at each dwelling, it is recognised that this typically represents trickle charging and hence the strategy should also include provision for a communal rapid charge point.

Personal Injury Accident Data –

No concerns are raised with regards to the PIA data and the Highway Authority agree with the findings of the Transport Assessment.

Vehicular Access Arrangement –

Whilst the broad principle of the access designs is agreed, these will need to be subject of full technical approval subject to a Section 278 agreement. The technical approval may alter minor aspects of the access designs, which may present a material consideration and hence the submission of full construction details is required as a planning condition.

In order to deliver the access arrangements as proposed and improve the local environment for residential development, it is necessary to seek the reduction of the existing speed limit to 40MPH across the site frontage. In order to achieve this, a Traffic Regulation Order shall be applied for by Wiltshire Council, with funding secured via a TRO funding obligation. In addition to the speed limit reduction, regulations will also need to be complied with to deliver the proposed Toucan Crossing and these, along with the speed limit reduction, will be rolled up into the following financial contribution obligation:

TRO Funding Obligation –

The provision of a financial contribution of £7,000 towards a Traffic Regulation Order for the relocation of the 40mph/50mph speed limit to the north of the site. This would cover the consultation also needed for the Toucan Crossing.

Conclusion –

With full compliance of the proposed conditions and obligations laid out above, the Highway Authority raise no objections to the proposed development.

9.3 Landscape Impact

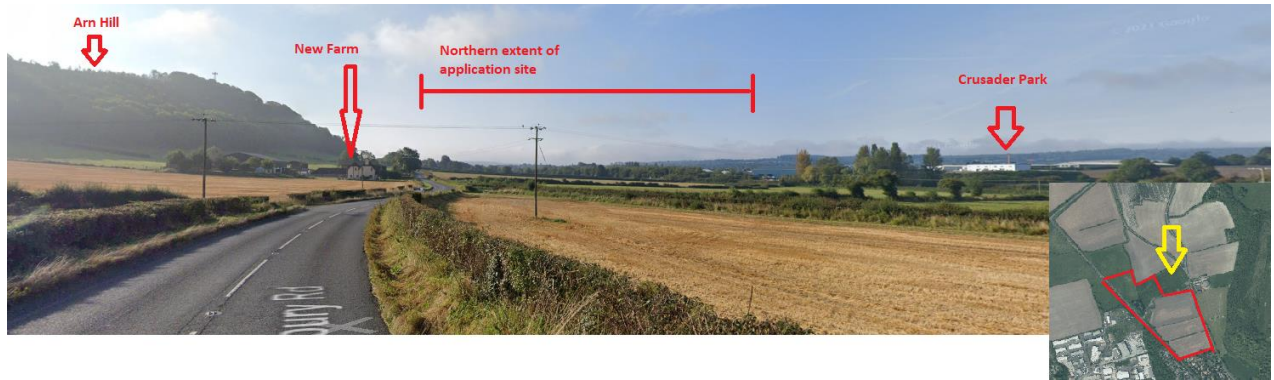
Core Policy 51 states that:

“Development should protect, conserve and where possible enhance landscape character and must not have a harmful impact upon landscape character, while any negative impacts must be mitigated as far as possible through sensitive design and landscape measures. This advice is echoed in paragraph 174 of the NPPF.”

Core Policy 57 states that:

“New development must relate positively to its landscape setting and the existing pattern of development by responding to local topography to ensure that important views into, within and out of the site are to be retained and enhanced. Development is required to effectively integrate into its setting and to justify and mitigate against any losses that may occur through the development.”

The application site is “part of an expansive, generally low-lying, open landscape that extends north of Warminster” as seen in the ‘Street View’ image, below. The yellow arrow shows approximately from where the image was taken from looking south into the town. Existing landscaping is reasonably effective in screening the long-range view of the northern urban edge of Warminster. The image also shows that the northern half of the application site (that will accommodate housing development) will be on a visible downward slope.



However, the application site boundary with Westbury Road is characterised by a low hedge that sits atop a raised verge over the road. The existing urban edge of Warminster (no. 27 Westbury Road and 'the Woodlands' cul-de-sac) and the railway line are also clearly visible and identifiable from this (yellow arrow) location in contrast to the longer range views. The Warminster business park lies further to the west, where a narrow woodland separates it from the railway line and the dwellings on Arn View and Chalfield Close, but does not completely screen it, as seen in the image below.



The southern half of the site is reasonably well enclosed within Westbury Road, the existing urban edge of Warminster, the railway line and the business park. The hedge (on the right of the above image) runs from the road down to the railway line but is also on a ridge to which the application site then also slopes down to the north (as well as to the west and to the railway line). In this southern section of the application site, these natural and physical features would help limit the 'vertical' impact of the proposed development.





The northern half of the proposed residential part of the site is more sensitive as the views start to expand over the open countryside towards Upton Scudamore (as seen on the two images above), but as explained by the Landscape Officer, the reserved matters applications would provide actual detail of scale and landscaping, and so manage the impact of the development.

The main impact on the landscape would be experienced from Westbury Road and within the application site across WARM18. It is acknowledged that the introduction of a housing development would be evident when passing in either direction along Westbury Road, and that from such points of view would result in the built up area of the town expanding at the expense of the presently open fields. The development would also affect western views from Westbury Road, towards Norridge Wood and Cley Hill. The same changes would be experienced from the existing WARM18 public right of way looking towards Arn Hill.

However, users of WARM18 would still pass through those open parts of the site that are needed for drainage reasons and which would largely remain open and of rural character.

The impact on the wider landscape setting is either limited or can at least be mitigated in the reserved matters application(s).

The Council's Landscape Officer has raised no objections to the proposal, agreeing with the conclusions of the Landscape and Visual Impact Assessment (LVIA) which state:

".... the proposed development would result in a major/moderate effect on the open arable and pasture fields landscape receptor, as the proposed development would introduce new homes to an area of open fields, albeit that the character of these fields is already partly influenced by the existing settlement edge to the west and south and by transport routes to the west, north and east. The nature of this effect would be negative.

The proposed development would result in a moderate/minor effect on the hedgerow network, and the nature of this effect would have both positive and negative elements, due to localised removal but also significant areas of additional planting.

The local area of the Warminster Terrace character area would experience a moderate/minor effect as a result of the proposed development, and the nature of this effect would be negative. Localised areas of Salisbury Plain West character area would also experience moderate/minor effects due to visibility of the proposed development, and these effects would be negative.

Cranborne Chase and West Wiltshire Downs would experience minor effects as a result of the proposed development, and the nature of these effects would be neutral."

From a spatial perspective Warminster has 'grown' along its main artery routes and this proposal would match that evolution. The urban edge of the town is visible from Westbury Road, and therefore a new urban edge would be created instead.

There would be no specific harm to Arn Hill and the application site would be well contained by Westbury Road, the railway line and the northern edge of the town on the Crusader Business Park.

The application site is not within a specific landscape area the (saved C3 Special Landscape Policy under the West Wiltshire District Plan 1st Alteration) boundary ends at Westbury Road, and it is, therefore, not a 'valued' landscape under the terms of paragraph 174(a) of the NPPF.

In conclusion, the localised changes to the character and appearance of the site as a consequence of its development in the manner proposed are not considered to be sufficiently harmful to warrant refusal under CP51 of the Core Strategy. The WC Landscape Officer raises no objections for this reason.

The application is accompanied by a "building heights parameters plan" which shows the central parts of the site being potentially up to 3 storeys in height, with 2.5 storeys at the southern access to the site and in part at the northern end of the site. As this is essentially an edge of town site (and in view of nearby established development in Westbury Road being fairly low in density and height), 3 storey development at the site is not considered appropriate. Equally, 2.5 storey development at the northern end of the site and at the southern access is also of concern. Accordingly, a "notwithstanding" condition is recommended as follows -

"Notwithstanding the building heights parameters plan (0736-1005-3), the reserved matters application shall exclude 3 storey buildings across the site and shall exclude 2.5 storey buildings at both vehicular accesses into the site and along the northern edge of the site".

9.4 Drainage and Flood Risk

Paragraph 159 of the National Planning Policy Framework (NPPF) seeks to direct development away from areas of high flood risk with paragraph 161 qualifying that decision makers should take account of all sources of flood risk. Paragraph 162 adds that development should not be permitted if there are reasonably available sites with a lower risk of flooding that can accommodate the development proposed.

The national Planning Practice Guidance further states –

"The National Planning Policy Framework sets out strict tests to protect people and property from flooding which all local planning authorities are expected to follow. Where these tests are not met, new development should not be allowed. The main steps to be followed in addressing flood risk are set out below, starting with assessing and then avoiding flood risk. The steps are designed to ensure that if there are lower risk sites available, or a proposed development cannot be made safe throughout its lifetime without increasing flood risk elsewhere, it should not be permitted. Measures to avoid, control, manage and mitigate flood risk should also not increase flood risk elsewhere.

Assess flood risk –

- *Strategic policy-making authorities should undertake a Strategic Flood Risk Assessment;*
- *Where appropriate, in areas at risk of flooding, developers undertake a site-specific flood risk assessment to accompany applications for planning permission (or prior approval for certain permitted development rights, or Technical Details Consent);*
- *Assessments of flood risk identify sources of uncertainty and how these are accounted for in a mitigation strategy....."*

Wiltshire Council undertook a Strategic Flood Risk Assessment (SFRA) in 2019. The SFRA clarifies that for a site to be considered at low risk of flooding it should meet the following conditions:

- Site is within Flood Zone 1
- Site is not within Flood Zone 3 plus climate change
- Less than 10% of the site is within highest risk category in JBA Groundwater map (groundwater is <0.025m below the surface in the 1 in 100-year event)
- Less than 75% of the site is within the second highest risk category in JBA Groundwater map (groundwater is between 0.025m and 0.5m below the surface in the 1 in 100-year event)

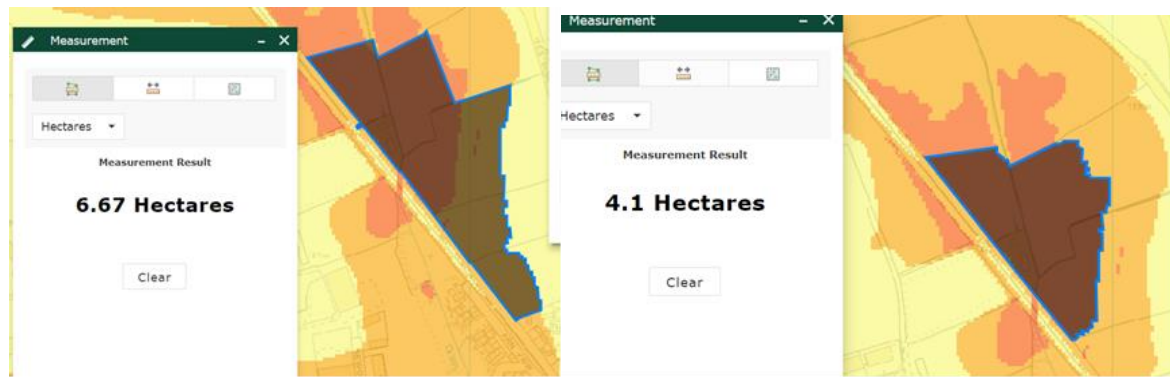
The application site is 10.45 hectares, and approximately 6.67 hectares is within the two 'dark orange' (and so most at risk from ground water flooding) areas (that is, where ground water is <0.025 or 0.025-0.5m below ground surface). This equates to c. 64% of the site.

However, the application is supported by a site-specific flood risk assessment (FRA) which has been agreed by the Council's Drainage Officer. In section 4.7 of the FRA it is stated that a ground water investigation has been carried out, and the conclusion from this is –

"The Ground Investigation encountered groundwater at between 1.2 and 1.8m below the ground surface in the west part of the site; groundwater was not encountered in the central and east part of the site. The development levels and drainage can be designed to manage any groundwater flooding to ensure that the development is not at risk of flooding. The risk of flooding from groundwater is low."

The WC Drainage Officers have confirmed that the scope of the FRA is sound (for instance, that ground investigations were carried out in the winter), and it is agreed that the likely maximum ground water level is, in fact, 700mm. If applied to the SFRA mapping system, the site would then be in the 'yellow' area meaning that the 'less than 10%' definition of low risk of flooding would be met. This means that the sequential test does not have to be carried out. And regardless of this the residential elements and the foul water recycling plant would be located within flood zone 1.





The WC Drainage Officers have confirmed that on-site groundwater monitoring is intrinsically more accurate than the SFRA (as long as it is completed during winter), as it establishes the actual conditions on the site, and not just trends across a wider area. Consequently, WC Drainage Officers raise no objections, subject to conditions.

The Council has sought legal opinion on this matter, which confirms that the 2019 SFRA maps are not binding and that the Council should evaluate evidence (via site specific FRA's) in reaching a view as to whether any application site is at risk now or in the future from flooding.

9.5 Impact on biodiversity including phosphorus

The Council's Ecology Officer has provided the following comments;

The site falls within the consultation zones of:

- i) Salisbury Plain Special Area of Conservation (SAC),*
- ii) River Avon SAC,*
- iii) Bath and Bradford on Avon SAC.*

Approximately 10.5 ha site is dominated by three arable fields bordered by hedgerows with permanent grassland and a small woodland copse in the north-east of the site. A small woodland copse with pond is located adjacent to the railway corridor in the north west of the site.

Fourteen species of bat have been recorded on site, which was dominated by common pipistrelle bats. Bat activity for all species was focused along the northern boundary hedgerow (H2) [see Habitat Plan, below], west boundary bordering the railway corridor and the hedgerow towards the south of the site (H4). H2 is an important commuting and foraging feature for greater horseshoes and the southern hedge (H4) is an important commuting and foraging features for greater and lesser horseshoe bats.

Badger is confirmed present on site with outlier setts in the east and west boundary hedgerows and foraging signs on site, notably along the hedgerow to the south (H4). The boundary hedgerows and field margins have potential to be used by breeding birds, hedgehogs (and other section 41 species). Water vole and otter have not been confirmed present on site, however they are highly mobile species and the stream provides suitable habitat.

The development layout has been designed to retain, protect and enhance the most valuable ecological features comprising the boundary hedgerows. Mitigation measures are proposed, to ensure compliance with protected species legislation for bats, breeding birds, section 41 mammals, and reptiles. The loss of the arable fields and poor other neutral grassland on site requires no mitigation.

Assuming the implementation of effective mitigation measures, as set out in this report, no significant adverse ecological effects are predicted. Enhancement measures are described which deliver a net gain of over 30% for biodiversity – the results of which are set out within the applicant's supporting BNG Report.

The applicant has proposed on-site wetland mitigation, the applicant's nutrient neutrality calculations have shown that there will be no additional Total Phosphorous being discharged from the proposed development via foul or surface waters. The Total Phosphorous budget indicated a betterment to the wider catchment. Natural England have confirmed their agreement with the applicant's calculations.

Shadow HRA for Bath and Bradford on Avon Bats SAC –

The Ecology Sensitive Lighting Strategy plan (Feb 2022) shows that the dark zones where light levels will be below 0.5 lux alongside key hedgerows / boundary will be 5 metres wide. Luminares and lighting columns will be adjusted to ensure these dark zones can be achieved. Wiltshire LPA Ecologists recommended that the Council adopts this as its own for the purposes of discharging its duty under the Habitats Regulations for the Bath and Bradford on Avon Bats SAC. NE were specifically consulted on this document and have responded that they agree with the conclusion of no significant impact after mitigation (lighting constraints by condition).

Shadow HRA for Salisbury Plain SPA –

This application lies within the 6.4km buffer zone of the Salisbury Plain SPA and in light of the HRA for the Wiltshire Core Strategy and the HRA for the Wiltshire Housing Site Allocations Plan it is screened into Appropriate Assessment due to the potential impact of recreational pressure on stone curlew in combination with other plans and projects. In February 2022 NE confirmed that the 2018 Appropriate Assessment for Salisbury Plain continues to be supported by NE. That Appropriate Assessment reached a conclusion of no likely significant effect on the conservation objectives of the SPA, for development within 6.4km of the SPA boundary provided that the mitigation scheme continues to be implemented. Annual stone curlew monitoring and protection measures continue to be secured by the Council. The Council is therefore able to conclude beyond reasonable scientific doubt, that development proposed under this application would not lead to adverse effects on the integrity of the Salisbury Plain SPA.

Shadow HRA for the River Avon SAC –

Following further discussion between the applicant, Natural England and Wiltshire Council Ecologists, a further nutrient calculation has been submitted - Land West of Westbury Road, Warminster (Planning Reference: PL/2021/09013) Phosphorus Neutrality Report (Revision 4) by Marian Cameron Consultants Ltd. Natural England have agreed that neutrality can be achieved for 165 dwellings based on the outcome of the calculation as set out in this report. Wiltshire Council has reviewed the additional submitted information based on a revised occupancy figure of 2.4 people per dwelling and agree that neutrality can be delivered for this proposal.

The delivery of housing on the Site will be limited to 165 dwellings by means of a phasing condition and/or S106 Agreement. Further implementation of development beyond the agreed phasing limit will only take place if onsite monitoring demonstrates to the satisfaction of Natural England that the nutrient mitigation strategy is delivering as designed. This requires the - Water quality monitoring, including Total Phosphorus concentration of the unnamed watercourse will be carried out monthly for a year after installation of the ponds with the Floating Treatment Wetlands to ensure their effectiveness and agreement by Wiltshire Council and Natural England.

Natural England recommends that the scheme is subject to a legal agreement / condition to prevent

commencement until the new WwRC has been consented by EA and importantly the Total Phosphorus consent level agreed. If consent is higher than the 0.3 mg l used in the nutrient budget calculation then the phosphorus budget for the scheme will need to be resubmitted and any additional phosphorus mitigation requirements secured.

Management will be secured by a planning condition and will be carried out by the Proposed Development's Management Company which will be financed by the Applicant and new residents. The Floating Treatment Wetlands once installed will be monitored and managed through a legal agreement by the freeholder in accordance with SPEL's site specific Maintenance Management Plan as set out in Appendix 7 (of the phosphorus mitigation report).

In summary, maintenance will be required on a regular basis to ensure that new vegetation growth is stimulated, and vegetation cuttings would need to be taken offsite for safe disposal so as to stop Total Phosphorus re-entering the catchment.

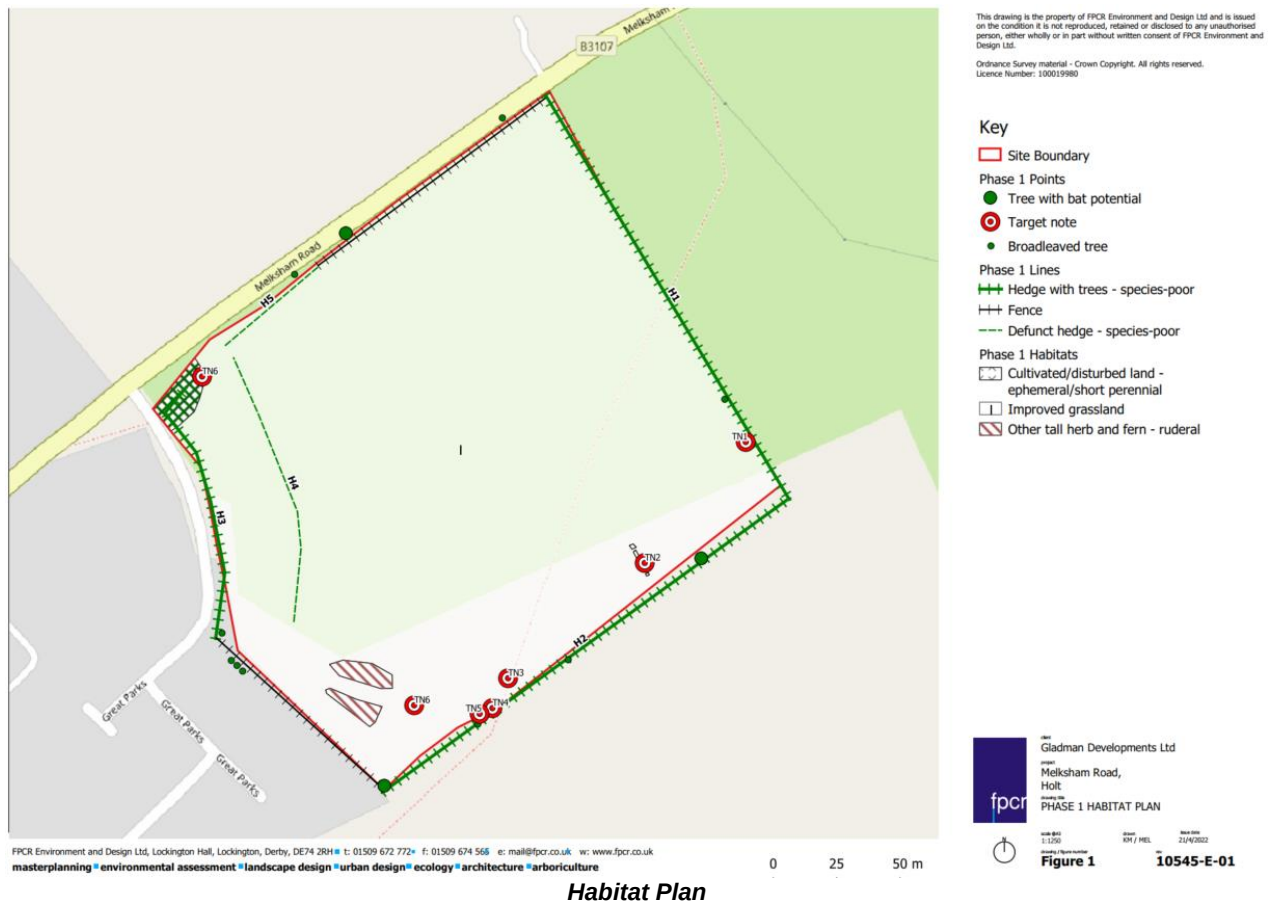
A suitably worded legal agreement will be required to confirm the following:

- Delivery of housing on the Site will be limited to 165 dwellings by means of a phasing condition and/or S106 Agreement*
- Submission of water quality monitoring, including Total Phosphorus concentration of the unnamed watercourse will be carried out monthly for a year after installation of the ponds with the Floating Treatment Wetlands to ensure their effectiveness to the satisfaction of Natural England*
- That waste from interim drainage solution goes out of catchment*
- That waste from floating wetlands goes out of catchment*
- The Council is reimbursed to undertake monitoring and management work in perpetuity*

Further implementation of development beyond the agreed phasing limit will only take place if on-site monitoring demonstrates to the satisfaction of Natural England that the nutrient mitigation strategy is delivering as designed. This requires the - Water quality monitoring, including Total Phosphorus concentration of the unnamed watercourse will be carried out monthly for a year after installation of the ponds with the Floating Treatment Wetlands to ensure their effectiveness and agreement by Wiltshire Council and Natural England.

The operational phase of the development will require an abstraction licence from EA for the diverting of water.

Following submission and agreement from Natural England of the Phosphorus Neutrality Report (Revision 4) by Marian Cameron Consultants Ltd. May 2023, there are no objections.



An updated HRA Appropriate Assessment relating to phosphorus impact has been referred to Natural England for final sign off, and an update on this will be reported to the Committee. Natural England has already confirmed that it is satisfied with the nutrient mitigation although the formal sign off is still required.

Through the public consultation a number of third parties raised objection to the off-site works and the impact of the 'ecologically protected verge'. The Council's Ecology Officer has considered this and responded -

The verge on the north side of the road is in the Protected Road Verge (PRV) Scheme, which is run by Wiltshire Council and managed by Highways Maintenance. The verge, by inclusion in the scheme, is protected under WCS CP50. However, this particular verge has low ecological value and is in the scheme more because of its local aesthetic value that local residents want to keep. It is not a difficult verge to manage so was kept in the scheme rather than removed. There is a category in the PRV criteria that allows for "community value" to be taken into consideration.

We would be happy if a cycleway/footpath was installed here, as it makes sense in the local area for pedestrians. The PRV is not of high enough quality to be able to object on Ecology grounds. We would expect that the bank and trees to the rear of the verge would continue to be managed in the same way as now. We would also expect a robust method statement to ensure that existing tree roots are not impacted by the works and that no other species or habitats are significantly affected.

9.6 Impact on neighbour amenity

The scale, layout and external appearance of the proposal are 'reserved matters' for future applications which would then take into account the impact on neighbour amenity. This said, there

is no reason why a neighbourly development could not be achieved based on the indicative master-plan, for both existing and new residents.

9.6.1 Noise –

The WC Environmental Health Officer has reviewed the Noise and Vibration Assessment which concludes that Vibration Dose Value (VDVs) (from the railway line) are well below the threshold level at which there is a low probability of adverse effects.

However, it has been identified that mitigation is required to meet internal ambient noise levels and the attenuation is detailed in Section 4 of the report. This is because the noise levels in the external amenity spaces for those properties which would be located adjacent to the railway line are likely to exceed the BS8233:2014 Design Criteria for External Noise (S7.7.3.2) guidance.

BS8233:2014 states *‘for traditional external areas that are used for amenity space such as gardens and patios, it is desirable that the external noise level does not exceed 50dB LAeq T with an upper guideline value of 55dB which would be acceptable in noisier environments. However, it is also recognised that these guideline values are not achievable in all circumstances where development might be desirable...’*

The Environmental Health Officer further states that –

“.... the noise report demonstrates noise levels in gardens located along the railway line, at the façade of the proposed dwellings, will exceed the upper guideline limit of 55dB LAeq16hours by 1-2 dB, however, at the bottom of the gardens nearest the railway line, this exceedance will be greater. Exceedance of the upper limit in garden amenity areas is not something that this department can support and would expect additional mitigation to be put in place to ensure noise levels in all parts of the gardens which border the railway line meet the BS8233:2014 criteria of 50dBLAeq with the upper limit of 55dB LAeq being the maximum. This may be achieved through improved boundary treatment or changing the layout of the dwellings bordering the railway line.”

It is submitted that subject to conditions, external noise levels can be mitigated and secured by condition.

9.6.2 Contamination –

The Council’s Contamination Officer has no objection and considers the Phase 1 & 2 Site Investigations undertaken by Clarkebond and supporting the application are sufficiently detailed, and follow current guidance. This study concludes that there are no risks to human health, plants or groundwater on the site, and no remedial action needed.

9.7 Archaeology

The application is supported by a ‘Heritage Constraints Assessment’, which includes results of a geophysical survey. However, the Councils Archaeology Officer requested a trial trench evaluation, which has been carried out by Cotswold Archaeology. The Council’s Archaeology Officer notes that;

“While the evaluation established that most of the site was free of significant archaeological activity, the results from Trench 12 at the northern end of the site were rather more enigmatic and in my opinion require further investigation.”

Accordingly, a condition is recommended that further investigation around ‘Trench 12’ would be required prior to any other works commencing on site.

9.8 Urban Design

The WC Urban Design Officer has expressed concern that the indicative plans only demonstrate that approximately 184 dwellings can be accommodated on the site. There is, therefore, concern that a scheme for 'up to 205' dwellings could result in an over-development.

As this is an outline application for 'up to' 205 dwellings, this concern does not amount to a sound reason to refuse planning permission. The detail of the scale and design of the development are for the reserved matters applications later on, and which can be supported or rejected at that time. The developable area would allow c. 205 dwellings at an average density of c39-40 dph, which is not inappropriate for the location. In the event of part of the developable area being required for infrastructure, then either the density would slightly increase or the number of units would reduce – both of which are unlikely to be unacceptable outcomes, subject to appropriate design. It is also of note that that WC Urban Designer qualifies his concern with the following comment - *".... a good understanding of basic urban design principles. It appears, in my view, a legible, landscape-led concept, with coherent, efficient urban form nestled within a strong GI framework."*

9.9 Section 106 Legal Agreement

Core Policy 3 states that all new development will be required to provide for the necessary on-site and, where appropriate, off-site infrastructure requirements arising from the proposal. Infrastructure requirements would be delivered directly by the developer and/or through an appropriate financial contributions prior to, or in conjunction with, the new development. This is in line with the tests set under Regulation 122 of the Community Infrastructure Levy Regulations 2010 and Paragraph 55 of the National Planning Policy Framework. These are that contributions must be:

- Necessary to make the development acceptable in planning terms;
- Directly related to the development; and
- Fairly and reasonably related in scale and kind to the development.

The infrastructure items listed below are those that are relevant to the application site and are required in order to mitigate the impact of the proposal. The applicant has agreed to provide these:

Ecology

The s106 would include the following clauses;

- Delivery of housing on the site will initially be limited to 165 dwellings by means of a phasing agreement.
- Submission of water quality monitoring, including Total Phosphorus concentration of the unnamed watercourse will be carried out monthly for a year after installation of the ponds with the Floating Treatment Wetlands to ensure their effectiveness to the satisfaction of Natural England
- That waste from interim drainage solution goes out of catchment
- That waste from floating wetlands goes out of catchment
- The Council is reimbursed to undertake monitoring and management work in perpetuity

Further implementation of development beyond the agreed phasing limit would only take place if on-site monitoring demonstrates to the satisfaction of Natural England that the nutrient mitigation strategy is delivering as designed. This requires the Water quality monitoring, including Total Phosphorus concentration of the unnamed watercourse to be carried out monthly for a year after installation of the ponds with the Floating Treatment Wetlands to ensure their effectiveness and agreement by Wiltshire Council and Natural England.

Highways

- £25,000 towards improvements to Lighting (£7,500 for two lighting columns) and surfacing (£7,500 (125m of surface at £60 per sqm)) on Public Right of Way WARM16 and footbridge (£10,000 for the implementation of 'gullies/ramps' for wheeling bikes up and down the bridge), to be implemented by Wiltshire Council.
- £75,000 towards new pedestrian and cycle infrastructure scheme on the eastern side of Westbury Road including new bus stop arrangement, with shelter and real time information and taking into account and where necessary accommodating any existing constraints, including utilities and access points. NB. should the development come forward following the implementation of the Elm Hill roundabout scheme provided as part of planning permission 15/01800/OUT (West Warminster extension), a sum of £75,000 would be provided towards the Council implementing pedestrian and cycle uncontrolled crossing facilities in that junction location instead of the footway/cycleway works shown on SK_13 Rev B in that location.

Informative: The contribution would be used by either Wiltshire Council or an agent working on its behalf and may include direct transfer to deliver the works through any existing Contractor Engagement to deliver the Urban Extension works.

- £162,950 towards bus services and transport infrastructure run by Wiltshire Council
- £7,000 towards a Traffic Regulation Order for the relocation of the 40mph/50mph speed limit to the north of the site. This would cover the consultation also needed for the Toucan Crossing.
- Provision of a green travel plan encouraging use of transportation other than by car. Shall include details of implementation and monitoring and shall be implemented in accordance with these agreed details

Affordable Housing:

Core Policy 43 of the Wiltshire Core Strategy, as currently amended by the National Planning Policy Framework, sets out a requirement for 30% on-site Affordable Housing provision: on all sites of 10 or more dwellings within this Community Area. Based on the proposed scheme of up to 205 residential units, there would therefore be a requirement to provide 62 affordable units on the site. To meet current demonstrable need the Affordable Housing units should be provided with a tenure mix of 60% (37 units) Affordable Rented, 40% (25 units) Shared Ownership.

Education

Education have applied a 30% discount to the affordable housing units – a reduction of 18 units, meaning contributions are based on 187 units. Furthermore, consultation was received on 10 November 2021 and the cost multiplier has since been updated. Final figures would be provided for the heads of terms should Members determine in line with the recommendation.

- Early Years: £420,528 and notes there are currently 7 nurseries and preschools and 4 childminders within a two-mile safe walking route of this proposed development. This existing provision is operating at high capacity.
- Primary School: There is sufficient capacity available across the relevant primaries to accommodate the need for places that will be created by this development, without the

need for an expansion of provision. Therefore, we have no requirement for a developer contribution towards funding the primary places that this development needs.

- Secondary School: There is spare capacity available at Kingsdown to accommodate the pupil product of the proposed development. Therefore, we have no requirement for a developer contribution towards the secondary places that this development generates a need for.

Refuse

A contribution of £18,655 (£91 per dwelling x 205) would be required to provide the new dwellings with adequate waste and recycling bins. This is in conformity with the Wiltshire Council Waste Collection Guidance for New Development and is listed in Core Policy 3 as an infrastructure priority theme 1.

However, the consultation response was dated 18 October 2021 and since then the 'per dwelling' cost now has a rate of £101, which would mean a figure of £20,705.

Recreation and Open Space

Saved Policy LP4 of the Leisure and Recreation DPD states that where new development (especially housing) creates a need for access to open space or sport/recreation provision, an assessment will be made as to whether a contribution to open space or sport recreation is required. Saved Policy GM2 of the Leisure and Recreation DPD requires the management and maintenance of new or enhanced open spaces which will be included within the S106.

The proposal does include an area of public open space which is to be managed by a management company, and this is considered to be appropriate in the context of the policies. The site should also be large enough to accommodate on site children's play area and a contribution to Warminster recreation ground is also sought.

- POS – 7523.09m²
- Equipped Play – 362.85m²
- £48,380 off site contribution

The proposal also includes provision of a community centre, to which the Town Council have not demonstrated any interest to adopt. However, should there be interest in taking up the facility it can be added as a provision in the s106. NPPF paragraph 93 a) states;

"To provide the social, recreational and cultural facilities and services the community needs, planning policies and decisions should:

a) plan positively for the provision and use of shared spaces, community facilities (such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments;"

Management Company –

The S106 Legal agreement would need to ensure that the proposed dwellings are served by a management company to ensure that the area of public open space and other shared areas are managed and looked after. Additionally, the areas required for Bio-diversity net gain would need to be secured as well as the monitoring of the maintenance of the floating ponds in perpetuity.

Arts

The NPPF (paragraphs 8b and 93b) recognises that cultural wellbeing is part of achieving sustainable development and that *“To provide the social, recreational and cultural facilities and services the community needs, planning policies and decisions should:*

b) take into account and support the delivery of local strategies to improve health, social and cultural well-being for all sections of the community;”

The Council's former Arts officer requested a contribution of £61,500 (205x£300). However, s106 contributions have to be linked to a specific scheme or identified in a development plan document. Therefore, the Council cannot add this as a s106 contribution.

However, the applicants have accepted that arts provisions can be provided on site by condition, which is an approach used on other applications. This has been supported by the new Arts Officer. Therefore, there would still be public benefit of arts provision within the site.

10. Conclusion

At the heart of the NPPF there is a presumption in favour of sustainable development, this requiring local planning authorities to approve development proposals that accord with the development plan without delay; and where there are no relevant development plan policies, or the policies which are most important for determining applications are out-of-date, permission should be granted in any event.

The Council cannot currently demonstrate a 5-year supply of deliverable housing land; at the time of preparing this report the current supply figure as set out in the latest Housing Land Supply Statement is 4.6 years (and accepted to be 4.59 as per the Holt appeal). With this recognition the strategic policies of the Core Strategy must be considered out of date, and so the tilted balance flowing from paragraph 11d)ii of the National Planning Policy Framework (NPPF) is engaged. When the tilted balance is engaged, the NPPF indicates that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the NPPF taken as a whole.

Whilst the proposed development lies outside of Warminster's boundary and so conflicts with the strategic level policy requirements (CP1 & CP2), this report shows that there are no adverse impacts arising from the proposal on the wider landscape, archaeology, drainage, ecology, highways, and/or amenity. There are, however, benefits which include additional market and affordable housing; the development would also contribute to the housing choice and mix in the local area. Additionally, it would help provide economic benefits by providing work for construction professionals, increase economic activity within Warminster and make contributions to off-site infrastructure through S106 contributions and CIL.

As already set out, there are no adverse impacts that would significantly and demonstrably outweigh the benefits that this particular development in this location on the edge of a sustainable settlement identified for growth would bring. The proposal would relate well to the spatial form of Warminster using existing road infrastructure and would offer an accessible walking route into the town and its services and facilities. The application site would also make s106 contributions to the bus service and pre-school. The provision of a community hub would be of a benefit to the new and existing community.

Fundamentally the site would make an important contribution to the current identified housing need in Wiltshire without causing other demonstrable harm.

RECOMMENDATION –

That the Committee gives delegated authority to the Head of Development Management to grant planning permission, following –

- a) receipt of written confirmation from Natural England that it is satisfied with the Council's Ecology Team conclusion that the development would not result in significant or harmful ecological effects; and**
- b) the completion of a s106 planning obligation covering the matters set out within section 9.9 of this report;**

and subject to the following planning conditions:

CONDITIONS

1. The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

REASON: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. No development shall commence on site until details of the following matters (in respect of which approval is expressly reserved) have been submitted to, and approved in writing by, the Local Planning Authority:

- (a) The scale of the development;
- (b) The layout of the development;
- (c) The external appearance of the development;
- (d) The landscaping of the site;

The development shall be carried out in accordance with the approved details.

REASON: The application was made for outline planning permission and is granted to comply with the provisions of Section 92 of the Town and Country Planning Act 1990 and Article 5 (1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015.

3. An application for the approval of all of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

REASON: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.

4. The development hereby permitted shall make provision for the following:

- (a) Up to 205 dwellings;
- (b) A community hub;
- (c) Public open space to be sited, laid-out and equipped in accordance with the West Wiltshire Leisure and Recreation DPD (or any subsequent replacement DPD); and to include at least 7,523 sq m of general public open space and at least 363 sq m of equipped play space.

The 'layout of the development' (as to be submitted and approved under condition no. 2) shall accommodate the above broadly in accordance with the Illustrative Masterplan (no. 0736-

10002 – page 33 in the Phosphorus Neutrality Report (revision 4 – and 3 appendices)) and the Parameter Plan – Density (0736-1005-4).

Notwithstanding the details set out in the Building Heights Parameters Plan (0736-1005-3), the reserved matters application(s) shall exclude 3 storey buildings across the site and shall exclude 2.5 storey buildings adjacent to both vehicular accesses into the site and along the northern edge of the site.

Prior to commencement of the development, a programme, or phasing plan, for the delivery and completion of the dwellings, the community hub and the public open space(s) shall be first submitted to, and approved in writing by, the local planning authority. The dwellings, the community hub and the public open space(s) shall then be delivered and completed in accordance with the approved programme.

REASON: To ensure the creation of a sustainable development which is in character with its surroundings and in accordance with the terms of the planning application.

5. The 'means of access' to the site and the off-site highways works shall be provided substantially in accordance with the following drawings –

- P19-2831 001-B – 'General Access Arrangement' – dated 20/04/2021
- P19-2831 SK/13Rev B – 'Potential Footway/Cycleway Improvements – Option 1B' – dated 08/12/2022 – received 27 June 2023

Prior to commencement of the development, a programme for the delivery and completion of the means of access to the site and the off-site highways works shall be first submitted to, and approved in writing by, the local planning authority. The means of access to the site and the off-site highways works shall then be delivered and completed in accordance with the approved programme.

REASON: To ensure proper and timely delivery of the means of access to the site and the off-site highways works in accordance with an agreed programme and in the interests of highway safety and sustainability.

6. In addition to the approved plans referenced in conditions 4 and 5, the development hereby permitted shall be carried out in accordance with the following approved plans and documents:

Site Location Plan (0736-101);
Statement of Community Involvement (cadence September 2021);
Sustainability and Energy Statement (Turley Sustainability - June 2021);
Design and Access Statement (3 parts – Barratt Homes September 2021 0736 – V1);
Planning Statement (and appendices) (Pegasus CM P19-2831);
Topographical Survey (0736-100-1);
Transport Statement (6 parts – Pegasus – July 2021 P19-2831);
Travel Plan (Pegasus July 2021, P19-2831);
Flood Risk Assessment (Ethos Environmental Planning September 2021);
Air Quality Assessment (Air Quality Consultations July 2021 J4498A/1/F1);
Preliminary Ecology Survey (Ethos Environmental Planning September 2021);
Habitat Regulations Assessment v2 (Ethos Environmental Planning September 2021);
Land Contamination assessment and appendices (Phase 1 and 2 Clarkebond E05548-CLK-00-XX-RP-G-0001- 08/03/21);
Landscape and Visual Appraisal (SLR, 403.04993.00069, V2 – July 2021);
Heritage Assessment (RPS JAC26202 v3 February 2021);
Site Waste Management Plan (Biffa, V1 – 12 October 2021);
Tree Survey (BSS22778ts 28/01/2021) and Tree Survey Plans (BBS22778-01 (Page 3 of 3) ;

Noise and Vibration Assessment (Hepworth Acoustics P20-546-R01v1 March 2021);
Indicative Site Section Plan 1-1 (0736-110-1, March 2021);
Indicative Site Section Plan 2-2 (0736-110-2, March 2021); and
Nutrient Mitigation Pond Details (502-P107 Rev B)

– all received 1 October 2021

Ecological Impact Assessment (Ethos Environmental Planning – January 2022); Flood Risk and Drainage Strategy (Phoenix Design 502 Rev A – February 2022); Framework Plan (0736-1007 April 2021); delivery statement (1 Feb 2022); Technical note to LLFA (29/10/2021); Indicative Site Section 3-3 (0736-110-3) and Parameter Plan (Access and Movement Plan 0736-1005-1 March 2021)

– all received 9 February 2022

Updated Shadow Habitats Regulation Assessment (Ethos Environmental Planning March 2022)

– received 11 March 2022

Phosphorus Neutrality Report (Revision 4) (Marian Cameron Consultants Ltd) and appendices 3 Nutrient Budget Calculator (includes revised indicative masterplan)

– received 11 April 2023

Excel spreadsheet and P loading with WRC and FTW

– received 21 April 2023

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

7. Prior to the commencement of development of any residential units in any Phase or Sub-Phase of the development an application for the stopping up and/or diversion of public rights of way WARM18 shall be submitted to Wiltshire Council. Following which no residential development within any Phase or Sub-Phase crossed by these rights of way shall commence unless either:
 - i) A footpath diversion and stopping up order that incorporates the stopping up of the existing footpath route across the railway at level has been made and confirmed by the local planning authority or the Secretary of State, or
 - ii) the Secretary of State, upon consideration of a stopping up order made by the local planning authority as aforementioned in (i) above does not confirm the order.

Upon any confirmed diversion and stopping up order coming into force, the new footpath route shall be fully completed prior to the occupation of units within any Phase or Sub-Phase crossed by public rights of way WARM18.

REASON: To ensure the continued safe operation of the rights of way network.

INFORMATIVE: Network Rail will provide the developer with all the appropriate information to ensure railway safety issues concerning the level crossing are fully considered before a decision on the stopping up or diversion of the public rights of way WARM18 is taken by the local planning authority or Secretary of State.

8. Prior to the commencement of development, a scheme for the improvement of public right of way WARM18 both within the application site and in the surrounding environment, and a

programme for its implementation, shall be submitted to the local planning authority for approval in writing. The scheme shall provide details of width alignment and new surfacing for the footpath. The scheme shall be implemented as approved in accordance with the approved programme for implementation.

REASON: The improvements will ensure the continued safe use and enjoyment of the footpaths in the interests of amenity.

INFORMATIVE: In the event that it is proposed to divert this public right of way then the scheme for its improvement should relate to the diverted route. A diversion order would be required for this. The applicant must apply separately to Wiltshire Council for such an order, and it cannot be assumed that one will be made. But in the event that an order is made and there are objections to it which cannot be resolved, the matter would then be referred to the Secretary of State for his determination.

The width of the improved right of way should be minimum of 2m.

9. Notwithstanding the submitted details, the reserved matters submission shall include details of an area of land to be safeguarded for improvements to public right of way WARM 18. The safeguarded land shall be delivered as public open space retained as such in perpetuity or until such time as when formal notice is given that the land is no longer required for the improvements.

REASON: The improvements will ensure the continued safe use and enjoyment of the footpaths in the interests of amenity.

10. Prior to commencement of development a scheme for the provision of at least one public 'rapid charging' point in a publicly accessible parking area or bay shall be submitted to and improved in writing by the local planning authority. The public rapid charging point shall be installed and be ready for use prior to the first occupation of the 100th dwelling or in accordance with a programme to be first agreed by the local planning authority, whichever is the sooner. The public rapid charging point shall thereafter be retained and shall remain operational at all times (other than when under-going reasonable maintenance).

REASON: In the interests of mitigating the impact of the development on the environment in accordance with Core Policy 60(vi).

11. No development shall commence on site 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 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 enable the recording of any matters of archaeological interest.

NOTE: The work is to be carried out following the Standards and guidelines for Archaeological Strip, Map and Record Excavation as set out by the Chartered Institute for Archaeologists (CIfA)

12. No development hereby approved shall commence until details of measures to safeguard the amenities of future occupants of the development – both in their homes and in their private gardens – from noise disturbance from trains have been submitted to and approved in writing by the local planning authority. The development shall then be carried out in accordance with the approved details and prior to first occupations.

REASON: The railway line will be a potential source of noise disturbance to occupants of the development in close proximity. This disturbance can be removed and/or reduced to acceptable levels through appropriate design and layout.

INFORMATIVE: In discharging this condition the applicant should engage an Acoustic Consultant. The consultant should carry out a background noise survey and noise assessment according to BS8233: 2014 (or any subsequent version) and demonstrate that external noise levels will not exceed the guideline noise levels contained in Section 7.7 (table 4) of BS8233:2014.

13. The development hereby approved shall be carried out in accordance with the Flood Risk Assessment (FRA) Rev A by Phoenix Design dated February 2022 and the mitigation measures detailed within it, including:

- Finished flood levels to be no lower than 115.30 metres above Ordnance Datum
- There shall be no ground raising below the design flood level as this would reduce the available floodplain storage.
- There shall be no storage of any materials including soil within the future 1% annual probability (1 in 100 year) flood extent.

REASON: To reduce the risk of flooding at the development, and prevent flooding elsewhere.

14. No development shall commence until a scheme for water efficiency has been submitted to and approved in writing by the Local Planning Authority. The scheme shall ensure that all new houses will have water usage that does not exceed a maximum of 110 litres per person per day (to include external water usage). The scheme shall be implemented in accordance with the agreed details.

REASON: In the interests of sustainable development and to meet the demands of climate change.

15. No development shall commence on site until schemes for the management of surface and foul water drainage have been submitted to and approved in writing by the local planning authority. The submitted details shall be consistent with the Nutrient Neutrality Strategy [Land West of Westbury Road, Warminster (Planning Reference: PL/2021/09013) Phosphorus Neutrality Report (Revision 4) by Marian Cameron Consultants Ltd.] and include:

- i. Detailed engineered drawings of the proposed drainage works including the waste water treatment system comprising a WasteWater Recycling Centre, wetland cells and floating wetlands and SuDS features including cross section drawings, their size, volume, depth and any inlet and outlet features including any connecting pipe runs;
- ii. Phosphorus removal SuDS features to be designed in-line with adopted CIRIA guidance for construction and maintenance; and
- iii. A maintenance and management plan for the entire drainage system to include (but not limited to) details for its adoption by an OFWAT (or any successor body of the same) listed sewerage undertaker (or any subsidiary of the same), management, maintenance, permitting, funding, key personnel and responsibilities (including contact details for such persons) and other arrangements to secure its operation in perpetuity.
- iv. A recalculation of the phosphorus budget to show neutrality is achieved, with provision of additional in perpetuity mitigation if necessary.

The development shall be carried out in accordance with the approved details and no dwelling shall be first occupied until the drainage works to serve it have been completed, are operating satisfactorily and the maintenance and management plan has been implemented. The

approved drainage works shall be retained in accordance with the approved maintenance and management plan at all times thereafter.

REASON: To secure an effective drainage strategy which ensures nutrient neutrality in the water catchment (Hampshire River Avon SAC) within which this development is located.

INFORMATIVE: The applicant is advised to provide the evidence as requested in the further informatives at the end of this decision notice.

16. No development shall commence on site until details of the Interim Drainage Solution for up to the first 30 dwellings and before the wastewater recycling centre are fully operational have been submitted to and approved in writing by the local planning authority. The submitted details shall be consistent with the Nutrient Neutrality Strategy [Land West of Westbury Road, Warminster (Planning Reference: PL/2021/09013) Phosphorus Neutrality Report (Revision 4) by Marian Cameron Consultants Ltd.] and include:

- Details of the storage tank on site
- Confirmation that the waste will be removed to a wastewater treatment works out of the Hampshire Avon catchment
- Confirmation of agreement with relevant service providers.

The development shall be carried out at all times fully in accordance with the approved Interim Drainage Solution.

REASON: To secure an effective interim strategy for the first 30 dwellings which ensures nutrient neutrality in the water catchment (Hampshire River Avon SAC) within which this development is located.

17. No development shall commence on site, including demolition, ground works/excavation, site clearance, vegetation clearance and boundary treatment works, until a Construction Management Plan (CMP) has been submitted to and approved in writing by the local planning authority. The CMP will minimise all construction effects on the environment through the implementation of procedures for:

- i. Reducing the risk of spillage or leakage of oil, fuel and other liquid chemicals;
- ii. Dealing with a spillage – the contractor will be responsible for storing easily accessible spillage containment equipment on site and for training staff in the use of such equipment;
- iii. Avoiding causing the release of pollution from existing pipelines;
- iv. Management of site runoff and elevated concentrations of suspended solids;
- v. Management of dust produced by construction activities through implementation of dust suppression measures including: visual checks, use of water sprays, screens and sheets around stockpiles and appropriate construction activities, and careful transfer of materials;
- vi. British Standards Institute (2014) BS5228-1:2009+A1:2014 Code of practice for noise and vibration control on construction and open sites.
- vii. Minimising noise levels for all the construction activities and plant through implementation of a noise control plan which will advocate the use of best practice in line with BS5228:2006 and will include measures such as: use of silencers or mufflers on plant and machinery; use of the quietest possible plant; and minimising onsite cutting operations and other noisy activities through off-site fabrication where possible;
- viii. Dealing appropriately with potentially contaminated land;

- ix. Appropriate water quality monitoring and regular visual inspection of site drainage waters during construction;
- x. Avoiding affecting trees and hedgerows to be retained in accordance with British Standards Institute (2012) BS5837:2012 Trees in Design, Demolition and Construction, Recommendations;
- xi. Compliance with best practice pollution prevention guidelines to minimise the potential for water-based pollutants to enter nearby waterbodies or drains preventing changes in the hydraulic regime and ensuring that any discharge from the Proposed Development will be the equivalent to 'Greenfield' runoff;
- xii. Management, recycling and disposal of waste during construction.
- xiii. Enabling site inductions for all staff to highlight issues of ecological importance and sensitivity;
- xiv. Providing secure site fencing to prevent impacts on habitats outside the works area; and
- xv. Night time lighting during construction addressing the need to limit light spillage and glare on areas likely to support bats and birds by following recommendations produced by the Bat Conservation Trust.
- xvi. The movement of construction vehicles and the loading and unloading of equipment and materials
- xvii. The location and use of generators and temporary site accommodation
- xviii. Where piling is required this must be continuous flight auger piling wherever practicable to minimise impacts

The construction phase of the development will be carried out fully in accordance with the Construction Management Plan at all times.

Construction hours shall be limited to 0800 to 1800 hrs Monday to Friday, 0800 to 1300 hrs Saturday and no working on Sundays or Bank Holidays.

REASON: To ensure adequate protection and mitigation for all sensitive environmental receptors.

18. 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:
 - 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.

19. No development shall commence on site until a Landscape and Ecology Management Plan (LEMP) has been submitted to and approved in writing by the Local Planning Authority. The LEMP will 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 must also include a specific reference to phosphorus neutrality report [Land West of Westbury Road, Warminster (Planning Reference: PL/2021/09013) Phosphorus Neutrality Report (Revision 4) by Marian Cameron Consultants Ltd.] and the detailed surface and foul drainage information /strategy.

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.

REASON: To ensure the long-term management of landscape and ecological features retained and created by the development, for the benefit of visual amenity and biodiversity for the lifetime of the scheme.

20. Each reserved matters planning application shall include with it updated plans and calculations (using the most recent version of the Natural England Biodiversity Metric) to demonstrate the development will achieve biodiversity net gain. The updated plans will show habitat creation and enhancements demonstrating the extent and area of each habitat in relation to the development footprint. Development shall not commence in the area(s) covered by the reserved matters application until the updated plans and calculations relevant to the area(s) have been agreed in writing by the local planning authority.

REASON: The application contains insufficient information to enable this matter to be considered at this stage and the matter is required to be agreed with the Local Planning Authority before development commences to ensure it complies with biodiversity net gain guidance and policy.

21. The landscape plans submitted for reserved matters application(s) shall be in accordance with, and informed by, the approved Biodiversity Metric and supporting plans of habitat areas, and demonstrate that habitats and hedgerows which will be retained, enhanced and/or created on the site will deliver an overall net gain in biodiversity units.

REASON: To ensure the development delivers an overall net gain for biodiversity in accordance with CP50.

22. No external lighting shall be installed on site 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 plans will be in accordance with the appropriate Environmental Zone standards set out by the Institute of Lighting Engineers in their publication GN01:2011, 'Guidance for the Reduction of Obtrusive Light' (ILP, 2011), and

Guidance note GN08-18 "Bats and artificial lighting in the UK", issued by the Bat Conservation Trust and Institution of Lighting Professionals.

The approved lighting shall be installed and maintained in accordance with the approved details and no additional external lighting shall be installed unless otherwise agreed in writing with the Local Planning Authority.

REASON: In the interests of the amenities of the area, to minimise unnecessary light spillage above and outside the development site and to avoid illumination of habitat used by bats.

23. No development shall commence on site until a scheme of ecological mitigation and enhancement has been submitted to the Local Planning Authority and approved in writing. The scheme will address the method, timing, location and/or design as appropriate, of the following matters:

- Construction of the cycleway along Westbury Road integrating the requirement to remove and translocate chalk grassland which qualifies as Protected Road Verge.
- Enhancements for birds, bats, hedgehogs and invertebrates
- Bat tree hop-over for spine roads
- Advance planting prior to hedgerow removal to offset impacts on bats
- Increasing biodiversity of neutral grassland retained on site

The development shall be carried out in accordance with the approved scheme.

REASON: To avoid, reduce and mitigate ecological impacts and provide an overall enhancement for biodiversity.

24. All soft landscaping comprised in the approved details of landscaping for any particular Phase or sub Phase of the development shall be carried out in the first planting and seeding season following the first occupation of any building within the Phase or the completion of the Phase or sub Phase 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. All hard landscaping shall also be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme to be agreed in writing with the Local Planning Authority.

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

25. No demolition, site clearance or development shall commence on site within any particular Phase or sub Phase, and; no equipment, machinery or materials shall be brought on to site for the purpose of development within the particular Phase, until a Tree Protection Plan showing the exact position of each tree/s and their protective fencing in accordance with British Standard 5837: 2012: "Trees in Relation to Design, Demolition and Construction -Recommendations"; has been submitted to and approved in writing by the Local Planning Authority, and;

The protective fencing shall be erected in accordance with the approved details. The protective fencing shall remain in place for the entire development Phase and until all equipment, machinery and surplus materials have been removed from the site. Such fencing shall not be removed or breached during construction operations.

No retained tree/s shall be cut down, uprooted or destroyed, nor shall any retained tree/s be topped or lopped other than in accordance with the approved plans and particulars. Any topping

or lopping approval shall be carried out in accordance British Standard 3998: 2010 "Tree Work - Recommendations" or arboricultural techniques where it can be demonstrated to be in the interest of good arboricultural practise.

If any retained tree is removed, uprooted, destroyed or dies, another tree shall be planted at the same place, at a size and species and planted at such time, that must be agreed in writing with the Local Planning Authority.

No fires shall be lit within 15 metres of the furthest extent of the canopy of any retained trees or hedgerows or adjoining land and no concrete, oil, cement, bitumen or other chemicals shall be mixed or stored within 10 metres of the trunk of any tree or group of trees to be retained on the site or adjoining land.

[In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs above shall have effect until the expiration of five years from the date of commencement of the Phase or sub Phase].

REASON: To safeguard trees to be retained in the interests of amenity.

26. No development shall commence in any particular Phase or sub Phase of the development hereby approved until a scheme for the provision of fire hydrants to serve the Phase or sub Phase and any related programme for delivery has been submitted to and approved in writing by the local planning authority. Thereafter no dwelling shall be occupied within the Phase or sub Phase until the fire hydrant serving the dwellings has been installed as approved in accordance with the programme of delivery.

REASON: To ensure the safety of future occupiers of the dwellings.

27. For this phased development, no dwellinghouse shall be occupied until a public art scheme for the site and a timetable for its subsequent installation has been submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details.

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to ensure the proposal complies with the relevant public art policies

NOTE: The applicants proposed promotion of a public art installation at the entry of the equipped play area on site is encouraged and should further advice and guidance be required in terms of promoting local school and/or local artist involvement, contact should be made with Meril Morgan, the Council's arts officer.

Further Informatives to applicant:

In order to address condition 15, the applicant will need to provide the following information –

1. Detailed drainage calculations, restricting discharge rates in line with the Wiltshire Council Betterment Policy). These calculations should demonstrate:

- a) The 1 in 30 year rainfall event is contained within the drainage system without causing flooding to any part of the site.
- b) The 1 in 100 year plus 40% climate change rainfall event does not cause flooding to any building (including a basement) or utility plant.

c) The site has been designed to ensure that flows in excess of the 1 in 100 year rainfall event are managed in exceedance routes that minimise the risks to people and property.

The calculations should set the MADD factor / additional storage value to 0m³/ha to prevent an over-estimation of attenuation storage available on site.

It is noted that an Urban Creep allowance has been applied in relation to the 1 in 100yr + climate change storm only. The applicant will be required to apply the Urban Creep allowance (to account for increased im-permeability across the catchment) to all storm events as part of the detailed hydraulic modelling.

Due to the outfall to an ordinary watercourse, the calculations should also be simulated with a surcharged outfall, to ensure that this does not cause flooding on site.

2. Full details of;

a) Hydraulic modelling to confirm that the existing ditches have sufficient capacity to safely convey surface water discharges from the proposed development without increasing flood risk.

b) Confirm details of remediation, vegetation clearance, and re-levelling works proposed within the ditches in order to improve the ditch capacity.

3. Detailed drainage drawings which include the pipe / link & manhole / node numbers used in the calculations in order to link the drawing with the detailed calculations.

4. Detailed drainage drawings which include the pipe / link & manhole / node numbers used in the calculations in order to link the drawing with the detailed calculations.

5. Plans which demonstrate how exceedance flows in excess of the 1 in 100year rainfall (+40% climate change) will be safely managed on site in order to prevent an increase in flood risk to people or property.



Appendix 2 – Committee Minutes 01.11.23

Strategic Planning Committee

MINUTES OF THE STRATEGIC PLANNING COMMITTEE MEETING HELD ON 1 NOVEMBER 2023 AT COUNCIL CHAMBER - COUNTY HALL, BYTHESEA ROAD, TROWBRIDGE, BA14 8JN.

Present:

Cllr Howard Greenman (Chairman), Cllr Tony Trotman (Vice-Chairman), Cllr Ernie Clark, Cllr Adrian Foster, Cllr Carole King, Cllr Christopher Newbury, Cllr James Sheppard, Cllr Robert Yuill, Cllr Stewart Palmen (Substitute) and Cllr Nic Puntis (Substitute)

Also Present:

Cllr Pip Ridout, Cllr Tony Jackson, Cllr Bill Parks and Cllr Suzanne Wickham

56 **Apologies**

Apologies for absence were received from Councillors Sarah Gibson, Pip Ridout, and Elizabeth Threlfall.

Councillor Gibson was substituted by Councillor Stewart Palmen.

Councillor Ridout was substituted by Councillor Nic Puntis.

57 **Minutes of the Previous Meeting**

The minutes of the meeting held on 16 August 2023 were presented for consideration, and it was,

Resolved:

To approve and sign the minutes as a true and correct record.

58 **Declarations of Interest**

In relation to application PL/2021/03749 - Land at Glenmore Farm, The Ham/Hawkeridge Road, Westbury, BA13 4HQ: Councillor Carole King declared a non-pecuniary interest. This was that the land mentioned in the application used to be owned and farmed by the family who own and manage New Farm/The Old Dairy. A member of her husband's family was married to one of the sons who currently farmed there. This interest did not preclude Councillor King from taking part in the debate and vote, and she confirmed she would consider the matter with an open mind.

Councillor Christopher Newbury also declared a personal interest in application PL/2021/03749. He stated that he would not take part in discussion or vote and left the meeting at the start of that item.

(Note: Councillor Newbury's interest was declared later in the meeting as he had arrived after the start of the meeting).

59 **Chairman's Announcements**

There were no specific Chairman's announcements.

60 **Public Participation**

The procedure for public participation was explained and noted.

61 **Planning Appeals and Updates**

The planning appeals report detailed in the agenda pack was received and noted.

62 **PL/2021/09013 - Land West of Westbury Road, Warminster**

Public Participation

Andrew Lee spoke in objection to the application.

Dr Anthony Grieg spoke in objection to the application.

Ian Tinsley spoke in objection to the application.

Chris Marsh, agent, spoke in support of the application.

Cllr Phil Keeble, Warminster Town Council, spoke in objection to the application.

The Senior Planning Officer, David Cox, presented a report recommending approval of an outline application for the erection of up to 205 dwellings, community hub, public open space, access, infrastructure and associated works.

Key issues were stated to include the principle of development, highways impact and access, impact on landscape, and impact on biodiversity including phosphorus. It was confirmed that in the event of approval the applicant's intended to apply to divert a right of way that ran through the site and use s.106 monies to improve a level crossing. It was confirmed the grading of the land was grades 2 and 3.

Details were provided of representations received since publication of the agenda, along with relevant national and local planning policies, the tilted balance standard being engaged due to the lack of a 5-year housing land supply. An additional condition was also recommended regarding visibility splays, and an update to existing condition 7 on trigger points. Natural England had also responded to confirm acceptance of the habitat regulations assessment regarding phosphate mitigation, meeting all ecology requirements.

Members of the Committee then had the opportunity to ask technical questions of the officers. Clarity was sought on the proposed drainage system, trigger points for development and affordable housing provision. Details were provided on conditions to ensure sewage treatment was operating effectively before more homes were constructed, with the method being used elsewhere and no objections from the drainage team or ecologist. Further details relating to the affordable housing would be determined with a reserved matters application.

Other matters raised included questions relating to potential density of housing on the site, the proposed footpath diversion, which it was confirmed was supported by highways and Network Rail, and the emerging Local Plan, which it was confirmed could be given limited weight at its current stage. Detail was sought on the grading of the land, the inclusion of a community hub as part of the conditions, management of open space, and other matters relating to the proposed s.106 agreement. It was confirmed the application is for up to 205 dwellings, with a technical matter relating to phosphate and ecology requiring sign off by Natural England for even 165 dwellings.

Members of the Public then had the opportunity to address the Committee, as detailed above.

The local unitary Member, Councillor Bill Parks, then spoke in objection to the application. He drew attention to the complexity of the application, the objections from elected representatives and others, and considered the application was contrary to the National Planning Policy Framework. He requested the Committee reject the application.

Councillor Pip Ridout was also in attendance as a local Member from Warminster, not in her capacity as a Committee Member, and also spoke in objection to the application. She raised concerns about the safety of the proposed level crossing site, and raised issues relating to density, transport safety and the sewage treatment details.

In response to public comments officers provided details of planning policies and the impact of the lack of a five-year housing land supply, and that the planning system was concerned with acceptable use of land, with matters such as health and safety dealt with by the Environment Agency or other bodies. Detailed matters relating to design and character would be relevant with a reserved matters application, with the present application outline only.

The item was then opened for debate. A motion was moved to approve the application in accordance with the officer recommendation including additional and amended conditions as detailed at the meeting in relation to first occupancy and visibility splays.

Some Committee members expressed frustration that in their view the lack of five-year housing land supply was undermining the ability of the Committee to determine and reject what they and others considered unsuitable applications under planning policies, raising concerns such as drainage, or development outside the settlement boundary.

Others did not consider there were policy grounds for refusal given core policies were out of date and considering the presumption in favour of sustainable development, the need for affordable housing, and the conditions and mitigations proposed, and with one comment considering that it was a suitable site for the proposed housing.

At the conclusion of debate, and on the motion of Councillor Tony Trotman, seconded by Councillor Stewart Palmen, it was then,

Resolved:

That the Committee gives delegated authority to the Head of Development Management to grant planning permission, following:

- a) receipt of written confirmation from Natural England that it is satisfied with the Council's Ecology Team conclusion that the development would not result in significant or harmful ecological effects; and**
- b) the completion of a s106 planning obligation covering the matters set out within section 9.9 of this report;**

and subject to the following planning conditions:

Conditions

- 1. The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.**

REASON: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

- 2. No development shall commence on site until details of the following matters (in respect of which approval is expressly reserved) have been submitted to, and approved in writing by, the Local Planning Authority:**

- (a) The scale of the development;**
- (b) The layout of the development;**
- (c) The external appearance of the development;**
- (d) The landscaping of the site;**

The development shall be carried out in accordance with the approved details.

REASON: The application was made for outline planning permission and is granted to comply with the provisions of Section 92 of the Town and Country Planning Act 1990 and Article 5 (1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015.

3. An application for the approval of all of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

REASON: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.

4. The development hereby permitted shall make provision for the following:

- (a) Up to 205 dwellings;**
- (b) A community hub;**
- (c) Public open space to be sited, laid-out and equipped in accordance with the West Wiltshire Leisure and Recreation DPD (or any subsequent replacement DPD); and to include at least 7,523 sq m of general public open space and at least 363 sq m of equipped play space.**

The 'layout of the development' (as to be submitted and approved under condition no. 2) shall accommodate the above broadly in accordance with the Illustrative Masterplan (no. 0736-10002 – page 33 in the Phosphorus Neutrality Report (revision 4 – and 3 appendices)) and the Parameter Plan – Density (0736-1005-4).

Notwithstanding the details set out in the Building Heights Parameters Plan (0736-1005-3), the reserved matters application(s) shall exclude 3 storey buildings across the site and shall exclude 2.5 storey buildings adjacent to both vehicular accesses into the site and along the northern edge of the site.

Prior to commencement of the development, a programme, or phasing plan, for the delivery and completion of the dwellings, the community hub and the public open space(s) shall be first submitted to, and approved in writing by, the local planning authority. The dwellings, the community hub and the public open space(s) shall then be delivered and completed in accordance with the approved programme.

REASON: To ensure the creation of a sustainable development which is in character with its surroundings and in accordance with the terms of the planning application.

5. The 'means of access' to the site and the off-site highways works shall be provided substantially in accordance with the following drawings:

- P19-2831 001-B – 'General Access Arrangement' – dated 20/04/2021**
- P19-2831 SK/13Rev B – 'Potential Footway/Cycleway Improvements – Option 1B' – dated 08/12/2022 – received 27 June 2023**

Prior to commencement of the development, a programme for the delivery and completion of the means of access to the site and the off-site highways works shall be first submitted to, and approved in writing by, the local planning authority. The means of access to the site and the

off-site highways works shall then be delivered and completed in accordance with the approved programme.

REASON: To ensure proper and timely delivery of the means of access to the site and the off-site highways works in accordance with an agreed programme and in the interests of highway safety and sustainability.

6. In addition to the approved plans referenced in conditions 4 and 5, the development hereby permitted shall be carried out in accordance with the following approved plans and documents:

Site Location Plan (0736-101);
Statement of Community Involvement (cadence September 2021);
Sustainability and Energy Statement (Turley Sustainability - June 2021);
Design and Access Statement (3 parts – Barratt Homes September 2021 0736 – V1);
Planning Statement (and appendices) (Pegasus CM P19-2831);
Topographical Survey (0736-100-1);
Transport Statement (6 parts – Pegasus – July 2021 P19-2831);
Travel Plan (Pegasus July 2021, P19-2831);
Flood Risk Assessment (Ethos Environmental Planning September 2021);
Air Quality Assessment (Air Quality Consultations July 2021 J4498A/1/F1);
Preliminary Ecology Survey (Ethos Environmental Planning September 2021);
Habitat Regulations Assessment v2 (Ethos Environmental Planning September 2021);
Land Contamination assessment and appendices (Phase 1 and 2 Clarkebond E05548-CLK-00-XX-RP-G-0001- 08/03/21);
Landscape and Visual Appraisal (SLR, 403.04993.00069, V2 – July 2021);
Heritage Assessment (RPS JAC26202 v3 February 2021);
Site Waste Management Plan (Biffa, V1 – 12 October 2021);
Tree Survey (BSS22778ts 28/01/2021) and Tree Survey Plans (BBS22778-01 (Page 3 of 3);
Noise and Vibration Assessment (Hepworth Acoustics P20-546-R01v1 March 2021);
Indicative Site Section Plan 1-1 (0736-110-1, March 2021);
Indicative Site Section Plan 2-2 (0736-110-2, March 2021); and
Nutrient Mitigation Pond Details (502-P107 Rev B)
– all received 1 October 2021

Ecological Impact Assessment (Ethos Environmental Planning – January 2022); Flood Risk and Drainage Strategy (Phoenix Design 502 Rev A – February 2022); Framework Plan (0736-1007 April 2021); delivery statement (1 Feb 2022); Technical note to LLFA (29/10/2021);
Indicative Site Section 3-3 (0736-110-3) and Parameter Plan (Access and Movement Plan 0736-1005-1 March 2021)
– all received 9 February 2022

Updated Shadow Habitats Regulation Assessment (Ethos Environmental Planning March 2022)
– received 11 March 2022

Phosphorus Neutrality Report (Revision 4) (Marian Cameron Consultants Ltd) and appendices

3 Nutrient Budget Calculator (includes revised indicative masterplan)

– received 11 April 2023

Excel spreadsheet and P loading with WRC and FTW

– received 21 April 2023

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

7. Prior to the commencement of development of any residential units in any Phase or Sub-Phase of the development an application for the stopping up and/or diversion of public rights of way WARM18 shall be submitted to Wiltshire Council. Following which no residential development within any Phase or Sub-Phase crossed by these rights of way shall be first occupied unless either:

i) A footpath diversion and stopping up order that incorporates the stopping up of the existing footpath route across the railway at level has been made and confirmed by the local planning authority or the Secretary of State, or

ii) the Secretary of State, upon consideration of a stopping up order made by the local planning authority as aforementioned in (i) above does not confirm the order.

Upon any confirmed diversion and stopping up order coming into force, the new footpath route shall be fully completed prior to the occupation of units within any Phase or Sub-Phase crossed by public rights of way WARM18.

REASON: To ensure the continued safe operation of the rights of way network.

INFORMATIVE: Network Rail will provide the developer with all the appropriate information to ensure railway safety issues concerning the level crossing are fully considered before a decision on the stopping up or diversion of the public rights of way WARM18 is taken by the local planning authority or Secretary of State.

8. Prior to the commencement of development, a scheme for the improvement of public right of way WARM18 both within the application site and in the surrounding environment, and a programme for its implementation, shall be submitted to the local planning authority for approval in writing. The scheme shall provide details of width alignment and new surfacing for the footpath. The scheme shall be implemented as approved in accordance with the approved programme for implementation.

REASON: The improvements will ensure the continued safe use and enjoyment of the footpaths in the interests of amenity.

INFORMATIVE: In the event that it is proposed to divert this public right of way then the scheme for its improvement should relate to the diverted route. A diversion order would be required for this. The applicant must apply separately to Wiltshire Council for such an order, and it cannot be assumed that one will be made. But in the event that an order is made and there are objections to it which cannot be resolved, the matter would then be referred to the Secretary of State for his determination. The width of the improved right of way should be minimum of 2m.

9. Notwithstanding the submitted details, the reserved matters submission shall include details of an area of land to be safeguarded for improvements to public right of way WARM 18. The safeguarded land shall be delivered as public open space retained as such in perpetuity or until such time as when formal notice is given that the land is no longer required for the improvements.

REASON: The improvements will ensure the continued safe use and enjoyment of the footpaths in the interests of amenity.

10. Prior to commencement of development a scheme for the provision of at least one public 'rapid charging' point in a publicly accessible parking area or bay shall be submitted to and improved in writing by the local planning authority. The public rapid charging point shall be installed and be ready for use prior to the first occupation of the 100th dwelling or in accordance with a programme to be first agreed by the local planning authority, whichever is the sooner. The public rapid charging point shall thereafter be retained and shall remain operational at all times (other than when under-going reasonable maintenance).

REASON: In the interests of mitigating the impact of the development on the environment in accordance with Core Policy 60(vi).

11. No development shall commence on site 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 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 enable the recording of any matters of archaeological interest.

NOTE: The work is to be carried out following the Standards and guidelines for Archaeological Strip, Map and Record Excavation as set out by the Chartered Institute for Archaeologists (CIfA)

12. No development hereby approved shall commence until details of measures to safeguard the amenities of future occupants of the development – both in their homes and in their private gardens – from noise disturbance from trains have been submitted to and approved in writing by the local planning authority. The development shall then be carried out in accordance with the approved details and prior to first occupations.

REASON: The railway line will be a potential source of noise disturbance to occupants of the development in close proximity. This disturbance can be removed and/or reduced to acceptable levels through appropriate design and layout.

INFORMATIVE: In discharging this condition the applicant should engage an Acoustic Consultant. The consultant should carry out a background noise survey and noise assessment according to BS8233: 2014 (or any subsequent version) and demonstrate that external noise levels will not exceed the guideline noise levels contained in Section 7.7 (table 4) of BS8233:2014.

13. The development hereby approved shall be carried out in accordance with the Flood Risk Assessment (FRA) Rev A by Phoenix Design dated February 2022 and the mitigation measures detailed within it, including:

- Finished flood levels to be no lower than 115.30 metres above Ordnance Datum
- There shall be no ground raising below the design flood level as this would reduce the available floodplain storage.
- There shall be no storage of any materials including soil within the future 1% annual probability (1 in 100 year) flood extent.

REASON: To reduce the risk of flooding at the development, and prevent flooding elsewhere.

14. No development shall commence until a scheme for water efficiency has been submitted to and approved in writing by the Local Planning Authority. The scheme shall ensure that all new houses will have water usage that does not exceed a maximum of 110 litres per person per day (to include external water usage). The scheme shall be implemented in accordance with the agreed details.

REASON: In the interests of sustainable development and to meet the demands of climate change.

15. No development shall commence on site until schemes for the management of surface and foul water drainage have been submitted to and approved in writing by the local planning authority.

The submitted details shall be consistent with the Nutrient Neutrality Strategy [Land West of Westbury Road, Warminster (Planning Reference:

PL/2021/09013) Phosphorus Neutrality Report (Revision 4) by Marian Cameron Consultants Ltd.] and include:

- i. Detailed engineered drawings of the proposed drainage works including the waste water treatment system comprising a WasteWater Recycling Centre, wetland cells and floating wetlands and SuDS features including cross section drawings, their size, volume, depth and any inlet and outlet features including any connecting pipe runs;**
- ii. Phosphorus removal SuDS features to be designed in-line with adopted CIRIA guidance for construction and maintenance; and**
- iii. A maintenance and management plan for the entire drainage system to include (but not limited to) details for its adoption by an OFWAT (or any successor body of the same) listed sewerage undertaker (or any subsidiary of the same), management, maintenance, permitting, funding, key personnel and responsibilities (including contact details for such persons) and other arrangements to secure its operation in perpetuity.**
- iv. A recalculation of the phosphorus budget to show neutrality is achieved, with provision of additional in perpetuity mitigation if necessary.**

The development shall be carried out in accordance with the approved details and no dwelling shall be first occupied until the drainage works to serve it have been completed, are operating satisfactorily and the maintenance and management plan has been implemented.

The approved drainage works shall be retained in accordance with the approved maintenance and management plan at all times thereafter.

REASON: To secure an effective drainage strategy which ensures nutrient neutrality in the water catchment (Hampshire River Avon SAC) within which this development is located.

INFORMATIVE: The applicant is advised to provide the evidence as requested in the further informatives at the end of this decision notice.

16. No development shall commence on site until details of the Interim Drainage Solution for up to the first 30 dwellings and before the wastewater recycling centre are fully operational have been submitted to and approved in writing by the local planning authority. The submitted details shall be consistent with the Nutrient Neutrality Strategy [Land West of Westbury Road, Warminster (Planning Reference: PL/2021/09013) Phosphorus Neutrality Report (Revision 4) by Marian Cameron Consultants Ltd.] and include:

- Details of the storage tank on site**
- Confirmation that the waste will be removed to a wastewater treatment works out of the Hampshire Avon catchment**
- Confirmation of agreement with relevant service providers.**

The development shall be carried out at all times fully in accordance with the approved Interim Drainage Solution.

REASON: To secure an effective interim strategy for the first 30 dwellings which ensures nutrient neutrality in the water catchment (Hampshire River Avon SAC) within which this development is located.

17. No development shall commence on site, including demolition, ground works/excavation, site clearance, vegetation clearance and boundary treatment works, until a Construction Management Plan (CMP) has been submitted to and approved in writing by the local planning authority. The CMP will minimise all construction effects on the environment through the implementation of procedures for:

- i. Reducing the risk of spillage or leakage of oil, fuel and other liquid chemicals;**
- ii. Dealing with a spillage – the contractor will be responsible for storing easily accessible spillage containment equipment on site and for training staff in the use of such equipment;**
- iii. Avoiding causing the release of pollution from existing pipelines;**
- iv. Management of site runoff and elevated concentrations of suspended solids;**
- v. Management of dust produced by construction activities through implementation of dust suppression measures including: visual checks, use of water sprays, screens and sheets around stockpiles and appropriate construction activities, and careful transfer of materials;**
- vi. British Standards Institute (2014) BS5228-1:2009+A1:2014 Code of practice for noise and vibration control on construction and open sites.**
- vii. Minimising noise levels for all the construction activities and plant through implementation of a noise control plan which will advocate the use of best practice in line with BS522826 and will include measures such as: use of silencers or mufflers on plant and machinery; use of the quietest possible plant; and minimising onsite cutting operations and other noisy activities through off-site fabrication where possible;**
- viii. Dealing appropriately with potentially contaminated land;**
- ix. Appropriate water quality monitoring and regular visual inspection of site drainage waters during construction;**
- x. Avoiding affecting trees and hedgerows to be retained in accordance with British Standards Institute (2012) BS5837:2012 Trees in Design, Demolition and Construction, Recommendations;**
- xi. Compliance with best practice pollution prevention guidelines to minimise the potential for water-based pollutants to enter nearby waterbodies or drains preventing changes in the hydraulic regime and ensuring that any discharge from the Proposed Development will be the equivalent to 'Greenfield' runoff;**
- xii. Management, recycling and disposal of waste during construction.**
- xiii. Enabling site inductions for all staff to highlight issues of ecological importance and sensitivity;**
- xiv. Providing secure site fencing to prevent impacts on habitats outside the works area; and**

- xv. Night time lighting during construction addressing the need to limit light spillage and glare on areas likely to support bats and birds by following recommendations produced by the Bat Conservation Trust.
- xvi. The movement of construction vehicles and the loading and unloading of equipment and materials
- xvii. The location and use of generators and temporary site accommodation
- xviii. Where piling is required this must be continuous flight auger piling wherever practicable to minimise impacts

The construction phase of the development will be carried out fully in accordance with the Construction Management Plan at all times. Construction hours shall be limited to 0800 to 1800 hrs Monday to Friday, 0800 to 1300 hrs Saturday and no working on Sundays or Bank Holidays. REASON: To ensure adequate protection and mitigation for all sensitive environmental receptors.

18. 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:

- 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.

19. No development shall commence on site until a Landscape and Ecology Management Plan (LEMP) has been submitted to and approved in writing by the Local Planning Authority. The LEMP will 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 must also include a specific reference to phosphorus neutrality report [Land West of Westbury Road, Warminster (Planning Reference: PL/2021/09013) Phosphorus Neutrality Report (Revision 4) by Marian Cameron Consultants Ltd.] and the detailed surface and foul drainage information /strategy.

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.

REASON: To ensure the long-term management of landscape and ecological features retained and created by the development, for the benefit of visual amenity and biodiversity for the lifetime of the scheme.

20. Each reserved matters planning application shall include with it updated plans and calculations (using the most recent version of the Natural England Biodiversity Metric) to demonstrate the development will achieve biodiversity net gain. The updated plans will show habitat creation and enhancements demonstrating the extent and area of each habitat in relation to the development footprint.

Development shall not commence in the area(s) covered by the reserved matters application until the updated plans and calculations relevant to the area(s) have been agreed in writing by the local planning authority.

REASON: The application contains insufficient information to enable this matter to be considered at this stage and the matter is required to be agreed with the Local Planning Authority before development commences to ensure it complies with biodiversity net gain guidance and policy.

21. The landscape plans submitted for reserved matters application(s) shall be in accordance with, and informed by, the approved Biodiversity Metric and supporting plans of habitat areas, and demonstrate that habitats and hedgerows which will be retained, enhanced and/or created on the site will deliver an overall net gain in biodiversity units.

REASON: To ensure the development delivers an overall net gain for biodiversity in accordance with CP50.

22. No external lighting shall be installed on site 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 plans will be in accordance with the appropriate Environmental Zone standards set out by the Institute of Lighting Engineers in their publication GN01:2011, 'Guidance for the Reduction of Obtrusive Light' (ILP, 2011), and

Guidance note GN08-18 "Bats and artificial lighting in the UK", issued by the Bat Conservation Trust and Institution of Lighting Professionals. The approved lighting shall be installed and maintained in accordance with the approved details and no additional external lighting shall be installed unless otherwise agreed in writing with the Local Planning Authority.

REASON: In the interests of the amenities of the area, to minimise unnecessary light spillage above and outside the development site and to avoid illumination of habitat used by bats.

23. No development shall commence on site until a scheme of ecological mitigation and enhancement has been submitted to the Local Planning Authority and approved in writing. The scheme will address the method, timing, location and/or design as appropriate, of the following matters:

- Construction of the cycleway along Westbury Road integrating the requirement to remove and translocate chalk grassland which qualifies as Protected Road Verge.
- Enhancements for birds, bats, hedgehogs and invertebrates
- Bat tree hop-over for spine roads
- Advance planting prior to hedgerow removal to offset impacts on bats
- Increasing biodiversity of neutral grassland retained on site

The development shall be carried out in accordance with the approved scheme.

REASON: To avoid, reduce and mitigate ecological impacts and provide an overall enhancement for biodiversity.

24. All soft landscaping comprised in the approved details of landscaping for any particular Phase or sub Phase of the development shall be carried out in the first planting and seeding season following the first occupation of any building within the Phase or the completion of the Phase or sub Phase 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. All hard landscaping shall also be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme to be agreed in writing with the Local Planning Authority.

REASON: To ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features. 25.No demolition, site clearance or development shall commence on site within any particular Phase or sub Phase, and; no equipment, machinery or materials shall be brought on to site for the purpose of development within the particular Phase, until a Tree Protection Plan showing the exact position of each tree/s and their protective fencing in accordance with British Standard 5837: 2012: "Trees in Relation to Design, Demolition and Construction -Recommendations"; has been submitted to and approved in writing by the Local Planning Authority, and;

The protective fencing shall be erected in accordance with the approved details. The protective fencing shall remain in place for the entire development Phase and until all equipment, machinery and surplus materials have been removed from the site. Such fencing shall not be removed or breached during construction operations.

No retained tree/s shall be cut down, uprooted or destroyed, nor shall any retained tree/s be topped or lopped other than in accordance with the approved plans and particulars. Any topping or lopping approval shall be carried out in accordance British Standard 3998: 2010 "Tree Work - Recommendations" or arboricultural techniques where it can be demonstrated to be in the interest of good arboricultural practise.

If any retained tree is removed, uprooted, destroyed or dies, another tree shall be planted at the same place, at a size and species and planted at such time, that must be agreed in writing with the Local Planning Authority.

No fires shall be lit within 15 metres of the furthest extent of the canopy of any retained trees or hedgerows or adjoining land and no concrete, oil, cement, bitumen or other chemicals shall be mixed or stored within 10 metres of the trunk of any tree or group of trees to be retained on the site or adjoining land.

[In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs above shall have effect until the expiration of five years from the date of commencement of the Phase or sub Phase].

REASON: To safeguard trees to be retained in the interests of amenity.

26. No development shall commence in any particular Phase or sub Phase of the development hereby approved until a scheme for the provision of fire hydrants to serve the Phase or sub Phase and any related programme for delivery has been submitted to and approved in writing by the local planning authority. Thereafter no dwelling shall be occupied within the Phase or sub Phase until the fire hydrant serving the dwellings has been installed as approved in accordance with the programme of delivery.

REASON: To ensure the safety of future occupiers of the dwellings.

27. For this phased development, no dwellinghouse shall be occupied until a public art scheme for the site and a timetable for its subsequent installation has been submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details.

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to ensure the proposal complies with the relevant public art policies

NOTE: The applicants proposed promotion of a public art installation at the entry of the equipped play area on site is encouraged and should further advice and guidance be required in terms of promoting local school and/or local artist involvement, contact should be made with Meril Morgan, the Council's arts officer.

28. All visibility splays shown on P19-2831 001-B – 'General Access Arrangement' – dated 20/04/2021, shall be provided prior to first use of the new means of accesses to the site from Westbury Road by any vehicle other than any vehicle connected with the initial construction of this access. The visibility splays shall thereafter be retained clear of any obstructions to visibility in perpetuity.

REASON: In the interests of Highway Safety

Further Informatives to applicant:

In order to address condition 15, the applicant will need to provide the following information:

1. Detailed drainage calculations, restricting discharge rates in line with the Wiltshire Council Betterment Policy). These calculations should demonstrate:

a) The 1 in 30 year rainfall event is contained within the drainage system without causing flooding to any part of the site.

- b) The 1 in 100 year plus 40% climate change rainfall event does not cause flooding to any building (including a basement) or utility plant.
- c) The site has been designed to ensure that flows in excess of the 1 in 100 year rainfall event are managed in exceedance routes that minimise the risks to people and property.

The calculations should set the MADD factor / additional storage value to 0m³/ha to prevent an over-estimation of attenuation storage available on site.

It is noted that an Urban Creep allowance has been applied in relation to the 1 in 100yr + climate change storm only. The applicant will be required to apply the Urban Creep allowance (to account for increased impermeability across the catchment) to all storm events as part of the detailed hydraulic modelling.

Due to the outfall to an ordinary watercourse, the calculations should also be simulated with a surcharged outfall, to ensure that this does not cause flooding on site.

2. Full details of;

- a) Hydraulic modelling to confirm that the existing ditches have sufficient capacity to safely convey surface water discharges from the proposed development without increasing flood risk.
- b) Confirm details of remediation, vegetation clearance, and re-levelling works proposed within the ditches in order to improve the ditch capacity.
- 3. Detailed drainage drawings which include the pipe / link & manhole / node numbers used in the calculations in order to link the drawing with the detailed calculations.
- 4. Detailed drainage drawings which include the pipe / link & manhole / node numbers used in the calculations in order to link the drawing with the detailed calculations.
- 5. Plans which demonstrate how exceedance flows in excess of the 1 in 100year rainfall (+40% climate change) will be safely managed on site in order to prevent an increase in flood risk to people or property.

63 **PL/2021/03749 - Land at Glenmore Farm, The Ham/Hawkeridge Road, Westbury,BA13 4HQ**

Public Participation

David Jenkins spoke in objection to the application.

Francis Morland spoke in objection to the application.

Jemma Shorrock, agent, spoke in support of the application.

Cllr John Masson, Heywood Parish Council, spoke in objection to the application.

The Senior Planning Officer, Gen Collins, presented a report recommending approval of an outline application for residential development (use class C3) for up to 145 homes, community orchard, children's play areas (LEAP), tree planting, habitat creation and ecology buffers and mitigation; site drainage and

associated infrastructure. All detailed matters were to be reserved for a full application except for access.

Key issues were stated to include the principle of development, impact on landscape, heritage, highway safety and drainage. It was stated the agenda supplement included details of an update to the officer recommendation. The impacted of the tilted balance as a result of the lack of five-year housing land supply was explained, along with no technical highways objections, with details provided around proposed mitigations on highways impacts.

Members of the Committee then had the opportunity to ask technical questions of the officers. Details were sought on the contribution to bus service improvements included within the proposed terms for the s.106 agreement, on management of the green space on the site, on drainage matters, on the impact of additional traffic which in the view of officers would not be significant, and confirming the site was not presently an allocated housing site.

Members of the Public then had the opportunity to address the Committee, as detailed above.

The local unitary Member, Councillor Suzanne Wickham, then spoke in objection to the application. She raised issues relating to flooding and drainage, health provision, concerns relating to the proposed access and other matters.

In response to public comments officers provided details of extending lower speed limits around the bend of the road were the application approved and other highways mitigations, and that officers considered the proposals within safe guidelines. It was stated the NHS had not responded to the application, and drainage matters would be able to be appropriately conditioned at the reserved matters stage.

The item was then opened for debate. There being no further discussion, on the motion of Councillor Tony Trotman, seconded by Councillor James Sheppard to approve the application in accordance with the updated officer's recommendation, it was then,

Resolved:

That the Head of Development Management be authorised to grant planning permission, subject to completion of a planning obligation/Section 106 agreement covering the matters set out in the report; and subject also to the planning conditions listed below

- 1. The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.**

REASON: To comply with the provisions of Section 92 of the Town and Country

Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

- 2. An application for approval of the reserved matters specified in Condition 3 below, must be made to the Local Planning Authority before the expiration of three years form the date of this permission.**

REASON: To comply with Section 92 of the Town and Country Planning Act 1990.

- 3. No development shall commence until details of the following matters (in respect of which approval is expressly reserved) have been submitted to, and approved in writing by, the Local Planning Authority:**
 - (a) The scale of the development;**
 - (b) The layout of the development;**
 - (c) The external appearance of the development;**
 - (d) The landscaping of the site.**

The development shall be carried out in accordance with the approved details. The reserved matters shall be submitted as a single phase, unless otherwise agreed by the Local Planning Authority.

REASON: The application was made for outline planning permission and is granted to comply with the provisions of Section 92 of the Town and Country Planning Act 1990 and Article 5 (1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015.

- 4. The development hereby permitted shall make provision for the following:**
 - (a) Up to 145 dwellings;**
 - (b) Public open space to be sited, laid-out and equipped in accordance with the West Wiltshire Leisure and Recreation DPD (or any subsequent replacement DPD); and to include at least 4,106 sq m of general public open space and at least 171 sq m of equipped play space.**

The 'layout of the development' and the 'scale of the development' (as to be submitted and approved under condition no. 2) shall accommodate the above broadly in accordance with the following plans:

- Dwg Ref: 191119L 02 01 J (Illustrative Masterplan) dated 06/22**
- Dwg Ref: 191119 PP 01 (Building Height Parameter Plan) dated 11/22**
- Dwg Ref: 191119 PP 04 Rev A (Areas Parameter Plan) dated 11/22**
- Dwg Ref: 191119 PP 02 (Open Space Parameter Plan) dated 11/22**
- Doc Ref: 191119 R 02 01 D (Design & Access Statement) dated 07/22**
- Doc Ref: 4712_01E_EcIA Ecological Impact Assessment**

Prior to commencement of the development, a programme, or phasing plan, for the delivery and completion of the dwellings and the public open space(s) shall be first submitted to, and approved in writing by, the local planning authority. The dwellings and the public open space(s) shall then be delivered and completed in accordance with the approved programme.

REASON: To ensure the creation of a sustainable development which is in character with its surroundings and in accordance with the terms of the planning application.

5. The 'means of access' to the site and the off-site highways works shall be provided in accordance with the following drawing:

Dwg Ref: 4403-532 D (Proposed Site Access Layout) dated 17/08/23

In addition, the final layout shall include a 3 metre wide shared-use cycleway within the application site, as indicated at note 7 on illustrative Masterplan 191119L/02/01/J.

Prior to commencement of the development, a programme for the delivery and completion of the means of access, the off-site highways works and the shared-use cycleway shall be first submitted to, and approved in writing by, the local planning authority. The means of access to the site, the off-site highways works and the shared-use cycle way shall then be delivered and completed in accordance with the approved programme.

All visibility splays shown on Dwg Ref: 4403-532 D (Proposed Site Access Layout) dated 17/08/23 shall be provided prior to first use of the new means of access to the site from The Ham by any vehicle other than any vehicle connected with the initial construction of this access. The visibility splays shall thereafter be retained clear of any obstructions to visibility in perpetuity.

REASON: To ensure proper and timely delivery of the means of access to the site and the off-site highways works in accordance with an agreed programme and in the interests of highway safety and sustainability.

6. Application/s for the approval of the reserved matters shall be in accordance with section 4.7 of the approved Design and Access Statement (Dwg Ref: 191119 R 02 01 D) regarding sustainability. An Sustainability Statement shall be submitted with each reserved matters application which demonstrates this, and the development shall be implemented in accordance with the Sustainability Statement.

REASON: to comply with policy CP41 and in the interests of climate change.

7. No development shall commence within the area edged in red on the Location Plan (Ref 191119L/01 01) until:

- a) A written programme of archaeological investigation, which should include on-site excavation work and off-site work such as the analysis, publishing and archiving of the results, has been submitted to and approved 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 enable the recording of any matters of archaeological interest

8. No development approved by this permission shall commence until a scheme for water efficiency has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the agreed details.

REASON: In the interests of sustainable development and climate change adaptation.

9. No development shall commence on site until a scheme for the discharge of surface water from the site has been submitted to and agreed in writing by the local planning authority. This should include detailed drainage calculations which demonstrate that discharge rates from the whole developed area (2.507ha) of the site do not exceed:

- 1 in 1 year storm event - 1.65 l/s
- 1 in 30 year storm event - 4.14 l/s
- 1 in 100 year storm event - 5.15 l/s

REASON: To ensure that the development does not increase local flood risk (as a result of increase impermeability and sub-catchment transfer)

INFORMATIVE:

As part of the above condition, detailed drainage information must include:

- Calculations and drawings for the drainage system design showing conveyance routes are designed to convey without flooding the critical 1 in 30 year + climate change rainfall event.
- Calculations and drawings for the drainage system design showing attenuation features are designed to attenuate without flooding the critical 1 in 100 year rainfall event + climate change.
- Calculations should include an allowance for increased surface water runoff, as a result of urban creep, in accordance with LASOO guidance.
- Hydraulic Models should set the MADD factor / additional storage volume factor to 0m³ / ha in order to prevent an overestimation of storage capacity in the proposed drainage network.
- As a result of the discharge to the surface water sewer, the applicant should also confirm the above hydraulic parameters are met when considering a surcharged outfall.

10.(a) No development shall commence on site until a detailed drainage ownership and management plan has been submitted to the local planning authority for approval in writing. This shall detail the required maintenance activities for drainage (including SuDS) features, along with details on how frequently these activities will be completed, and the party responsible for maintenance (e.g. private residential owners / Wessex Water / private management company). The development shall be carried out and latterly maintained in accordance with the approved drainage ownership and maintenance plan.

(b) Also no development shall commence on site until copies of legal agreements which confirm that the developer has the right to cross 3rd party land and discharge to the ordinary watercourse in perpetuity have been submitted to the local planning authority and agreed in writing. The legal agreements must demonstrate that the developer has permission to cross third party land to enable the drainage system to be constructed, and for it to be maintained throughout its whole design life.

REASON; To prevent an increase in local flood risk (as a consequence of poor maintenance) over the design life of the development.

INFORMATIVE: If a new sewer is requisitioned by Wessex Water, then part (b) of this condition will not be required; however evidence of the requisitioned sewer will be required, as well as confirmation from Wessex Water that the applicant is permitted to discharge to their asset.

11. The development hereby approved shall not commence until a Construction and Environmental Management Plan (CEMP) has been submitted to and approved in writing by the local planning authority. The CEMP shall include details of the following relevant measures:

- i. An introduction consisting of a construction phase environmental management plan, definitions and abbreviations and project description and location;**
- ii. A description of management responsibilities;**
- iii. A description of the construction programme;**
- iv. Site working hours and a named person for residents to contact;**
- v. Detailed Site logistics arrangements;**
- vi. Details regarding parking, deliveries, and storage;**
- vii. Details regarding dust mitigation;**
- viii. Details of the hours of works and other measures to mitigate the impact of construction on the amenity of the area and safety of the highway network;**
- ix. Communication procedures with the LPA and local community regarding key construction issues – newsletters, fliers etc;**
- x. Details of how surface water quantity and quality will be managed throughout construction;**
- xi. Details of the safeguarding measures to deal with the following pollution risks:**
 - the use of plant and machinery**

- wheel washing and vehicle wash-down and disposal of resultant dirty water
 - 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 wastes
- xii. Details of safeguarding measures to highway safety to include:
- A Traffic Management Plan (including signage drawing(s))
 - Routing Plan
 - Details of temporary/permanent Traffic Regulation Orders
 - pre-condition photo survey - Highway dilapidation survey
 - Number (daily/weekly) and size of delivery vehicles.
 - Number of staff vehicle movements.
- xiii. In addition, the Plan shall provide details of the ecological avoidance, mitigation and protective measures to be implemented before and during the construction phase, including but not necessarily limited to, the following:
- a. Pre-development species surveys including but not exclusively roosting bats, otter, water vole and birds.
 - b. Phasing plan for habitat creation and landscape works including advanced planting proposals including pre-development provision of 'alternative space for recreation'.
 - c. Identification of ecological protection areas/buffer zones and tree root protection areas and details of physical means of protection, e.g. protection fencing.
 - d. Working method statements for protected/priority species, such as nesting birds, reptiles, amphibians, roosting bats, badger and dormice.
 - e. 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.
 - f. Key personnel, responsibilities and contact details (including Site Manager and ecologist/ECoW).
 - g. 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.

There shall be no burning undertaken on site at any time.

Construction hours shall be limited to 0730 to 1800 hrs Monday to Friday, 0730 to 1300 hrs Saturday and no working on Sundays or Bank Holidays.

The development shall subsequently be implemented in accordance with the approved details of the CEMP.

REASON: To minimise detrimental effects to the neighbouring amenities, the amenities of the area in general, and detriment to the natural

environment through the risks of pollution and dangers to highway safety, during the construction phase and in compliance with Core Strategy Policy 62.

- 12. Prior to the start of construction ground works/excavation, site clearance, vegetation clearance and boundary treatment works, a Landscape and Ecology Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority.**

The LEMP will detail long term objectives and targets, management responsibilities and maintenance schedules for each ecological feature within the development (other than small, privately owned, domestic gardens) including, but not exclusively: Wildlife ponds and wetland for SUDS, Floodplain Wetland Mosaic (wet grassland, scrapes, reedbed), native tree and scrub planting, semi-natural neutral meadow grassland and retained hedge, scrub and trees.

The LEMP will include:

- A phasing plan demonstrating the timing of habitat creation works in relation to Zone A and Zone B TBMS landscape buffers and advanced planting proposals including predevelopment provision of 'alternative space for recreation' will be completed in advance of or alongside vegetation stripping.
- A plan specifying the location and type of integral bird nesting features (including for swift) and bat roosting features to be provided. Numbers to be provided in line with best practice guidelines.
- Distinguishing between formal and informal open space and land required to meet mitigation and BNG objectives.
- Details of how habitats created will be managed to achieve predicted BNG gains for the duration of the development.
- A mechanism for monitoring success of the management prescriptions, incorporating review and necessary adaptive management in order to attain targets.
- Details of the legal and funding mechanism(s) by which long-term implementation of the plan will be secured.

The LEMP shall be implemented as approved in full and for the lifetime of the development in accordance with the approved details.

REASON: To ensure the long-term management of landscape and ecological features retained and created by the development, for the benefit of visual amenity and biodiversity for the lifetime of the scheme.

- 13. No external lighting shall be installed on site 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 plans will be in accordance with the appropriate Environmental Zone standards set out by the Institute of Lighting Engineers in their publication GN01:2011, 'Guidance for the**

Reduction of Obtrusive Light' (ILP, 2011), and Guidance note GN08-18 "Bats and artificial lighting in the UK", issued by the Bat Conservation Trust and Institution of Lighting Professionals.

Where light spill has the potential to impact bat habitat, a lighting impact assessment must be submitted with the reserved matter application(s) to demonstrate the requirements of section 8.3 of the Trowbridge Bat Mitigation Strategy February 2020 are met.

The approved lighting shall be installed and maintained in accordance with the approved details and no additional external lighting shall be installed. This condition will be discharged when a post-development lighting survey conducted in accordance with section 8.3.4 of the Trowbridge Bat Mitigation Strategy has been submitted to the Local Planning Authority demonstrating compliance with the approved lighting plans, having implemented and retested any necessary remedial measures.

REASON: In the interests of the amenities of the area, to minimise unnecessary light spillage above and outside the development site and to ensure lighting meets the requirements of the Trowbridge Bat Mitigation Strategy.

14. No development shall commence on site until an Acoustic Design Scheme for the protection of the proposed dwellings from external traffic noise has been submitted to and approved in writing by the Local Planning Authority. The Acoustic Design Scheme shall use Good Acoustic Design (in accordance with the Professional Practice Guidance: Planning and Noise New Residential Development (May 2017 or later versions)) to achieve the following noise limits:

- a. bedrooms shall achieve an 8-hour LAeq (23:00 to 07:00) of 30dB(A) and an L_{Amax,F} of 45dB based on the 10th highest measured level.**
- b. living rooms and dining rooms shall achieve a 16-hour LAeq (07:00 to 23:00) of 35dB(A)**
- c. external noise levels within private external amenity spaces shall not exceed 55 dB LAeq,16hr (0700 – 2300)**

The details as approved shall be implemented prior to occupation of the development and thereafter be permanently retained. For the avoidance of doubt, using closed windows to achieve the internal noise level target shall only be considered once all other good acoustic design acoustic mitigation measures have been utilised.

A post completion report, prepared by the acoustic consultancy who designed the Acoustic Design Scheme or other suitably qualified expert, shall be submitted to the LPA to a timetable as detailed within the approved Acoustic Design Scheme to confirm compliance with the approved scheme and approved in writing by the LPA. Any additional steps required to achieve compliance shall be taken, as necessary. The

report shall provide evidence that the approved Acoustic Design Scheme has been fully implemented.

REASON: To safeguard the amenities of the occupiers of the new development.

INFORMATIVE: A good acoustic design process should be followed to ensure that the internal noise criteria are achieved with windows open. Using closed windows to achieve the internal noise level target shall only be considered once all other good acoustic design acoustic mitigation measures have been utilised. When relying on closed windows to meet the internal guide values, there needs to be an appropriate method of ventilation that does not compromise the façade insulation or the resulting internal ambient noise level.

- 15.** No development shall commence on site until an Acoustic Design Scheme for the protection of internal noise levels and private external amenity areas of the proposed dwellings from entertainment and industrial noise has been submitted to and approved in writing by the local planning authority. The Acoustic Design Scheme shall use Good Acoustic Design (in accordance with the Professional Practice Guidance: Planning and Noise- New Residential Development (May 2017 or later versions)) and it shall include the site layout (showing barrier blocks), internal dwelling layouts, façade construction including design and installation and manufacturers details of windows and ventilation and boundary treatments.

Unless alternative criteria are agreed with the local planning authority for areas of the site which are within 320 m of the West Wiltshire Trading Estate boundary, (ie closer than existing dwellings), the design shall achieve a rating level (LArTr), due to noise from West Wiltshire Trading Estate, of equal to and no greater than typical background sound levels (LA90T) for facades with openable windows to habitable rooms (living rooms and bedrooms) and for private external amenity areas when assessed using BS4142:2014+A1:2019 or any subsequent version. Unless alternative criteria are agreed with the local planning authority, internal noise levels from entertainment noise, shall be designed to not exceed the following:

- NR 20 dB Leq,15minutes
- NR 20 dB LfMax
- The LFN Reference Curve within Table 9 of NANR45 revision 1 December 2011 - Procedure for the Assessment of Low Frequency Noise Complaints.

A post completion report, prepared by the acoustic consultancy who designed the Acoustic Design Scheme or other suitably qualified expert, shall be submitted to the LPA to a timetable as detailed within the approved Acoustic Design Scheme to confirm compliance with the approved scheme and approved in writing by the LPA. Any

additional steps required to achieve compliance shall be taken, as necessary. The report shall provide evidence that the approved Acoustic Design Scheme has been fully implemented. The details as approved shall be implemented prior to occupation of the development and thereafter be permanently retained.

REASON: To safeguard the amenities of the occupiers of the new development.

INFORMATIVE: A good acoustic design process should be followed to ensure that the internal noise criteria are achieved with windows open. Using closed windows to achieve the internal noise level target shall only be considered once all other good acoustic design acoustic mitigation measures have been utilised. When relying on closed windows to meet the internal guide values, there needs to be an appropriate method of ventilation that does not compromise the façade insulation or the resulting internal ambient noise level.

16. Prior to commencement of development a scheme for the provision of at least one public 'rapid charging' point in a publicly accessible parking area or bay shall be submitted to and improved in writing by the local planning authority. The public rapid charging point shall be installed and be ready for use prior to the first occupation of the 100th dwelling or in accordance with a programme to be first agreed by the local planning authority, whichever is the sooner. The public rapid charging point shall thereafter be retained and shall remain operational at all times (other than when under-going reasonable maintenance).

REASON: In the interests of mitigating the impact of the development on the environment in accordance with Core Policy 60(vi).

17. Prior to commencement of the development a Construction Traffic Management Plan shall be submitted to and approved by the Local Planning Authority. The Plan shall include details of construction vehicle routing, construction staff vehicle parking areas within the site, local road cleaning, and measures to prevent excessive mud and dust being deposited on the public highway. The site construction shall be carried out in accordance with the approved plan.

REASON: In the interests of highway safety and road user convenience.

18. Within three months of the commencement of the development the existing northern vehicular access point to Glenmore Farm (for the avoidance of doubt the vehicular access to Hawkridge Road located 63 metres north-west of Shallow Wagon Lane) shall have been properly and permanently closed and the highway verge reinstated. Thereafter the access point shall remain closed in perpetuity.

REASON: In the interests of preventing continued use of an unsafe access point to the public highway when an alternative good standard access point is available for use.

- 19.** Prior to occupation of the 30th dwelling, or in accordance with a programme to be first approved in writing by the local planning authority, two bus stops including shelters and raised height bus passenger access kerbing (one on Hawkeridge Road for northbound passengers, and one on The Ham for southbound passengers) shall have been provided in accordance with details to be first submitted to and approved by the Local Planning Authority.

REASON: in the interests of providing safe and convenient access to public transport for occupiers of the development.

Further Informatives:

The development should include water-efficient systems and fittings. These should include dual-flush toilets, water butts, water-saving taps, showers and baths, and appliances with the highest water efficiency rating (as a minimum). Greywater recycling and rainwater harvesting should be considered. An appropriately submitted scheme to discharge the condition will include a water usage calculator showing how the development will not exceed a total (internal and external) usage level of 110 litres per person per day.

The applicant is advised to receive all necessary Highway Authority Approvals before commencing works within the Highway.

64 Urgent Items

There were no urgent items.

(Duration of meeting: 10.30 am - 2.30 pm)

The Officer who has produced these minutes is Kieran Elliott of Democratic Services,
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Appendix 3 – Committee Report 06.03.24

REPORT FOR STRATEGIC PLANNING COMMITTEE

Date of Meeting	6 March 2024
Application Number	PL/2021/09013
Application type	OUTLINE
Site Address	Land West of Westbury Road, Warminster
Proposal	Outline application for the erection of up to 205 dwellings, community hub, public open space, access, infrastructure and associated works (access to be approved with all other matters reserved)
Applicant	Barratt Homes
Town/Parish Council	Warminster Town Council
Electoral Division	WARMINSTER NORTH & RURAL – Cllr Bill Parks
Case Officer	David Cox

1. Purpose of Report

This application is now subject to an appeal against non-determination, lodged 5 February 2024.

The purpose of this report is to update the committee on changes that have occurred following publication of the revised NPPF in December 2023 (and related revised Planning Practice Guidance published in February 2024) that have a material impact on the planning application, and to consider the recommendation that the Planning Inspectorate be advised that had Wiltshire Council remained the determining authority then it would have refused planning permission.

2. Background

On 1 November 2023, the Strategic Planning Committee resolved to grant planning permission for this application subject to the applicant first entering into a S106 legal agreement (committee report attached as Annex 1); work commenced on the legal agreement, although it has not been completed and so the planning permission has not been given. In making its decision to approve subject to the legal agreement the Committee took account of all matters relevant at the time. These included the development plan policies and national legislation/guidance.

In the broadest terms, planning law requires the local planning authority in dealing with a planning application to have regard to the development plan and all material considerations. Where the issuing of a decision is delayed between the point in time at which the authority resolves to make the decision and when the decision notice is actually issued, and if during this 'gap' the authority becomes aware of new, or changed, material considerations, then the relevant law requires the authority to have regard to these considerations before finally determining the application.

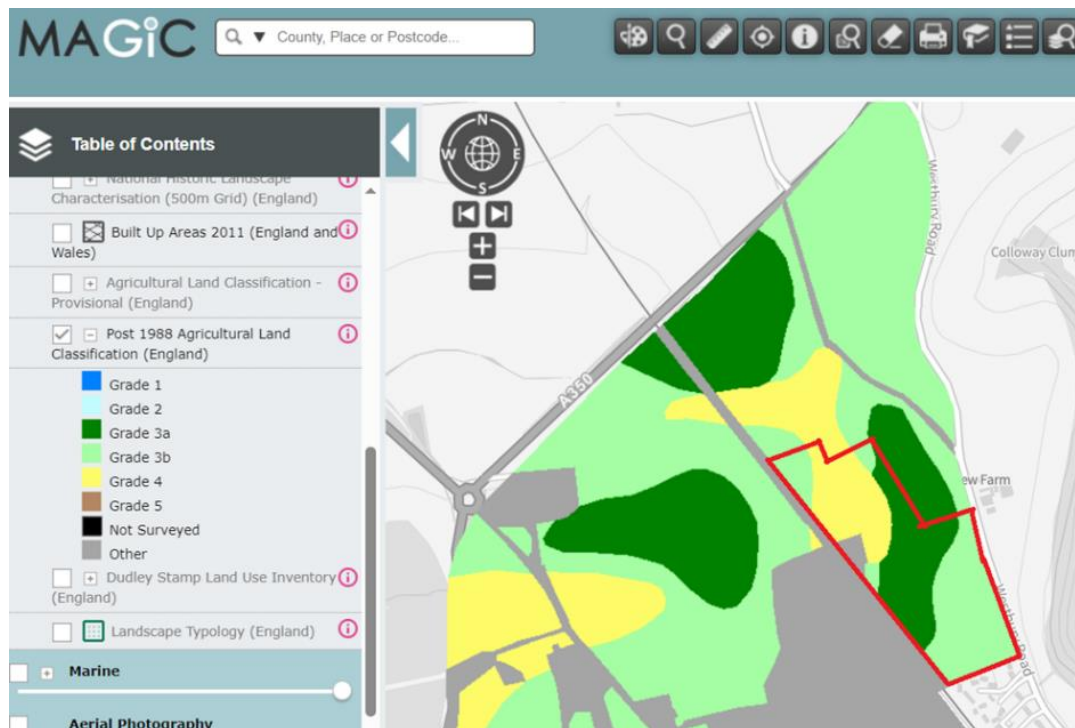
In December 2023 the government issued its revised National Planning Policy Framework (NPPF). This is a changed material consideration that must now be taken into account. The effects of the changes in relation to this planning application are summarised below and considered in greater detail in later sections of this report:

- The principle of development (namely conflict with Core Policies 1 and 2 of the Wiltshire Core Strategy and the weighting to be given to these policies);
- Related to the above, does the revised NPPF change the planning balance?
- Are there now any restrictive Wiltshire Core Strategy policies that have become more relevant on the balance?
- Implications for the Warminster Neighbourhood Plan.

Clarifications following 1 November 2023 SPC meeting

Agricultural Land Classifications –

Further to this matter being raised by the Committee at the 1 November 2023 meeting, the fields which make up the application site are used for agricultural purposes including crop growing and for cattle grazing. According to DEFRA's 'magic map', the application site comprises a mixture of grades 3a (good), 3b (moderate) and 4 (poor) agricultural land. There is no grade 2 land.



Agricultural Land Classification

Pollution, reed bed management, etc. –

NPPF paragraph 194 states:

“The focus of planning decisions should be on whether proposed development is an acceptable use of land, rather than the control of processes or emissions (where these are subject to separate pollution control regimes). Planning decisions should assume that these regimes will operate effectively. Equally, where a planning decision has been made on a particular development, the planning issues should not be revisited through the permitting regimes operated by pollution control authorities.”

For the avoidance of doubt, the Environment Agency (EA) raised no objections to the original planning application subject to conditions. The EA has a separate Environmental Permitting process for aspects of the proposal such as the waste water treatment facility, and this is the appropriate regulatory process for this rather than planning. The WC Public Protection Team have further commented that a grant of planning permission does not mean that an EA Permit will be automatically issued.

The WC Public Protection have also stated the following -

“Vermin are ubiquitous in the countryside/near to water sources etc., therefore it would not be surprising to find evidence of faecal contamination in reed beds/water sources or other locations in the vicinity; we therefore do not have particular concerns regarding this issue.”

Other ‘new’ material consideration

The application site lies within the catchment of the River Avon and, related to this, within the consultation zones for the River Avon SAC. Due to nutrient enrichment from elevated phosphate levels in the river the SAC is presently in ‘unfavourable condition’. This is complicating the delivery of planning permissions for housing, particularly where foul services discharge to waste-water treatment works which in turn discharge to the river.

For this planning application the applicant is proposing on-site wetland mitigation, and their calculations have shown that as a consequence of this there would be no additional total phosphorous being discharged from the proposed development via foul and surface waters (this because these waters would be dealt with entirely on site). These circumstances of the application have not changed – and the WC Ecologist’s and Natural England’s ‘no objection’ subject to conditions, therefore, stands.

On 20 December the Minister for Housing, Planning and Building Safety issued a letter addressing nutrient neutrality in general, and on 25 January the River Avon SAC became a designated ‘phosphorous sensitive catchment area’. The key part of the Minister’s letter states the following:

To stop pollution at source, the Levelling-up and Regeneration Act 2023 creates a new duty on water companies to upgrade wastewater treatment works (WwTW) by 1 April 2030, in catchments of Habitats Sites identified by the Secretary of State as being in an unfavourable condition due to nutrient pollution. This duty will be in effect from 26 January 2024 and the government will publish designated catchments and specific wastewater treatment works to be upgraded. The Act also requires planning decision-makers to consider these upgrades as certain for the purposes of an assessment under the Habitats Regulations. These upgrades will significantly reduce nutrient loads from WwTW in designated catchments, while also reducing the average costs of nutrient mitigation for developers. For new development connecting to WwTW subject to the upgrade duty, the reduction in costs is estimated to range between 37% to 95% for phosphorus and between 46% to 64% for nitrogen (depending on the catchment and subject to final analysis). This is alongside the continued delivery of the Natural England £30 million Nutrient Mitigation Scheme in line with the Environment Secretary’s direction of 28 July 2022.

To boost the supply of mitigation, the Chancellor has announced as part of the Autumn Statement that the Local Nutrient Mitigation Fund will spend £110 million of taxpayer money over this year and next. This will enable local authorities to boost the supply of mitigation, by bringing forward innovative mitigation schemes and providing mitigation credits. The funding will be recycled locally until nutrient mitigation is no longer needed, at which point it will be used for measures to help restore the relevant Habitats Sites. This will enable sustainable development, unlocking stalled housing delivery, whilst delivering secondary benefits like enhanced public access to nature and supporting our commitment to leave our environment in a better state than we found it.

As the application site ‘washes its own face’ on the issue of nutrient neutrality, the Minister’s letter has no bearing on the application’s re-consideration. The letter is, however, a new material consideration which the Committee is required to have regard to and note in any event.

3. Housing land supply and delivery

The December 2023 NPPF contains two important amended/new paragraphs concerning housing supply and delivery, as follows –

76. *Local planning authorities are not required to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years’ worth of housing for decision making purposes if the following criteria are met:*
- a) their adopted plan is less than five years old; and*
 - b) that adopted plan identified at least a five year supply of specific, deliverable sites at the time that its examination concluded.*
77. *In all other circumstances, local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide either a minimum of five years’ worth of housing, or a minimum of four years’ worth of housing if the provisions in paragraph 226 apply. The supply should be demonstrated against either the housing requirement set out in adopted strategic policies, or against the local housing need where the strategic policies are more than five years old. Where there has been significant under delivery of housing over the previous three years, the supply of specific deliverable sites should in addition include a buffer of 20% (moved forward from later in the plan period). National planning guidance provides further information on calculating the housing land supply, including the circumstances in which past shortfalls or over-supply can be addressed.*

Paragraph 226 referred to in paragraph 77 states the following –

226. *From the date of publication of this revision of the Framework, for decision-making purposes only, certain local planning authorities will only be required to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of four years’ worth of housing (with a buffer, if applicable, as set out in paragraph 77) against the housing requirement set out in adopted strategic policies, or against local housing need where the strategic policies are more than five years old, instead of a minimum of five years as set out in paragraph 77 of this Framework. This policy applies to those authorities which have an emerging local plan that has either been submitted for examination or has reached Regulation 18 or Regulation 19 (Town and Country Planning (Local Planning) (England) Regulations 2012) stage, including both a policies map and proposed allocations towards meeting housing need. This provision does not apply to authorities who are not required to demonstrate a housing land supply, as set out in paragraph 76. These arrangements will apply for a period of two years from the publication date of this revision of the Framework.*

For the purposes of the revised NPPF Wiltshire Council is a ‘paragraph 77 authority’; and, because Wiltshire Council has an emerging local plan that has now passed the Regulation 19 stage of the plan-making process – with both a policies map and proposed allocations towards meeting housing need – it is now only required to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of four years’ worth of housing.

4. Current housing land supply position and consequences for the ‘planning balance’

The Council’s most recent Housing Land Supply Statement (published May 2023; base date April 2022) sets out the number of years supply against local housing need as 4.60 years. In subsequent

appeals this figure has been reassessed to be 4.59 years. These figures exceed the 4-year threshold now relevant to Wiltshire, and for the planning balance this means that it is now starting from a 'level' position rather than 'tilted'. In terms of paragraph 11 of the NPPF, for decision making part 11(c) is now relevant.

With a level balance, and with full/substantial weight now being given to the strategic housing delivery policies of the Wiltshire Core Strategy (WCS) (namely Core Policies 1 and 2), it follows that planning applications which conflict with the policies should not normally be granted – that is, unless other policies or material considerations indicate that the housing delivery policies should not be followed – and other restrictive policies may have increased relevance. The weight to now be given to the policies and to the other material considerations is addressed below.

5. Warminster Neighbourhood Plan

An additional change to the NPPF is paragraph 14. This relates to situations where planning applications for housing are being determined in areas that have neighbourhood plans in place and where those neighbourhood plans contain policies and allocations to meet that area's housing requirement. Where this situation applies, the 'tilted' balance will not have effect where the neighbourhood plan became part of the development plan five years or less before the date on which a decision is made, meaning that speculative housing planning applications are less likely to be recommended for approval where there is conflict with the neighbourhood plan. Because the Wiltshire Core Strategy is now not subject to a tilted balance, the changed paragraph 14 is not relevant; where relevant the policies of the Warminster Neighbourhood Plan should be given full weight in any event.

6. Response from the applicant

The agent acting on behalf of the applicant does not agree with the above. The following (summarised) reasons are given (full response from the agent at Annex 2):

Housing Land Supply –

- No evidence that the Reg 19 Plan is sufficiently detailed or meets the housing requirements in order for it to 'qualify' for 4-year supply status for the purposes of Paragraph 77/226 of the revised Framework. It remains questionable whether the Plan meets the necessary tests in order for the Authority to qualify for 4-year status.
- No evidence that the Council has reviewed its housing land supply since publishing a position of 4.6 years in May 2023. As this figure is already eight months old, it is highly unlikely that it is accurate, and we are mindful of evidence presented at recent appeals suggesting that in reality the Council's supply is potentially less than four years.
- In the absence of an up-to-date and publicly available calculation of housing land supply, the Council cannot rely on an assumption that its published position from May 2023 remains unchanged as the basis for returning applications to Committee with revised recommendations at this time.
- The changes to the Framework have made no difference to the presumption that Local Planning Authorities should seek to maintain at least a five-year supply of deliverable housing. Whether or not required to (or capable of) demonstrating more than four years' supply for the purposes of Paragraph 226, Wiltshire Council continues to fall significantly short of five years' supply in the context of a national housing crisis and, in particular, a marked shortfall of affordable homes. The Council has not withdrawn the Briefing Note which states that the Council will support 'speculative' applications where there are no technical objections in pursuit of a five-year supply.
- Moreover, even if a 4+ year supply could currently be demonstrated, recalling and refusing a significant number of 'speculative' proposals with extant resolutions to grant planning

permission presents a very real and immediate prospect that housing land supply will be severely depleted over the coming months, particular from April 2024, due to a lack of commitments. As such, refusing such applications at the present time is likely to be self-defeating and only likely to open opportunities for less desirable 'speculative' proposals later in the year.

Operation of the Tilted Balance –

- Wiltshire Council has stated in correspondence that, on the assumption that the Council can demonstrate in excess of four years' supply, the 'tilted balance' would not be engaged for the purposes of decision-making. Notwithstanding the exceptions of Paragraph 226, Core Policies 1 and 2 remain out-of-date in their own terms, being predicated on a non-Framework compliant assessment of housing need, as are the related settlement boundaries to which they refer, and their weight in decision-making diminished accordingly.
- Likewise, the tilted balance remains engaged in relation to these 'most important' policies independently of Paragraph 226 and housing land supply and it remains in the context Paragraph 11(d)(ii) that decision-making must still proceed.

Site-specific matters –

- There are no technical or environmental objections outstanding in relation to the proposals, nor any objection from key consultees. The original Strategic report concluded: '*...this report shows that there are no adverse impacts arising from the proposal on the wider landscape, archaeology, drainage, ecology, highways, and/or amenity. There are, however, benefits which include additional market and affordable housing; the development would also contribute to the housing choice and mix in the local area. Additionally, it would help provide economic benefits by providing work for construction professionals, increase economic activity within Warminster and make contributions to off-site infrastructure through S106 contributions and CIL*'
- The physical effects of the proposals remain wholly unchanged in the present circumstances and therefore it is plainly unreasonable that any additional harms should be identified at this time, or indeed that any additional weight should be ascribed to them.

7. Officer Response to the Applicant's Comments

The above response from the agent is based on their own judgment / legal advice. It is, therefore, an opinion rather than law, and, of course, one that they are entitled to express. The Local Planning Authority's opinion is that it has interpreted paragraph 226 correctly and, therefore, does benefit from only having to demonstrate a 4-year housing land supply (HLS) over a 5-year period, which it can; (this approach has subsequently been conformed as correct in updated Planning Practice Guidance). This applies to the determination of this application and to any application that is in the same position.

Regarding the status of the planning balance, The Wiltshire Housing Site Allocations Plan (WHSAP) was adopted February 2020. The purpose of the WHSAP is/was to revise, where necessary, the WCS settlement boundaries and allocate new sites for housing across the plan period in order to demonstrate the rolling supply. The WHSAP is not out of date, and so NPPF paragraph 11(c) is relevant for the purposes of decision-taking (not paragraph 11(d)).

Regarding the status of past Wiltshire Council 'Briefing Notes' on the status of the development plan, these (like any policy or guidance) will inevitably, and automatically, be superseded in the event of more up-to-date and different policy or guidance taking effect.

It is clear that the Local Planning Authority's position on the matter differs from that of the applicant. The committee is advised to consider the application based on the advice the Local Planning Authority has received, but with due regard to the applicant's position – this in view of there being no qualifying statements or case law relating to the updated NPPF at this time. It is in view of this situation that it is perhaps not surprising to find the LPA's opinion differing to that of the applicant.

8. Applying the planning balance to this case

The 'harms' –

Principle - housing delivery policies –

WCS Core Policy 1 addresses the Settlement Strategy and identifies four tiers of settlement – 'Principal Settlements', 'Market Towns', 'Local Service Centres', and 'Large and Small Villages'. Within the Settlement Strategy, Warminster is defined as a Market Town. Principal Settlements, Market Towns, Local Service Centres and Large Villages have defined limits of development. Beyond these limits is countryside. Because the application site lies beyond the limits of development, it is within the countryside. Paragraph 180 of the NPPF states that planning policies and decisions should contribute to and enhance the natural and local environment by “.... *recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services*”.

WCS Core Policy 2 addresses the Delivery Strategy. It sets out a presumption in favour of new residential development within the Limits of Development of the settlements – including Warminster – and further states that housing should not be permitted outside the limits except in the few circumstances explained in the policy, none of which apply in this case. Core Policy 2 continues that the limits of development may only be altered through the identification of sites through a site allocations DPD or a neighbourhood development plan. This application site is not allocated in either the Wiltshire Core Strategy or any site allocations DPD or Neighbourhood Plan.

WCS Core Policy 31 sets out a Spatial Strategy for the Warminster Community Area. The policy states that development in the Community Area should be in accordance with Core Policy 1.

The Warminster Neighbourhood Plan (WNP) was 'made' in 2016. It sets out principles for new housing and good design (Policy L1); it relies on the WCS and WHSAP to define the settlement boundary and make allocations for new development.

Therefore, as the site lies outside of the limits of development (and so is in the countryside), and as none of the exception policies apply, the proposal does not accord with WCS Core Policies 1, 2 and 31 and NP policy 1. Proposed development which does not accord with WCS Core Policies 1, 2 and 31 and NP Policy 1 is considered to be unsustainable in the overarching context of the Wiltshire Core Strategy and the NPPF. In view of the revised NPPF substantial weight must now be given to this 'in principle' conflict with the housing delivery policies and, by association, that part of paragraph 180 of the NPPF which requires regard to be given to the intrinsic character of the countryside.

Landscape Impact –

Core Policy 51 ('Landscape') is a restrictive policy rather than a housing delivery policy. It is a policy which is intended to restrict development that would not protect, conserve and where possible enhance landscape character, or that could not be mitigated as far as possible through sensitive design and landscape measures. Core Policy 57 ('Ensuring high quality design and place shaping') has related criteria.

Under the circumstances of the 'tilted' planning balance (and in general), the weight to be given to landscape effects has been in most cases outweighed by the significant weight required to be given to the housing land supply shortfall. This application is evidence of this – when considered by the Strategic Planning Committee in November 2023 the effects of the planned development on landscape were not considered to be sufficiently significant to tip the tilted balance and so amount to a landscape reason for refusal (or, in terms of paragraph 11(d) of the NPPF, any adverse effects did not “significantly and demonstrably” outweigh the benefits of granting planning permission for housing). In reaching this conclusion the Committee had regard to the housing land supply shortfall and the specific circumstances of the proposal (in terms of its detailed design and layout and its proposed measures to mitigate its effects on the landscape).

However, now that there is a level planning balance, restrictive planning policies – notably here, CP51 (and the related parts of CP57) – are now more relevant because significant weight is no longer to be given to the housing land supply shortfall. This increased relevance does not mean that the restrictive policies can, or should, be given more weight – the weight they can, or should, be given is the same as before (because the landscape effects of the proposed development have not changed); rather it is the effect of this same weight and its consequences for the planning balance that are material.

For this application, and as a starting point, the landscape effects of developing open fields in 'countryside' to accommodate housing that is now not required to address a housing land supply shortfall is considered to be deserving of modest weight. This is when taking account of the baseline assessment of the site – which is essentially, and in isolation, open fields in the countryside which would be 'lost' to the development. But then factoring in the wider circumstances of the fields and the characteristics of the locality, and the actual proposal – that is, the site's relationship with established developments, the nature of existing established landscaping, and the landscape mitigation measures presented in the proposal, these effects and the modest weight to be attributed to them are not considered to amount to a sustainable reason for refusing planning permission in any event. In accordance with CP51, and as demonstrated in the planning application, the modest 'negative impacts' can be mitigated through sensitive design and landscape mitigation appropriate for the locality.

In this respect, the conclusions of the Landscape and Visual Assessment which accompanies the planning application are agreed – notably the following:

The appraisal has concluded that the effects of the proposed development upon the open arable and pasture fields within the site itself would be major/moderate and negative, but that the effects on the hedgerow network would be moderate minor and negative, becoming positive once new planting establishes. The local area of the Warminster Terrace character area would experience a moderate/minor effect as a result of the proposed development, and parts of the Salisbury Plain West character area would also experience moderate/minor effects due to visibility of the proposed development. Cranborne Chase and West Wiltshire Downs would experience minor effects as a result of the proposed development, and the nature of these effects would be neutral.

In summary, whilst the proposed development would result in some higher negative landscape effects these would be localised and focused on the site itself. Effects on landscapes further from the site would be lower, partly due to the visibility of the existing settlement edge and the fact that the proposed development would not extend further than the existing industrial estate to the west of the application site.

And

The proposed development would be visible by a number of receptors within and around the site, including from elevated ground at Arn Hill Down to the east and Cley Hill, to the west. The main receptor groups which would be affected include walkers, residents and vehicle users.

The visual effects of the proposed development would be localised, with major or major moderate effects being limited to the views of walkers within and immediately adjacent to the site, and residents immediately to the south of the site. For users of footpaths outside of the site, the proposed development would be viewed in the context of the existing settlement edge, and in particular the existing prominent development at the Crusader Park industrial estate. Importantly, the proposed development would not extend further north than this existing industrial park.

Loss of Agricultural Land –

The site is made up of several fields designated as Grades 3a, 3b and 4 agricultural land (with the two grade 3's making up approximately 2/3rds); those parts that are Grade 3a are 'best and most versatile'. The overall area of land affected by the proposal – c. 10.45ha – has not changed and so continues to be relatively modest. Natural England is generally concerned where areas greater than 20ha are being lost, and the application site falls below this threshold. This said, the loss of agricultural land is a factor to be considered on the planning balance, and with the change to the housing land supply position, this is a material consideration now of increased relevance. In the light of the limited size of land that would be lost, it is considered that modest weight should be attributed to this point.

The Benefits –

Location of Development –

Warminster is a market town which is capable of significant growth as identified by CP1 of the WCS. As such, the quantum of development (c. 205 dwellings) can be considered proportionate in the context of the adjacent settlement (Warminster). Very modest weight can be attributed to this.

The original committee report refers to the site as being a reasonably sustainable (accessible) location, albeit in the countryside. Although outside of the limits of development of Warminster, the site does adjoin, and therefore, its proximity to the town centre allows access by a genuine choice of transport modes. Modest weight can be attributed to this accessibility.

Provision of Affordable Housing –

Notwithstanding that the Council can demonstrate a sufficient supply of deliverable housing land, the proposal would provide policy compliant 30% (c. 62) affordable housing units. It is considered that significant weight should still be given to this as a benefit.

Expenditure on construction and investment in the area / creation of construction jobs –

Paragraph 81 of the NPPF states that:

“Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.”

In the light of this – and bearing in mind the size of the scheme – moderate weight should be attributed to this benefit. The development would provide a boost to the economy through the provision of construction jobs associated with a housing development. It is of note that the construction industry has been highlighted by the government as one of the key areas for growth post pandemic and more generally. The same weighting can be attributed to the expenditure from future occupants of the development within the local economy.

Lack of any other technical objections –

As noted previously, the scheme has not been the subject of any technical objections from consultees. Only limited weight can be afforded to this point.

9. Conclusion

Whilst the landscape effects and the loss of some 'best and most versatile' agricultural land continue to be negative consequences, the level of harm arising is not considered to be of such magnitude or significance to amount to a sustainable reason for refusing planning permission. Nevertheless, harm is still harm, and so this must be factored on the planning balance.

There is, however, significant harm generated by the conflict with the development plan housing delivery policies – CP 1, 2 and 31 of the Wiltshire Core Strategy, as well as Warminster Neighbourhood Plan policy 1. This attracts substantial weight which, in isolation, is capable of forming a reason for refusal against the principle of the proposal.

The 'in principle' objection identified above is not outweighed by the benefits that would arise from the development.

It is, therefore, concluded that, in light of the changes to the NPPF, there now arises a level of conflict with the development plan sufficient to justify refusing the application.

Recent appeal decision –

On 9 February 2024 an appeal relating to a proposal for up to 30 dwellings on a windfall (unallocated) site at Land south of Pound Lane, Semington was dismissed (ref. PL/2022/09397; Annex 3). In dismissing the appeal the Inspector noted the following –

6. *As confirmed through its Statement of Case, the Council initially reviewed its position at appeal stage and decided, following legal advice and subsequent internal discussions, not to defend any of its three reasons for refusing planning permission. However, following the publication of the revised Framework, which has implications for identifying and updating a supply of deliverable housing sites and the engagement of the presumption in favour of sustainable development, it has resurrected its opposition to the scheme in view of identifiable conflict with its strategic housing delivery policies. I shall formulate the appeal's main issue on this basis*

Planning Balance

15. *It is the appellant's view that the presumption in favour of sustainable development, as set out at paragraph 11 of the Framework, is engaged on the basis that the policies most important for determining the proposal are out-of-date. The most important policies are, as agreed by the main parties, Policies CP1, CP2, CP3 and CP15 of the CS, which set out settlement and delivery strategies (including specifically for the Melksham Community Area) as well as adopted infrastructure requirements.*
16. *The appellant has accepted that the Council is able to demonstrate more than a four-year supply of deliverable housing sites, which, for a period of two years from the revised Framework's publication, is the relevant requirement in view of the LPR having reached Regulation 19 stage and being inclusive of a policies map and proposed allocations towards meeting housing need. However, it has been asserted that development plan policies that restrict housing development should be considered out-of-date in any event. This position is based on the level of housing supply achieved across the plan period when assessed against the minimum housing requirement of the CS.*

17. *The plan period of the CS is 2006 to 2026, and the delivery strategy presented at Policy CP2 sets out that at least 42,000 homes shall be developed in sustainable locations in conformity with a distribution that indicates a minimum housing requirement of 24,740 dwellings across the relevant North and West Wiltshire Housing Market Area (the HMA).*
18. *My attention has been drawn to the overall housing requirement being 2,000 homes less than the objectively assessed need identified by the CS's examining Inspector. However, notwithstanding the absence of an early review, the CS was found sound based on a 42,000 minimum figure across the plan period, and this remains the adopted housing requirement.*
19. *The main parties anticipate that at the end of the plan period a shortfall of between 199 and 590 homes measured against the minimum 42,000 requirement shall be evident, and that a shortfall of between 318 and 560 homes shall avail across the HMA. Indeed, the Council has acknowledged that by the end of the plan period the existing development plan shall not have met its overall housing requirement, nor the housing requirement of the HMA.*
20. *However, the situation just described does not automatically render the most important policies for deciding this case out-of-date. Instead, this is a matter of planning judgement to be informed by the specific circumstances to hand. It is pertinent that, taken in the context of the overall number of houses required and the length of the plan period (which has yet to expire), the anticipated shortfalls are relatively minor.*
21. *Furthermore, of key relevance is the Council's current Framework-compliant housing supply position (applicable to the HMA in isolation, and in overall terms), which has been assessed against local housing need using the standard method, as well as its recent housing delivery record. These measurements, notwithstanding any historic shortfalls, offer clear current indications that the Council's strategic housing policies are not placing undue constraints on housing development.*
22. *Moreover, the restrictions placed on housing development by the Council's settlement and delivery strategies have not prejudiced the present demonstration of the required housing land supply as dictated by national policy, and the spatial strategy is in accordance with the Framework. Thus, in my view, the basket of most important policies for determining the proposal cannot be fairly considered out-of-date for the purposes of applying paragraph 11 of the Framework. Thus, in view of identified conflict with the development plan, the presumption in favour of sustainable development is not engaged. As such, a straight planning balance of scheme benefits against identified adverse impacts is necessitated.*
28. *The proposal would conflict with the Council's spatial strategy and therefore the development plan when read as a whole. In cumulative terms, the scheme would deliver significant benefits. However, in my judgement, these material considerations would be insufficient to outweigh the conflict I have identified.*

This very recent appeal decision – relating to a site elsewhere in Wiltshire – aligns with the Local Planning Authority's interpretation of the updated NPPF and how it should now be applied in cases such as this. As in the appeal case, the proposal conflicts with the Council's Spatial Strategy and development plan as a whole; this conflict – and the fact that the planning balance is now level – is not outweighed by any other material considerations.

RECOMMENDATION:

That the Planning Inspectorate be advised that had Wiltshire Council remained the deciding authority for this application then it would have refused planning permission for the following reasons:

1. Principle of Development

Core Policy 1 of the Wiltshire Core Strategy sets out the 'Settlement Strategy' for the County, and in doing so identifies four tiers of settlement - Principal Settlement, Market Town, Local Service Centre, and Large and Small Village. Within the Settlement Strategy Warminster is defined as a Large Village. The Principal Settlements, Market Towns, Local Service Centres and Large Villages have defined boundaries, or 'limits of development'. Beyond the limits of development is countryside. The application site lies beyond / outside the limits of development of Warminster, and so is in the countryside.

Core Policy 2 of the Wiltshire Core Strategy sets out the 'Delivery Strategy'. It identifies the scale of growth appropriate within each settlement tier. The policy states that within the limits of development of those settlements with defined limits there is a presumption in favour of sustainable development; but outside the defined limits – that is, in the countryside – other in circumstances as permitted by other policies of the Plan, development will not be permitted, and that the limits of development may only be altered through identification of sites for development through subsequent Site Allocations Development Plan Documents and Neighbourhood Plans.

Core Policy 31 of the Wiltshire Core Strategy sets out the 'Spatial Strategy' for the Warminster Community Area in which the site lies. It states that development in the Warminster Community Area should be in accordance with the Settlement Strategy set out in Core Policy 1.

The proposal is for outline planning permission to erect up to 205 dwellings, etc. on the application site, which is in the countryside. Under Core Policies 1, 2 and 31, this does not comply with the Settlement and Delivery Strategies as a matter of principle. The Strategies are designed to ensure new developments satisfy the fundamental principles of sustainability, and so it follows that where a proposal such as this fails to comply with them then it will be unsustainable in this overarching context. The application site is not identified for development in a Site Allocations Development Plan Document, and it is not allocated in a Neighbourhood Plan document. Furthermore, there are no material considerations or exceptional circumstances, including set out in other policies of the Plan, which override the core policy's position. The proposal is, therefore, contrary to Core Policies 1, 2 and 31 of the Wiltshire Core Strategy, Policy 1 of the Warminster Neighbourhood Plan and paragraphs 2, 7-15, 47 and 180(b) of the National Planning Policy Framework (NPPF), comprising unsustainable development.

2. Lack of a signed Legal Agreement

The proposed development fails to provide and/or secure adequate provision for necessary on-site and, where appropriate, off-site infrastructure to make the application proposal acceptable in planning terms. The application is therefore contrary to policy CP3 of the adopted Wiltshire Core Strategy, and the National Planning Policy Framework, specifically the central social and environment sustainable development objectives enshrined within paragraph 8.

INFORMATIVE TO APPLICANT:

Reason for refusal 2 relates to the failure of the applicant to secure affordable housing and other financial contributions for the site. In the event of an appeal it may be possible to address this through a suitably worded Planning Obligation.

ANNEX 1: 1 November 2023 Committee Report

ANNEX 2: Applicant response to revised NPPF

ANNEX 3: PL/2022/09397 – appeal decision letter



Appendix 4 – Committee Minutes 06.03.24

Strategic Planning Committee

MINUTES OF THE STRATEGIC PLANNING COMMITTEE MEETING HELD ON 6 MARCH 2024 AT COUNCIL CHAMBER - COUNTY HALL, BYTHESEA ROAD, TROWBRIDGE, BA14 8JN.

Present:

Cllr Howard Greenman (Chairman), Cllr Adrian Foster, Cllr Carole King, Cllr Jonathon Seed, Cllr Elizabeth Threlfall, Cllr Robert Yuill, Cllr Stewart Palmen (Substitute) and Cllr Bridget Wayman (Substitute)

Also Present:

Cllr Richard Britton, Cllr Bill Parks, Cllr Horace Prickett, Cllr David Vigar, Cllr Suzanne Wickham and Cllr Gordon King

9 **Apologies**

Apologies were received from Cllrs Ernie Clark, Sarah Gibson, Christopher Newbury, Pip Ridout, and James Sheppard.

Cllr Ridout was substituted by Cllr Bridget Wayman.

Cllr Gibson was substituted by Cllr Stewart Palmen.

10 **Minutes of the Previous Meeting**

The minutes of the meeting held on 10 January 2024 were presented for consideration, and it was,

Resolved:

To approve and sign the minutes as a true and correct record.

11 **Declarations of Interest**

Cllr Carole King made a non-disclosable declaration of interest in respect of application PL/2021/09013 by virtue of a member of her husband's family was married to someone who currently farmed on the opposite side of the road to the site. It was confirmed that this interest did not preclude Cllr King from taking part in the debate and vote with an open mind.

Cllr Stewart Palmen declared an Other Registerable Interest in respect of application 20/09659/FUL, by virtue of being a trustee of St. James' Trust, the landowner. Cllr Palmen withdrew from the meeting in his capacity as a councillor for the entirety of the item and did not participate in discussion or vote on the application.

Cllr Elizabeth Threlfall made a non-disclosable declaration of interest in respect of application PL/2021/03749 by virtue of having worked with the agent for the applicant on an unconnected Neighbourhood Plan (Brinkworth). It was confirmed this minor connection would not prevent her participating or voting on the item.

12 **Chairman's Announcements**

There were no announcements.

13 **Public Participation**

The procedure for public participation was noted.

A statement from Chris Beaver was received in relation to application 20/09659/FUL, as detailed under Minute 19.

14 **Planning Appeals and Updates**

The Chairman and the Head of Development Management provided information as set out further in the committee reports for each application on the agenda, explaining why the items had been brought back to the Committee following previous considerations in 2023.

This was as a result of changes to the National Planning Policy Framework announced in December 2023, which was a material consideration for those applications which had not yet had decisions formally issued. Legal advice had been received confirming the need to reconsider the applications in light of the changed circumstances, and a recent appeal decision for application PL/2022/09397 in Semington was regarded as supporting the council's position. The full implications of the changes, including impact on the planning balance and in some cases amended officer recommendations, were set out in each report.

At the beginning of item PL/2021/09013 a query was raised regarding the likelihood of the council facing costs being upheld in relation to any of the items on the agenda, if a different decision was reached from the first consideration. It was stated that the council was following appropriate processes in response to new material considerations, and following receipt of legal advice, and that it was not expected that this would be assessed as unreasonable.

During the meeting it was also noted that the committee presentations included at Agenda Supplement 1 incorrectly listed the recommendations for the first four applications, as set out for Minutes 15-18, to be approval with conditions, when these were in fact recommended for refusal.

15 **PL/2021/09013: Land West of Westbury Road, Warminster**

Public Participation

Andrew Lee spoke in objection to the application.

Dr Tony Grieg spoke in objection to the application.

Ian Tinsley spoke in objection to the application.

Chris Marsh, Agent, spoke in support of the application.

Cllr Phil Keeble, Warminster Town Council, spoke in objection to the application.

David Cox, Senior Planning Officer, presented a report which recommended that the Planning Inspectorate be advised that had Wiltshire Council remained the deciding authority it would have refused permission for an outline application for the erection of up to 205 dwellings, community hub, public open space, access, infrastructure and associated works.

The background to the application including its initial approval by the Committee on 1 November 2023 subject to the signing of a s.106 legal agreement was detailed, along with revisions to the National Planning Policy Framework (NPPF) and the impact on the planning balance and other material considerations which had led to a change in recommendation from the officers.

Details were also provided of late and additional representations received. Key issues included the principle of the development, and housing delivery policies.

Members of the Committee had the opportunity to ask technical questions of the officer. It was confirmed that as the application was the subject of an appeal against non-determination, the Committee was being asked to confirm the determination it would have made, not to determine the application itself. Issues were also raised in relation to sewage, and that officers did not consider landscape impact objections would be a suitable reason for refusal.

Members of the public then had the opportunity to present their views to the Committee, as detailed above.

The Local Unitary Member, Cllr Bill Parks, then spoke in objection to the application.

On the motion of Cllr Jonathan Seed, seconded by Cllr Elizabeth Threlfall, it was then without further discussion,

Resolved:

That the Planning Inspectorate be advised that had Wiltshire Council remained the deciding authority for this application then it would have refused planning permission for the following reasons:

1. Principle of Development

Core Policy 1 of the Wiltshire Core Strategy sets out the 'Settlement Strategy' for the County, and in doing so identifies four tiers of settlement

- Principal Settlement, Market Town, Local Service Centre, and Large and Small Village. Within the Settlement Strategy Warminster is defined as a Large Village. The Principal Settlements, Market Towns, Local Service Centres and Large Villages have defined boundaries, or 'limits of development'. Beyond the limits of development is countryside. The application site lies beyond / outside the limits of development of Warminster, and so is in the countryside.

Core Policy 2 of the Wiltshire Core Strategy sets out the 'Delivery Strategy'. It identifies the scale of growth appropriate within each settlement tier. The policy states that within the limits of development of those settlements with defined limits there is a presumption in favour of sustainable development; but outside the defined limits – that is, in the countryside – other in circumstances as permitted by other policies of the Plan, development will not be permitted, and that the limits of development may only be altered through identification of sites for development through subsequent Site Allocations Development Plan Documents and Neighbourhood Plans.

Core Policy 31 of the Wiltshire Core Strategy sets out the 'Spatial Strategy' for the Warminster Community Area in which the site lies. It states that development in the Warminster Community Area should be in accordance with the Settlement Strategy set out in Core Policy 1.

The proposal is for outline planning permission to erect up to 205 dwellings, etc. on the application site, which is in the countryside. Under Core Policies 1, 2 and 31, this does not comply with the Settlement and Delivery Strategies as a matter of principle. The Strategies are designed to ensure new developments satisfy the fundamental principles of sustainability, and so it follows that where a proposal such as this fails to comply with them then it will be unsustainable in this overarching context. The application site is not identified for development in a Site Allocations Development Plan Document, and it is not allocated in a Neighbourhood Plan document. Furthermore, there are no material considerations or exceptional circumstances, including set out in other policies of the Plan, which override the core policy's position. The proposal is, therefore, contrary to Core Policies 1, 2 and 31 of the Wiltshire Core Strategy, Policy 1 of the Warminster Neighbourhood Plan and paragraphs 2, 7-15, 47 and 180(b) of the National Planning Policy Framework (NPPF), comprising unsustainable development.

2. Lack of a signed Legal Agreement

The proposed development fails to provide and/or secure adequate provision for necessary on-site and, where appropriate, off-site infrastructure to make the application proposal acceptable in planning terms. The application is therefore contrary to policy CP3 of the adopted Wiltshire Core Strategy, and the National Planning Policy Framework, specifically the central social and environment sustainable development objectives enshrined within paragraph 8.

Informative to Applicant:

Reason for refusal 2 relates to the failure of the applicant to secure affordable housing and other financial contributions for the site. In the event of an appeal it may be possible to address this through a suitably worded Planning Obligation.

It was requested it be noted that the decision to refuse permission was unanimous.

16 **PL/2021/03749: Land at Glenmore Farm, The Ham/Hawkeridge Road, Westbury**

Public Participation

Francis Morland spoke in objection to the application.

David Jenkins spoke in objection to the application.

Jemma Shorrocks, Agent, spoke in support of the application.

Cllr John Masson, Heywood Parish Council, spoke in objection to the application.

Gen Collins, Senior Planning Officer, presented a report which recommended that permission be refused for a residential development (use class C3) for up to 145 homes, community orchard, children's play areas (LEAP), tree planting, habitat creation and ecology buffers and mitigation; site drainage and associated infrastructure. All matters reserved except for access.

The background to the application was explained to be the same as set out for the application at Minute 15, having received initial approval by the Committee on 1 November 2023 subject to the signing of a s.106 legal agreement, with revisions to the National Planning Policy Framework (NPPF) and the impact on the planning balance and other material considerations leading to a change in recommendation from the officers.

Details were also provided of late and additional representations received, including disagreement on behalf of the Applicant on the council's legal advice regarding the impact of the NPPF revisions. Key issues included the principle of the development and the council's settlement and delivery strategies.

Members of the Committee had the opportunity to ask technical questions of the officer. It was confirmed that Highways officers had not amended their lack of technical objection to the application, and that conditions would be able to address any highways concerns.

Members of the public then had the opportunity to present their views to the Committee, as detailed above.

The Local Unitary Member, Cllr Suzanne Wickham, then spoke in objection to the application.

In relation to comments on behalf of the Applicant the officer confirmed that the council's advice was that reference to an appeal decision in Chichester was not applicable to Wiltshire, and that its position remained as set out in the report in respect of a requirement to demonstrate a four-year housing land supply only.

On the motion of Cllr Bridget Wayman, seconded by Cllr Carole King, it was then without further discussion,

Resolved:

That planning permission be refused for the following reasons:

1. Principle of Development

Core Policy 1 of the Wiltshire Core Strategy sets out the 'Settlement Strategy' for the County, and in doing so identifies four tiers of settlement - Principal Settlement, Market Town, Local Service Centre, and Large and Small Village. Within the Settlement Strategy Westbury is defined as a Market Town. The Principal Settlements, Market Towns, Local Service Centres and Large Villages have defined boundaries, or 'limits of development'. Beyond the limits of development is countryside. The application site lies beyond / outside the limits of development of Westbury, and so is in the countryside.

Core Policy 2 of the Wiltshire Core Strategy sets out the 'Delivery Strategy'. It identifies the scale of growth appropriate within each settlement tier. The policy states that within the limits of development of those settlements with defined limits there is a presumption in favour of sustainable development; but outside the defined limits – that is, in the countryside – other in circumstances as permitted by other policies of the Plan, development will not be permitted, and that the limits of development may only be altered through identification of sites for development through subsequent Site Allocations Development Plan Documents and Neighbourhood Plans.

Core Policy 32 of the Wiltshire Core Strategy sets out the 'Spatial Strategy' for the Westbury Community Area in which the site lies. It states that development in the Westbury Community Area should be in accordance with the Settlement Strategy set out in Core Policy 1.

The proposal is for outline planning permission to erect up to 145 dwellings, etc. on the application site, which is in the countryside. Under Core Policies 1, 2 and 32, this does not comply with the Settlement and Delivery Strategies as a matter of principle. The Strategies are designed to ensure new developments satisfy the fundamental principles of sustainability, and so it follows that where a proposal such as this fails to comply with them then it will be unsustainable in this overarching context. The application site is not identified for development in a Site Allocations Development Plan Document, and it is not allocated in a Neighbourhood Plan document. Furthermore, there are no material considerations or

exceptional circumstances, including set out in other policies of the Plan, which override the core policy's position. The proposal is, therefore, contrary to Core Policies 1, 2 and 32 of the Wiltshire Core Strategy and paragraphs 2, 7-15, 47 and 180(b) of the National Planning Policy Framework (NPPF), comprising unsustainable development.

2. Lack of a signed Legal Agreement

The proposed development fails to provide and/or secure adequate provision for necessary onsite and, where appropriate, off-site infrastructure to make the application proposal acceptable in planning terms. The application is therefore contrary to policy CP3 of the adopted Wiltshire Core Strategy, and the National Planning Policy Framework, specifically the central social and environment sustainable development objectives enshrined within paragraph 8.

Informative to Applicant:

Reason for refusal 2 relates to the failure of the applicant to secure affordable housing and other financial contributions for the site. In the event of an appeal it may be possible to address this through a suitably worded Planning Obligation.

It was requested it be noted that the decision to refuse permission was unanimous.

17 PL/2022/08155: Land to the West of Semington Road, Melksham

Public Participation

Cllr John Glover, Chairman of Melksham Without Parish Council, spoke in objection to the application.

Mark Gay spoke in support of the application.

Jon Price spoke in support of the application.

Cllr Richard Wood, Chairman of Planning, Melksham Without Parish Council, spoke in objection to the application.

Ruaridh O'Donoghue, Senior Planning Officer, presented a report which recommended that permission be refused for outline planning permission for up to 53 dwellings including formation of access and associated works, with all other matters reserved.

The background to the application was explained to be the similar as the previous items at Minutes 15-16, having received initial approval by the Committee on 29 November 2023 subject to the signing of a s.106 legal agreement, with revisions to the National Planning Policy Framework (NPPF) and the impact on the planning balance and other material considerations leading to a change in recommendation from the officers.

Key issues included the principle of development, the site being outside the limits of development, sustainability of the site and affordable housing provision.

Members of the Committee had the opportunity to ask technical questions of the officer. Details were sought and provided on the site adjacent to the application which had received permission following an appeal, and which had also been outside the limits of development, although that had been during a period where the council had been required to but unable to demonstrate a five-year housing land supply.

Members of the public then had the opportunity to present their views to the Committee, as detailed above.

The Local Unitary Member, Cllr Jonathan Seed, then spoke in objection to the application.

During debate a point of order was raised regarding Local Member participation in debates and votes. It was confirmed there was no legal or procedural issues with such participation in itself. Other issues raised in debate included the benefits of affordable housing, particularly larger dwellings which were affordable, and the isolation of the site from local amenities.

Following discussion, and on the motion of Cllr Bridget Wayman, seconded by Cllr Howard Greenman, it was then,

Resolved:

That planning permission be refused for the following reasons:

1. Principle of Development

Core Policy 1 of the Wiltshire Core Strategy sets out the 'Settlement Strategy' for the County, and in doing so identifies four tiers of settlement - Principal Settlement, Market Town, Local Service Centre, and Large and Small Village. Within the Settlement Strategy Melksham is defined as a Large Village. The Principal Settlements, Market Towns, Local Service Centres and Large Villages have defined boundaries, or 'limits of development'. Beyond the limits of development is countryside. The application site lies beyond / outside the limits of development of Melksham, and so is in the countryside.

Core Policy 2 of the Wiltshire Core Strategy sets out the 'Delivery Strategy'. It identifies the scale of growth appropriate within each settlement tier. The policy states that within the limits of development of those settlements with defined limits there is a presumption in favour of sustainable development; but outside the defined limits – that is, in the countryside – other in circumstances as permitted by other policies of the Plan, development will not be permitted, and that the limits of development may only be altered through identification of sites for development through subsequent Site Allocations Development Plan Documents and Neighbourhood Plans.

Core Policy 15 of the Wiltshire Core Strategy sets out the 'Spatial Strategy' for the Melksham Community Area in which the site lies. It states that development in the Melksham Community Area should be in accordance with the Settlement Strategy set out in Core Policy 1.

The proposal is for outline planning permission to erect up to 53 dwellings, etc. on the application site, which is in the countryside. Under Core Policies 1, 2 and 15, this does not comply with the Settlement and Delivery Strategies as a matter of principle. The Strategies are designed to ensure new developments satisfy the fundamental principles of sustainability, and so it follows that where a proposal such as this fails to comply with them then it will be unsustainable in this overarching context. The application site is not identified for development in a Site Allocations Development Plan Document, and it is not allocated in a Neighbourhood Plan document. Furthermore, there are no material considerations or exceptional circumstances, including set out in other policies of the Plan, which override the core policy's position. The proposal is, therefore, contrary to Core Policies 1, 2 and 15 of the Wiltshire Core Strategy, Policies 1 and 6 of the Melksham Neighbourhood Plan and paragraphs 2, 7-15, 47 and 180(b) of the National Planning Policy Framework (NPPF), comprising unsustainable development.

2. Lack of a signed Legal Agreement

The proposed development fails to provide and/or secure adequate provision for necessary on-site and, where appropriate, off-site infrastructure to make the application proposal acceptable in planning terms. The application is therefore contrary to policy CP3 of the adopted Wiltshire Core Strategy, and the National Planning Policy Framework, specifically the central social and environment sustainable development objectives enshrined within paragraph 8.

Informative to Applicant:

Reason for refusal 2 relates to the failure of the applicant to secure affordable housing and other financial contributions for the site. In the event of an appeal it may be possible to address this through a suitably worded Planning Obligation.

18 PL/2022/09532: Land at Romsey Road, Whiteparish, Salisbury

Public Participation

Ivor Ellis spoke in objection to the application.

Gemma Ward spoke in objection to the application.

Aaron Smith spoke in support of the application.

Matt Smith spoke in support of the application.

Lynda King, Senior Planning Officer, presented a report which recommended that permission be refused for outline application (all matters reserved except external access) for residential development of up to 25 dwellings with access to Romsey Road, parking, open space, landscaping and drainage

The background to the application was explained to be the similar as the previous items at Minutes 15-17, having received initial approval by the Committee on 16 August 2023 subject to the signing of a s.106 legal agreement, with revisions to the National Planning Policy Framework (NPPF) and the impact on the planning balance and other material considerations leading to a change in recommendation from the officers.

Key issues included the principle of development, the site being outside the limits of development, scale of the application, and stated positive impact on local education provision.

Members of the Committee had the opportunity to ask technical questions of the officer. In response to queries it was confirmed Whiteparish was designated as a large village, and that no housing sites within the settlement boundary were included in the emerging Local Plan. Details were also sought on pedestrian access to the site, planning policies for new development in villages, grading of the agricultural land that would be lost and its size, and that it was for the Committee to determine how much weight to give to the material considerations, with Members noting the site, whilst outside the limits of development, was bordered on two sides by that limit and other properties.

Members of the public then had the opportunity to present their views to the Committee, as detailed above.

The Local Unitary Member, Cllr Richard Britton, then spoke in support of the application, noting the community benefits of the application listed in the report.

The Committee noted the changed position with the NPPF, but that weight could also be given to other material considerations as appropriate. The previously approved conditions and legal agreement terms were raised.

Following a brief discussion, and on the motion of Cllr Adrian Foster, seconded by Cllr Stewart Palmen, it was then,

Resolved:

To grant planning permission, subject to the prior completion of a S106 Agreement in respect of the Heads of Terms referred to within the committee report for 16 August 2023, and subject to the following conditions:

- 1) The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.**

REASON: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

- 2) No development shall commence on site until details of the following matters (in respect of which approval is expressly reserved) have been submitted to, and approved in writing by, the Local Planning Authority:

The scale of the development;
The layout of the development;
The external appearance of the development;
The landscaping of the site;

The development shall be carried out in accordance with the approved details.

REASON: The application was made for outline planning permission and is granted to comply with the provisions of Section 92 of the Town and Country Planning Act 1990 and Article 5 (1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015.

- 3) An application for the approval of all of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

REASON: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.

- 4) Approved plans

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

- Site Location Plan – drawing no. P22-1712_DE_001_A_01, received on 12 Dec ember 2022
- Proposed Access Arrangement- drawing no. 1294-008, received on 12 December 2022
- Land Use Plan- drawing no. P22-1712_DE_004_B_01, received on 12 December 2022.

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

- 5) No development above slab level shall commence on site until the exact details and samples of the materials to be used for the external walls and roofs have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and/ the

matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, in the interests of visual amenity and the character and appearance of the area.

- 6) No railings, fences, gates, walls, bollards and other means of enclosure development shall be erected in connection with the development hereby permitted until details of their design, external appearance and decorative finish have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details prior to the development being.**

REASON: In the interests of visual amenity and the character and appearance of the area.

- 7) No development shall commence on site until a scheme of hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority, the details of which shall include:**

- location and current canopy spread of all existing trees and hedgerows on the land;**
- full details of any to be retained, together with measures for their protection in the course of development;**
- a detailed planting specification showing all plant species, supply and planting sizes and planting densities;**
- finished levels and contours;**
- other vehicle and pedestrian access and circulation areas;**
- all hard and soft surfacing materials;**
- minor artefacts and structures (e.g. furniture, play equipment, refuse and other storage units, signs, lighting etc);**
- proposed and existing functional services above and below ground (e.g. drainage, power, communications, cables, pipelines etc indicating lines, manholes, supports etc);**

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features.

- 8) All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first occupation of the building(s) 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. All hard landscaping shall also be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme to be agreed in writing with the Local Planning Authority.

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

- 9) No development shall commence within the redline boundary marked on Pegasus Group Drawing: P22-1712_DE_001_A-01, dated 09/08/2022 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 (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible.

- 10) Details of the surface water drainage scheme, (including sustainable drainage details), the foul water drainage scheme and timetables for their implementation shall be submitted to the local planning authority for approval with or before the submission of reserved matters. No development shall commence until those schemes have been approved in writing by the local planning authority, and the surface water drainage scheme and the foul water drainage scheme shall then be implemented in accordance with the approved schemes and timetables, and thereafter retained.

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to ensure that the development can be adequately drained.

- 11) 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:

- 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.

The CEMP shall also address the following:

- i. An introduction consisting of construction phase environmental management plan, definitions and abbreviations and project description and location;
- ii. A description of management responsibilities;
- iii. A description of the construction programme;
- iv. Site working hours and a named person for residents to contact;
- v. Detailed Site logistics arrangements;
- vi. Details regarding parking, deliveries, and storage;
- vii. Details regarding dust and noise mitigation;
- viii. Details of the hours of works and other measures to mitigate the impact of construction on the amenity of the area and safety of the highway network; and
- ix. Communication procedures with the LPA and local community regarding key construction issues – newsletters, fliers etc.

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 the development is carried out in such a way as to not cause a nuisance to local residents.

- 12) Prior to the start of construction, a Landscape and Ecology Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority. The LEMP will 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.

REASON: To ensure the long-term management of landscape and ecological features retained and created by the development, for the benefit of visual amenity and biodiversity for the lifetime of the scheme.

- 13) No external light fixture or fitting will be installed within the application site unless details of existing and proposed new lighting have been submitted to and approved by the Local Planning Authority in writing. The submitted details will demonstrate how the proposed lighting will impact on bat habitat compared to the existing situation.

REASON: to avoid illumination of habitat used by bats.

- 14) 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 each phase being completed and the housing being brought into use, a water efficiency report certifying that this standard has been achieved shall be submitted to the local planning authority for its written approval.

REASON: To ensure compliance with the prevailing mitigation strategy for nutrient neutrality in the water catchment within which this development is located.

- 15) No development shall commence on site until visibility splays have been provided between the edge of the carriageway and a line extending from a point 2.4 metres back from the edge of the carriageway, measured along the centre line of the access, to the points on the edge of the carriageway 59 metres to the west and 59 metres to the east from the centre of the access in accordance with the approved plans (ref: 1294-008). Such splays shall thereafter be permanently maintained free from obstruction to

vision above a height of 900mm above the level of the adjacent carriageway.

REASON: In the interests of highway safety.

- 16) Notwithstanding the submitted details, the proposed development shall not be occupied until means/works have been implemented to avoid private water from entering the highway.

REASON: To ensure that the highway is not inundated with private water.

- 17) No development shall commence until full construction details of the proposed 2m wide footway across the site frontage together with dropped kerbs and tactile paving, street lighting and drainage, has been submitted to and approved by the Local Planning Authority; the footway and associated work shall be constructed in accordance with the approved details prior to first occupation of the development.

REASON: In the interests of highway safety.

- 18) There shall be no burning undertaken on site at any time.

REASON: In the interests of the amenities of local residents.

- 19) Construction hours shall be limited to 0800 to 1800 hrs Monday to Friday, 0800 to 1300 hrs Saturday and no working on Sundays or Bank Holidays.

REASON: In the interests of the amenities of local residents.

- 20) Prior to commencement of development an acoustic report shall be submitted to the LPA for approval in writing prior to implementation. The report shall demonstrate that the internal and external amenity standards of BS8233:2014 Guidance on sound insulation and noise reduction for buildings (or any subsequent version) and WHO Guidelines for Community Noise (1999) can be achieved within the development. The report must include full details of any scheme of mitigation required to achieve this which, if approved, must be implemented in full and maintained in that way in perpetuity.

General: In discharging this condition the applicant should engage an Acoustic Consultant. The consultant should carry out a background noise survey and noise assessment according to BS8233: 2014 (or any subsequent version) and demonstrate that internal and external noise levels will not exceed the guideline noise levels contained in Section 7.7 (table 4) of BS8233:2014. The report should also demonstrate that internal maximum noise levels in bedrooms will not normally exceed 45dB L_{Amax} between the hours of 23:00 and 07:00.

REASON: In the interests of the amenities of local residents and the occupiers of the new dwellings.

21) No development shall commence on site until a construction management plan has been submitted to and approved in writing by the local planning authority. The plan shall include details of the measures that will be taken to reduce and manage the emission of noise, vibration and dust during the demolition and/or construction phase of the development. It shall include details of the following:

- i. The movement of construction vehicles;**
- ii. The cutting or other processing of building materials on site;**
- iii. Wheel washing and vehicle wash down facilities;**
- iv. The transportation and storage of waste and building materials;**
- v. The recycling of waste materials (if any)**
- vi. The loading and unloading of equipment and materials**
- vii. The location and use of generators and temporary site accommodation**
- viii. Where piling is required this must be Continuous flight auger piling wherever practicable to minimise impacts.**

The construction/demolition phase of the development will be carried out fully in accordance with the construction management plan at all times.

REASON: In the interests of the amenities of local residents.

22) Concurrent with the reserved matters application a Sustainable Energy Strategy (SES) shall be submitted for the approval in writing by the local planning authority. The SES shall set out the measures to deliver sustainable construction and climate change adaption, and include an implementation schedule and any approved infrastructure shall be provided in accordance with the approved schedule.

REASON: To ensure that the development is carried out to the prevailing sustainable construction and climate change adaption principles.

23) For the avoidance of doubt, the number of dwellings to be developed on the site shall not exceed 25 in number.

REASON: To ensure that the development is carried out in accordance with the principles considered at the Outline stage.

Informative Notes

- 1) This permission shall be read in conjunction with an Agreement made under Section 106 of the Town and Country Planning Act, 1990 and dated the XXXX.**
- 2) The development hereby approved will be subject to the Community Infrastructure Levy. Wiltshire Council has now adopted a Community Infrastructure Levy (CIL) charging schedule. CIL is a charge that local authorities can place on new development in their area. The money**

generated through CIL will contribute to the funding of infrastructure to support growth.

More information and the charging schedule for CIL can be found using the following link:

<http://www.wiltshire.gov.uk/planninganddevelopment/dmcommunityinfrastructurelevy.htm>

- 3) The programme of archaeological work required by Condition 9 will comprise:
 - i. an initial phase of exploratory archaeological investigation (a field evaluation) prior to the commencement of development to establish if there are any areas of archaeological interest that will be impacted by the proposed development
 - ii. Further archaeological investigation of any areas of archaeological interest, either prior to the commencement of, or during, development
 - iii. A programme of post-fieldwork assessment, analysis, reporting and publication commensurate with the significance of the archaeological results.
- 4) A water efficiency calculation will be needed to discharge condition 14. For guidance on how to do this and what is required, please refer to the following document: 'The Building Regulations 2010 – Sanitation, hot water safety and water efficiency', Appendix A (p36-44).

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/504207/BR_PDF_AD_G_2015_with_2016_amendments.pdf
- 5) There is a low risk that great crested newts may occur at the development site. Great crested newts are protected all times by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019. Planning permission for development does not provide a defence against prosecution under this legislation or substitute for the need to obtain a great crested newt mitigation licence if an offence is likely. For all construction and ground clearance works it is advised to follow advice from an independent ecologist.
- 6) 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. Artificial light at night can have a substantial adverse effect on biodiversity. Any new lighting should be for the purposes for safe access and security and be in accordance with the appropriate Environmental Zone standards set out by the Institute of Lighting Engineers in their publication GN01:2021, 'Guidance for the Reduction of Obtrusive Light' (ILP, 2021), and Guidance

note GN08-18 “Bats and artificial lighting in the UK”, issued by the Bat Conservation Trust and Institution of Lighting Professionals.

- 7) The applicant will be required to enter into a S278 (Highways Act) legal agreement with Wiltshire Council for the footway work and bellmouth.**
- 8) The layout for the Reserved Matters application shall closely follow that set out on the Illustrative Masterplan (drawing no. P22-1712_DE_003_B_01).**

It was requested it be noted that the decision to approve permission was unanimous.

19 20/09659/FUL: Land off Frome Road, Upper Studley, Trowbridge

Public Participation

David Goodship read a statement in objection to the application on behalf of Chris Beaver, Agent, spoke in support of the application under Minute 13.

Ruaridh O'Donoghue, Senior Planning Officer, presented a report which recommended that permission be granted for erection of 50 dwellings and associated access and landscaping works subject to the signing of a s.106 legal agreement.

The background to the application was explained to be the same as set out for the application at Minutes 15-18, having received initial approval by the Committee on 22 February 2023 subject to the signing of a s.106 legal agreement, with revisions to the National Planning Policy Framework (NPPF) and the impact on the planning balance and other material considerations.

It was explained that the s.106 agreement had been very near completion at the time of the changes to the NPPF, and that officers considered that the changes did not materially affect the application, noting it was for an allocated housing site, with no other technical objections or relevant material considerations. The recommendation was therefore unchanged from the initial consideration.

Other key issues included the requirements of the Trowbridge Bat Mitigation Strategy, with it stated that offsite contributions had been agreed to mitigate for any net loss of biodiversity on the site.

Members of the Committee had the opportunity to ask technical questions of the officer. Details were sought on access to the site, the level of affordable housing being 30% in accordance with policy, and that the application had been brought back despite the unchanged recommendation following legal advice due to the change to at least one significant material consideration.

Members of the public then had the opportunity to present their views to the Committee, as detailed above.

The Local Unitary Member, Cllr David Vigar, then spoke in objection to the application. He raised concerns regarding lack of onsite mitigation for biodiversity, compliance with the bat mitigation strategy, and the need for the site given changes to the NPPF. The adjacent Unitary Member, Cllr Horace Prickett, also spoke in objection to the application.

The officer responded to comments raised stating no objections had been raised on ecological grounds by the council or Natural England in respect of biodiversity and bat mitigation, which was not regarded as an unresolved issue, which was able to be offsite in nature. The site remained an allocated housing site, and if housing did not come forward this would have an impact on future calculations of the housing land supply.

On the motion of Cllr Elizabeth Threlfall, seconded by Cllr Bridget Wayman, and following a comment regarding the buffer zone to the south of the site and the biodiversity mitigation, it was then.

Resolved:

That the Head of Development Management continues to be authorised to grant planning permission, subject to completion of the planning obligation/Section 106 agreement currently in preparation covering the matters set out below, and subject also to planning conditions listed below.

S.106 matters

- **Affordable housing – 30% provision of 15 No. affordable units on site split between 6 No. shared ownership units and 9 No. affordable rented units. Mix and tenure of Affordable Housing as agreed by exchange of email on 3rd May 2022.**
- **Education**
 - **Early Years Contribution – 7 places totalling [£122,654] with timing of payment of contribution TBA [NB. the applicant also requires a full breakdown of the contribution requests before the sum can be agreed]**
 - **Primary Education Contribution – 14 places totalling [£262,612] with timing of payment of contribution TBA. [NB. the applicant also requires a full breakdown of the contribution requests before the sum can be agreed]**
 - **Secondary Education Contribution – 10 places totalling [£229,400] with timing of payment of contribution TBA. [NB. the applicant also requires a full breakdown of the contribution requests before the sum can be agreed]**
 - **All payment is required in full, upon or prior to commencement of development. Phasing of payments is not applicable here, and in view of that, no bond is required. All contributions are to be subject to indexation**

to the BCIS All In Tender Price Index from date of completion of agreement until payment.

- The Council require 10 years from the date of receipt of the contributions by the Council, in which to spend/commit in accordance with the S106, before they qualify to be returned.
 - Since the abolition of the CIL pooling limit for S106s the Council does not quote the names of individual schools.
 - A 30% discount is applied to the affordable housing element of an application. This is applied as a reduction to the number of AH units proposed/approved, as part of the process of calculating the number of places generated by the development from the qualifying properties. It is therefore reflected in the standard formulae.
- Open space - A leisure contribution of £11,800 towards an upgrade of Woodmarsh Recreation Ground.
 - Biodiversity - Biodiversity Contribution towards Trowbridge Bat Mitigation Strategy – $£777.62 \times 50 = £38,881$.

Off-site biodiversity to include planting on local receptor site to deliver off-site biodiversity net gain. Details of scheme planting and subsequent maintenance regime to be agreed by the Council prior to first occupation of the development.
£232,537 BNG contribution.

- Highways -
 - A contribution of £28,374 towards pedestrian and cycle enhancements/schemes identified in the Trowbridge Transport Strategy along the Frome Rd corridor.
 - Bus stop shelter – White Row Park - £11,429
- Waste Collection Services - £5,050
- Public Art Provision - £15,000 based on £300/dwelling.

Conditions:

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

REASON: To comply with the provisions of Section 92 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:

Design and Planning:

- 721_B_Design and Access Statement_A3
- 721-01__Location Plan_A3
- 721-06_C_Planning Layout_A2
- 721-07_B_Building Height Key Plan_A2
- 721-08_B_Affordable Housing Key Plan_A2
- 721-09_A_Boundaries & Enclosures Key Plan_A2
- 721-10_B_External Material Finishes Key Plan_A2
- 721-11-01_B_Site Sections_A1
- 721-11-02_A_Site Sections_A1
- 721-12_B_Street Scene_A0
- 721-100_B_External Materials Schedule_A3

House Types/ Garages:

- 721-30-01__AT2 & CR3_A3
- 721-30-02__AT2 & CR3_A3
- 721-30-03__AT2 & CR3_A3
- 721-31-01__SP2_A3
- 721-31-02__SP2_A3
- 721-32-01__HN3_A3
- 721-32-02__HN3_A3
- 721-33-01__HO3_A3
- 721-33-02__HO3_A3
- 721-33-03__HO3 DA_A3
- 721-33-04__HO3 DA_A3
- 721-34-01__CR3_A3
- 721-34-02__CR3_A3
- 721-35-01__TH3_A3
- 721-35-02__TH3_A3
- 721-36-01__HA4_A3
- 721-36-02__HA4_A3
- 721-37-01__SH4_A3
- 721-37-02__SH4_A3
- 721-38-01__PB4_A3
- 721-38-02__PB4_A3
- 721-39-01_A_1B2P 50 & 2B3P 61 & 4B6P 108_A3
- 721-39-02_A_1B2P 50 & 2B3P 61 & 4B6P 108_A3
- 721-40-01_A_1B2P 50 & 2B3P 61_A3
- 721-40-02_A_1B2P 50 & 2B3P 61_A3
- 721-41-01_A_2B4P 68_A3
- 721-41-02_A_2B4P 68_A3
- 721-42-01__3B5P 83_A3
- 721-42-02__3B5P 83_A3
- 721-43-01_A_Garages_A3

- 721-43-02_A_Garages_A3

Engineering:

- 721-ER-01 Rev E Drainage Strategy Report (June 2022)
- 721-101 Rev D - S38 Layout
- 721-102 Rev E - S104 Layout
- 721-106 Rev D - Parking Allocation Plan
- 721-107-1 Rev F - Impermeable Areas
- 721-107-2 Rev E - Gully Catchment
- 721-107-3 Rev F - Flood Routing Plan
- 721-111-1 Rev B - S38 Long Sections (Sheet 1)
- 721-111-2 Rev B - S38 Long Sections (Sheet 2)
- 721-114 Rev - SuDS Sections
- 721-121 - 1 Rev - Adoptable Highway Construction Details - Sheet 1
- 721-121 - 2 Rev A Adoptable Highway Construction Details – Sheet 2
- 721-121 - 3 Rev - Adoptable Highway Construction Details - Sheet 3
- 721-122 - 1 Rev B - Drainage Details - Sheet 1
- 721-122 - 2 Rev A - Drainage Details - Sheet 2
- 721-122 - 3 Rev A - Drainage Details - Sheet 3
- 721-131-1 Rev D - Swept Path Analysis (Sheet 1)
- 721-131-2 Rev D - Swept Path Analysis (Sheet 2)
- 721-131-3 Rev D - Swept Path Analysis (Sheet 3)
- 721-131-4 Rev D - Swept Path Analysis (Sheet 4)
- 721-131-5 Rev D - Swept Path Analysis (Sheet 5)
- 721-131-6 Rev B - Swept Path Analysis (Sheet 6)
- 721-141-1 Rev E - External Works Layout (Sheet 1)
- 721-141-2 Rev E - External Works Layout (Sheet 2)
- 721-141-3 Rev E - External Works Layout (Sheet 3)
- 721-142-1 Rev E - Drainage and Levels (Sheet 1)
- 721-142-2 Rev E - Drainage and Levels (Sheet 2)
- 721-142-3 Rev D - Drainage and Levels (Sheet 3)
- 721-143-1 Rev D - Finished Levels (Sheet 1)
- 721-143-2 Rev D - Finished Levels (Sheet 2)
- 721-143-3 Rev D - Finished Levels (Sheet 3)
- 721-151 Rev A - External Works Details - Walls, Fences and Railings
- 721-152 - External Works Details - Property Threshold
- 721-152 - 1 Rev A External Works Details - Property Threshold - M4(1)
- 721-152 - 2 Rev - External Works Details - Property Threshold - M4(2)
- 721-153 Rev - External Works Details - Retaining Walls
- 721-154-3 Rev - External Works Details - Domestic Drainage
- 721-155 Rev - External Works Details - Drives, Kerbs & Pavers
- 721-181 Rev D Remediation Plan (LABC) (1_500)

Supporting Information:

Landscape -

- **721__Landscape Visual Appraisal_A4**
- **161-801_E Illustrative Landscape Plan**
- **161-ID-G101_F Landscape Strategy**
- **161-001_M Landscape Plan**
- **161-201_G Planting Plan 1 of 3**
- **161-202_G Planting Plan 1 of 3**
- **161-203_G Planting Plan 1 of 3**
- **161-401 Trees in soft under 20cm girth**
- **721_B_Landscape Planting Schedules_A1**
- **721_A Landscape Management Plan_A1**
- **721__Landscape Cumulative Impact Assessment_A4**
- **161-TECH NOTE-001_Landscape Cumulative_v2**
- **161-804_C Coordinated Strategy Masterplan**
- **161-805_C Coordinated Strategy Supporting Diagrams**

Arboriculture -

- **721__AIA+AMS+TPP_A4 (Arboricultural Implications Assessment/ Arboricultural Method Statement/ Tree Protection Plan) (July 2022)**

Urban Design -

- **721__Building for a Healthy Life Assesment_A4**

Ecology -

- **721__Extended Phase 1 Ecological Survey Report_A4**
- **EMP (Ecological Mitigation Plan) (May 2022)**
- **CEMP_Biodiversity_Upper Studley_v6.0 (Construction Ecological Management Plan)**
- **EcIA_Upper Studley_v6.0 (Ecological Impact Assessment)**
- **LEMP_Upper Studley_v6.0 (Landscape Ecological Management Plan)**
- **Upper Studley_Defra Metric v2.0 (February 2022)**
- **Upper Studley_Defra Metric v2.0_No Offsite (February 2022)**
- **HRA_Upper Studley_v1.0**
- **Masterplan_Ecology_H2.4-H2.5-H2.6_v4.0 (May 2022)**
- **721-16__The Grove Illustrative Landscape Enhancements_A3**

Lighting -

- **721__Lighting Impact Assessment_A4 (February 2022)**
- **721__Street Lighting Calculation MF0.87**
- **721__Street Lighting Calculation MF1**
- **721__Street Lighting Strategy Summary MF0.87**
- **721__Street Lighting Strategy Summary MF1**

Drainage -

- **SRT-BWB-EWE-XX-RP-EN-0001_S2_P2.0_FRA (Flood Risk Assessment)**
- **SRT-BWB-EWE-XX-RP-EN-0002_HMSN_S2_P1.00 (Hydraulic Modelling Summary Note)**
- **SRT-BWB-HDG-XX-RP-CD-0001_S2_P1.0_SDS (Sustainable Drainage Statement)**
- **CRM.1791.001.GE.R.001.B – final (Geo-Environmental Report)**

Archaeology -

- **Historic Environment Desk Based Assessment_A4**
- **Heritage Cumulative Impact Assessment_A4**
- **Written Scheme of Investigation_A4 (June 2022)**
- **Archaeological Evaluation Summary**

Acoustic -

- **M2201 Frome Road R01b - Noise Assessment**

Highways -

- **721__Transport Statement_A4 (February 2022)**

Planning -

- **721__Planning Statement_A4**
- **721__Application Form_A4**
- **721__CIL Form 1 - Additional Information_A4**
- **721__Notice Served_A4**

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

- 3) No development shall commence on site (including any works of demolition), until a Construction Management Statement, together with a site plan, which shall include the following:**

- **the parking of vehicles of site operatives and visitors;**
- **loading and unloading of plant and materials;**
- **storage of plant and materials used in constructing the development;**
- **the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;**
- **wheel washing facilities;**
- **measures to control the emission of dust and dirt during construction;**

- a scheme for recycling/disposing of waste resulting from demolition and construction works; and
- measures for the protection of the natural environment.
- hours of construction, including deliveries;
- pre-condition photo survey - Highway dilapidation survey
- Routing plan
- Traffic Management Plan (including signage drawing(s))
- Number (daily/weekly) and size of delivery vehicles.
- Number of staff vehicle movements.
- Details of temporary/permanent Traffic Regulation Orders
- Phases plan

has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The development shall not be carried out otherwise than in accordance with the approved construction method statement without the prior written permission of the Local Planning Authority.

REASON: To minimise detrimental effects to the neighbouring amenities, the amenities of the area in general, detriment to the natural environment through the risks of pollution and dangers to highway safety, during the construction phase and in compliance with Core Strategy Policy 62.

- 4) Notwithstanding the submitted details, no development shall take place on-site until details of the estate roads, footways, footpaths (including surfacing of public footpaths), verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car parking and street furniture, including the timetable for the provision of such works, have been submitted to and approved by the Local Planning Authority. The development of a phase shall not be first occupied until the estate roads, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car parking and street furniture have all been constructed and laid out in accordance with the approved details, unless an alternative timetable is agreed in the approved details.

REASON: To ensure that the site highway and transport infrastructure is constructed in a satisfactory manner.

- 5) No development approved by this permission shall commence until a scheme for water efficiency has been submitted to and approved in writing by the Local Planning Authority. The scheme should demonstrate a standard of a maximum of 110 litres per person per day is applied for all

residential development. The scheme shall be implemented in accordance with the agreed details.

REASON: This condition contributes to sustainable development and meeting the demands of climate change. Increased water efficiency for all new developments enables more growth with the same water resources.

- 6) The development shall be implemented in accordance with the foul drainage detailed design in accordance with the Drainage Strategy Rev D received on 17th June 2022 and associated list of drawings (below) received 2nd December 2022. No dwelling shall be first occupied until the associated approved sewerage details have been fully implemented in accordance with the approved plans and related programme.

List of drawings;

- 721-102 Rev E S104 Layout
- 721-142-1 Rev E Drainage and Levels - Sheet 1
- 721-142-2 Rev E Drainage and Levels - Sheet 2
- 721-142-3 Rev D Drainage and Levels - Sheet 3

REASON: To ensure that the proposal is provided with a satisfactory means of drainage and does not increase the risk of flooding or pose a risk to public health or the environment.

- 7) The development shall be carried out in accordance with the submitted flood risk assessment, dated December 2017 (ref: SRT-BWB-EWE-XX-RP-EN-0001_FRA, version P2) and the mitigation measures it details, including ground floor finished floor are set at 41.03m above Ordnance Datum (AOD). These mitigation measures shall be fully implemented prior to occupation and shall be retained and maintained thereafter throughout the lifetime of the development.

REASON: To reduce the risk of flooding to the proposed development and future occupants.

- 8) The soft and hard landscaping for the development shall be implemented in accordance with Landscape Plan 161-001-M and Planting Plans 161-201-G & 161-202-G & 161-203-G received on 27th May 2022.

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

- 9) All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first occupation of the building(s) 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. All hard landscaping shall also be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme to be agreed in writing with the Local Planning Authority.

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

- 10) No demolition, site clearance or development shall commence on site, and; no equipment, machinery or materials shall be brought on to site for the purpose of development until the tree protection measures outlined in Appendix 2 of the Arboricultural Implications Assessment and Tree Protection Method Statement by Tree Maintenance Limited and dated August 2020 have been erected in accordance with the approved details.**

The protective fencing shall remain in place for the entire development phase and until all equipment, machinery and surplus materials have been removed from the site. Such fencing shall not be removed or breached during construction operations.

No retained tree/s shall be cut down, uprooted or destroyed, nor shall any retained tree/s be topped or lopped other than in accordance with the approved plans and particulars. Any topping or lopping approval shall be carried out in accordance British Standard 3998: 2010 “Tree Work – Recommendations” or arboricultural techniques where it can be demonstrated to be in the interest of good arboricultural practise.

If any retained tree is removed, uprooted, destroyed or dies, another tree shall be planted at the same place, at a size and species and planted at such time, that must be agreed in writing with the Local Planning Authority.

No fires shall be lit within 15 metres of the furthest extent of the canopy of any retained trees or hedgerows or adjoining land and no concrete, oil, cement, bitumen or other chemicals shall be mixed or stored within 10 metres of the trunk of any tree or group of trees to be retained on the site or adjoining land.

[In this condition “retained tree” means an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs above shall have effect until the expiration of five years from

the first occupation or the completion of the development, whichever is the later].

REASON: To enable the Local Planning Authority to ensure the retention of trees on the site in the interests of visual amenity and biodiversity.

- 11) Natural play areas for the development shall be implemented in accordance with Landscape Plan 161-001-M and 161-ID-G101_F Landscape Strategy received on 27th May 2022.**

REASON: To ensure that the play area is provided in a timely manner in the interests of the amenity of future residents.

- 12) Following completion of the dwellings and prior to their first occupation, a report from an appropriately qualified ecologist confirming that all integral bat roosting and integral swift brick features have been installed as per previously agreed specifications and locations together with photographic evidence shall be submitted to and approved in writing by the Local Planning Authority.**

REASON: to demonstrate compliance with Wiltshire CP50, NPPF and BS 42020:2013.

- 13) The development will be carried out in strict accordance with the following documents:**

- **Ecological Impact Assessment. Land at Upper Studley, Trowbridge, Wilts. (Clarkson and Woods, May 2022 Amended November 2022).**
- **Lighting Impact Assessment. (Illume Design, 22/02/2022).**
- **Construction Environmental Management Plan: Biodiversity Land at Upper Studley, Trowbridge, Wilts. (Clarkson and Woods, March 2022).**
- **Landscape and Ecological Management Plan: Land at Upper Studley, Trowbridge, Wilts. (Clarkson and Woods, May 2022).**
- **Ecological Mitigation Plan. (Clarkson and Woods, 16/05/2022).**

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

- 14) The development shall be implemented in accordance with the site-specific CEMP_Biodiversity_Upper Studley_v6.0 (Construction Environmental Management Plan) received on 27th May 2022. All approved features noted on the plan at Pages 29 & 30 shall be installed prior to first occupation of the dwelling on which they are located and retained thereafter. An ECoW will be appointed.**

REASON: to protect protected species and existing retained habitat for the duration of the construction process and to maintain and enhance biodiversity in accordance with Wiltshire CP50, NPPF, and BS 42020:2013.

- 15)The approved Landscape and Ecological Management Plan: Land at Upper Studley, Trowbridge, Wilts. (Clarkson and Woods, May 2022) shall be implemented in full and for the lifetime of the development in accordance with the approved details.**

REASON: To ensure the long-term management of landscape and ecological features retained and created by the development, for the benefit of visual amenity and biodiversity for the lifetime of the scheme.

- 16)The development shall be implemented in accordance with the external lighting details contained within 721__Lighting Impact Assessment_A4 received 17th March 2022 and 721__Street Lighting Strategy MF0.87 & 721__Street Lighting Strategy MF1 received 30th October 2020. The approved lighting shall be installed and maintained in accordance with the approved details and no additional external lighting shall be installed.**

REASON: In the interests of the amenities of the area, to minimise unnecessary light spillage above and outside the development site and to ensure lighting meets the requirements of the Trowbridge Bat Mitigation Strategy.

- 17)On completion of the required remedial works specified in Chapter 7.6 of the Geo-Environmental Report submitted as part of the application, the applicant shall provide written confirmation to the Local Planning Authority that the works have been completed in accordance with the agreed remediation strategy.**

REASON: To ensure that land contamination can be dealt with adequately prior to the use of the site hereby approved by the Local Planning Authority.

- 18)Prior to first occupation all works shall be completed in accordance with approved drawing 18048-GA03. Illustrated visibility splays serving each access shall be maintained free of any obstruction exceeding 900mm above the adjacent nearside carriageway level. The access provision and associated visibility splays shall be maintained as such thereafter.**

REASON: In the interests of highway safety and in compliance with Core Strategy Policy 60 and 61.

- 19)Notwithstanding the works detail illustrated on drawing 18048-GA03, revised details of footway/cycleway infrastructure between the site access and Old Brick Fields shall be submitted to and approved by the Local**

Planning Authority. The details shall include footway/cycleway infrastructure that maximises the width of appropriate surfacing available within Highway extents, with an absolute minimum of 2m and wherever possible complying with LTN 1/20. Where an absolute minimum of 2m width cannot be achieved a scheme of mitigation shall be provided that may include pedestrian crossing facilities of Frome Road and or carriageway narrowing or realignment. Prior to first occupation of the development, the footway and associated works shall be completed in all respects in accordance with the approved details and maintained as such thereafter.

REASON: To provide safe and convenient access to surrounding settlement in the interests of highway safety and Core Strategy Policy 61 and 62.

- 20)The footpath and cycle provisions shall be implemented in accordance with drawings 721-141-1 Rev E External Works Layout - Sheet 1, 721-141-2 Rev E External Works Layout - Sheet 2, and 721-141-3 Rev E External Works Layout - Sheet 3 all received on 2nd December 2022. The approved details shall be maintained as such in perpetuity.**

REASON: In pursuit of sustainable transport objectives.

- 21)No dwelling shall be occupied until the parking space(s) together with the access thereto (including from the Frome Road), have been provided in accordance with the approved plans. They shall be maintained as such in perpetuity.**

REASON: In the interests of highway safety and the amenity of future occupants.

- 22)Prior to occupation, each dwelling shall have their boundary details implemented in accordance with 721-141-1 Rev E External Works Layout - Sheet 1, 721-141-2 Rev E External Works Layout - Sheet 2 & 721-141-3 Rev E External Works Layout - Sheet 3 received on 2nd December 2022 and 721-151 Rev A - External Works Details - Walls, Fences and Railings received 27th May 2022. The approved boundary conditions shall be retained and maintained as such at all times thereafter.**

REASON: To prevent loss of privacy to new properties and overlooking from existing properties on Spring Meadows, which are elevated above the site.

- 23)Prior to occupation, each dwelling shall have their waste collection details implemented in accordance with the list of drawings (below) received 2nd December 2022. The approved details shall be maintained as such in perpetuity.**

List of drawings:

- 721-141-1 Rev E External Works Layout - Sheet 1
- 721-141-2 Rev E External Works Layout - Sheet 2
- 721-141-3 Rev E External Works Layout - Sheet 3
- 721-131-1 Rev D - Swept Path Analysis (Sheet 1)
- 721-131-2 Rev D - Swept Path Analysis (Sheet 2)

REASON: To ensure that waste collections will function in accordance with the requirements of policies CP3 and WCS6.

24)No burning of waste or other materials shall take place on the development site during the construction phase of the development.

REASON: In the interests of the amenities of surrounding occupiers during the construction of the development.

It was requested it be noted that the decision to approve permission was unanimous.

20 **Urgent Items**

There were no urgent items.

(Duration of meeting: 10.30 am - 2.05 pm)

The Officer who has produced these minutes is Kieran Elliott of Democratic Services, direct line 01225 718504, e-mail committee@wiltshire.gov.uk

Press enquiries to Communications, direct line 01225 713114 or email communications@wiltshire.gov.uk



Appendix 5 – Appeal Decision



The Planning Inspectorate

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Email: HELEN.SKINNER@planninginspectorate.gov.uk
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Your Ref: PL/2021/09013

Our Ref: APP/Y3940/W/24/3338217

Wiltshire Council
Planning Appeals
County Hall
Bythesea Road
Trowbridge
Wiltshire
BA14 8JN

15 May 2025

Dear Sir/Madam,

Town and Country Planning Act 1990
Appeal by Barratt Homes Bristol
Site Address: Land West of Westbury Road, Warminster, BA12 0AL

I enclose a copy of our Inspector's decision on the above appeal(s).

If you have queries or feedback about the decision or the way we handled the appeal(s), you should submit them using our "Feedback" webpage at <https://www.gov.uk/government/organisations/planning-inspectorate/about/complaints-procedure>.

If you do not have internet access please write to the Customer Quality Unit at the address above.

If you would prefer hard copies of our information on the right to challenge and our feedback procedure, please contact our Customer Service Team on 0303 444 5000.

Please note the Planning Inspectorate is not the administering body for High Court challenges. If you would like more information on the strictly enforced deadlines for challenging, or a copy of the forms for lodging a challenge, please contact the Administrative Court on 020 7947 6655.

The Planning Inspectorate cannot change or revoke the outcome in the attached decision. If you want to alter the outcome you should consider obtaining legal advice as only the High Court can quash this decision.

We are continually seeking ways to improve the quality of service we provide to our customers. As part of this commitment we are seeking feedback from those who use our service. It would be appreciated if you could take some time to complete this short survey, which should take no more than a few minutes complete:

https://www.surveymonkey.co.uk/r/Planning_inspectorate_customer_survey

Thank you in advance for taking the time to provide us with valuable feedback.

Yours faithfully,

Helen Skinner

Helen Skinner

<https://www.gov.uk/government/publications/planning-inspectorate-privacy-notice>

Where applicable, you can use the internet to submit documents, to see information and to check the progress of cases through GOV.UK. The address of the search page is - <https://www.gov.uk/appeal-planning-inspectorate>



Appeal Decision

Inquiry held on 15, 17 and 18 October 2024, 15 January and 10 February 2025

Site visit made on 16 October 2024

by A Parkin BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15th May 2025

Appeal Ref: APP/Y3940/W/24/3338217

Land west of Westbury Road, Warminster

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a failure to give notice within the prescribed period of a decision on an application for outline planning permission
 - The appeal is made by BDW Trading Limited against Wiltshire Council.
 - The application Ref is PL/2021/09013.
 - The development proposed is Erection of up to 205 no. dwellings, community hub, public open space, access, infrastructure and associated works, with all other matters reserved.
-

Decision

1. The appeal is dismissed and outline planning permission is refused.

Preliminary Matters

2. The proposal is for outline planning permission with all matters reserved apart from Access to the site. The Council had been minded to approve the proposal in November 2023, subject to the completion of a s106 planning obligation and confirmation the proposal would not result in harmful ecological effects. This was due to the presumption in favour of sustainable development being engaged because the Council could not demonstrate a deliverable five year Housing Land Supply (HLS).
3. However, following the publication of the revised version of the National Planning Policy Framework (the Framework) in December 2023, the Council considered it only needed to demonstrate a four year HLS, which it considered it could. The appellant subsequently appealed the Council's failure to determine their proposal.
4. In March 2024, the Council resolved that it would have refused permission for the proposal, had an appeal for non-determination not been made. The Council's first indicative reason for refusal was that the location of the proposal meant it was contrary to the spatial strategy for new development in Wiltshire. The second indicative reason for refusal was because a s106 planning obligation to cover the provision of infrastructure necessary to make the proposal acceptable had not been provided.

5. A Statement of Common Ground (SoCG) between the Council and the appellant was produced on 4 April 2024¹ and includes a list of plans 'For Determination' and 'General Accordance'. An Illustrative Masterplan (Ref. 0736-1002 rev E) is amongst the general accordance documents, along with various parameters plans and a lighting strategy.
6. At the Case Management Conference (CMC) on 25 April 2024, I agreed to the request from the main parties for an adjournment to the CMC and a postponement to the Inquiry, due to the expected publication of updated HLS information at the time that Proofs of Evidence were due to be submitted.
7. The CMC was resumed on 8 July 2024, when the latest HLS information was available. However, following a subsequent appeal decision in August 2024² elsewhere in Wiltshire, the parties agreed that for the purposes of this appeal the Council's HLS was just 3.85 years and so Paragraph 11 d) of the Framework was engaged.
8. This is set out in an addendum to the SoCG dated 10 September 2024, and the Council confirmed that the first indicative reason for refusal would not be contested. A further addendum to the SoCG dated 11 October 2024 confirmed that the S106 was agreed and therefore, the parties agreed that the Council's second indicative reason for refusal should also fall away, leaving no substantive grounds for objection on the part of the Council.
9. Following the publication of the current version of the Framework in December 2024, and for the purposes of this Inquiry, the main parties agreed that the Council's HLS had fallen further to just 2.03 years. I have no reason to take an alternative view, and I will deal with the implications of this later.

Notifications / Publicity

10. The Inquiry was scheduled to open on Tuesday 1 October 2024. The Council is required to publicise the Inquiry, including date and location, under Rule 10 of the Town and Country Planning Appeals (Determination by Inspectors) (Inquiries Procedure) (England) Rules 2000 (as amended).
11. However, the Inquiry was postponed due to errors that were made with the notifications and publicity for the Inquiry. The Council subsequently and correctly notified and publicised the Inquiry, which opened on Tuesday 15 October 2024.

Appeal Validity

12. Whilst preparing for the Inquiry to open, I noted that the appellant listed on the appeal form was not the applicant listed on the application form. Under s78 of the Town and Country Planning Act 1990 (as amended) only the applicant has the right of appeal.
13. I advised the parties that after the Inquiry had opened, and after my introductory remarks, there would be a roundtable discussion on the validity of the appeal. Furthermore, I advised the parties that given the complexity of this issue it was very unlikely that I would rule on this matter during the Inquiry, and that following the roundtable discussion we would proceed with the previously circulated Inquiry Programme.

¹ Core Document reference CD.K.3

² Ref. APP/Y3940/W/24/3340811

14. On the afternoon of 14 October 2024, the appellant submitted eight pieces of caselaw and a written statement concerning validity and requested that a ruling on the validity of the proposal was made on the morning the Inquiry opened.
15. Once the Inquiry opened, I received a statement from the Council on the matter of validity. Both advocates then spoke to their submitted statements and the Inquiry was adjourned to allow interested parties time to consider this evidence before the roundtable discussion. On conclusion of this discussion, and to give myself time to consider the complex issues fully, I advised the parties that I would not be making a ruling on the matter that day and almost certainly not before the end of the Inquiry.
16. On the basis of the evidence submitted prior to the opening of the Inquiry, and in particular the comments of the company secretary of Barratt Developments PLC, I am now satisfied that the applicant and the appellant are part of the same legal entity, BDW Trading Limited, and that this is the entity that owns the appeal site. The appeal has been determined with BDW Trading Limited as the appellant.

Inquiry evidence and further adjournments

17. The Government published the current version of the Framework on 12 December 2024³ and so I sought the written views of the parties on its relevance to the appeal. Together with Planning Practice Guidance (PPG), the current Framework provides the national planning policy and guidance for the proposal which is capable of being a material consideration. I have considered the current versions of the Framework and PPG in determining this appeal.
18. The appeal site is in an area at risk of flooding, which is a matter acknowledged by the appellant on the application form. Whilst not a matter of dispute between the main parties, issues of flood risk and drainage and biological diversity had been raised by interested parties. Following a review of the evidence, I also identified these as likely main issues at the CMC of 8 July 2024 and confirmed this in the subsequent note of 12 July 2024.
19. However, during the roundtable discussions on flood risk / drainage and biological diversity, the main party witnesses were unable to satisfactorily respond to many of my questions, in part due to the unavailability of certain witnesses. Both main parties therefore requested written copies of my questions on flood risk / drainage and biological diversity, in order to be able to fully respond.
20. During the application process, the proposed development changed from one where the sewerage from the proposed dwellings would be pumped to an existing Waste Water Treatment Works (WWTW) in Warminster, to one where it would be treated on-site at a purpose-built Wastewater Recycling Centre (WRC) and a nutrient mitigation pond.
21. However, during discussions on suggested conditions, and on the final draft s106 planning obligation, it was apparent that there were inconsistencies between and sometimes within key documents in the evidence, which the main parties were relying upon, which had been agreed in the SoCG and which the parties were unable to explain at the time.

³ With very minor revisions in February 2025

22. The significant inconsistencies in key parts of the evidence included the proposed layout shown in the Flood Risk Assessment and Drainage Strategy revision A⁴ (FRA) dated February 2022; in the various Parameters Plans submitted in March 2022⁵; and, in the Nutrient Mitigation Pond Details (Ref. 502-P107 Rev B) against the proposed layout contained in the Phosphorous Neutrality Report revision 5 (PNR)⁶. The PNR also includes reference to the previous proposals for the treatment of wastewater at the existing WWTW in Warminster. Furthermore, there are two different versions of what is stated by the reference to be the same drawing, the Illustrative Masterplan (Ref. 0736-1002 rev E (15-3-2022)) in the submitted evidence⁷, showing different layouts.
23. Given the importance of these issues to the appeal, and the somewhat unusual procedural circumstances of the case, I agreed to the request for written copies of my questions entailing a further adjournment. During this adjournment, the main parties were instructed to address all outstanding issues, including as set out above and with regard to the errors, omissions and inconsistencies within the suggested conditions and the planning obligation.
24. The Inquiry resumed on 15 January 2025. However, following my questioning and in light of the changes to flood risk policy contained in the current version of the Framework published in December 2024, the appellant requested an adjournment of around two months. This was in order to, amongst other things, revise their drawings in the FRA and elsewhere, to show that no built development⁸ would be located within flood zones 2 / 3, and so avoid the requirement for the sequential test to be undertaken.
25. The Council and Interested Parties objected to this very strongly, and following an adjournment to consider this matter, I refused the appellant's request. The Planning Inspectorate's Procedural Guidance is clear that the appeal process should not be used to evolve a scheme⁹ and the appellant had not identified this matter in their response on the updated Framework. Furthermore, on the basis of the available evidence I was doubtful the scheme could be amended in the way proposed, to avoid the need for the sequential test, in which case an adjournment would serve no purpose.
26. When the Inquiry resumed again on 10 February 2025, the Council, the appellant and Natural England had submitted a considerable amount of new information, concerning nutrient neutrality as well as water usage, which interested parties had not had the opportunity to review or comment upon. This included a further update to the Drainage Strategy drawing (Ref. 502-P101 rev F (31-01-2025))¹⁰.
27. Following discussions at the Inquiry I therefore allowed further time for attending interested parties to make written comments on this late evidence, before accepting closing statements in writing from the main parties and the attending interested parties. There were no objections to this approach.

⁴ Core Document reference CD.A.40

⁵ Core Document references CD.A.58 – CD.A.62

⁶ Core Document reference CD.A.72

⁷ Core Document Reference CD.A.57 and Appendix 1 of CD.A.72

⁸ As defined by paragraph 175 of the Framework

⁹ Procedural Guide: Planning Appeals – England (section 16)

¹⁰ Inquiry Document ID.56

28. I have considered the latest versions of the submitted drawings and documents, and the responses made to these, as part of the evidence in determining this appeal. I closed the Inquiry in writing on 3 March 2025.

Main Issue

29. The main issue is whether the proposal would be acceptable in terms of flood risk.

Reasons

30. The appeal site comprises agricultural land to the north of Warminster, between Westbury Road and the embankment carrying the railway line that serves the town. The land generally slopes downwards from Westbury Road towards the railway embankment and includes an ordinary watercourse that flows from the site beneath the railway in a culvert. The eastern and southern part of the site is in flood zone 1, whilst the northwestern part is largely in flood zones 2 / 3.
31. The Framework states that within the context of the sequential approach to flood risk *the aim of the sequential test is to steer new development to areas with the lowest risk of flooding from any source. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding*¹¹.
32. Paragraph 175 of the Framework confirms that *the sequential test should be used in areas known to be at risk now or in the future from any form of flooding, except in situations where a site-specific flood risk assessment demonstrates that no built development within the site boundary, including access or escape routes, land raising or other potentially vulnerable elements, would be located on an area that would be at risk of flooding from any source, now and in the future (having regard to potential changes in flood risk).*
33. The appellant's FRA includes the Illustrative Masterplan drawing Ref. 0736-1002 rev A (3-3-2021) and the Drainage Strategy drawing Ref. 502-P101 rev C (5-2-2022). Amongst other things, the Drainage Strategy drawing shows the extent of fluvial flood zones 2 and 3 in the site relative to the proposed development layout at that time. However, these drawings have both been superseded by revised subsequent versions.
34. The appellant's PNR concerns the issue of nutrient neutrality with regard to the river Avon Special Area of Conservation (SAC), that I address below. The PNR includes significantly different versions of both the Illustrative Masterplan (Ref. 0736-1002 rev E (15-3-2022)) and the Drainage Strategy drawing (Ref. 502-P101 rev E (5-4-2023)) to those contained in the FRA, including with regard to the proposed development layout.
35. From my assessment of the most up-to-date Drainage Strategy drawings (Ref. 502-P101 rev E (5-4-2023) and rev F (31-01-2025)), and with reference to the site boundary, parts of the proposed access / escape routes, land raising areas and the WRC are shown to be in flood zone 2. Consequently, the exceptions to the sequential test listed at paragraph 175 of the Framework do not apply, and so the sequential test is required. At the Inquiry in January, the appellant

¹¹ Para 174 of the Framework

accepted that built development was shown within flood zone 2, hence their request for an adjournment to revise their proposal.

36. Furthermore, the proposed development includes nutrient mitigation ponds, which form part of the process through which it is intended to achieve nutrient neutrality, and I cover this in more detail in Other Matters below. I also sought the parties' views on whether the proposed nutrient mitigation ponds, which are shown to be located within flood zones 2 / 3 within the site boundary, should be considered 'built development' under paragraph 175 of the Framework.
37. The nutrient mitigation ponds may be considered engineering operations with reference to the definition of development (s55 of the Town and Country Planning Act 1990 (as amended)). However, the construction of access / escape routes or land raising could equally be considered to be engineering operations, and are specifically listed as 'built development' at paragraph 175.
38. The appellant's interpretation of this is that engineering works would need to entail some element of building works, such as foundations, to be considered 'built development'. However, I do not find this to be compelling. This is not stated in the Framework, and it is not clear that this is the Government's intention. Paragraph 175 simply lists examples of 'built development' for the purpose of this paragraph and I have considered these examples accordingly.
39. In any event, it has not been demonstrated in the FRA that the construction of the proposed mitigation ponds and the associated infrastructure, or the access / escape routes or land raising, would not include elements of building works.
40. With reference to the categories of development listed at Annex 3 of the Framework, the proposed nutrient mitigation ponds would involve the treatment of wastewater (to remove Phosphorous) rather than just transmission and so I do not consider they would be 'Water-Compatible Development', as the appellant stated at the Inquiry.
41. The executive summary of the appellant's FRA notes that 'Less vulnerable uses will be in Flood Zones 2 and 3'. However, with reference to the definitions at Annex 3 and the evidence before me, I do not consider the ponds would be 'Less Vulnerable' development.
42. The nutrient mitigation ponds would not be *sewage treatment works*. The WRC would treat the sewage, and any remaining effluent would then be diluted with surface water runoff before reaching nutrient mitigation Pond 2, whilst Pond 1 would be completely separate from the WRC. Even if Pond 2 were considered a 'Less Vulnerable' *sewage treatment works*, no substantive details for how it would operate during flood events are before me.
43. Furthermore, whilst the ponds would function as *water treatment works*, in order to avoid adversely affecting the integrity of the river Avon SAC, they would need to remain functional during times of flooding, and so would again not be 'Less Vulnerable' development under Annex 3.
44. Even if the ponds were considered to be 'Less Vulnerable' under Annex 3, this would seem to meet the requirements of the wording of paragraph 175 in terms of 'other potentially vulnerable elements' - 'Less Vulnerable' is still vulnerable.

45. I note the Council's (and interested parties') concerns about the efficacy of the nutrient mitigation ponds were they to repeatedly flood, including in the Council's response to Q29 of my written questions¹². I also note Natural England's contribution to and support for the Council's response to Q29¹³, whilst the appellant does not address the implications of the nutrient mitigation ponds flooding in any detail¹⁴.
46. With reference to the definitions under Annex 3 of the Framework, I am satisfied the proposed nutrient mitigation ponds would not be 'Water-Compatible Development', or 'Less Vulnerable', 'More Vulnerable' or 'Highly Vulnerable' uses. However, they would seem to fit with the definition of 'Essential Infrastructure' under Annex 3 of the Framework: *water treatment works that need to remain operational in times of flood*, in order to protect the integrity of the river Avon SAC. Consequently, I consider they would be a 'potentially vulnerable element' with reference to paragraph 175 of the Framework, and would be located within flood zones 2 / 3, thereby triggering the requirement for the sequential test.
47. The Council and the Environment Agency comment that within the appeal site, and within the parameters of the outline planning application, efforts have been made to position development to areas of low flood risk. This would be consistent with the sequential approach to flood risk on an individual site and with the second part of the exception test. However, before dealing with flood risk on an individual site, the sequential test must consider whether there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding. This has not been done in this case.
48. The appellant notes in their closing submissions¹⁵, that the submitted details are purely illustrative in nature and that a reserved matters layout would not be bound to accord exactly with those details. This seems to conflict with the earlier statement in the appellant's closing that all the proposed housing would be within flood zone 1¹⁶.
49. However, if the drawings in the submitted FRA are purely illustrative then they do not 'demonstrate' that built development would be located in flood zone 1; if they are not indicative, then they show built development would be located in flood zones 2 / 3. In either case, the sequential test would be required.
50. Furthermore, PPG is clear that *Avoiding flood risk through the sequential test is the most effective way of addressing flood risk because it places the least reliance on measures like flood defences, flood warnings and property level resilience features. Even where a flood risk assessment shows the development can be made safe throughout its lifetime without increasing risk elsewhere, the sequential test still needs to be satisfied.*¹⁷
51. Suggested condition 16¹⁸, which was agreed by the main parties, states that reserved matters applications shall not be submitted until both the FRA and PNR have been revised to ensure that the relevant plans contained within

¹² Inquiry Document ID.24

¹³ Inquiry Document ID.43

¹⁴ Inquiry Document ID.29

¹⁵ Paragraph 23.2.23

¹⁶ Paragraph 23.1

¹⁷ PPG Flood Risk and Coastal Change Paragraph: 023 Reference ID: 7-023-20220825 Revision date: 25 08 2022

¹⁸ Inquiry Document ID.59

them are consistent with each other, and have been submitted to and approved in writing by the local planning authority.

52. In terms of the FRA, the condition also requires revisions to be made to demonstrate that no built development would be located on land outside the area identified as flood zone 1 and the development should be carried out in accordance with the revised FRA.
53. In order to comply with this condition, the WRC and parts of access / escape routes and land raising within the site would need to be moved to avoid flood zone 2. As explained above, I also consider that the nutrient mitigation ponds in flood zones 2 / 3 are 'other potentially vulnerable elements' as defined by paragraph 175 of the Framework. Given the sloping terrain of the site, which is drained by an ordinary watercourse, revisions to remove the ponds from flood zones 2 / 3 would require substantial changes to the proposal. It is not clear from the evidence that such revisions would be practical or even possible.
54. Furthermore, I do not consider that relying on a condition to deliver an acceptable FRA at reserved matters stage, to show, amongst other things, that the sequential test was not required at outline application stage, to be at all appropriate. An acceptable FRA (and PNR) are needed at outline application stage.
55. The use of a condition in such a way would be an attempt to remedy fundamental flaws with the evidence to support an outline application at reserved matters stage - once outline planning permission had already been granted. The approach now suggested by the parties in condition 16 would circumvent the sequential test, and the sequential approach to flood risk, and so would not be acceptable.
56. Furthermore, and as mentioned previously, the Planning Inspectorate's Procedural Guide to appeals is very clear that 'the appeal process should not be used to evolve a scheme...It is important that what is considered by the Inspector at appeal is essentially the same scheme that was considered by the LPA and by interested parties at the application stage.'
57. Paragraph 174 of the Framework is clear that development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding. The site is within an area known to be at risk of flooding and the submitted FRA has not demonstrated that all built development would be within flood zone 1. Consequently, the sequential test is required by paragraph 175 of the Framework but has not been undertaken. It is not, therefore, possible to conclude that there are not reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding.
58. For these reasons, the proposal would be at an unacceptable risk of flooding. It would, therefore, conflict with Core Policy 67 (Flood Risk) of the Wiltshire Core Strategy 2015 (WCS) and with the Framework in this regard.

Other Matters

59. Notwithstanding the outline nature of the proposal, after visiting the appeal site and the surrounding area, I am satisfied the site's location between the

railway line and Westbury Road and next to existing housing in Warminster, would not cause unacceptable harm to the landscape character of the area.

60. The proposal would entail the loss of agricultural land, some of which is classified as Grade 3a, and so amongst the best and most versatile (BMV) agricultural land. However, whilst the loss would be harmful, the limited extent of BMV agricultural land within the site means this would not cause unacceptable harm in this case.
61. Concerns were raised with regard to the effect of the proposal on local infrastructure capacity, including roads, education, healthcare and open space / recreational facilities. A s106 planning obligation dated 26 February 2025 has been submitted which, amongst other things, includes financial contributions for education, open space / recreation, and sustainable transport.
62. With reference to the requirements of Regulation 122(2) of the Community Infrastructure Levy Regulations 2010 (as amended) (the CIL Regulations) and the Council's CIL Compliance Statement, I am satisfied that these obligations would be necessary to make the development acceptable in planning terms; would be directly related to the development; and, would be fairly and reasonably related in scale and kind to the development. I am also satisfied that the signatories for BDW Trading Limited are authorised to sign the s106 obligation, with reference to the General Power of Attorney document dated 27 July 2024.
63. I am, therefore, satisfied the proposed development would not adversely affect local education, recreation or highway safety / capacity in the area. Whilst local residents also raised concerns about the effect of the proposal on local health infrastructure, the Council stated that the NHS did not respond to its consultation on this matter.
64. A public footpath (WARM18) crosses the appeal site, and the nearby Warminster railway line, at ground level. With the construction of up to 205 new homes on the appeal site, many of which would be likely to be occupied by families with children, the public footpath, in its current form, would be an unacceptable risk to the safety of future occupiers.
65. Network Rail was consulted by the Council on the proposal. However, its response was somewhat unclear and contradictory. Nevertheless, after putting this matter to the parties at the Inquiry, were the development otherwise acceptable, I am satisfied that a suitably worded Grampian condition could be attached to any grant of planning permission, which would prevent the occupation of the proposed dwellings unless the existing crossing of the railway line by the WARM18 public footpath was stopped up or satisfactorily diverted.
66. The Council's Housing Department requested that affordable housing for the proposed development be constructed to at least 85% of the Nationally Described Space Standards (NDSS). This was subsequently said to be required so that Registered Providers could secure funding from Homes England.
67. Whilst there is currently no adopted development plan policy basis to require 100% of NDSS for new housing, I was concerned that requiring affordable housing at potentially less than the NDSS would disadvantage future occupiers of such homes. However, at the Inquiry, the appellant offered to change the

space standards for affordable housing to 100% of the NDSS and this is now contained in the s106 planning obligation.

68. The river Wylfe forms part of the catchment of the river Avon, which, as previously mentioned, is designated as an SAC. It is accepted that elevated levels of Phosphorous are preventing the achievement of the conservation objectives for the river Avon SAC.
69. As previously mentioned, the appellant's approach to the treatment of wastewater from future occupiers of the proposed development has evolved over time. An early proposal was for wastewater from the proposed development to be pumped to the existing Warminster WWTW for treatment and then to be discharged into the river Wylfe. This is the approach shown in the FRA and the parameters plans.
70. However, there were concerns that the capacity of the WWTW would not be sufficient to achieve nutrient neutrality and that Phosphorous from the proposed development would enter the river Avon SAC. Following discussions between the appellant, the Council and Natural England, a more novel approach was developed, which is shown in the PNR.
71. This would involve the construction of an onsite WRC¹⁹ where the effluent would be treated, before entering an attenuation pond, to which surface water runoff from the site would drain. From this attenuation pond, the combined treated effluent and surface water would enter nutrient mitigation Pond 2, where floating treatment wetland vegetation would treat any remaining Phosphorous. Water from Pond 2 would then enter the unnamed ordinary watercourse that flows across the site and then in a culvert beneath the railway line, before reaching the river Wylfe, and then the river Avon.
72. A further pond, nutrient mitigation Pond 1, was proposed to operate in a similar manner to Pond 2 to remove Phosphorous from the unnamed water course. This would be Phosphorous not connected to the proposed houses or WRC and would be in the north west corner of the appeal site.
73. There were extensive discussions and written submissions on this topic during the Inquiry, including with regard to the efficacy of this approach at this location, where the mitigation ponds would be located in medium / high risk flood zones and in a temperate climate, where drought and freezing temperatures may occur. Unfortunately, and as mentioned previously, some of the main evidence relied upon by the appellant, the Council and Natural England was inconsistent, including between the latest version of the PNR and the FRA; within the latest version of the PNR; and between the PNR and the stated views of Natural England on water usage at the proposed development.
74. The parties attempted to address past failings with the evidence in relation to nutrient neutrality during the Inquiry, including the additional evidence submitted in February 2025; the revised wording of suggested Condition 16; and, revisions to the planning obligation.
75. The appeal site is located within a Zone of Influence for a number of European Sites. The Salisbury Plain SAC / Special Protection Area (SPA); the Bath and Bradford upon Avon Bats SAC; and, the river Avon SAC.

¹⁹ With an interim solution proposed for the constructed dwellings whilst the WRC is constructed and is activated.

76. Under Regulation 7 (1) of the Conservation of Habitats and Species Regulations 2017 (as amended) (the Habitat Regulations), I am the Competent Authority in this case.
77. Under Regulation 63 (1) of the Habitat Regulations, the Competent Authority, before deciding whether to give any consent, permission or other authorisation for a project which is likely to have a significant effect on a European site and is not directly connected with or necessary to the management of that site, must make an appropriate assessment of the implications of the project for that site in view of that site's conservation objectives.
78. However, as I am dismissing the appeal for other reasons, there is no need for any further action in this regard.

Planning Balance and Conclusion

79. The proposed development would be located in the countryside, outside the town of Warminster and would be at an unacceptable risk of flooding. It would, therefore, conflict with WCS Core Policy 1 (Settlement Strategy), Core Policy 2 (Delivery Strategy) Core Policy 31 (Spatial Strategy: Warminster Community Area) and Core Policy 67.
80. The Council accepts that for the purpose of this appeal it can only demonstrate a deliverable 2.03 years HLS. This is well below the minimum level required and with reference to paragraph 11 d) of the Framework, consideration of the presumption in favour of sustainable development is needed.
81. The precise number of homes to be delivered is to be determined at reserved matters stage. Nevertheless, a substantial number of new homes, up to a maximum of 205 units, would be provided, and the submitted s106 planning obligation dated 26 February 2025 would ensure that at least 30% of the new homes would be affordable homes, and that 10% of these homes would be Adapted Units, meeting the requirements of part M4(2) of the Building Regulations 2010 (as amended).
82. There have been extensive discussions between the main parties regarding the provision of a Community Centre serving the proposed residents as well as potentially existing residents nearby. This has culminated in Schedule 11 of the s106 planning obligation which concerns the provision of land within the appeal site and various mechanisms through which a Community Centre could be delivered.
83. The delivery of a substantial number of new homes on the edge of the town of Warminster, of which at least 30% would be affordable homes and 10% of the affordable homes would accord with the standards of Part M4(2) of the Building Regulations 2010 (as amended), would be a benefit of the scheme that attracts substantial weight.
84. The delivery of a Community Centre potentially serving the existing community would be a benefit of the scheme. There would also be short-term economic and social benefits of the proposal during its construction, with longer-term economic, social and some environmental benefits upon completion and occupation, including improvements to public safety by the diversion or closure of WARM18, to on-site biodiversity and to flood storage. These benefits also attract weight.

85. However, the considerable benefits of the scheme would be outweighed by the very substantial weight I give to the harm resulting from the location of the site within an area at risk of flooding, where the sequential test is required but has not been undertaken.
86. The WCS and the Warminster Neighbourhood Plan 2016 (WNP) form the development plan for the area containing the appeal site. The Council and appellant have referenced a number of development plan policies in their evidence that they consider relevant to the appeal proposal. I have considered these policies, and their consistency with the Framework.
87. The location of the proposed development in the countryside beyond the settlement limit for Warminster means that it would conflict with WCS Core Policy 1, Core Policy 2 and Core Policy 31. Whilst these policies are generally consistent with the Framework, the Council's HLS of only 2.03 years means that they are out of date²⁰ and so the conflict with these policies attracts only very limited weight.
88. However, the location of the site in an area at risk of flooding means that the proposal would also conflict with WCS Core Policy 67. The purpose of this policy is not to ensure the delivery of housing, but to ensure that any development in an area of flood risk is considered appropriately. The wording of this policy is broadly consistent with the wording of the Framework in terms of the sequential test and so this conflict carries weight.
89. Whilst the proposed development would accord with other policies in the development plan, I am satisfied that the conflicts with Core Policies 1, 2, 31 and 67 means there would be conflict with the development plan when taken as a whole.
90. Paragraph 174 of the Framework is very clear that development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding. The appeal site is located within an area at risk of flooding, including a substantial area within fluvial flood zones 2 / 3.
91. The failure to undertake the sequential test where it is required, as it is in this case, provides a strong reason for refusing the development proposed²¹. Consequently the proposal is not sustainable development with reference to paragraph 11 d) i) of the Framework.
92. The proposal would conflict with the development plan as a whole and there are no material considerations that would cause me to determine this appeal otherwise than in accordance with the development plan.
93. For the reasons given above, I conclude the appeal is dismissed and outline planning permission is refused.

Andrew Parkin

INSPECTOR

²⁰ Footnote 8 of the Framework

²¹ Footnote 7 of the Framework

ANNEX 1 - APPEARANCES

FOR THE APPELLANT:

Sasha White KC	Counsel
Marianne Barker LLB	Solicitor (Clarke Willmott)
Annie Gingell BSc (Hons) MSc MRTPI	Affordable Housing (Tetlow King)
Neil Tiley Assoc RTPI BSc (Hons)	Housing Land Supply (Pegasus Group)
Jim Phillips BSc (Hons) MA MCIEEM	Ecology and Biodiversity (Ethos)
Jeremy Smith (BSc) (Hons) DipLA CMLI	Landscape (SLR)
EurIng Craig Rawlinson BEng (Hons) CEng MCIHT CMILT	Highways (Pegasus Group)
Peter Amies BSc (Hons)	Drainage (Phoenix Design Partnership)
Chris Marsh BA (Hons) MPLAN MRTPI	Planning (Pegasus Group)

FOR THE LOCAL PLANNING AUTHORITY:

Mr Hashi Mohamed	Counsel
Alwyn Thomas	Solicitor (Wiltshire Council)
David Cox BSc MSc MRTPI	Planning Officer (Wiltshire Council)
Chris Roe MSc MRTPI	Housing Land Supply Officer (Wiltshire Council)
Rob Rossiter BSc BSc Dip	Highways Officer (Wiltshire Council)
Ben Wilding MEng (Hons) EurIng CEng MICE	Drainage Officer (Wiltshire Council)
Rachel Jones BA MSc	Ecology Officer (Wiltshire Council)
Vicky Brown BSc BSc (Hons) MCIEH	Environmental Health Officer (Wiltshire Council)
Gemma Brinn	Environmental Health Officer (Wiltshire Council)

INTERESTED PARTIES:

Cllr Bill Parks (Wiltshire Council and Warminster Town Council)
Cllr and Mayor Stacie Allensby (Warminster Town Council)
Dr Tony Greig
Mr Andrew Lee
Dr Kim Porter

ANNEX 2 – DOCUMENTS SUBMITTED AT THE INQUIRY

- ID.01 Appellant's List of Appearances
- ID.02 LPA's List of Appearances
- ID.03 LPA's Opening Statement
- ID.04 Section 78 Right to appeal against planning decisions and failure to take such decisions
- ID.05 Section 79 Determination of appeals
- ID.06 Taytime Ltd EWHC admin 2024 1053
- ID.07 Appellant's Opening Statement
- ID.08 Cllr Bill Parks' Opening Statement
- ID.09 Dr Greig's Opening Statement
- ID.10 Mr Lee's Opening Statement
- ID.11 Dr Greig's reference document 18-10-24
- ID.12 Mr Lee's agricultural land document 18-10-24
- ID.13 Mr Lee's agricultural land photographs 18-10-24
- ID.14 Mr Lee's affordable housing document 18-10-24
- ID.15 Mr Lee's neighbourhood density document 18-10-24
- ID.16 Mr Lee's five year HLS document 18-10-24
- ID.17 Mr Lee's transport document 18-10-24
- ID.18 Mr Lee's transport slides 18-10-24
- ID.19 Inquiry Programme note 21-10-24
- ID.20 Flood Risk / Drainage and Biological Diversity Questions 25-10-24
- ID.21 Walking Routes for Site Visit 15-10-24
- ID.22 Flood Risk / Drainage and Biological Diversity Questions v2 28-10-24
- ID.23 Inspector's correction email for question numbering 28-10-24
- ID.24 Council response to Flood Risk / Drainage and Biological Diversity Questions 8-11-24
- ID.25 Salisbury Plan SPA HRA and Mitigation Strategy (June 2024 review)
- ID.26 Appeal Decision Ref. 3336518
- ID.27 Environment Agency response to Flood Risk / Drainage and Biological Diversity Questions 8-11-24
- ID.28 Appellant covering letter dated 8-11-24
- ID.29 Appellant response to Flood Risk / Drainage and Biological Diversity Questions 8-11-24
- ID.30 Revised list of agreed conditions 8-11-24

- ID.31 Revised Statement of Common Ground on Transport 8-11-24
- ID.32 Response of Dr Greig 14-11-24
- ID.33 Response of Mr Lee 14-11-24
- ID.34 Track-Change version of S106 Agreement
- ID.35 Appellant's comments on revised National Planning Policy Framework 24-12-2024
- ID.36 Comments on revised National Planning Policy Framework from Mr Lee and Dr Greig 24-12-2024
- ID.37 Inspector's Agenda for resumed Inquiry and accompanying procedural email
- ID.38 Final Draft version of S106 Agreement 7-1-25
- ID.39 Final version of CIL Compliance Statement 9-1-25
- ID.40 Art and design in the public realm in Wiltshire - 2024 Guidance
- ID.41 Council Briefing Note 24-20 on 5 Year HLS position in light of the revised National Planning Policy Framework 17-12-24
- ID.42 Appellant email confirming agreement with Council Briefing Note 24-20 for the purpose of this appeal 14-1-25
- ID.43 Email from Natural England confirming support for Council's responses to Inspector's questions 14-1-25
- ID.44 Email from appellant regarding water usage 14-1-25
- ID.45 Email from appellant regarding the validity of the appeal 15-1-25
- ID.46 Council's Appropriate Assessment of development sites with the Salisbury Plain SPA mitigation strategy area June 2024
- ID.47 Natural England's confirmation it is satisfied with the Council's Appropriate Assessment conclusions and the mitigation strategy 9-7-24
- ID.48 Council's confirmation of Salisbury Plain monitoring contract with the RSPB 16-1-25
- ID.49 Council's Infrastructure Funding Statement and covering email 17-1-25
- ID.50 Inspector's email and agenda for resumed Inquiry 17-1-25
- ID.51 Council's notification for the resumed Inquiry and joining instructions 17-1-25
- ID.52 Revised Draft s106 Obligation 7-2-25
- ID.53 Revised Conditions 7-2-25
- ID.54 Nutrient Neutrality Technical Note 6-2-25
- ID.55 Natural England Letter 6-2-25
- ID.56 Appellant Nutrient Neutrality letter 7-2-25

ID.57 Revised Nutrient Neutrality Calculator 7-2-25

ID.58 Inspector's email with document submission dates 10-2-25

ID.59 Revised Conditions 12-2-25

ID.60 Revised Draft s106 Obligation and annexes 14-2-25

ID.61 Closing statement of Dr Greig 23-2-25

ID.62 Comments on conditions from Mr Lee 24-2-25

ID.63 Closing Statement of Mr Lee 24-2-25

ID.64 Closing Statement of the Council 25-2-25

ID.65 S106 planning obligation dated 26-2-25

ID.66 Closing Statement of the appellant 3-3-25

ID.67 General Power of Attorney dated 27-7-24



Appendix 6 – HLS Briefing Note & Statement

Wiltshire's Housing Land Supply Statement
Briefing Note No. 25 - 04

Service: Planning
Further Enquiries to: Nic Thomas, Director - Planning, Economy and Regeneration
Email: [REDACTED]
Date Prepared: 18 June 2025

BRIEFING NOTE ON HOUSING LAND SUPPLY

Summary

We have now completed the update to Wiltshire's housing land supply position. The current position is a **2.42 years** supply using a base date of 1 April 2024. This will be used to inform decision-taking of planning applications and appeals.

This is the first Housing Land Supply Statement to be published since the update to the National Planning Policy Framework (NPPF) was issued on 12 December 2024. This made changes to how housing land supply should be assessed, including the reintroduction of a buffer on the housing requirement, and an update to the calculation by which the housing requirement is established. An update on how the revised NPPF impacts on the council's planning functions is provided in [Briefing Note 24-20](#).

Recent housing delivery in Wiltshire remains strong, with the latest Housing Delivery Test results (from 2023) indicating the council has met **135%** of its housing targets over the past three years.

However, it is imperative that the housing land supply is continually replenished with new planning permissions and site allocations to ensure that housing requirements in the future can be met. Where there is an insufficient housing land supply to meet housing requirements over the next five years (for example, through allocated sites not being brought forward promptly) the council can be exposed to unplanned, 'speculative' planning applications, to help improve the housing land supply.

This briefing note provides information on both these Government measures and what the implications are for decision making.

1. Introduction

- 1.1 Government policy as set out in the National Planning Policy Framework (NPPF) includes two measures that are designed to drive the delivery of housing:
- (i) Five-year housing land supply (see below)
 - (ii) Housing Delivery Test
- 1.2 The main difference between the two is that:
- (i) the five-year housing land supply measures the level of 'supply' that can be expected to come forward over a five-year period of time i.e. the number of homes that it is anticipated **will be** built; whereas
 - (ii) the Housing Delivery Test measures the number of homes that **have been** built over a set period.
- 1.3 Both measures have established methodologies and assess the expected delivery of homes, and homes that have been delivered respectively, against the housing requirement for a local authority area. There is no latitude as to how the methods are applied.

2. What is the five-year housing land supply?

- 2.1 The latest NPPF (December 2024) sets out how the five-year housing land supply operates. There are two pertinent paragraphs:

Paragraph 78

Strategic policies should include a trajectory illustrating the expected rate of housing delivery over the plan period, and all plans should consider whether it is appropriate to set out the anticipated rate of development for specific sites. Local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategic policies, or against their local housing need where the strategic policies are more than five years old. The supply of specific deliverable sites should in addition include a buffer (moved forward from later in the plan period) of:

- a) 5% to ensure choice and competition in the market for land; or*
- b) 20% where there has been significant under delivery of housing over the previous three years, to improve the prospect of achieving the planned supply; or*
- c) From 1 July 2026, for the purposes of decision-making only, 20% where a local planning authority has a housing requirement adopted in the last five years examined against a previous version of this Framework, and whose annual average housing requirement is 80% or less of the most up to date local housing need figure calculated using the standard method set out in national planning practice guidance.*

Paragraph 79

To maintain the supply of housing, local planning authorities should monitor progress in building out sites which have permission. Where the Housing Delivery Test indicates that delivery has fallen below the local planning authority's housing requirement over the previous three years, the following policy consequences should apply:

- a) where delivery falls below 95% of the requirement over the previous three years, the authority should prepare an action plan to assess the causes of under-delivery and identify actions to increase delivery in future years;*
- b) where delivery falls below 85% of the requirement over the previous three years, the authority should include a buffer of 20% to their identified supply of specific deliverable sites as set out in paragraph 78 of this framework, in addition to the requirement for an action plan;*
- c) where delivery falls below 75% of the requirement over the previous three years, the presumption in favour of sustainable development applies, as set out in footnote 8 of this Framework, in addition to the requirements for an action plan and 20% buffer.*

Where there has been significant under delivery of housing over the previous three years¹, the supply of specific deliverable sites should in addition include a buffer of 20% (moved forward from later in the plan period)."

2.2 As the Wiltshire Core Strategy (adopted January 2015) is more than five years old, the housing requirement to be used in the five-year housing land supply calculation is Wiltshire's local housing need based on the Government's standard method². The local housing need is based on the existing housing stock and an adjustment to take account of housing affordability in the local authority area. It is recalculated every year based on the latest data which is applicable at the base date, currently 1 April 2024. The standard methodology operates on a local authority basis and does not disperse the local housing need figure to a smaller geographic level.

2.3 The annual update for Wiltshire has now been completed and the results of the assessment, using a base date of 1 April 2024, are set out in the 2024 Housing Land Supply Statement (HLSS). This is available on our website via this [link](#). Key points:

- The council cannot demonstrate the requisite five-year housing land supply. The current position indicates there is a **2.42 years** supply.
- The deliverable supply has increased from the previous position (as set out in Briefing Note 24-20) due to a number of factors, including an increase in the number of permissions being granted, and solutions for nutrient mitigation on environmentally designated sites being established.

¹ Where the Housing Delivery Test results indicate delivery below 85%.

² Planning Practice Guidance (MHCLG, December 2024) - <https://www.gov.uk/guidance/housing-and-economic-development-needs-assessments>

3. How is the housing land supply calculated?

- 3.1 Housing land supply is calculated using a base date from which calculations are made to ensure a consistent position is established.
- 3.2 We have now updated the housing land supply calculation using a base date of 1 April 2024. Using this base date, an explanation is provided below:

Starting point for calculation at base date of 1 April 2024:

Local Housing Need (as at 1 April 2024) = **3,525 homes per annum**

Base 5-year requirement = **17,625 homes**

Add a 5% buffer to the base 5-year requirement = **18,506 homes**

What can be included in the supply ?

- (i) Number of homes on small sites (less than 10 homes) with planning permission or resolution to grant at 1 April 2024 = **1,415 homes** outstanding of which **955 homes** were considered to be deliverable within five years (the reduced number takes into account a delivery rate that is based on historic data on non-implementation and delivery timescales).
- (ii) Number of homes on large sites (10 or more homes) with full planning permission at 1 April 2024 = **4,853 homes** outstanding of which **4,289 homes** were considered deliverable within five years (the reduced number reflects delivery timescales and that some sites will not deliver in their entirety, or at all, in the five-year period).
- (iii) For other large sites with either outline planning permission, resolution to grant planning permission, or sites of any size which are allocated in the development plan³ at 1 April 2024 = **9,745 homes** outstanding, of which **2,411 homes** were considered deliverable over the five year period from 1 April 2024 to 31 March 2029 (the reduced number reflects delivery timescales and that some sites will not deliver in their entirety, or at all, in the five-year period).
- (iv) Windfall allowance: number of homes expected to be completed on new 'windfall' sites (which do not have planning permission as at 1 April 2024) over a five-year period from 1 April 2024 to 31 March 2029 = **1,290 homes**

Therefore, in total **8,945 homes** can be included in the deliverable supply.

- 3.3 (i) and (ii) are relatively straightforward statistical exercises, which involve an understanding of delivery timescales for individual sites.

³ Wiltshire Core Strategy, Chippenham Site Allocations Plan, Wiltshire Housing Site Allocations Plan, and allocations in Neighbourhood Plans which do not yet have planning permission.

- 3.4 (iv) is also a statistical exercise that requires understanding of past delivery trends and the potential for development opportunities to come forward in the future. As these are matters which vary year-on-year, the allowance is reviewed and refreshed as part of each annual update. The position includes an allowance for delivery on brownfield sites and small greenfield sites.
- 3.5 (iii) is more complex, and clear evidence must be provided for each site to meet the requirements of paragraph 78 of the NPPF, which requires that sites are deliverable over the five-year period being assessed. This means that for large sites, which take time to deliver, we may only be able to include the early phases of development in the five-year land supply.
- 3.6 So, while on the face of it there is a substantial pool of sites (for **17,303 homes** in total) and a higher level of supply could be expected, the timescales within which these can be delivered is a key consideration in setting out the five-year housing land supply. An assessment of the deliverability of these sites has indicated that only **52%** of these are capable of delivery during the five-year period 1 April 2024 to 31 March 2029. This is an increase from last year's assessment of deliverability, indicating that larger strategic sites are starting to come forward and contribute to the five-year supply. Factors determining housing delivery are often outside our control, as the development industry ultimately determines how and when sites come forward, despite planning permissions being granted and sites being allocated within the development plan.
- 3.7 It is important for credible judgements to be made in undertaking these assessments because they are subject to scrutiny at appeal by appellants, third parties and the appointed Planning Inspector.

4. What are the implications of not having a five-year housing land supply?

- 4.1 The implications for not having an adequate housing land supply for decision making were set out in previous briefing notes, most recently in [No. 24-18](#) (September 2024). These indicated that the presumption in favour of sustainable development applied when determining planning applications.
- 4.2 Following the December 2024 changes to the NPPF, the council is now required to demonstrate a five-year housing land supply (including the appropriate buffer as set out in paragraph 78 of the NPPF) to prevent the presumption in favour of sustainable development (or 'tilted balance') applying when determining planning applications. The implications of this are detailed in Briefing Note 24-20 (December 2024).

5. What is the Housing Delivery Test (HDT) and consequences?

- 5.1 It measures net homes delivery (i.e. net homes built) in a local authority area, such as Wiltshire, against the homes required over the preceding three years. It uses local authority completions statistics and planning data to carry out the calculation.
- 5.2 The results are published for each local authority area by the Secretary of State annually, see [Housing Delivery Test \(www.gov.uk\)](https://www.gov.uk/government/publications/housing-delivery-test)
- 5.3 As set out in the NPPF the Housing Delivery Test will apply the day following publication of the results, at which point they supersede previously published results. The most up to date

result, at the time of writing, is for 2023.

5.4 Since the inception of the Housing Delivery Test the published results for Wiltshire are:

2018	139% (years measured 2015/16 - 2017/18)
2019	149% (years measured 2016/17 - 2018/19)
2020	140% (years measured 2017/18 - 2019/20)
2021	141% (years measured 2018/19 - 2020/21)
2022	106% (years measured 2019/20 - 2021/22)
2023	135% (years measured 2020/21 – 2022/23)

5.5 The three consequences of failing the Housing Delivery Test (HDT) are set out in paragraph 79 of the NPPF, as follows:

1. Triggering the presumption in favour of sustainable development (HDT below 75%)

The presumption in favour of sustainable development (paragraph 11d, NPPF), as explained above, should be applied to decisions where the HDT indicates delivery has fallen below 75% of the housing requirement.

2. 20% buffer (HDT below 85%)

The five-year land supply must include an additional buffer of 20% where the HDT indicates that delivery was below 85% of the housing requirement.

3. Requirement to prepare an action plan (HDT below 95%):

The authority should prepare an action plan in line with national planning guidance, to assess the causes of under-delivery and identify actions to increase delivery in future years.

5.6 Wiltshire has consistently performed well against the HDT and has passed the test in the latest results. As a result, none of the consequences set out above apply in Wiltshire.

6. What can we do to improve the housing land supply?

6.1 The council will look to restore a five-year housing land supply through the Local Plan, which should be adopted prior to December 2025. In the interim, where applications are being considered for sites at settlements but outside the defined settlement boundaries there may be the opportunity to improve housing supply by favourably considering housing development proposals. The Wiltshire Local Plan review also looks to allocate additional housing land, some of which can be delivered within five years, and therefore will contribute towards meeting the five-year housing land supply in the future.

6.2 Since the base date of 1 April 2024, consents have continued to be granted permission on suitable sites. While these do not currently contribute to the housing land supply because they were permitted after the base date of 1 April 2024, they will help to increase the housing land supply in the future. New permissions help replenish the housing land supply as it is reduced due to housing completions, planning permissions lapsing, and delays in

delivery on key sites. Table 4 of the HLSS contains a list of large new sites (10 or more dwellings) that have been permitted since the base date up to the date of publication.

- 6.3 Work will now commence on the preparation of the next HLSS which will have a 1 April 2025 base date. These statements take time to prepare, particularly for authorities the size of Wiltshire, and typically take around 9 to 12 months from the base date to publication. It is anticipated that the next HLSS will take into account housing allocations in the Local Plan review.



Housing Land Supply Statement

Base date: April 2024

Published: June 2025

Housing Land Supply Statement

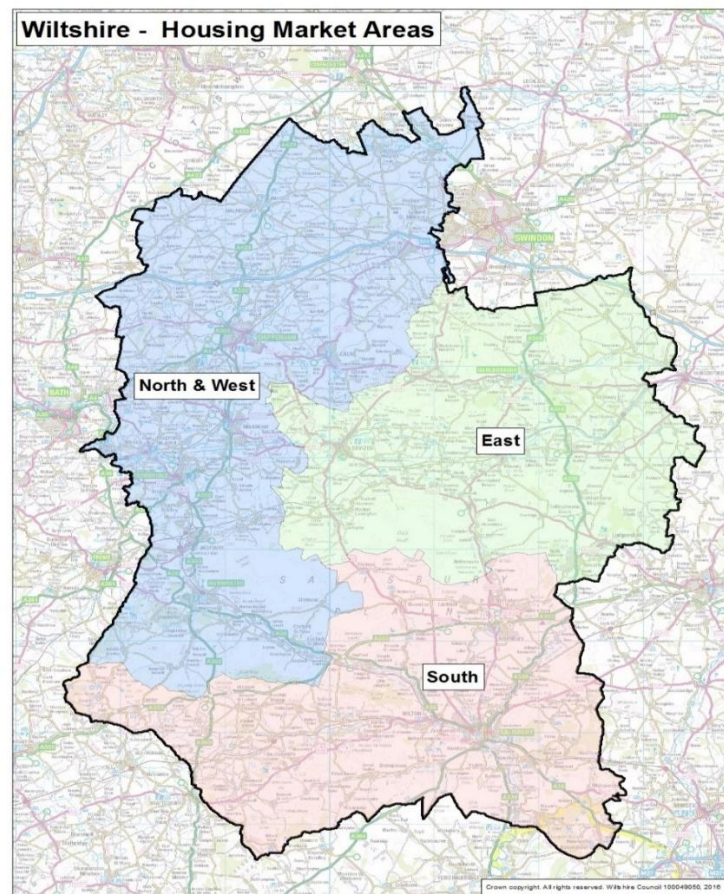
Base Date: April 2024

Published: June 2025

1.0 Policy Context - why is a land supply assessment required?

- 1.1 This Housing Land Supply Statement has been prepared using a base date of 1 April 2024. It covers the housing land supply for the Wiltshire unitary authority area and each Housing Market Area (HMA) within Wiltshire as set out in the Wiltshire Core Strategy (adopted January 2015).
- 1.2 It represents a snapshot at the date of publication and is produced annually as required by the National Planning Policy Framework (NPPF). This document replaces the 1 April 2023 base date position (published June 2024). The Statement accords with the details stated in the relevant chapters of the accompanying Planning Practice Guidance (PPG).

Figure 1: The HMAs in Wiltshire¹



¹ Any development immediately adjacent to the urban area of Swindon but within Wiltshire's administrative boundaries is not considered to contribute to the housing requirements of the North and West HMA. See paragraph 4.34 of the Wiltshire Core Strategy for clarification.

- 1.3 Within the latest NPPF (MHCLG, December 2024), with regard to housing provision and the five-year housing land supply calculation, paragraphs 78 and 79 state:

78. Strategic policies should include a trajectory illustrating the expected rate of housing delivery over the plan period, and all plans should consider whether it is appropriate to set out the anticipated rate of development for specific sites. Local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategic policies³⁸, or against their local housing need where the strategic policies are more than five years old³⁹. The supply of specific deliverable sites should in addition include a buffer (moved forward from later in the plan period) of:

- a) 5% to ensure choice and competition in the market for land; or*
- b) 20% where there has been significant under delivery⁴⁰ of housing over the previous three years, to improve the prospect of achieving the planned supply; or*
- c) From 1 July 2026, for the purposes of decision-making only, 20% where a local planning authority has a housing requirement adopted in the last five years examined against a previous version of this Framework⁴¹, and whose annual average housing requirement⁴² is 80% or less of the most up to date local housing need figure calculated using the standard method set out in national planning practice guidance.*

79. To maintain the supply of housing, local planning authorities should monitor progress in building out sites which have permission. Where the Housing Delivery Test indicates that delivery has fallen below the local planning authority's housing requirement over the previous three years, the following policy consequences should apply:

- a) where delivery falls below 95% of the requirement over the previous three years, the authority should prepare an action plan to assess the causes of under-delivery and identify actions to increase delivery in future years;*
- b) where delivery falls below 85% of the requirement over the previous three years, the authority should include a buffer of 20% to their identified supply of specific deliverable sites as set out in paragraph 78 of this framework, in addition to the requirement for an action plan;*

c) where delivery falls below 75% of the requirement over the previous three years, the presumption in favour of sustainable development applies, as set out in footnote 8 of this Framework, in addition to the requirements for an action plan and 20% buffer.

The footnotes in these paragraphs read as follows:

38 The delivery of large scale developments may need to extend beyond an individual plan period, and the associated infrastructure requirements may not be capable of being identified fully at the outset. Anticipated rates of delivery and infrastructure requirements should, therefore, be kept under review and reflected as policies are updated.

39 Unless these strategic policies have been reviewed and found not to require updating. Where local housing need is used as the basis for assessing whether a five year supply of specific deliverable sites exists, it should be calculated using the standard method set out in national planning practice guidance.

40 This will be measured against the Housing Delivery Test, where this indicates that delivery was below 85% of the housing requirement.

41 Or the housing requirement is more than five years old and the relevant strategic policies have been reviewed and found not to require updating.

42 Defined as the total housing requirement, divided by the number of years in the plan period. For joint local plans, the percentage should be applied in aggregate across the joint local plan area.

1.4 The word 'deliverable' is defined within Annex 2, as follows:

"To be considered deliverable, sites for housing should be available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within five years.

In particular:

- a) sites which do not involve major development and have planning permission, and all sites with detailed planning permission, should be considered deliverable until permission expires, unless there is clear evidence that homes will not be delivered within five years (for example because they are no longer viable,*

there is no longer a demand for the type of units or sites have long term phasing plans).

- b) *where a site has outline planning permission for major development, has been allocated in a development plan, has a grant of permission in principle, or is identified on a brownfield register, it should only be considered deliverable where there is clear evidence that housing completions will begin on site within five years.”*

1.4 The chapters in the PPG which are most relevant to this Statement are:

- **‘Housing and economic needs assessment’**. This chapter was most recently updated in December 2024².

- **‘Housing supply and delivery’**. This chapter was launched in July 2019, and was formulated by the compilation of the previous chapters entitled ‘Housing Delivery: 5 year land supply’ and ‘Housing Delivery Test’ into a single chapter. It was most recently updated in December 2024.

The Council calculate its housing land supply position and publish this Statement in accordance with the NPPF (December 2024) and latest chapters of the PPG.

1.5 Site references provided in this Statement differ in format depending on the planning status. Saved Local Plan allocations, strategic allocations in the Wiltshire Core Strategy, and Neighbourhood Plan allocations are given an internal reference. Allocations in the Chippenham Site Allocations Plan and Wiltshire Housing Site Allocations Plan use the reference quoted in the Plan.

The references for planning permissions are in two formats.

- i) planning application numbers as currently used by the Council.
- ii) a historic format used to regularise the different planning application numbers used by the former district Councils, and permissions granted by the New Forest National Park Authority. The references

² An additional paragraph was inserted in February 2025 related to joint local plans, however this update is not applicable to Wiltshire.

quoted in this statement are based on the planning application number, and include:

- the former district area (N=North Wiltshire, W=West Wiltshire, E=Kennet, S=Salisbury District) or NF=New Forest National Park Authority
- the year the application was registered (expressed as a 2-digit year)
- the core 4 or 5 digit reference

For example, site **E15.3905**:

- is located in the former Kennet District Council area (E),
- was registered in 2015,
- has the core application reference '03905'.

As the Council now uses a common planning application processing system, the planning application number will appear more frequently in this and future Statements. Permissions using the historic format will appear less frequently as these permissions are completed and they no longer form a source of supply.

2.0 Housing requirement

- 2.1 The application of NPPF paragraph 78 indicates how the housing requirement is calculated in the five-year housing land supply.
- 2.2 The Wiltshire Core Strategy contains the strategic policies for the Wiltshire development plan. Core Policy 2 sets out the strategic housing requirements for the plan and includes the quantitative housing requirement and the spatial distribution for how the overall requirement should be distributed across Wiltshire. The Wiltshire Core Strategy was adopted on 20 January 2015. As such the plan and its policies became 5 years old on **20 January 2020**.
- 2.3 Under the terms of NPPF paragraph 78, the strategic policies are more than five years old, and thus the housing requirements should be established by the Local Housing Need (calculated using the Government's standard methodology). This figure should now be used in the housing land supply calculation. The Council have not carried out a review of the strategic policies so the clause in footnote 41 of the NPPF does not currently apply to the Council's position. This calculation provides the quantitative amount of housing need against which the Council's housing land supply should be measured.

- 2.4 Planning legislation³ requires that the determination of planning applications must be made in accordance with the Development Plan, unless material considerations indicate otherwise. This indicates that the development plan has statutory priority in decision-making. To assess the Council's performance in housing delivery and provision, this Statement sets out the housing land supply position using the Local Housing Need at a unitary authority level to be applied in NPPF paragraph 78, and also the position against the indicative housing requirements set out in Core Policy 2 in the Wiltshire Core Strategy.

3.0 Housing completions

- 3.1 Wiltshire Council monitors housing completions annually. The number of completions from 1 April 2006 to 31 March 2024 against the requirements of the Wiltshire Core Strategy is shown in Table 1 of this Statement. Cells where the Council have achieved or exceeded the annualised figure are shaded.

³ Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990.

Table 1: Housing delivery compared to the annualised requirement figure in the Wiltshire Core Strategy (WCS) (2006-2026)

Housing Requirement	Area	Annualised housing requirement	2006/07	2007/08	2008/09	2009/10	2010/11	2011/12	2012/13	2013/14	2014/15	2015/16	...continues below....
WCS 2006-2026	East Wiltshire HMA	297	335	597	402	247	438	248	182	260	267	177	
	North and West Wiltshire HMA	1,237	1,365	1,609	999	926	1,219	1,028	1,039	1,517	1,139	915	
	South Wiltshire HMA	521	371	456	484	484	398	446	456	429	547	523	
	Wiltshire [#]	2,100	2,071	2,662	1,885	1,657	2,077	1,779	1,725	2,249	2,118	1,746	

Housing Requirement	Area	Annualised housing requirement	2016/17	2017/18	2018/19	2019/20	2020/21	2021/22	2022/23	2023/24	Average annual completions across plan period	% of annualised requirement achieved
WCS 2006-2026	East Wiltshire HMA	297	471	415	382	262	180	274	276	156	309	104%
	North and West Wiltshire HMA	1,237	1,269	1,186	1,349	1,008	1,425	1,133	1,341	1,208	1,204	97%
	South Wiltshire HMA	521	794	676	845	529	321	455	808	425	524	101%
	Wiltshire [#]	2,100	2,690	2,428	2,699	1,799	1,926	1,862	2,425	1,825	2,090	100%

[#] Values in this row may not sum from the HMA figures due to completions on sites at the West of Swindon.

4.0 Buffer

- 4.1 Paragraph 79 of the NPPF states that a buffer should be added to the housing requirement in the 5-year housing supply calculation. This is established through a nationally-set Housing Delivery Test which measures housing delivery for each Local Planning Authority over the past 3 years against the appropriate housing requirement. This is set out in the Housing Delivery Test Measurement Rulebook (MHCLG, December 2024).
- 4.2 The latest Housing Delivery Test results (published December 2024) indicate that Wiltshire achieved **135%** delivery against the housing requirement in the Housing Delivery Test. This result indicates that a 5% buffer should be added to the housing requirement in the 5-year housing land supply calculation.

5.0 Components of Supply

- 5.1 The supply of deliverable and developable land currently includes:
- Sites with planning permission or prior approval consent,
 - Sites with resolutions to grant planning permission subject to completion of a Section 106 agreement,
 - Saved District Local Plan allocations (that have been reviewed and carried forward as part of the Wiltshire Core Strategy),
 - Strategic Sites within the adopted Wiltshire Core Strategy (January 2015),
 - Site Allocations within the adopted Chippenham Site Allocations Plan (May 2017),
 - Site Allocations within the adopted Wiltshire Housing Site Allocations Plan (February 2020),
 - Housing allocations in 'made' Neighbourhood Plans,
 - a windfall allowance (in accordance with paragraph 75 of the NPPF).
- 5.2 An annual trajectory for all sources of supply is included in **Appendix 1**.
- 5.3 Large sites (10 units or more) and all Neighbourhood Plan allocations are shown on a 'site-by-site' basis. Each Large site and all Neighbourhood Plan allocations have been individually assessed to determine site specific delivery trajectories.

- 5.4 Small permitted sites (less than 10 units) are shown as a summary total by HMA in **Appendix 1**. The individual sites which contribute to the developable supply are presented in **Appendix 2** (separate document). For Small sites (except for Neighbourhood Plan allocations) a standard development rate is applied based on historic levels of delivery across Wiltshire for such sites.
- 5.5 The PPG chapter 'Housing supply and delivery' indicates that student housing and accommodation for older people, including residential institutions in Use Class C2 can be included in the housing land supply. This contribution is based on the amount of accommodation released in the housing market. The PPG chapter on 'Housing for older and disabled people' indicates this calculation should be based on the average number of adults living in households, using Census data. This calculation indicates that there is a adults-to-households ratio of **1.83:1** in Wiltshire. This is the ratio used to inform how institutional accommodation for the elderly can be counted towards the housing land supply.
- 5.6 The strategic allocations in the Wiltshire Core Strategy, Chippenham Site Allocations Plan, and Wiltshire Housing Site Allocations Plan form the most sustainable options for delivering strategic housing developments across Wiltshire. They have been appraised using a site identification methodology and using the Sustainability Appraisal (SA). Therefore, it is necessary only to demonstrate the availability and achievability of each site to warrant its inclusion in the housing land supply.
- 5.7 A summary of progress on sites that the Council consider will deliver (or currently are delivering) housing in the forthcoming 5-year period is shown in **Appendix 3** for each Large site and any Neighbourhood Plan allocations.
- 5.8 A graphical representation of completions and anticipated delivery from future supply in the adopted plan period for Wiltshire and each HMA is shown in **Appendix 4**.
- 5.9 A windfall allowance is also included in the deliverable and developable supply in accordance with paragraph 75 of the NPPF. A full description of the calculation of the windfall allowance is included in **Appendix 5**.
- 5.10 **Appendix 6** to this statement identifies the contribution of the various sources of supply to the delivery of the housing requirements of the Wiltshire Core Strategy for the Community Areas, Principal Settlements, Market Towns and (in the South Wiltshire HMA only) the Local Service Centres.

6.0 Housing land supply position

Local Housing Need

- 6.1 As detailed in section 2 above the Wiltshire Core Strategy and its strategic housing policies became five years old in January 2020. As such the Local Housing Need is now used in the housing land supply calculation. This is the position used in the operation of paragraph 78 of the NPPF.
- 6.2 Table 2a provides a headline of the housing land supply using the Local Housing Need.

Table 2a: 5-year Housing Land Supply position for Wiltshire (using Local Housing Need)

Area	Annual Local Housing Need (LHN)	5-year housing requirement	5-year housing requirement plus buffer*	Deliverable supply 2024-2029	Number of years deliverable supply
Wiltshire	3,525	17,625	18,506	8,945	2.42

* The Council's 2023 Housing Delivery Test result indicates that there is a requirement to add a 5% buffer to the housing requirement (see section 4 above)

- 6.3 The PPG chapter "Housing and economic needs assessment" (December 2024) sets out the standard methodology to be used by Local Planning Authorities to calculate the Local Housing Need. The calculation for Wiltshire, using the input variables as at the base date to which it relates, is shown in Table 2b below.

Table 2b: Housing Land Supply calculation for Wiltshire

Step 1 - Setting the baseline

Latest existing housing stock (release date May 2024)	231,098
0.8% of existing housing stock	1,848.8
Baseline annual need	1,848.8

Step 2 - An adjustment to take account of affordability

Median workplace-based affordability ratio across last five years (9.68 + 9.58 + 10.33 + 9.76 + 9.51) / 5	
(release date 25 March 2024)	9.77
Local affordability factor	9.77

Adjustment factor $\frac{(\text{Local affordability factor} - 5)}{5} \times 0.95 + 1$	1.906680
Local Housing Need for Wiltshire	3,525

5-year housing requirement including buffer

Figure over a 5 year period	17,625
Latest housing delivery result (%)	135
Buffer to be added	5%
Number of dwellings to be used in the Wiltshire LPA housing land supply calculation	18,506

Deliverable supply	8,945
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Number of years supply against Local Housing Need	2.42
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Strategic housing policies

- 6.4 The Council continue to monitor delivery against the requirements set out in the adopted strategic development plan. This has been provided for context to show how the supply position varies across the three HMAs defined in the adopted plan.
- 6.5 Table 3 provides a summary of completions to date, the deliverable supply for the remaining two years of the plan period (2024-2026), and the number of dwellings by which delivery will either exceed, or be in deficit of, the housing requirement for each HMA.

Table 3: Deliverable supply relative to the housing requirement of the adopted Wiltshire Core Strategy (WCS).

Area	Housing requirement 2006-2026	Housing completions 2006-2024	Deliverable supply (commitments and windfall) 2024-2026	Surplus (-ve) / shortfall (+ve) against WCS requirement
East Wiltshire HMA	5,940	5,569	444	-73
North and West Wiltshire HMA	24,740	21,675	2,185	880
South Wiltshire HMA	10,420	9,430	734	256
Swindon (within Wiltshire)*	900	932	0	-32
Wiltshire	42,000	37,606	3,363	1,031

** Figures at the West of Swindon do not form a housing requirement. See Wiltshire Core Strategy paragraph 4.34 and footnote 25 for explanation.*

7.0 Ongoing and Future Monitoring

- 7.1 The housing land supply situation and the residual requirement is monitored on an annual basis using up to date evidence from land owners, developers, Council officers, and other relevant bodies. This informs and, where necessary, triggers the provision of new sites to meet outstanding requirements. This is consistent with the requirements of the NPPF.
- 7.2 For an authority covering a large geographical area, the annual review of the land supply in Wiltshire is an extensive exercise that often takes a period of time after the base date to complete. This involves identifying new commitments and completions, compiling the updated housing land supply position and the Housing Land Supply Statement. During this period permissions continue to be granted (and resolved to permit) and Neighbourhood Plans prepared. However, to ensure a consistent calculation of the annual position, only sites that have qualified for inclusion by the base date of the monitoring period should be included in the deliverable land supply.
- 7.3 Large sites (10 units or more) which have been granted permission or resolution to permit on or after the 1 April 2024 base date up to the time of publication are not included in the housing land supply, as they are not committed by the base date. However, such sites are detailed in Table 4 below to demonstrate how permissions are continually being granted to refresh the Council's housing land supply.
- 7.4 It is noted that anticipated delivery from sites on brownfield land shown in Table 4 are already accounted for within the housing land supply in the Council's windfall allowance. This allowance seeks to allow for anticipated delivery from all brownfield sites and small greenfield sites that are not committed as at the base date. The methodology for this is set out in Appendix 5 of this Statement.

Table 4: Additional housing permissions on Large sites identified on and beyond the monitoring period base date of 1 April 2024.

Site reference	Site Address	HMA	Number of units (net)	Status	Status date
PL/2023/07518	Avonpark Village, Winsley Hill, Winsley, BA2 7FF (BROWNFIELD)	North and West	14 (net) C2 units	Full permission	09/05/2024
PL/2023/06976	Land at Verbena Court, Melksham, SN12 7GG	North and West	71 C2 units	Resolution to grant	04/06/2024
PL/2023/06725	Land at Longleaze Lane, Melksham, Wilts, SN12 6QJ	North and West	86 C2 units	Full permission	21/08/2024
PL/2022/08155	Land to the West of Semington Road, Melksham, Wilts	North and West	53	Outline permission	30/09/2024
PL/2023/06881	Bartlett House, Old Common Way, Ludgershall, Andover, SP11 9SA (BROWNFIELD)	East	18	Full permission	04/11/2024
PL/2021/06918	Widham Farm, Purton, Wiltshire	North and West	59	Full permission	20/11/2024
PL/2023/00478	Land off Angelica Avenue, Melksham, Wiltshire, SN12 6QJ	North and West	11	Outline permission	02/01/2025
PL/2021/03749	Land at Glenmore Farm, The Ham/Hawkeridge Road, Westbury BA13 4HQ	North and West	145	Outline permission	21/01/2025
PL/2022/02452	Land at Stones Farm, West Mill Lane, Cricklade SN6 6JL	North and West	140	Outline permission	23/01/2025
PL/2023/08640	Land South of Stanley Lane, Gate Farm, Chippenham	North and West	150	Resolution to grant	23/01/2025
PL/2023/11188	Land at Blackmore Farm, Sandridge Common, Melksham	North and West	500	Resolution to grant	23/01/2025
PL/2023/06204	Land Off The High Street, Sutton Benger, SN15 4SP	North and West	60	Outline permission	27/01/2025
PL/2023/09930	Punters Farm, Malmesbury, SN16 9JP	North and West	21	Full permission	30/01/2025
PL/2022/07893	Land off Spitfire Road, Calne	North and West	90	Outline permission	17/02/2025

Site reference	Site Address	HMA	Number of units (net)	Status	Status date
PL/2022/00395	Land at South Pavenhill Farm, Pavenhill, Purton, Wilts, SN5 4DQ	North and West	60	Outline permission	05/03/2025
PL/2024/00190	The John Barleycorn, Weymouth Street, Warminster, BA12 9NP (BROWNFIELD)	North and West	10	Full permission	06/03/2025
PL/2023/01880	Land rear of 117 High Street, Dilton Marsh, BA13 4DP	North and West	54	Outline permission	12/03/2025
PL/2023/02372	Land South of Ballingers, Urchfont	East	21	Outline permission	28/03/2025
PL/2023/07368	Old Sarum Airfield, Salisbury	South	315	Outline permission	09/04/2025
PL/2024/05435	Land north of Melksham Road, Holt	North and West	55	Resolution to grant	15/04/2025

Appendix 1: Summary breakdown of all sites in the deliverable supply

N.B. Neighbourhood Plan allocations which are Small sites (i.e. less than 10 dwellings) are shown as a site-specific record in this Appendix, rather than in the aggregated total for Small permitted sites.

Site Address	Site reference	Committed dwellings outstanding at April 2024	Units under construction	Completions to date	Losses to date		2024/25	2025/26	2026/27	2027/28	2028/29	2029/30	2030/31	Settlement / CA Remainder
East Wiltshire HMA														
Grand Total		1,937	249	187	10		134	309	379	346	233	251	206	
Total Small permitted sites (see Appendix 2)		274	87	11	10		38	74	39	22	8	3	1	
Agricultural land, Park Farm, Seend Cleeve, Melksham, SN12 6PX	20/02213/FUL	11	11	0	0		11	0	0	0	0	0	0	Devizes CA Remainder
Devizes Community Hospital, New Park Road, Devizes, Wilts, SN10 1EF	PL/2022/08744	58	0	0	0		0	0	0	0	0	29	29	Devizes
Drummond Park Ludgershall SP11 9RT	21/02122/REM	303	66	109	0		65	65	65	65	43	0	0	Tidworth/ Ludgershall
Hales Farm, The Green, Urchfont, SN10 4QU	19/11986/FUL	6	6	7	0		6	0	0	0	0	0	0	Devizes CA Remainder
Hedges House, Mill Lane, West Lavington, Devizes SN10 4HS	PL/2021/11543	-2	0	0	0		-21	10	9	0	0	0	0	Devizes CA Remainder
Land Adjacent to Empress Way Ludgershall Wiltshire	18/04346/REM	20	14	60	0		0	20	0	0	0	0	0	Tidworth/ Ludgershall
Land At Empress Way, Ludgershall	20/06554/FUL	190	0	0	0		0	0	52	52	52	34	0	Tidworth/ Ludgershall

Site Address	Site reference	Committed dwellings outstanding at April 2024	Units under construction	Completions to date	Losses to date		2024/25	2025/26	2026/27	2027/28	2028/29	2029/30	2030/31	Settlement / CA Remainder
Land at Marshall Road, Devizes, Wiltshire	PL/2023/05033	163	0	0	0		0	54	61	48	0	0	0	Devizes
Land at Sandlease Farm, Worton, Wiltshire	PL/2022/08551	24	0	0	0		0	14	10	0	0	0	0	Devizes CA Remainder
Land east of Reed Place, Rowde, SN10 2GX	PL/2021/07576	10	0	0	0		0	10	0	0	0	0	0	Devizes CA Remainder
Land north of Quakers Road, Devizes, Wiltshire SN10 2FH	21/02477/OUT	57	0	0	0		0	15	30	9	0	0	0	Devizes
Land off Coate Road, Devizes	PL/2021/04774	200	0	0	0		0	0	40	50	50	50	10	Devizes
Land South of Lavington Lane, West Lavington	PL/2021/11899	50	50	0	0		25	25	0	0	0	0	0	Devizes CA Remainder
Land to the north of Marshall Road, Devizes, Wilts	PL/2022/05360	33	0	0	0		0	0	0	0	0	10	23	Devizes
Land West of Hillworth Road / John Rennie Close, Devizes, Wiltshire, SN10 5HD	PL/2022/00867	59	0	0	0		0	0	0	0	0	15	30	Devizes
Marlborough Resource Centre, Cherry Orchard, Marlborough	PL/2021/11719	24	0	0	0		0	0	0	12	12	0	0	Marlborough
Parnham Coaches, 31 Andover Road, Ludgershall	20/02272/FUL	27	0	0	0		0	10	17	0	0	0	0	Tidworth/ Ludgershall
Seymour Court, Blackmans Lane, Burbage, SN8 3TW	PL/2022/06850	-9	0	0	0		0	-26	7	10	0	0	0	Pewsey CA
St Peters Junior School, The Parade, Marlborough, SN8 1LQ	PL/2021/03930	15	15	0	0		0	7	5	3	0	0	0	Marlborough

Site Address	Site reference	Committed dwellings outstanding at April 2024	Units under construction	Completions to date	Losses to date		2024/25	2025/26	2026/27	2027/28	2028/29	2029/30	2030/31	Settlement / CA Remainder
Wiltshire Police, George Lane, Marlborough, Wiltshire, SN8 4DB	20/07915/OUT	24	0	0	0		0	0	0	0	0	12	12	Marlborough
York Place, St Martins, Marlborough	PL/2023/03305	28	0	0	0		0	0	0	14	14	0	0	Marlborough
Total Large permitted and 'subject to S106' sites		1,291	162	176	0		86	204	296	263	171	150	104	
Bath Road Business Centre	NP/E12	13	0	0	0		0	0	0	0	0	0	0	Devizes
Grafton Road	NP/E22	30	0	0	0		0	0	0	0	0	0	0	Pewsey CA
Land at Barton Dene	NP/E36	40	0	0	0		0	0	0	0	0	20	20	Marlborough
Land at Kelham Gardens	NP/E38	9	0	0	0		0	0	0	9	0	0	0	Marlborough
Land at the Spring	NP/E33	20	0	0	0		0	0	0	0	0	7	7	Devizes CA Remainder
Land to the east of Lavington School	NP/E35	15	0	0	0		0	0	0	0	0	0	0	Devizes CA Remainder
Lottage Farm	NP/E39	32	0	0	0		0	0	0	0	0	16	16	Marlborough CA Remainder
Marlborough Road Site	NP/E01	49	0	0	0		0	0	0	0	0	0	0	Pewsey CA
South of the "Meadows", Hartmoor Road.	NP/E10	18	0	0	0		0	0	0	0	0	0	0	Devizes
Southcliffe	NP/E34	22	0	0	0		0	0	0	0	0	0	0	Devizes CA Remainder
Stonebridge House, Nursteed Road	NP/E03	14	0	0	0		0	0	0	0	0	0	0	Devizes
Wadworth Warehouse, Northgate St	NP/E16	30	0	0	0		0	0	0	0	0	0	0	Devizes

Site Address	Site reference	Committed dwellings outstanding at April 2024	Units under construction	Completions to date	Losses to date		2024/25	2025/26	2026/27	2027/28	2028/29	2029/30	2030/31	Settlement / CA Remainder
Whole of Garden Trading Est	NP/E13	38	0	0	0		0	0	0	0	0	0	0	Devizes
Blackberry Lane - Site A6	NP/E18	5	0	0	0		0	0	0	0	0	0	0	Devizes CA Remainder
Garage and Old Dairy, New Park Street	NP/E09	5	0	0	0		0	0	0	0	0	0	0	Devizes
Land at Alcudia, The Ham	NP/E25	1	0	0	0		0	0	0	0	0	0	0	Devizes CA Remainder
Land off Firs Hill Way - Site A3	NP/E19	5	0	0	0		0	0	0	0	0	0	0	Devizes CA Remainder
Land opposite Sawmills	NP/E31	1	0	0	0		0	0	0	0	0	0	0	Devizes CA Remainder
Magistrates Court, Elcombe Gardens	NP/E11	7	0	0	0		0	0	0	0	0	0	0	Devizes
Railway Cuttings, Hillworth Road	NP/E07	9	0	0	0		0	0	0	0	0	0	0	Devizes
Ryelease Field - Site A5	NP/E21	4	0	0	0		0	0	0	0	0	0	0	Devizes CA Remainder
Wildmans Garage	NP/E30	5	0	0	0		0	0	0	0	0	0	3	Devizes CA Remainder
Total adopted and emerging Neighbourhood Plan allocations		372	0	0	0		0	0	0	10	1	43	46	
Windfall – brownfield small sites							8	22	30	35	36	37	37	
Windfall – brownfield large sites							0	1	2	3	3	4	4	
Windfall – greenfield small sites							3	9	12	13	14	14	14	

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North and West Wiltshire HMA														
Grand Total		11,365	1,005	1,908	23		918	1,267	1,573	1,201	852	1,106	1,243	
Total Small permitted sites (see Appendix 2)		838	115	10	20		116	231	123	69	27	9	3	
"Land at Sutton Lane Sutton Benger SN15 4RR"	20/03487/FUL	21	21	0	0		3	18	0	0	0	0	0	Chippenham CA Remainder
"Land South of Low Lane, Calne, SN11 8EQ"	PL/2022/09034	26	0	0	0		0	13	13	0	0	0	0	Calne
1-4 Avon Heights, Monkton Hill, Chippenham, SN15 1ER	21/00286/PNCOU	25	25	0	0		0	0	25	0	0	0	0	Chippenham
17 Station Hill, Chippenham, SN15 1EQ	20/06500/FUL	13	0	0	0		0	13	0	0	0	0	0	Chippenham
26 Fore Street, Trowbridge	21/01148/FUL	24	24	0	0		0	0	0	24	0	0	0	Trowbridge
3 High Street, Warminster, BA12 9AG	19/04315/FUL	11	0	0	0		0	0	0	0	0	0	0	Warminster
7, 8 and 9 Back Street	W07.3403	22	0	0	0		0	0	0	0	0	0	0	Trowbridge
Ashton Street Centre, Ashton Street	PL/2021/09909	48	0	0	0		0	0	0	24	24	0	0	Trowbridge
Bugley Barton Farm, Land South of Victoria Road, Warminster	17/01463/FUL	227	0	0	0		0	0	25	45	45	45	45	Warminster
Church Farm, Church Street, Hilperton, Trowbridge, Wiltshire	20/09998/FUL	11	11	3	0		11	0	0	0	0	0	0	Trowbridge CA Remainder

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Clarks Mill and Mill House Stallard Street Trowbridge Wiltshire BA14 8HH	PL/2022/00462	1	1	19	0		0	0	1	0	0	0	0	Trowbridge
Cotswold Community, Ashton Keynes, SN6 6QU	21/02520/REM	48	0	0	0		24	24	0	0	0	0	0	Malmesbury CA Remainder
Courtfield House, Polebarn Road, Trowbridge, BA14 7EG	18/04656/FUL	20	20	0	0		16	4	0	0	0	0	0	Trowbridge
Elwood House, Former A429, Stanton St Quintin	20/11517/FUL	12	12	0	0		12	0	0	0	0	0	0	Chippenham CA Remainder
Former AB Carter Haulage Contractors, 14 Happy Land, Ashton Keynes, Wiltshire, SN6 6PN	20/09696/FUL	10	10	0	0		10	0	0	0	0	0	0	Malmesbury CA Remainder
Former MOD Rudloe No.2, Westwells Road, SN13 9RA	19/07339/REM	166	0	0	0		0	0	0	0	0	0	0	Corsham CA Remainder
Former Sydenhams Yard, Bradley Lane, Maiden Bradley, BA12 7JR	PL/2021/08100	4	4	6	0		4	0	0	0	0	0	0	Warminster CA Remainder
Former Wiltshire College, Cocklebury Road, Chippenham, SN15 3QD	PL/2022/03760	44	0	0	0		0	0	0	0	0	0	0	Chippenham
Former Wiltshire College, Cocklebury Road, Chippenham, SN15 3QD	PL/2022/03760	38	0	0	0		0	0	0	0	0	0	0	Chippenham
Gable House, 46 High Street, Malmesbury, SN16 9AT	20/06887/FUL	14	0	0	0		0	0	14	0	0	0	0	Malmesbury

Site Address	Site reference	Committed dwellings outstanding at April 2024	Units under construction	Completions to date	Losses to date		2024/25	2025/26	2026/27	2027/28	2028/29	2029/30	2030/31	Settlement / CA Remainder
Ground and First Floor Block C, The Pavilions, Windsor Road, Trowbridge, Wiltshire	PL/2021/07628	34	34	0	0		34	0	0	0	0	0	0	Trowbridge
Heywood House, Park Lane	W07.1377	27	0	0	0		0	0	0	0	0	0	0	Westbury CA Remainder
Kingston Mills, Kingston Road	W06.2394	1	0	169	0		1	0	0	0	0	0	0	Bradford on Avon
Land At Ambulance Headquarters, Malmesbury Road, Chippenham, Wiltshire, SN15 5LN	20/05495/FUL	95	0	0	0		0	35	35	25	0	0	0	Chippenham
Land at Backbridge Farm, Malmesbury, Wiltshire	16/06401/FUL	75	75	126	0		60	15	0	0	0	0	0	Malmesbury
Land At Broadfield Farm, Great Somerford, SN15 5EL	21/01950/FUL	21	21	0	0		11	10	0	0	0	0	0	Malmesbury CA Remainder
Land at Chippenham Road, Lyneham, SN15 4PA	PL/2022/07119	200	0	0	0		0	10	20	40	40	40	50	Royal Wootton Bassett & Cricklade CA Remainder
Land at Elizabeth Way, Hilperton,, Trowbridge	20/09701/FUL	187	0	0	0		0	46	60	60	21	0	0	Trowbridge
Land at Elm Grove, Drynham Lane, Trowbridge, Wiltshire, BA14 0PL	19/11459/OUT	261	0	0	0		0	40	50	50	50	50	8	Trowbridge
Land at Filands Road / Jenners Lane, Malmesbury, SN16 9GT	PL/2023/00958	132	0	0	0		15	50	50	17	0	0	0	Malmesbury

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Land at Grove Farm Bincknoll Lane Royal Wootton Bassett Swindon SN4 8BD	18/06442/FUL	10	10	0	0		10	0	0	0	0	0	0	Royal Wootton Bassett
Land at Hunters Moon Chippenham Wiltshire	N18.0401	2	2	70	0		0	2	0	0	0	0	0	Chippenham
Land at Hunters Moon Chippenham Wiltshire	N16.12493	33	33	107	0		33	0	0	0	0	0	0	Chippenham
Land at Hunters Moon, Chippenham	20/06824/REM	10	10	50	0		10	0	0	0	0	0	0	Chippenham
Land at North Chippenham, Hill Corner Road, West of A350, Chippenham	20/11468/REM	6	6	31	0		6	0	0	0	0	0	0	Chippenham
Land at Patterdown Road, Chippenham	19/00098/REM	21	21	51	0		4	0	17	0	0	0	0	Chippenham
Land at Phase 2, Star Ground, Station Road, Holt, Wiltshire.	PL/2021/09777	10	10	0	0		10	0	0	0	0	0	0	Bradford on Avon CA Remainder
Land at Pound Farm, South View, Lyneham	PL/2021/09817	26	26	24	0		26	0	0	0	0	0	0	Royal Wootton Bassett & Cricklade CA Remainder
Land at Purton Road, Swindon	20/10523/OUT	79	0	0	0		0	0	0	0	0	30	40	Royal Wootton Bassett & Cricklade CA Remainder

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Land at Rawlings Farm, Cocklebury Lane, Chippenham, Wiltshire, SN15 3LR	15/12351/OUT	650	0	0	0		0	0	0	0	0	40	100	Chippenham
Land at Regents Park, Calne	20/07659/OUT	17	0	0	0		0	0	17	0	0	0	0	Calne
Land at Restrop Road, Purton, SN5 4BP	PL/2023/02576	47	47	0	0		20	27	0	0	0	0	0	Royal Wootton Bassett & Cricklade CA Remainder
Land at Saltersford Lane, Chippenham	PL/2022/06612	70	0	0	0		0	0	0	20	30	20	0	Chippenham
Land at Semington Road, Melksham, Wilts	PL/2022/02749	144	0	0	0		10	40	40	40	14	0	0	Melksham
Land at Showell Farm, Patterdown Road, Showell, Chippenham, SN15 2NT	PL/2022/07442	40	0	0	0		0	0	40	0	0	0	0	Chippenham
Land at Showell Nurseries, Showell, Chippenham, Wiltshire, SN15 2NU	20/11654/REM	120	0	0	0		0	20	40	40	20	0	0	Chippenham
Land at Silver Street Calne Wiltshire	N16.4124	22	22	132	0		22	0	0	0	0	0	0	Calne
Land at the proposed West Warminster Urban Extension North of Victoria Road & to the West of Bath Road Comprising approx. 84 hectares Warminster Wilt	15/01800/OUT	855	0	0	0		0	90	90	90	90	90	90	Warminster
Land at The Street, Hullavington	20/10972/OUT	71	0	0	0		0	14	52	5	0	0	0	Chippenham CA Remainder

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Land at Westbury Sailing Lake, Station Road, Westbury, Wiltshire,	W17.12194	21	21	264	0		21	0	0	0	0	0	0	Westbury
Land East of Damask Way and East of Upper Marsh Road and North of Smallbrook Lane, Warminster BA12 9PP	17/12348/OUT	28	0	0	0		0	0	0	0	0	0	0	Warminster
Land North of Folly Farm Warminster	19/09428/FUL	4	4	42	0		4	0	0	0	0	0	0	Warminster
Land north of Grovelands Way Warminster BA12 8TB (Extra care element)	W17.5360	46	0	0	0		0	0	0	0	0	0	0	Warminster
Land north of Grovelands Way Warminster BA12 8TB (Retirement bungalows)	19/07198/VAR	45	0	0	0		0	0	20	25	0	0	0	Warminster
Land North of Grovelands Way, Warminster., BA14 8JN (Care home element)	PL/2021/03889	34	0	0	0		0	0	34	0	0	0	0	Warminster
Land North of Hill Corner Road Land Parcel B3 & B5 Chippenham Wiltshire	19/08039/VAR	12	12	110	0		12	0	0	0	0	0	0	Chippenham
Land north of St George's Road, Semington	19/02147/OUT	26	0	0	0		0	0	13	13	0	0	0	Melksham CA Remainder
Land North of Victoria Road & to the West of Bath Road, Phase 1, Land North of Victoria Road, Warminster	PL/2022/04343	68	35	77	0		68	0	0	0	0	0	0	Warminster

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Land North of Webbs Court, Lyneham	PL/2021/11175	56	0	0	0		0	0	10	25	21	0	0	Royal Wootton Bassett & Cricklade CA Remainder
Land north of Westbury Road and west of Court Orchard, Bratton, Wiltshire	PL/2023/07170	31	0	0	0		0	20	11	0	0	0	0	Westbury CA Remainder
Land off Frome Road, Upper Studley, Trowbridge	20/09659/FUL	50	0	0	0		0	0	25	25	0	0	0	Trowbridge
Land off Melksham Road, Holt	PL/2022/03315	90	0	0	0		0	0	0	0	0	20	50	Bradford on Avon CA Remainder
Land off of Elizabeth Way, Hilperton, Wiltshire, BA14 7	PL/2021/08554	151	31	0	0		54	55	42	0	0	0	0	Trowbridge
Land off Park Road, Malmesbury, SN16 0QW	19/05898/OUT	50	0	0	0		0	0	0	0	0	25	25	Malmesbury
Land off Potley Lane, Corsham, Wiltshire, SN13 9RX	20/03234/FUL	13	13	0	0		13	0	0	0	0	0	0	Corsham
Land off St George's Road, Semington, Melksham, Wilts	PL/2022/01367	18	0	0	0		0	10	8	0	0	0	0	Melksham CA Remainder
Land off Station Road Westbury	17/07548/FUL	32	32	55	0		22	10	0	0	0	0	0	Westbury
Land off the B4069 East of Barrow Farm, Langley Burrell, Chippenham	PL/2022/04681	230	0	0	0		0	0	81	114	35	0	0	Chippenham

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Land Rear of 54 Woodmarsh, North Bradley	PL/2021/09739	23	0	0	0		0	0	0	0	0	12	11	Trowbridge
Land south east of Trowbridge	15/04736/OUT	2500	0	0	0		0	0	0	0	60	120	160	Trowbridge
Land South of Broad Town Primary School, Broad Town Road, Broad Town, SN4 7RE	19/03874/OUT	10	0	0	0		0	0	0	0	0	0	0	Royal Wootton Bassett & Cricklade CA Remainder
Land South of Sandhole Lane Westbury	PL/2022/09817	67	0	0	0		0	30	37	0	0	0	0	Westbury
Land South of Trowbridge	20/00379/OUT	180	0	0	0		0	0	0	0	0	30	40	Trowbridge
Land South of Western Way, Melksham, Wilts	PL/2022/08504	210	0	0	0		0	0	0	0	0	50	50	Melksham
Land South of Western Way, Melksham, Wilts	PL/2022/08504	38	0	0	0		0	0	0	0	0	0	0	Melksham
Land South West of Park Road, Malmesbury, Wiltshire	20/08341/OUT	26	0	0	0		0	13	10	0	0	0	0	Malmesbury
Land to East of Oxford Road, Calne, Wiltshire	N16.7209	13	13	187	0		13	0	0	0	0	0	0	Calne
Land to North West of Folly Farm, Warminster	PL/2021/11051	38	33	16	0		23	15	0	0	0	0	0	Warminster
Land to the east of Church View Sutton Benger Chippenham Wiltshire SN15 4FD	20/03876/OUT	24	0	0	0		0	0	0	0	0	24	0	Chippenham CA Remainder

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Land to the east of Storey Mews, Malmesbury, SN16 0FH	PL/2021/04960	22	22	7	0		22	0	0	0	0	0	0	Malmesbury
Land to the East of Waitrose, A429, Malmesbury, Wiltshire	PL/2021/09852	26	0	0	0		0	0	0	0	0	10	10	Malmesbury
Land to the north of Whychurch Farm and to the south of Filands, Malmesbury	PL/2021/08453	71	0	0	0		0	0	0	0	0	12	25	Malmesbury
Land to the south of Chilvester Hill, Calne, Wiltshire SN11 0LR	PL/2022/05993	28	28	0	0		14	14	0	0	0	0	0	Calne
Land to the south of Church Lane, Upper Studley	18/10035/OUT	55	0	0	0		0	0	0	0	0	10	35	Trowbridge
Land West of Elizabeth Way and South of Middle Lane, Hilperton, Trowbridge	20/07751/FUL	68	0	0	0		0	40	28	0	0	0	0	Trowbridge
Land west of Semington Road, Melksham	PL/2023/00808	50	0	0	0		0	25	25	0	0	0	0	Melksham
Langley Park	19/12100/REM	329	0	0	0		0	52	195	69	13	0	0	Chippenham
Limpley Mill Lower Stoke Limpley Stoke Bath	PL/2022/03452	12	0	0	0		0	0	0	12	0	0	0	Bradford on Avon CA Remainder
Manor Farm, The Street, Grittleton, SN14 6AN	21/01331/VAR	1	1	12	0		1	0	0	0	0	0	0	Chippenham CA Remainder
Phase 5, Land at Hunters Moon, Chippenham	21/01463/FUL	43	43	52	0		35	8	0	0	0	0	0	Chippenham

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RAF Yatesbury Jugglers Lane Yatesbury Wiltshire	N14.0153	41	0	0	0		0	0	0	0	0	0	0	Calne CA Remainder
Rowden Park - Crest Nicholson South West Phase 2 Patterdown Road Chippenham Wiltshire	19/11461/REM	64	64	0	0		58	6	0	0	0	0	0	Chippenham
Rowden Park Patterdown Road Chippenham	N17.8786	4	4	98	0		4	0	0	0	0	0	0	Chippenham
Rowden Park Patterdown Road Chippenham Wiltshire	N14.12118	491	0	0	0		0	0	25	54	100	100	96	Chippenham
Rowden Park, Patterdown Road, Chippenham	PL/2023/01773	140	0	0	0		0	44	50	46	0	0	0	Chippenham
Rowden Park, Patterdown Road, Chippenham (Redcliffe Phase 3)	20/02326/REM	191	0	0	0		31	45	45	45	25	0	0	Chippenham
Rowden Park, Patterdown Road, Chippenham, Wiltshire	PL/2021/06001	4	4	8	0		4	0	0	0	0	0	0	Chippenham
Royal Arthur Park, Westwells Road	N10.4093	45	45	176	0		0	45	0	0	0	0	0	Corsham
The United Church & Community Buildings, Church Street, Trowbridge, BA14 8DZ	18/03338/FUL	20	20	5	3		16	4	0	0	0	0	0	Trowbridge
Timber Yard, Real World Studios, Mill Lane, Box, Corsham, Wiltshire, SN13 8PD	20/08387/VAR	20	20	0	0		0	10	10	0	0	0	0	Corsham CA Remainder

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Total Large permitted and 'subject to S106' sites		9,910	890	1,897	3		767	917	1,258	908	588	728	835	
Court Street	5/LPA/21	8	0	0	0		0	0	8	0	0	0	0	Trowbridge
Land at West Street	5/LPA/55	12	0	0	0		0	0	0	0	0	0	0	Warminster
Land off Oldfield Road	5/LPA/49	30	0	0	0		0	0	0	0	0	0	0	Westbury
Quemerford House & Mill	2/LPA/14	28	0	0	0		0	0	0	0	0	0	0	Calne
Rear of Westbury Road	5/LPA/58	3	0	0	0		0	0	0	2	0	0	0	Warminster
South East Trowbridge	WCS/NW6	100	0	0	0		0	0	0	0	0	0	0	Trowbridge
Station Road	5/LPA/59	30	0	0	0		0	0	0	0	0	0	0	Warminster
Total adopted Strategic Sites and District Local Plan allocations		211	0	0	0		0	0	8	2	0	0	0	
Bore Hill Farm	H2.8	70	0	0	0		0	0	0	0	0	30	31	Warminster
Land off the A363 at White Horse Business Park	H2.2	175	0	0	0		0	0	0	0	0	40	80	Trowbridge
Patterdown and Rowden - Small Extension Sites (South West Chippenham)	CH1	41	0	0	0		0	0	0	0	0	41	0	Chippenham
Total adopted Site Allocations Plan allocations		216	0	0	0		0	0	0	0	0	81	80	
Derelict Cottage Farm	NP/NW26	15	0	0	0		0	0	0	0	0	0	0	Royal Wootton Bassett & Cricklade CA Remainder

Site Address	Site reference	Committed dwellings outstanding at April 2024	Units under construction	Completions to date	Losses to date		2024/25	2025/26	2026/27	2027/28	2028/29	2029/30	2030/31	Settlement / CA Remainder
Dogridge Garage Site (1)	NP/NW22	4	0	0	0		0	0	0	0	0	0	0	Royal Wootton Bassett & Cricklade CA Remainder
Former Youth Centre	NP/NW29	5	0	0	0		0	0	0	0	0	0	0	Royal Wootton Bassett & Cricklade CA Remainder
Heli-Beds	NP/NW38	8	0	0	0		0	0	0	0	0	0	0	Trowbridge CA Remainder
Land at Northcote	NP/NW27	15	0	0	0		0	0	0	0	0	0	0	Royal Wootton Bassett & Cricklade CA Remainder
Land off Wesley Lane	NP/NW39	27	0	0	0		0	0	0	0	0	7	20	Trowbridge CA Remainder
Land to the West of The Bakehouse Site HS6	NP/NW13	4	0	0	0		0	0	0	0	0	0	0	Chippenham CA Remainder
Middle Farm, Corsham Road, Whitley	NP/NW40	18	0	0	0		0	0	0	0	0	6	12	Melksham CA Remainder
Redundant Farmyard Site Adjacent to Fordlands Site HS3	NP/NW10	4	0	0	0		0	0	0	0	0	0	0	Chippenham CA Remainder
Redundant Farmyard Site Adjacent to The Old Parlour Site HS2	NP/NW09	6	0	0	0		0	0	0	0	0	0	0	Chippenham CA Remainder

Site Address	Site reference	Committed dwellings outstanding at April 2024	Units under construction	Completions to date	Losses to date		2024/25	2025/26	2026/27	2027/28	2028/29	2029/30	2030/31	Settlement / CA Remainder
Redundant Farmyard Site at Mermaid Farm Site HS4	NP/NW11	3	0	1	0		0	0	0	0	0	0	0	Chippenham CA Remainder
Sopworth Lane	NP/NW33	45	0	0	0		0	0	0	0	0	15	30	Malmesbury CA Remainder
The Elms	NP/NW35	4	0	0	0		0	0	0	0	0	0	0	Malmesbury CA Remainder
The Vicarage	NP/NW34	2	0	0	0		0	0	0	0	0	0	0	Malmesbury CA Remainder
Thickwood field, north of Thickwood Estate	NP/NW37	5	0	0	0		0	0	0	0	0	0	0	Corsham CA Remainder
Tuner's Lane	NP/NW31	25	0	0	0		0	0	0	0	0	12	13	Malmesbury CA Remainder
Total emerging and adopted Neighbourhood Plan allocations		190	0	1	0		0	0	0	0	0	40	75	
Windfall – brownfield small sites							23	65	89	103	109	110	111	
Windfall – brownfield large sites							2	22	52	71	78	86	87	
Windfall – greenfield small sites							10	32	43	48	50	51	52	

Site Address	Site reference	Committed dwellings outstanding at April 2024	Units under construction	Completions to date	Losses to date		2024/25	2025/26	2026/27	2027/28	2028/29	2029/30	2030/31	Settlement / CA Remainder
South Wiltshire HMA														
Grand Total		2,629	450	360	53		320	414	462	356	179	267	295	
Total Small permitted sites (see Appendix 2)		303	81	11	13		42	83	44	25	10	3	1	
141 Castle Street, Salisbury	20/06868/ PNCOU	60	60	0	0		60	0	0	0	0	0	0	Salisbury
40 BLUE BOAR ROW, SALISBURY, SP1 1DA	PL/2022/04289	11	0	0	0		0	0	0	11	0	0	0	Salisbury
42-44 CHIPPER LANE, SALISBURY, SP1 1BG	PL/2023/02891	3	3	9	0		3	0	0	0	0	0	0	Salisbury
Alderbury Park Caravan And Camping Site, Southampton Road, Whaddon, SP5 3HB	PL/2021/11771	13	0	0	0		0	0	0	0	0	7	6	Southern Wiltshire CA Remainder
Beaumont Business Park, Woodlands Road, Mere, Warminster, Wiltshire, BA12 6BT	20/07469/OUT	70	0	0	0		0	0	0	0	0	10	30	Mere
Building Known As Finch House The Old Manor Hospital Wilton Road Salisbury Wiltshire	19/11110/FUL	21	21	0	0		21	0	0	0	0	0	0	Salisbury
Castle View Rest Home, 8 Old Castle Road, Salisbury, Wilts, SP1 3SF	PL/2022/06171	15	15	0	14		15	0	0	0	0	0	0	Salisbury
E V Naish Ltd Crow Lane Wilton Salisbury Wiltshire	S/2003/1016	61	0	0	0		0	0	0	0	0	11	25	Wilton
Erskine Barracks	S11.0517	52	0	0	0		0	0	0	0	0	0	0	Wilton

Site Address	Site reference	Committed dwellings outstanding at April 2024	Units under construction	Completions to date	Losses to date		2024/25	2025/26	2026/27	2027/28	2028/29	2029/30	2030/31	Settlement / CA Remainder
Kings Gate Phase 4, West of Archers Gate Development, Amesbury, Wiltshire	19/07304/REM	25	25	274	0		25	0	0	0	0	0	0	Amesbury
Land Adjacent Quarryfield Industrial Estate Castle Street Mere BA12 6LA	20/11079/FUL	39	39	0	0		0	39	0	0	0	0	0	Mere
Land at Chicklade Road, Hindon, Wiltshire	PL/2021/09623	31	0	0	0		0	0	0	0	0	16	15	Tisbury CA Remainder
Land at H3.7 adj to 'Warren's Folly' and Vets, Larkhill Road, Durrington, SP4 8DR	20/04397/OUT	14	0	0	0		0	0	0	0	0	14	0	Amesbury
Land at Hillbrush Company Ltd Woodlands Road Mere	S17.0085	8	8	66	0		8	0	0	0	0	0	0	Mere
Land at Romsey Road, Whiteparish, Salisbury	PL/2022/09532	25	0	0	0		0	0	0	0	0	12	13	Southern Wiltshire CA Remainder
Land at Westside Close, Old Sarum, SP4 6BX	PL/2021/09567	46	0	0	0		0	10	36	0	0	0	0	Salisbury
Land North of Netherhampton Road, Salisbury, Wiltshire	PL/2021/06594	106	65	0	0		25	60	21	0	0	0	0	Salisbury
Land south of Netherhampton Road Salisbury	19/05824/OUT	406	0	0	0		0	0	0	56	80	80	80	Salisbury
Land South of Netherhampton Road, Salisbury	PL/2021/08735	234	53	0	0		50	80	80	24	0	0	0	Salisbury

Site Address	Site reference	Committed dwellings outstanding at April 2024	Units under construction	Completions to date	Losses to date		2024/25	2025/26	2026/27	2027/28	2028/29	2029/30	2030/31	Settlement / CA Remainder
Land to the north west of Fugglestone Red and Bemerton Heath	S12.0814	341	0	0	0		0	58	155	127	0	0	0	Salisbury
Land to the North West of Fugglestone Red and Bemerton Heath, Salisbury	PL/2022/07678	63	63	0	0		40	23	0	0	0	0	0	Salisbury
South of Rowbarrow	20/00337/FUL	86	0	0	0		0	14	50	22	0	0	0	Salisbury
Stratford Court, Stratford Road, Salisbury, SP1 3JH	PL/2022/05365	17	17	0	26		17	0	0	0	0	0	0	Salisbury
Tisbury Sports Centre, Weaveland Road, Tisbury, Salisbury, SP3 6HJ	PL/2022/00855	13	0	0	0		0	0	6	7	0	0	0	Tisbury
Total Large permitted and 'subject to S106' sites		1,760	369	349	40		264	284	348	247	80	150	169	
Bulbridge	3/LPA/36	45	0	0	0		0	0	0	0	0	0	0	Wilton
Central Car Park	WCS/S5	200	0	0	0		0	0	0	0	0	0	0	Salisbury
Churchfields & Engine Sheds	WCS/S4	200	0	0	0		0	0	0	0	0	0	0	Salisbury
Total adopted Strategic Sites and District Local Plan allocations		445	0	0	0		0	0	0	0	0	0	0	
Clover Lane	H3.6	45	0	0	0		0	0	0	0	0	20	25	Durrington
Total adopted Site Allocations Plan allocations		45	0	0	0		0	0	0	0	0	20	25	
Knighton Road (Site 4)	NP/S15	6	0	0	0		0	0	0	0	0	3	3	Wilton CA Remainder

Site Address	Site reference	Committed dwellings outstanding at April 2024	Units under construction	Completions to date	Losses to date		2024/25	2025/26	2026/27	2027/28	2028/29	2029/30	2030/31	Settlement / CA Remainder
Land at Hillcrest Paddock	NP/S19	5	0	0	0		0	0	0	0	0	0	0	Tisbury CA Remainder
Land at Red House Farm	NP/S20	1	0	0	0		0	0	0	0	0	0	0	Tisbury CA Remainder
Land between Glebe Hall and Primary School	NP/S12	13	0	0	0		0	0	0	0	0	0	6	Southern Wiltshire CA Remainder
Manor Farm Road (Site 5)	NP/S16	3	0	0	0		0	0	0	0	0	2	1	Wilton CA Remainder
Station Works	NP/S11	60	0	0	0		0	0	0	0	0	0	0	Tisbury
Total emerging and adopted Neighbourhood Plan allocations		76	0	0	0		0	0	0	0	0	2	7	
Windfall – brownfield small sites							10	28	39	45	47	48	48	
Windfall – brownfield large sites							1	6	15	21	23	25	26	
Windfall – greenfield small sites							4	12	16	18	19	19	20	

Appendix 2: Small sites contributing to the deliverable supply

See accompanying document.

Appendix 3: Deliverability summary for sites considered to be deliverable in the forthcoming 5-year period

Site Address	Site reference	Planning status (at 31 March 2024)	Settlement / CA Remainder	5-year deliverability summary
East Wiltshire HMA				
Agricultural land, Park Farm, Seend Cleeve, Melksham, SN12 6PX	20/02213/FUL	Full permission	Devizes CA Remainder	Completion is expected in 2024/25. The development includes one self-build unit and ten White Horse Affordable Passivhaus homes, with construction having commenced in September 2023.
Bath Road Business Centre	NP/E12	Neighbourhood Plan	Devizes	No recent planning activity or known development plans suggest that the allocation will be delivered in the Local Plan period.
Blackberry Lane - Site A6	NP/E18	Neighbourhood Plan	Devizes CA Remainder	No recent residential planning applications or known plans at the site, but potential for the site to be developed in the medium-to-long term.
Devizes Community Hospital, New Park Road, Devizes, Wilts, SN10 1EF	PL/2022/08744	S106	Devizes	Outline planning permission was granted in January 2025. A Reserved Matters application has yet to be submitted. As a result, the Council has adopted a cautious approach, forecasting first completions from 2029/30.
Drummond Park	WCS/E2	Strategic site	Tidworth	See E/11/0001/OUT and 21/02122/REM.
Drummond Park Ludgershall SP11 9RT	E/11/0001/OUT	Outline permission	Tidworth/ Ludgershall	See 21/02122/REM.
Drummond Park Ludgershall SP11 9RT	21/02122/REM	Full permission	Tidworth/ Ludgershall	Development of the site is underway, with the first phase of dwellings already completed. In appeal decision APP/Y3940/W/24/3340811, the Planning Inspector considered the projected yield acceptable. Paragraph 92 of the decision states: 'The build-out rate of 65 dwellings per annum (dpa) adopted by the Council is based on a pro rata calculation from the first year's delivery. This is a reasonable basis for the calculation and no clear evidence has been provided otherwise. The dwellings should therefore remain in the supply.'
Elm Tree business area	NP/E44	Neighbourhood Plan	Marlborough CA Remainder	No recent planning activity or known development plans suggest that the allocation will be delivered in the Local Plan period.
Empress Way	H1.1	DPD Allocation	Tidworth	See E13.0234, 18/04346/REM and 20/06554/FUL

Site Address	Site reference	Planning status (at 31 March 2024)	Settlement / CA Remainder	5-year deliverability summary
Garage and Old Dairy, New Park Street	NP/E09	Neighbourhood Plan	Devizes	No recent planning activity or known development plans suggest that the allocation will be delivered in the Local Plan period. Landowner indicates the site will be retained for commercial purposes.
Grafton Road	NP/E22	Neighbourhood Plan	Pewsey CA	Site has been allocated by the local community which indicates the site's suitability for development. Timescales for development not known, but there is a reasonable prospect that the site will be available and could be viably developed by 2038.
H1 Land at Lavington Lane	NP/E32	Neighbourhood Plan	Devizes CA Remainder	See 20/09350/OUT and PL/2021/11899.
Hales Farm	NP/E27	Neighbourhood Plan	Devizes CA Remainder	No recent planning activity or known development plans suggest that the allocation will be delivered in the Local Plan period.
Hales Farm, The Green, Urchfont, SN10 4QU	19/11986/FUL	Full permission	Devizes CA Remainder	The remaining dwellings completed in 2024/25, as confirmed by council tax records.
Hedges House, Mill Lane, West Lavington, Devizes SN10 4HS	PL/2021/11543	Full permission	Devizes CA Remainder	A Commencement Notice was submitted on 21/02/2024, indicating a start date of 26/02/2024. Google Street View imagery from July 2024 (viewed from the A360) confirms that the existing dwellings have been demolished. On 21/01/2025, pre-commencement conditions were discharged.
Highfield, The Common, Marlborough, Wilts, SN8 1DL	E18.11905	Full permission	Marlborough	Figures shown in the trajectories are based on a bed spaces-to-dwellings ratio in accordance with the PPG. C2 use - 12 additional bed spaces. Evidence of commencement sent to the council in January 2022 but development not progressed.
Land adjacent to Empress Way Ludgershall	E13.0234	Outline permission	Ludgershall	See 18/04346/REM.
Land Adjacent to Empress Way Ludgershall Wiltshire	18/04346/REM	Full permission	Tidworth/ Ludgershall	According to the developer's survey response dated 17/10/2024, the remaining 20 dwellings are scheduled to be built in 2025/26.
Land at Alcudia, The Ham	NP/E25	Neighbourhood Plan	Devizes CA Remainder	No recent residential planning applications or known plans at the site, but potential for the site to be developed in the medium-to-long term.

Site Address	Site reference	Planning status (at 31 March 2024)	Settlement / CA Remainder	5-year deliverability summary
Land at Barton Dene	NP/E36	Neighbourhood Plan	Marlborough	No recent residential planning applications. However, intention is to bring forward in conjunction with the Local Plan allocation on the adjacent site as agreed in the SoCG relating to Policy 46 (Land off Barton Dene, Marlborough).
Land At Empress Way, Ludgershall	20/06554/FUL	S106	Tidworth/ Ludgershall	A resolution to grant planning permission was made at committee on 10/08/2022, subject to the completion of a Section 106 agreement, which is now at its final stages. An Extension of Time (EoT) is in place until 12/06/2025. The build-out rate, with a maximum annual yield of 52 units, reflects the developer survey submitted in October 2024. This yield was deemed acceptable by the Planning Inspector in appeal decision APP/Y3940/W/24/3340811. Paragraph 111 of the decision states: “This site has a resolution to grant full planning permission, dating from August 2022. The delay in securing permission is related to nutrient neutrality. Because of the delays, further information and amendments to the proposal are required. Material in this regard has been submitted. There remain unresolved objections but the principles of the proposal have been agreed. Full permission is therefore likely to be forthcoming in a relatively timely manner. The housebuilder is the same as for the adjacent Phase 1 of the same scheme. This constitutes clear evidence that the dwellings will come forward within the five years and should therefore remain in the supply.”
Land at Kelham Gardens	NP/E38	Neighbourhood Plan	Marlborough	Full planning application PL/2023/02738 approved on 11 April 2025 for 9 dwellings.
Land at Marshall Road, Devizes, Wiltshire	PL/2021/07203	Outline permission	Devizes	See PL/2023/05033.
Land at Marshall Road, Devizes, Wiltshire	PL/2023/05033	Full permission	Devizes	A Commencement Notice was submitted on 17/04/2024, with a start date of 23/04/2024. All pre-commencement conditions have been discharged, and construction is currently underway. Forecasts are based on the developer's survey response dated 18/10/2024. This timeline is considered achievable, as Vistry has previously delivered an average of 72 dwellings per annum over three years (excluding the start-up year) at a comparable site - Westbury Sailing Lake (application ref. 17/12194/REM).

Site Address	Site reference	Planning status (at 31 March 2024)	Settlement / CA Remainder	5-year deliverability summary
Land at Sandlease Farm, Worton, Wiltshire	20/07932/OUT	Outline permission	Devizes CA Remainder	See PL/2022/08551.
Land at Sandlease Farm, Worton, Wiltshire	PL/2022/08551	Full permission	Devizes CA Remainder	A Commencement Notice was submitted on 28/09/2023, with a start date of 23/10/2023. Wiltshire Council mapping confirms that the site is well under construction.
Land at the Spring	NP/E33	Neighbourhood Plan	Devizes CA Remainder	Outline application PL/2023/10388 for up to 14 dwellings given resolution to grant permission at planning committee on 19/09/2024. S106 agreement being finalised.
Land east of Reed Place, Rowde, SN10 2GX	PL/2021/07576	Full permission	Devizes CA Remainder	A Commencement Notice was submitted on 08/01/2024, with the same date listed as the start of works. Given this, it is considered reasonable to expect completion of the 10-dwelling site in 2025/26.
Land north of Quakers Road, Devizes, Wiltshire SN10 2FH	21/02477/OUT	Outline permission	Devizes	Reserved matters application PL/2024/03117 for 54 dwellings was received on 26/03/2024 (prior to the 2024 base date) and approved on 17/12/2024. A Commencement Notice was submitted on 23/01/2025, with a start date of 17/02/2025. Given this timeline, first completions in 2025/26 are considered achievable.
Land off Cherry Orchard	NP/E37	Neighbourhood Plan	Marlborough	See PL/2021/11719.
Land off Coate Road, Devizes	PL/2021/04774	Outline permission	Devizes	In appeal decision APP/Y3940/W/22/3312268, the Inspector concluded that the absence of a five-year supply of deliverable housing sites triggers the presumption in favour of sustainable development. As such, the delivery of this site was deemed necessary to help address the shortfall. Reserved matters application PL/2024/09259 for 200 dwellings was approved on 26/03/2025. The yield forecast reflects the average delivery rate achieved by Bellway on other sites in Wiltshire over the past five years. The remaining DoC applications for pre-commencement conditions are currently under consultation, and it is therefore considered realistic for the first units to be completed on site by 2026/27.
Land off Firs Hill Way - Site A3	NP/E19	Neighbourhood Plan	Devizes CA Remainder	No recent residential planning applications or known plans at the site, but potential for the site to be developed in the medium-to-long term.
Land off Hillworth Road	NP/E05	Neighbourhood Plan	Devizes	Outline application PL/2022/00867 for 59 dwellings granted at appeal on 16 October 2023.

Site Address	Site reference	Planning status (at 31 March 2024)	Settlement / CA Remainder	5-year deliverability summary
Land off Lavington Lane, Devizes, West Lavington	20/09350/OUT	Outline permission	Devizes CA Remainder	See PL/2021/11899.
Land opposite Sawmills	NP/E31	Neighbourhood Plan	Devizes CA Remainder	No recent planning activity or known development plans suggest that the allocation will be delivered in the Local Plan period.
Land South of Lavington Lane, West Lavington	PL/2021/11899	Full permission	Devizes CA Remainder	Reserved matters application PL/2021/11899 for 50 dwellings was approved on 30/05/2022. All pre-commencement conditions have been discharged, and construction is underway. As of April 2024, completions have been observed on site, with council tax records confirming occupancy for these properties.
Land to the east of Lavington School	NP/E35	Neighbourhood Plan	Devizes CA Remainder	No recent residential planning applications or known plans at the site, but potential for the site to be developed in the medium-to-long term.
Land to the north of Marshall Road, Devizes, Wilts	PL/2022/05360	Outline permission	Devizes	Reserved matters application PL/2024/09128 was received on 07/10/2024 and is currently under consultation. As a result, the Council has adopted a cautious approach, forecasting first completions by 2029/30.
Land to the north of Marshall Road, Devizes, Wiltshire	E16.12285	Outline permission	Devizes	See PL/2022/05360.
Land West of Hillworth Road / John Rennie Close, Devizes, Wiltshire, SN10 5HD	PL/2022/00867	Outline permission	Devizes	Inspector concluded in appeal decision APP/Y3940/W/23/3317362 that the lack of a five-year supply of deliverable housing sites results in the presumption in favour of sustainable development. Therefore, the delivery of this site was considered necessary to help address the shortfall. However, without the submission of a reserved matters application at the 2024 base date, first delivery has been forecast for 2029/30.
Lottage Farm	NP/E39	Neighbourhood Plan	Marlborough CA Remainder	Outline application 21/01004/OUT for up to 32 dwellings approved on 19/09/2024 with signed S106 agreement. Therefore, first completions by 2029/30 is considered a realistic prospect.
Magistrates Court, Elcombe Gardens	NP/E11	Neighbourhood Plan	Devizes	1no. dwelling constructed under 18/03773/FUL. No known further development anticipated.
Marlborough Resource Centre, Cherry Orchard, Marlborough	PL/2021/11719	S106	Marlborough	A resolution to grant permission was made at Committee on 22/02/2024. The Section 106 agreement is progressing. Forecasts allow for discharge of conditions and site preparation

Site Address	Site reference	Planning status (at 31 March 2024)	Settlement / CA Remainder	5-year deliverability summary
Marlborough Road Site	NP/E01	Neighbourhood Plan	Pewsey CA	Site has been allocated by the local community which indicates the site's suitability for development. Timescales for development not known, but there is a reasonable prospect that the site will be available and could be viably developed by 2038.
Parnham Coaches, 31 Andover Road, Ludgershall	20/02272/FUL	S106	Tidworth/ Ludgershall	A resolution to grant permission was made at committee on 22/02/2024, with the decision notice issued on 12/12/2024. All pre-commencement conditions have been discharged. A commencement notice was submitted on 12/03/2025, confirming a start date of 17/03/2025. As such, initial completions are anticipated in 2025/26.
Railway Cuttings, Hillworth Road	NP/E07	Neighbourhood Plan	Devizes	Timescales for development longer term, but there is a reasonable prospect that the site will be available and could be viably developed by 2038.
Ryeleaze Field - Site A5	NP/E21	Neighbourhood Plan	Devizes CA Remainder	No recent residential planning applications or known plans at the site, but potential for the site to be developed in the medium-to-long term.
Seymour Court, Blackmans Lane, Burbage, SN8 3TW	PL/2022/06850	Full permission	Pewsey CA	Pre-commencement conditions have been discharged under applications PL/2024/07653, PL/2024/07476, and PL/2024/05176. As a result, demolition of the existing building is considered feasible by 2025/26, with new unit completions anticipated in the subsequent years.
South of the "Meadows", Hartmoor Road.	NP/E10	Neighbourhood Plan	Devizes	No recent planning activity or known development plans suggest that the allocation will be delivered in the Local Plan period. Site owner has indicated they will not be pursuing development on this site.
Southcliffe	NP/E34	Neighbourhood Plan	Devizes CA Remainder	Site has been allocated by the local community which indicates the site's suitability for development. Timescales for development not known, but there is a reasonable prospect that the site will be available and could be viably developed by 2038.
St Peters Junior School, The Parade, Marlborough, SN8 1LQ	PL/2021/03930	Full permission	Marlborough	Full application (PL/2021/03930) approved for 15 dwellings and is currently under construction, with first 7 units forecast to complete in 2025/26.
Stonebridge House, Nursteed Road	NP/E03	Neighbourhood Plan	Devizes	Timescales for development longer term, but there is a reasonable prospect that the site will be available and could be viably developed by 2038.
Village Hall, Mill Street	NP/E45	Neighbourhood Plan	Devizes CA Remainder	No recent planning activity or known development plans suggest that the allocation will be delivered in the Local Plan period.

Site Address	Site reference	Planning status (at 31 March 2024)	Settlement / CA Remainder	5-year deliverability summary
Wadworth Warehouse, Northgate St	NP/E16	Neighbourhood Plan	Devizes	No recent planning activity or known development plans suggest that the allocation will be delivered in the Local Plan period. Landowner indicates the site will be retained for commercial purposes.
Whole of Garden Trading Est	NP/E13	Neighbourhood Plan	Devizes	No recent planning activity or known development plans suggest that the allocation will be delivered in the Local Plan period. Town council have indicated that the site will be retained for commercial purposes.
Wildmans Garage	NP/E30	Neighbourhood Plan	Devizes CA Remainder	Planning application PL/2024/07035 for five dwellings refused on 29/11/2024. Taken to appeal and awaiting decision.
Wiltshire Police, George Lane, Marlborough, Wiltshire, SN8 4DB	20/07915/OUT	Outline permission	Marlborough	Not enough information available to include in the 5-year supply.
York Place, St Martins, Marlborough	PL/2023/03305	S106	Marlborough	A resolution to grant permission was made at Committee on 21/03/2024. The Section 106 was signed and full permission granted on 16/04/2025. First completion forecast in 2027/28 to allow for conditions to be discharged and for demolition of existing building.
North & West Wiltshire HMA				
"Land at Sutton Lane Sutton Benger SN15 4RR"	20/03487/FUL	Full permission	Chippenham CA Remainder	The agent/developer returned a developer survey (Oct 2024) which confirms the build out rate that is set out in this trajectory. The Commencement of Development Notice on file notes that construction commenced in August 2023.
"Land South of Low Lane, Calne, SN11 8EQ"	PL/2022/09034	Full permission	Calne	Reserved Matters application approved in September 2023. The Commencement of Development notice returned by the developer is dated 16/09/2024.
1-4 Avon Heights, Monkton Hill, Chippenham, SN15 1ER	21/00286/PNCOU	Full permission	Chippenham	Development has commenced, with site fenced, site office installed and conversion works underway.
17 Station Hill, Chippenham, SN15 1EQ	20/06500/FUL	Full permission	Chippenham	Change of use proposal. Development of the site has commenced as per walk-by site visit completed by Wiltshire Council in November 2024.

Site Address	Site reference	Planning status (at 31 March 2024)	Settlement / CA Remainder	5-year deliverability summary
26 Fore Street, Trowbridge	21/01148/FUL	Full permission	Trowbridge	Commencement notice received from developer in March 2022. Condition 5 (Mechanical Ventilation Heat Recovery) discharged April 23.
3 High Street, Warminster, BA12 9AG	19/04315/FUL	Full permission	Warminster	Application not coming forward after demolition of existing building. New application under consultation for 11 flats (PL/2024/04333).
54 Woodmarsh	NP/NW32	Neighbourhood Plan	Trowbridge CA Remainder	Outline application for 23 units under consultation(PL/2021/09739)
6 Orchard Court, Arches Lane, Malmesbury, SN16 0ED	PL/2024/00117	Full permission	Malmesbury	Development comprises 1 additional bed spaces in C2 use. Figures shown in the trajectories are based on a bed spaces-to-dwellings ratio in accordance with the PPG.
7, 8 and 9 Back Street	W07.3403	Full permission	Trowbridge	Permission extant, but expected to be developed over the longer term.
AB Carter Haulage Contractors, 14 Happy Land	2/LPA/11	District Local Plan Allocation	Malmesbury CA Remainder	20/09696/FUL - application for 10 dwellings approved in September 2022.
AB Carter Haulage Contractors, 14 Happy Land	NP/NW06	Neighbourhood Plan	Malmesbury CA Remainder	20/09696/FUL - application for 10 dwellings approved in September 2022.
Ashton Street Centre, Ashton Street	PL/2021/09909	S106	Trowbridge	S106 agreed and application subsequently approved on 18/10/2024. No DoC applications submitted, but with detailed permission on the site, it is a realistic prospect to expect first completions to deliver within 5 years. Additionally, Wiltshire Council established Stone Circle (the applicant) as a Local Housing Company in 2019 to provide additional housing solutions complementing the Council's internal efforts.
Backbridge Farm Site 3A & Punters Farm Site 15	NP/NW01	Neighbourhood Plan	Malmesbury	16/06401/FUL - Application for 201 dwellings approved on 22/10/2021. COD dated 28/02/2022
Bore Hill Farm	H2.8	DPD Allocation	Warminster	Planning application for 80 dwellings under consultation (PL/2022/07120). Application for 95 dwellings withdrawn (PL/2022/00473).

Site Address	Site reference	Planning status (at 31 March 2024)	Settlement / CA Remainder	5-year deliverability summary
Bugley Barton Farm, Land South of Victoria Road, Warminster	17/01463/FUL	Full permission	Warminster	Approved on 22nd October 2022. Site has been sold on to Keepmoat Homes in August 2024 who are promoting site on their website. S73 application submitted by Keepmoat in February 2025 to vary the approved scheme, deed of variation to amend the approved S106 agreement accordingly, and discharge of conditions related to ecology and lighting. Extension of time agreed to 1 July 2025.
Burton Hill Site 6, Malmesbury PCC Site 11 & Malmesbury PCC Site 10	NP/NW02	Neighbourhood Plan	Malmesbury	PL/2021/04960 - RM application for 21 dwellings approved in February 2022
Caring Hands (Wiltshire) Battlelake Farm Braydon SN5 0AA	20/00806/FUL	Full permission	Royal Wootton Bassett & Cricklade CA Remainder	Development comprises 6 additional bed spaces in C2 use. Figures shown in the trajectories are based on a bed spaces-to-dwellings ratio in accordance with the PPG.
Church Farm, Church Street, Hilperton, Trowbridge, Wiltshire	20/09998/FUL	Full permission	Trowbridge CA Remainder	Developer survey confirms build out to be complete by end of 2024/25.
Church Lane	H2.4	DPD Allocation	Trowbridge	Outline permission (18/10035/OUT) permitted in June 2024 for 'up to 55 dwellings'.
Clarks Mill and Mill House Stallard Street Trowbridge Wiltshire BA14 8HH	PL/2022/00462	Full permission	Trowbridge	Last part of development.
Cotswold Community School Cotswold Community Ashton Keynes Wiltshire	N16.2609	Outline permission	Malmesbury CA Remainder	Reserved application (21/02520/REM) was approved on 15/12/2022. Variation of condition application (PL/2024/05339) to amend approved materials was approved on 15/01/2025. Commencement of development notice was submitted to the Council and dated 12/08/2023.
Cotswold Community, Ashton Keynes, SN6 6QU	21/02520/REM	Full permission	Malmesbury CA Remainder	A Developer survey returned by the agent/developer confirms that they anticipate the whole development to be completed by 2026

Site Address	Site reference	Planning status (at 31 March 2024)	Settlement / CA Remainder	5-year deliverability summary
Court Orchard / Cassways	H2.13	DPD Allocation	Westbury CA Remainder	Reserved matters for 31 dwellings approved in Jan 2024 (PL/2023/07170).
Court Street	5/LPA/21	District Local Plan Allocation	Trowbridge	Prior Approval PL/2024/05743 from offices to 8 dwellings approved on 02/08/2024.
Courtfield House, Polebarn Road, Trowbridge, BA14 7EG	18/04656/FUL	Full permission	Trowbridge	COD Notice dated 06/03/2023. New build units expected to be completed in 2024/25. Conversion of Courtfield House expected to complete in the following year.
Derelict Cottage Farm	NP/NW26	Neighbourhood Plan	Royal Wootton Bassett & Cricklade CA Remainder	Site has been allocated by the local community which indicates the site's suitability for development. Timescales for development not known, but there is a reasonable prospect that the site will be available and could be viably developed by 2038.
Eastleigh Stables, Bishopstrow Road, Bishopstrow, Warminster, Wilts, BA12 9HW	PL/2021/04839	Full permission	Warminster CA Remainder	Development comprises 6 additional bed spaces in C2 use. Figures shown in the trajectories are based on a bed spaces-to-dwellings ratio in accordance with the PPG.
Elizabeth Way	H2.3	DPD Allocation	Trowbridge	Allocation taken forward by three developers: See 20/09701/FUL, PL/2021/08554 & 20/07751/FUL.
Elm Grove Way	H2.1	DPD Allocation	Trowbridge	Development had outline permission pre base date (19/11459/OUT - up to 261 dwellings) and subsequently reserved matters permission (PL/2022/09425 - 248 dwellings). Site has now commenced.
Elwood House, Former A429, Stanton St Quintin	20/11517/FUL	Full permission	Chippenham CA Remainder	The developer/agent has submitted a Commencement of Development Notice dated 06/03/2023. Wiltshire Council mapping shows that all 12 units have been completed.
Former AB Carter Haulage Contractors, 14 Happy Land, Ashton Keynes, Wiltshire, SN6 6PN	20/09696/FUL	Full permission	Malmesbury CA Remainder	Full planning application approved on 7th September 2022. Construction of the development had commenced as of September 2023 as per Google Street View imagery.
Former MOD Rudloe No. 2 Westwells Road Hawthorn Rudloe	N14.11354	Outline permission	Corsham CA Remainder	Development has not commenced on site due to outstanding conditions that are required for discharge relating to both the Outline and Reserved Matters permissions.

Site Address	Site reference	Planning status (at 31 March 2024)	Settlement / CA Remainder	5-year deliverability summary
Former MOD Rudloe No.2, Westwells Road, SN13 9RA	19/07339/REM	Full permission	Corsham CA Remainder	There has been a time-lag between the date at which the application was approved (11/06/2021) and the most recent correspondence on file between the applicant/agent and Wiltshire Council from February 2023 noting issues with signing s278 + need to discharge pre-commencement conditions.
Former Sydenhams Yard, Bradley Lane, Maiden Bradley, BA12 7JR	PL/2021/08100	Full permission	Warminster CA Remainder	Remaining dwellings to complete in 2024/25.
Former Wiltshire College, Cocklebury Road, Chippenham, SN15 3QD	PL/2022/03760	Full permission	Chippenham	This application sought approval for later living accommodation which constitutes planning use class C2. The agent confirms that the development is unlikely to be built out due to withdrawal of funding.
Former Wiltshire College, Cocklebury Road, Chippenham, SN15 3QD	PL/2022/03760	Full permission	Chippenham	Development comprises 69 additional bed spaces in C2 use. Figures shown in the trajectories are based on a bed spaces-to-dwellings ratio in accordance with the PPG.
Foundary Lane	2/LPA/18	District Local Plan Allocation	Chippenham	See Planning Application 19/12100/REM for 329 dwellings which was approved on 03/07/2023 with the Commencement of Development notice submitted to the Council dated 01/09/2023.
Gable House, 46 High Street, Malmesbury, SN16 9AT	20/06887/FUL	Full permission	Malmesbury	Full planning application approved in March 2023.
Garages at land West of 10 King Street Melksham SN12 6HD	20/02677/FUL	Full permission	Melksham	Although the council forecast delivery of units in 2025/26, clear that site is entering final stages of conversation and will likely complete in November 2024.
Goldenley Care Home Forest Lane Chippenham SN15 3YQ	19/06116/FUL	Full permission	Chippenham	Figures shown as a loss are based on a bed spaces-to-dwellings ratio of 1.83 in accordance with the 2011 Census figures. C2 use - 18 lost bed spaces equates to 10 dwelling equivalent. Net loss of 4 dwelling equivalent.

Site Address	Site reference	Planning status (at 31 March 2024)	Settlement / CA Remainder	5-year deliverability summary
Ground and First Floor Block C, The Pavilions, Windsor Road, Trowbridge, Wiltshire	PL/2021/07628	Full permission	Trowbridge	Site visit on 03 July 2024 shows photos of progress on site, with drywall up and kitchens fitted and therefore, expected to complete in 2024/2025.
Heywood House, Park Lane	W07.1377	Full permission	Westbury CA Remainder	Permission will have now expired - new dwellings do not seem to have been built out as per aerial imagery.
Hill House Nursing Home	N09.0362	Full permission	Malmesbury CA Remainder	Development comprises 12 additional bed spaces in C2 use. Figures shown in the trajectories are based on a bed spaces-to-dwellings ratio in accordance with the PPG.
Hooks Hill	NP/NW25	Neighbourhood Plan	Royal Wootton Bassett & Cricklade CA Remainder	20/04338/FUL - refurbishment of 25 flats and construction of 4 dwellings approve in December 2020. Construction underway/largely complete as per Google Street View (September 2023)
Innox Mills, Trowbridge	PL/2021/08064	S106	Trowbridge	Hybrid permission (PL/2021/08064) granted for full permission for 12 apartments and outline permission for 243 dwellings. The site's trajectory has been set out within Statement of Common Ground for the Wiltshire Local Plan Review allocation.
Kingston Mills, Kingston Road	W06.2394	Full permission	Bradford on Avon	1 remaining dwelling likely to be complete
Land At Ambulance Headquarters, Malmesbury Road, Chippenham, SN15 5LN	20/05495/FUL	Full permission	Chippenham	COD Notice dated 26/07/2024. All pre-commencement conditions discharged.
Land at Backbridge Farm, Malmesbury, Wiltshire	16/06401/FUL	Full permission	Malmesbury	Developer Survey (Oct 2024) states completion in 2025/26 and confirms build out rate.
Land At Broadfield Farm, Great Somerford, SN15 5EL	21/01950/FUL	Full permission	Malmesbury CA Remainder	Full planning application approved in March 2022. Unilateral Undertaking agreement completed in March 2025. The developer/agent submitted a Commencement of development Notice to the local authority dated 18/12/2023.

Site Address	Site reference	Planning status (at 31 March 2024)	Settlement / CA Remainder	5-year deliverability summary
Land at Burton Hill Burton Hill Malmesbury Wiltshire	16/11603/OUT	Outline permission	Malmesbury	A Commencement of Development notice dated 18/07/2022 was submitted to the local authority. WC mapping shows that the majority of the site has been built out as of May 2025.
Land at Chippenham Road, Lyneham, SN15 4PA	PL/2022/07119	Full permission	Royal Wootton Bassett & Cricklade CA Remainder	COD Notice dated 29/11/24. Bellway are advertising the site on their website. Forecast yields reflect developer survey from January 2025.
Land at Elizabeth Way, Hilpertown, Trowbridge	20/09701/FUL	Full permission	Trowbridge	Commencement notice received September 2024. Site visit in May 2025 confirms highway works undertaken, internal road layout started and several plots are under construction. Forecasts in line with developer survey.
Land at Elm Grove, Drynham Lane, Trowbridge, Wiltshire, BA14 0PL	19/11459/OUT	Outline permission	Trowbridge	The Reserved Matters application (PL/2022/09425 - 248 dwellings) was submitted prior to the trajectories base date (submitted on 7/12/2022) and approved on 05/12/2024. The subsequent Commencement of Development Notice for the development is dated 20/01/2025. Site visit in April 25 confirmed groundworks were being undertaken on site.
Land at Filands Road / Jenners Lane, Malmesbury, SN16 9GT	PL/2023/00958	Full permission	Malmesbury	COD Notice dated 15/01/2024. Correspondence on file from developer confirming first occupation in December 2024. Yields comparable to adjacent sites also built out by Bloor (Land South of Filands)
Land at Green Farm, Chippenham Road, Lyneham SN15 4PA	19/03199/OUT	Outline permission	Royal Wootton Bassett & Cricklade CA Remainder	The Reserved Matters application for up to 200 dwellings was approved January 2024 (PL/2022/07119) and the subsequent Commencement of Development notice is dated 22/11/2024.
Land at Grove Farm Bincknoll Lane Royal Wootton Bassett Swindon Wiltshire SN4 8BD	18/06442/FUL	Full permission	Royal Wootton Bassett	The full planning application was approved on 07/02/2019. Google Street View imagery from August 2023 shows completions on site. 2025 Wiltshire Council mapping shows development mostly/if not fully built out.
Land at Hunters Moon Chippenham Wiltshire	16/12493/FUL	Outline permission	Chippenham	Site under construction and nearing completion.
Land at Hunters Moon Chippenham Wiltshire	N18.0401	Full permission	Chippenham	Approved in July 2018. Remaining plots in location of sales office and car park.

Site Address	Site reference	Planning status (at 31 March 2024)	Settlement / CA Remainder	5-year deliverability summary
Land at Hunters Moon Chippenham Wiltshire	N16.12493	Full permission	Chippenham	Developer survey confirms that this phase of Hunters Moon development is now complete (dated: 17/10/2024)
Land at Hunters Moon, Chippenham	20/06824/REM	Full permission	Chippenham	A developer survey (December 2024) confirms that this phase of development is now complete.
Land at North Chippenham, Hill Corner Road, East of A350, Chippenham	N/12/00560/OUT	Outline permission	Chippenham	Various Reserved Matters applications have been approved for several different phases/parcels of the overall development (18/01102/REM, 17/07413/REM, 18/08316/REM, 18/04224/REM, 17/08741/REM, 18/07826/REM, 18/01610/REM)
Land at North Chippenham, Hill Corner Road, West of A350, Chippenham	20/11468/REM	Full permission	Chippenham	Reserved Matters application (20/11468/REM) approved in November 2021. Development mostly built out as per Wiltshire Council's mapping.
Land at Northcote	NP/NW27	Neighbourhood Plan	Royal Wootton Bassett & Cricklade CA Remainder	Site has been allocated by the local community which indicates the site's suitability for development. Timescales for development not known, but there is a reasonable prospect that the site will be available and could be viably developed by 2038.
Land at Patterdown Road	16/09277/OUT	Outline permission	Chippenham	See 19/00098/REM.
Land at Patterdown Road, Chippenham	19/00098/REM	Full permission	Chippenham	Developer survey (October 2024), remaining 17 dwellings to be completed after HV diversion.
Land at Phase 2, Star Ground, Station Road, Holt, Wiltshire.	PL/2021/09777	Full permission	Bradford on Avon CA Remainder	COD notice dated 20/03/2023.
Land at Pound Farm South View Lyneham Wiltshire	20/02387/OUT	Outline permission	Royal Wootton Bassett & Cricklade CA Remainder	Commencement of Development notice on file is dated 08/08/2022.
Land at Pound Farm, South View, Lyneham	PL/2021/09817	Full permission	Royal Wootton Bassett & Cricklade CA Remainder	Reserved Matters application (PL/2021/09817) approved in March 2022. Commencement of development in August 2022. Non-Material Amendment to amend the materials of certain plots approved in December 2023. Google Streetview imagery from June 2023 shows completions on site. Wiltshire Council Mapping (May 2025) shows development mostly (if not completely) built out.

Site Address	Site reference	Planning status (at 31 March 2024)	Settlement / CA Remainder	5-year deliverability summary
Land at Purton Road, Swindon	20/10523/OUT	Outline permission	Royal Wootton Bassett & Cricklade CA Remainder	Outline permission was granted at appeal on 23/11/2023. The Inspector concluded in appeal decision APP/Y3940/W/21/3275053 that the lack of a five-year supply of deliverable housing sites results in the presumption in favour of sustainable development. Therefore, the delivery of this site was considered necessary to help address the shortfall. There has not been a Reserved Matters application submitted as of yet (however a pre-app response in relation to the RM was issued Nov 2024).
Land at Rawlings Farm, Cocklebury Lane, Chippenham, Wiltshire, SN15 3LR	15/12351/OUT	Outline permission	Chippenham	Outline consent for housing, employment, primary school and associated infrastructure granted October 2021. Variation application submitted April 2025 to vary layout and highways currently under consideration. Two Reserved Matters applications are currently submitted and undetermined in relation to this site: PL/2024/09507 (for 454 dwellings) and PL/2024/09507 (for 196 dwellings) for housing aspects of the development. Delivery anticipated to be outside the immediate five year period whilst variation on outline permission is being considered.
Land at Regents Park, Calne	20/07659/OUT	Outline permission	Calne	There is currently a Reserved Matters application (PL/2024/08991) under consideration. A revised site masterplan was submitted in January 2025 in response to consultation comments (including Highways). If this application approved in the 25/26 period, commencement would likely take place in 26/27.
Land at Restrop Road	NP/NW30	Neighbourhood Plan	Royal Wootton Bassett & Cricklade CA Remainder	Site complete
Land at Restrop Road, Purton, SN5 4BP	PL/2023/02576	Full permission	Royal Wootton Bassett & Cricklade CA Remainder	COD Notice dated 31/01/2024.
Land at Restrop Road, Purton, Swindon, Wiltshire, SN5 4BP	21/01155/OUT	Outline permission	Royal Wootton Bassett & Cricklade CA Remainder	Reserved Matters application (PL/2023/02576) which includes a discharge of condition application for several outline planning conditions submitted in March 2023 and approved in February 2024. Commencement of development notice on file dated 31/01/2024.
Land at Saltersford Lane, Chippenham	PL/2022/06612	Outline permission	Chippenham	The Reserved Matters Application (PL/2024/11691) is currently under consultation. The initial Outline application was allowed at appeal (APP/Y3940/W/21/3275053), where the inspector concluded that the lack of a five-year supply of deliverable housing sites results in the presumption in favour of sustainable development, with the site helping to address the shortfall.

Site Address	Site reference	Planning status (at 31 March 2024)	Settlement / CA Remainder	5-year deliverability summary
Land at Semington Road, Melksham, Wilts	20/01938/OUT	Outline permission	Melksham	The Reserved Matters application (PL/2022/02749) was approved in May 2023. Commencement of Development notice on file dated 21/08/2023.
Land at Semington Road, Melksham, Wilts	PL/2022/02749	Full permission	Melksham	Site under construction with completions in 2024/25.
Land at Showell Farm, Patterdown Road, Showell, Chippenham, SN15 2NT	18/04241/OUT	Outline permission	Chippenham	Reserved Matters application (PL/2022/07442) was approved 01/12/2023 and the subsequent Commencement of Development Notice is dated 01/07/2024.
Land at Showell Farm, Patterdown Road, Showell, Chippenham, SN15 2NT	PL/2022/07442	Full permission	Chippenham	Development comprises 74 additional bed spaces in C2 use. Figures shown in the trajectories are based on a bed spaces-to-dwellings ratio in accordance with the PPG. COD Notice dated: 01/07/2024
Land at Showell Nurseries Showell Chippenham Wiltshire SN15 2NU	17/08554/OUT	Outline permission	Chippenham CA Remainder	Commencement of Development Notice dated 17/02/2025.
Land at Showell Nurseries, Showell, Chippenham, Wiltshire, SN15 2NU	20/11654/REM	Full permission	Chippenham	Duplicate reserved matters application PL/2023/06727, validated 08 August 2023, approved 29 August 2024. There is a Commencement of Development notice on file from the developer/agent that is dated 17/02/2025. Site visit on 19 May 2025 saw site prep work underway, with a few plots approaching oversite level.
Land at Silver Street Calne Wiltshire	N16.4124	Full permission	Calne	Approved in February 2018. COD dated 19/03/2018

Site Address	Site reference	Planning status (at 31 March 2024)	Settlement / CA Remainder	5-year deliverability summary
Land at the proposed West Warminster Urban Extension North of Victoria Road & to the West of Bath Road Comprising approx. 84 hectares Warminster Wilt	15/01800/OUT	Outline permission	Warminster	Strategic site allocation from the Wiltshire Core Strategy, being built out by Persimmon Homes. Phase 1 (145 dwellings) - see permission record PL/2021/07207. Phase 2 - reserved matters application PL/2022/08898 for 168 dwellings validated 16/11/2022. Natural England ratified the ecology team's HRA AA with no objection subject to securing the mitigation proposed by Persimmon which provided a comprehensive approach to ensure the floating wetland achieves the nutrient reductions required to meet phosphorus neutrality requirements; Wiltshire Council as the competent authority, signed off the HRA and subsequently approved the application on 21/05/2024. Reserved matters for phase 3 of the site for 193 dwellings was validated on 07/05/24 and had an accompanying Nutrient Neutrality Assessment and Mitigation Strategy which follows the approach approved at phase 2. Permission was granted on 12 December 2024. Forecasts in line with developer survey. Persimmon capable of achieving yields - on the Castlemead site in Trowbridge (650 dwellings, same HMA), they averaged 116 completions per annum (not including start-up and wind-down years).
Land at The Street	NP/NW36	Neighbourhood Plan	Chippenham CA Remainder	PL/2024/03115 Reserved Matters for up to 71 dwellings approved in January 2025 (pursuant to outline 20/10972/OUT)
Land at The Street, Hullavington	20/10972/OUT	Outline permission	Chippenham CA Remainder	The Reserved Matters application (PL/2024/03115) for the 71 dwellings was approved on 08/01/2025. Commencement of Development Notice dated 10.03.2025. Trajectories have been inputted corresponding to the Developer Survey which was received from the applicant/agent and dated 25/10/2024.
Land at West Street	5/LPA/55	District Local Plan Allocation	Warminster	No applications submitted for residential development at the site in recent years.
Land at Westbury Sailing Lake Station Road Westbury Wiltshire	W17.1314	Outline permission	Westbury	Reserved Matters application was approved in March 2019 (17/12194/REM) for 285 units. The development is largely complete and as such, the remaining 15 units in the outline permission are unlikely to be implemented.
Land at Westbury Sailing Lake, Station Road, Westbury, Wiltshire,	W17.12194	Full permission	Westbury	Site nearing completion.

Site Address	Site reference	Planning status (at 31 March 2024)	Settlement / CA Remainder	5-year deliverability summary
Land East of Damask Way and East of Upper Marsh Road and North of Smallbrook Lane, Warminster BA12 9PP	17/12348/OUT	Outline permission	Warminster	Reserved Matters application (20/07214/REM) pursuant to 17/12348/OUT was withdrawn by the applicant.
Land North of Folly Farm Warminster	19/09428/FUL	Full permission	Warminster	COD notice dated 05/04/2021.
Land north of Grovelands Way Warminster BA12 8TB (Extra care element)	W17.5360	Outline permission	Warminster	17/05360/OUT varied to 19/07198/VAR. RM for zones A,B,Ea,Eb submitted in June 2023 - PL/2023/04318. Ongoing phosphate issue to be resolved. Most recent correspondence on file from August 2023. Email from agent noting development has not commenced as of 25/10/2024. Development comprises 85 additional bed spaces in C2 use. Figures shown in the trajectories are based on a bed spaces-to-dwellings ratio in accordance with the PPG.
Land north of Grovelands Way Warminster BA12 8TB (Retirement bungalows)	19/07198/VAR	Outline permission	Warminster	Reserved matters application PL/2023/00956 submitted February 2023 for retirement bungalows (Zone D). Revised plans submitted in June/July 2023. Applicants secured credits for nutrient neutrality to ensure a positive Appropriate Assessment and to allow permission to be granted. Application approved 18/10/2024.
Land North of Grovelands Way, Warminster., BA14 8JN (Care home element)	PL/2021/03889	Full permission	Warminster	NMA submitted May 2023 by operator indicating willingness to progress development. Further NMA submitted in December 2024 and approved January 2025. Development comprises 62 additional bed spaces in C2 use. Figures shown in the trajectories are based on a bed spaces-to-dwellings ratio in accordance with the PPG.
Land North of Hill Corner Road Land Parcel B3 & B5 Chippenham Wiltshire	19/08039/VAR	Full permission	Chippenham	Variation of Conditions 1,5,6,7 application relevant to Reserved Matters application (18/07826/REM) was approved on 20/12/2019. Wiltshire Council mapping shows that the development is approaching completion.
Land north of St George's Road, Semington	19/02147/OUT	Outline permission	Melksham CA Remainder	Appeal granted for outline permission on 10/09/2021. Inspector concluded in appeal decision APP/Y3940/W/19/3236860 that the lack of a five-year supply of deliverable housing sites results in the presumption in favour of sustainable development. Reserved Matters (PL/2023/10561) approved 02/08/2024.

Site Address	Site reference	Planning status (at 31 March 2024)	Settlement / CA Remainder	5-year deliverability summary
Land North of Victoria Road & to the West of Bath Road, Phase 1, Land North of Victoria Road, Warminster	PL/2022/04343	Full permission	Warminster	COD Notice dated 01/11/2023. Google Street View (April 2024) shows several completions on site.
Land North of Webbs Court, Lyneham	PL/2021/11175	Outline permission	Royal Wootton Bassett & Cricklade CA Remainder	Reserved Matters application (PL/2023/09551) for 56 dwellings approved in October 2024. Estimated commencement in 2026/27. Development on neighbouring site being carried out by the same housebuilder at Pound Lane (PL/2021/09817) has commenced.
Land north of Westbury Road and west of Court Orchard, Bratton	PL/2021/05259	Outline permission	Westbury CA Remainder	Reserved Matters application (PL/2023/07170) for 31 dwellings was approved in January 2024.
Land north of Westbury Road and west of Court Orchard, Bratton, Wiltshire	PL/2023/07170	Full permission	Westbury CA Remainder	A Commencement of Development Notice was submitted to Wiltshire Council dated 01/05/2024. Developer Survey (October 2024) confirms build out rate.
Land off Frome Road, Upper Studley, Trowbridge	20/09659/FUL	Full permission	Trowbridge	Agent notes that development likely to commence in 2025.
Land off Melksham Road, Holt	PL/2022/03315	Outline permission	Bradford on Avon CA Remainder	Reserved matters application PL/2024/04625 refused at committee on design grounds on 05/02/2025. Application has now been taken to appeal, which is under consideration. Therefore, with no detailed permission existing on the site, delivery within five years can not be justified. However, with an appeal being lodged almost immediately and discharge of conditions applications being submitted soon after outline approval, the pro-active approach from the applicant to progress the application, gives confidence that an acceptable scheme could come forward from at least 2029/2030.
Land off of Elizabeth Way, Hilperton, Wiltshire, BA14 7	PL/2021/08554	Full permission	Trowbridge	Site under construction, forecasts in line with developer survey.

Site Address	Site reference	Planning status (at 31 March 2024)	Settlement / CA Remainder	5-year deliverability summary
Land off Oldfield Road	5/LPA/49	District Local Plan Allocation	Westbury	Saved former District Plan allocation
Land off Oxford Road	N11.3524	Outline permission	Calne	Wiltshire Council mapping (2025) shows that development is mostly (if not completely) built out as of May 2025.
Land off Park Road, Malmesbury, SN16 0QW	19/05898/OUT	Outline permission	Malmesbury	Outline planning permission (19/05898/OUT) granted at appeal (PP/Y3940/W/21/3286853) on 26th September 2022. Paragraph 74 of the Appeal decision stated "the Council's approach to improving housing supply relies in part on sites such as these coming forward.". Conditions attached to the Appeal decision set out reduced timescales to submit Reserved Matters application and to implement the permission. A Reserved Matters application (PL/2023/07797), was submitted before the 1-year deadline outlined above on 12th September 2023. Despite being recommended approval by the planning officer, the scheme was refused at planning committee and has subsequently been taken to appeal (APP/Y3940/W/25/3361710) with a start date of 24/03/2025. In the disputed sites discussion from another appeal decision ref: APP/Y3940/W/24/334081, the Inspector stated in Paragraph 104: "The speed of the submission of the reserved matters application and the special conditions requiring quick delivery point to a proposal that will likely come forward quickly. This is clear evidence of deliverability within five years and the dwellings should therefore remain in the supply.". However, given the application is currently at appeal, the council can not justify the delivery of a site within 5 years, but it is considered a realistic prospect that an acceptable scheme pursuant to the outline permission can be delivered in the plan period.
Land off Potley Lane, Corsham, Wiltshire, SN13 9RX	20/03234/FUL	Full permission	Corsham	Wiltshire Council mapping shows site complete in 2024/25.
Land off Silver Street and White Horse Way	N11.3628	Outline permission	Calne	Reserved Matters application (13/06774/REM) for 72 dwellings approved in August 2014. Wiltshire Council mapping shows that the development is mostly (if not completely) built out as of May 2025.

Site Address	Site reference	Planning status (at 31 March 2024)	Settlement / CA Remainder	5-year deliverability summary
Land off St George's Road, Semington, Melksham, Wilts	PL/2022/01367	Full permission	Melksham CA Remainder	Commencement notice submitted on 02/04/2024 with commencement date of 08/04/2024. As the site has commenced, it is realistic that the site will complete by 2026/27 as the council has forecast.
Land off Station Road Westbury Wiltshire	17/07548/FUL	Full permission	Westbury	Wiltshire Council mapping system shows site nearing completion (April 2025)
Land off the A363 at White Horse Business Park	H2.2	DPD Allocation	Trowbridge	Two applications relate to the allocation. Full planning application PL/2022/05426 (62 dwellings) under consultation. Outline application 20/03641/OUT (70 dwellings) - resolution to grant permission subject to signing of the s106 agreement (March 25).
Land off the B4069 East of Barrow Farm, Langley Burrell, Chippenham	PL/2022/04681	Outline permission	Chippenham	Outline permission granted at appeal (3309170) where the Inspector concluded that the site would help address the shortfall in housing and based on what they had heard at the appeal, that the site would be deliverable within 5 years. Reserved Matters application submitted in July 2024 (PL/2024/05355), so would have likely started being prepared prior to base date. Developer survey dated 20/11/2024 confirms projected build out rate based on two outlets on-site (Barratt and David Wilson Homes).
Land off Wesley Lane	NP/NW39	Neighbourhood Plan	Trowbridge CA Remainder	Full application currently live for 30 dwellings (PL/2022/05416).
Land Rear of 54 Woodmarsh, North Bradley	PL/2021/09739	S106	Trowbridge	Outline application given resolution to grant subject to S106 agreement on 13/04/2024. A series of EoTs have been agreed since then as outstanding issues related to the legal agreement are being resolved. This is reflected in the trajectory and likely delivery in the medium term.

Site Address	Site reference	Planning status (at 31 March 2024)	Settlement / CA Remainder	5-year deliverability summary
Land south east of Trowbridge	15/04736/OUT	S106	Trowbridge	Wiltshire Core Strategy allocation. Outline application currently live and has resolution to grant subject to legal agreement, most recently in January 2023. Due to length of time that has passed to agree the legal agreements on the site, changes to the various contributions have been negotiated, a revised Environmental Statement, BNG metrics, green infrastructure plans have been submitted in February 2024 which are currently subject to consultation. In November 2024 part of site was sold to Barratt and Redrow to operate further outlets from the site which will increase the likely build out rates. Developer survey from Persimmon (Oct 2024) was used to help inform forecasts for their parcels. Likely start date moved back from Persimmon forecast given outline permission not yet granted and discharge of conditions still required. Developer survey response has indicated Persimmon's Phase 1 reserved matters has been prepared and agreed through pre- app, and ready to be formally submitted simultaneously with grant of Outline.
Land South of Broad Town Primary School, Broad Town Road, Broad Town, SN4 7RE	19/03874/OUT	Outline permission	Royal Wootton Bassett & Cricklade CA Remainder	The application was approved at appeal on 27/05/2021. This appeal decision was challenged (for statutory review) however this challenge was unsuccessful. There have been no subsequent Reserved Matters application(s) submitted at the site to date (May 2025) and as such this permission has now expired.
Land South of Low Lane, Calne, Wiltshire, SN11 8EQ.	19/11601/OUT	Outline permission	Calne	The Reserved Matters application (PL/2022/09034) was granted in September 2023. The Commencement of Development notice was submitted to Wiltshire Council and dated 16/12/2024.
Land South of Sandhole Lane Westbury	20/11515/OUT	Outline permission	Westbury	Following the approval of the Outline application at appeal, the subsequent Reserved Matters application (PL/2022/09817) was approved in February 2024. The developer/agent submitted a Commencement of Development Notice to Wiltshire Council which was dated 02/09/2024.
Land South of Sandhole Lane Westbury	PL/2022/09817	Full permission	Westbury	Developer Survey (October 2024) confirms build out rate.
Land South of Trowbridge, Wiltshire	20/00379/OUT	Outline permission	Trowbridge	After initial refusal by Wiltshire Council, the outline application was approved at appeal in March 2024. There has not yet been a Reserved Matters application submitted as of 24/03/25. The site is currently being marketed and it is anticipated that after the site has been purchased, a Reserved Matters application will follow.

Site Address	Site reference	Planning status (at 31 March 2024)	Settlement / CA Remainder	5-year deliverability summary
Land South of Western Way, Melksham, Wilts	PL/2022/08504	Outline permission	Melksham	Outline application (PL/2022/08504) was approved on appeal in November 2023. Substantial weight was given to contribution of housing in the light of a 5 year HLS shortfall in the appeal decision. However no REM has been submitted by the developers as of April 2025.
Land South of Western Way, Melksham, Wilts	PL/2022/08504	Outline permission	Melksham	Outline application (PL/2022/08504) was approved on appeal in November 2023. Substantial weight was given to contribution of housing in the light of a 5 year HLS shortfall in the appeal decision. However no REM has been submitted by the developers as of April 2025. Development comprises 70 additional bed spaces in C2 use. Figures shown in the trajectories are based on a bed spaces-to-dwellings ratio in accordance with the PPG.
Land south of Westwells Road, Neston, Corsham	18/09884/OUT	Outline permission	Corsham CA Remainder	The outline application was approved at appeal on 26/04/2021. There has been no subsequent Reserved Matters submitted as of May 2025.
Land South West of Park Road, Malmesbury, Wiltshire	20/08341/OUT	Outline permission	Malmesbury	Reserved Matters application PL/2023/05471 approved on 19/09/2024 for 23 dwellings. However, the application was submitted prior to the April 2024 base date on 05/07/2023. A commencement notice has been submitted on the 25/09/2024 with a commencement date of 04/11/2024. A developer survey return in October 2024 forecasts full delivery of the site in 2025/26. The council has taken a cautious approach to spread the delivery over a two year period.
Land to East of Oxford Road, Calne, Wiltshire	N16.7209	Full permission	Calne	Site nearing completion.
Land to North West of Folly Farm, Warminster	PL/2021/11051	Full permission	Warminster	Developer survey from December 2024 confirms build out rate.
Land to the east of Church View Sutton Benger Chippenham Wiltshire SN15 4FD	20/03876/OUT	Outline permission	Chippenham CA Remainder	The outline application was approved in September 2022. There is currently a live application to amend the Section 106 Agreement to facilitate the option to provide an 'either 50% or 100% affordable housing' clause. However no Reserved Matters application has been submitted as of 25/03/2025.

Site Address	Site reference	Planning status (at 31 March 2024)	Settlement / CA Remainder	5-year deliverability summary
Land to the east of Storey Mews, Malmesbury, SN16 0FH	PL/2021/04960	Full permission	Malmesbury	Reserved Matters application approved on 14/02/2022. Commencement of development notice provided by the applicant/agent dated 18/07/2022. Wiltshire Council mapping shows that the development is mostly (if not totally) complete as of May 2025.
Land to the East of Waitrose, A429, Malmesbury, Wiltshire	PL/2021/09852	Outline permission	Malmesbury	The outline application was approved at appeal (March 2024) for the self-build development. There have been no Reserved Matters application submitted as of May 2025 in relation to any of the individual plots. The Local authority self-build register indicates unmet demand for this type of housing so reasonable to assume site will be delivered in medium term.
Land to the north of Whychurch Farm and to the south of Filands, Malmesbury	PL/2021/08453	Outline permission	Malmesbury	The Reserved Matters application (PL/2023/08687) was made valid on 26/10/2023. Revised drawings submitted following several requests for additional info from statutory consultees in March 2025.
Land to the south of Chilvester Hill, Calne, Wiltshire SN11 0LR	20/06684/OUT	Outline permission	Calne	20/06684/OUT was approved in February 2021. A subsequent Reserved Matters application (PL/2022/05993) was submitted in August 2022 and approved in February 2023.
Land to the south of Chilvester Hill, Calne, Wiltshire SN11 0LR	PL/2022/05993	Full permission	Calne	Site under construction.
Land to the south of Church Lane, Upper Studley	18/10035/OUT	S106	Trowbridge	S106 agreed and application subsequently approved on 07/06/2024. No reserved matters or discharge of condition applications yet submitted. There is not enough evidence to suggest the site will be delivered within 5 years at this stage.
Land West of Elizabeth Way and South of Middle Lane, Hilpert, Trowbridge	20/07751/FUL	Full permission	Trowbridge	Commencement notice received February 2025. Forecasts in line with developer survey.
Land West of Elizabeth Way, (Land SW of Hilpert Marsh) (HILPERTON GAP) Trowbridge Wiltshire	16/00672/OUT	Outline permission	Trowbridge	Reserved matters PL/2021/08554 approved 16/09/2022.

Site Address	Site reference	Planning status (at 31 March 2024)	Settlement / CA Remainder	5-year deliverability summary
Land west of Semington Road, Melksham	20/07334/OUT	Outline permission	Melksham	The subsequent Reserved Matters application was approved in August 2023 (PL/2023/00808). The developer/agent submitted a Commencement of Development notice dated 06/11/2023.
Land west of Semington Road, Melksham	PL/2023/00808	Full permission	Melksham	COD notice dated 06/11/2023.
Langley Park	N16.3515	Outline permission	Chippenham	The subsequent Reserved Matters application was approved for 329 dwellings in July 2023 (19/12100/REM). Conditions are currently being discharged. The Commencement Of Development notice, provided by the agent/developer is dated 01/09/2023
Langley Park	19/12100/REM	Full permission	Chippenham	CIL commencement notice completed on 14/08/2023 and states commencement date of 01/09/2023. The site includes 16 blocks of flats which can be worked on concurrently, hence the higher levels of completions forecast in in 2026/27. Forecasts reflect latest phasing plan from developer (received May 25) - plan includes anticipated completions dates for plots. Site visit on 19 May 25 confirms foundations being dug and drainage being installed.
Limpley Mill Lower Stoke Limpley Stoke Bath	PL/2022/03452	Full permission	Bradford on Avon CA Remainder	Full permission granted in May 2023. VAR to amend plan approved in April 2024 (PL/2023/11026). No COD on file as of April 2025
Longbridge Deverill Nursing Home, Church Street, Longbridge Deverill, Warminster, Wilts, BA12 7DJ	PL/2022/05421	Full permission	Warminster CA Remainder	Development comprises 9 additional bed spaces in C2 use. Figures shown in the trajectories are based on a bed spaces-to-dwellings ratio in accordance with the PPG.
Manor Farm, The Street, Grittleton, SN14 6AN	21/01331/VAR	Full permission	Chippenham CA Remainder	The majority of the development has now been completed as per previous trajectories. The remaining 1 dwelling is likely to be completed in 24/25 period.
Middle Farm, Corsham Road, Whitley	NP/NW40	Neighbourhood Plan	Melksham CA Remainder	Outline Planning application for 40 dwellings currently live (PL/2024/09725).

Site Address	Site reference	Planning status (at 31 March 2024)	Settlement / CA Remainder	5-year deliverability summary
Patterdown and Rowden - Small Extension Sites (South West Chippenham)	CH1	DPD Allocation	Chippenham	Strategic site allocated in the Chippenham Site Allocations Plan, being brought forward by Redcliffe Homes. PL/2024/02998 validated on 08/04/2024 for 41 dwellings (Full application). Revised plans received in October 2024 and again in February 2025 to address consultation feedback. Further work required in relation to Ecology, but no objections from Urban Design, Public Protection (subject to condition), Highways, Historic England, Education, National Highways, Waste, Housing, Drainage (subject to conditions).
Patterdown and Rowden (South West Chippenham)	CH1	DPD Allocation	Chippenham	Allocation in the Chippenham Site Allocations Plan.
Phase 5, Land at Hunters Moon, Chippenham	21/01463/FUL	Full permission	Chippenham	Developer Survey (Dec 2024) confirms that Phase 5 will be completed in 2025.
Quemerford House & Mill	2/LPA/14	District Local Plan Allocation	Calne	Former district LP allocation. No development progress in a number of years so unlikely to see further development from this site.
RAF Yatesbury Jugglers Lane Yatesbury Wiltshire	N14.0153	Full permission	Calne CA Remainder	VAR Permission 17/00154/VAR has expired and aerial imagery shows no signs of commencement (circa 2021). Site now for sale January 2025.
Rawlings Green	CH2	DPD Allocation	Chippenham	See outline application 15/12351/OUT.
Rear of Westbury Road	5/LPA/58	District Local Plan Allocation	Warminster	Outline application approved PL/2021/09067 for 2 dwellings approved on 10/06/2022. Reserved matters application PL/2024/04959 submitted on 31/05/2024. EoT agreed up to June 2025.
Rowden Park - Crest Nicholson South West Phase 2 Patterdown Road Chippenham Wiltshire	19/11461/REM	Full permission	Chippenham	Crest Phase 2 - being built out first. Crest forecast based on average of 50 dwellings per annum.
Rowden Park Patterdown Road Chippenham	N17.8786	Full permission	Chippenham	Redcliffe Phase 1/2. Original permission was for 114 dwellings, but reduced to 102 dwellings due to variation app PL/2021/06001. Redcliffe forecast based on average of 45 dwellings per annum. Site visit May 25 confirms site is complete.

Site Address	Site reference	Planning status (at 31 March 2024)	Settlement / CA Remainder	5-year deliverability summary
Rowden Park Patterdown Road Chippenham Wiltshire	N14.12118	Outline permission	Chippenham	Strategic site allocated in the Chippenham Site Allocations Plan. Being developed by Redcliffe Homes, Crest Nicholson and Bellway Homes; both Redcliffe and Crest had reserved matter applications approved at base date (also see N17.8786, PL/2021/06001, 20/02326/REM, 19/11461/REM, & PL/2023/01773). As of the base date, between the three outlets there were 6 further applications validated and awaiting determination, totalling 415 dwellings and a 60 bed care home (20/02334/REM, 20/02335/REM, 20/02381/REM, 20/02382/REM, 20/02383/REM & 20/02384/REM). Since the base date, 221 dwellings have been approved (20/02334/REM, varied under PL/2024/08632 - 87 dwellings, 20/02335/REM - 134). Other applications approved include infrastructure works and discharge of conditions. The same agent is working on behalf Redcliffe, Crest and Bellway, so progression of applications is being prioritised based on keeping all outlets with a continuing supply.
Rowden Park, Patterdown Road, Chippenham	PL/2023/01773	Full permission	Chippenham	Crest Phase 1 - following on from Phase 2. Crest forecast based on average of 50 dwellings per annum. Site visit in May 2025 saw over 50 units under construction.
Rowden Park, Patterdown Road, Chippenham (Redcliffe Phase 3)	20/02326/REM	Full permission	Chippenham	Redcliffe Phase 3. Redcliffe forecast based on average of 45 dwellings per annum. Site visit in May 2025 saw approximately 50 houses complete or under construction.
Rowden Park, Patterdown Road, Chippenham, Wiltshire	PL/2021/06001	Full permission	Chippenham	Redcliffe Phase 1/2 - variation app for N17.8786 (17/08786/REM). Additional 12 dwellings. Site visit in May 2025 saw all units complete.
Royal Arthur Park, Westwells Road	N10.4093	Full permission	Corsham	Retirement village where majority of site has been completed, with final two blocks of apartments to be commenced shortly. Rangeford Villages website confirms the launch of a new phase of 45 apartments, ready to move into from Autumn 2025.
Sopworth Lane	NP/NW33	Neighbourhood Plan	Malmesbury CA Remainder	Site is part of live planning application PL/2024/00865 for 45 dwellings
South East Trowbridge	WCS/NW6	Strategic site	Trowbridge	Forms part of South East Trowbridge WCS allocation. Appeal on this parcel dismissed in September 2022. Expectation is for this parcel to be delivered later in the development cycle of the wider allocation.

Site Address	Site reference	Planning status (at 31 March 2024)	Settlement / CA Remainder	5-year deliverability summary
Southwick Court	H2.6	DPD Allocation	Trowbridge	Outline application approved at appeal in March 2024. 20/00379/OUT
Station Road	5/LPA/59	District Local Plan Allocation	Warminster	No recent planning activity or known development plans to suggest that the allocation will be delivered in the Local Plan period.
Station Road	5/LPA/32	District Local Plan Allocation	Westbury	17/07548/FUL - FULL Application approved for 87 dwellings on 31/07/2019
Station Road	WCS/NW9	Strategic site	Westbury	See 'Westbury Sailing Lake'. Development almost if not fully built out
The United Church & Community Buildings Church Street Trowbridge Wiltshire BA14 8DZ	18/03338/FUL	Full permission	Trowbridge	Discussion with the estate agent (Davies and Davies) confirms that last few units are being finished off (May 25).
Timber Yard, Real World Studios, Mill Lane, Box, Corsham, Wiltshire, SN13 8PD	20/08387/VAR	Full permission	Corsham CA Remainder	The Commencement of Development notice provided by the agent/applicant was dated 20/02/2023.
Tuner's Lane	NP/NW31	Neighbourhood Plan	Malmesbury CA Remainder	Live planning application for 25 dwellings (PL/2023/09595).
Upper Studley	H2.5	DPD Allocation	Trowbridge	Full permission granted on 12/03/2024 - see 20/09659/FUL.
West of Warminster	WCS/NW7	Strategic site	Warminster	Urban extension has mostly come forward (aside from employment elements) - Outline Application (15/01800/OUT) approved in December 2020.
Works, Cocklebury Road	2/LPA/17	District Local Plan Allocation	Chippenham	There are currently no live planning applications for residential development at the site.

Site Address	Site reference	Planning status (at 31 March 2024)	Settlement / CA Remainder	5-year deliverability summary
South Wiltshire HMA				
141 Castle Street, Salisbury	20/06868/PNCOU	Full permission	Salisbury	The building has been converted into flats and is now occupied. Council tax records confirm occupancy for the majority of apartments, and the estate agent's website indicates that the remaining units are "ready to move into."
40 BLUE BOAR ROW, SALISBURY, SP1 1DA	PL/2022/04289	Full permission	Salisbury	Full planning permission was granted on 20/10/2023.
42-44 CHIPPER LANE, SALISBURY, SP1 1BG	PL/2023/02891	Full permission	Salisbury	The remaining three flats completed in 2024/25, as indicated by council tax records.
82 VICTORIA COURT, STRATFORD ROAD, SALISBURY, SP1 3NP	PL/2024/00118	Full permission	Salisbury	Figures shown in the trajectories are based on a bed spaces-to-dwellings ratio in accordance with the PPG. C2 use - 1 additional bed space
Albany House The Square Tisbury SP3 6JP	20/09285/FUL	Full permission	Tisbury	Figures shown in the trajectories are based on a bed spaces-to-dwellings ratio in accordance with the PPG. C2 use - 2 additional bed spaces
Alderbury Park Caravan And Camping Site, Southampton Road, Whaddon, Salisbury, SP5 3HB	PL/2021/11771	Full permission	Southern Wiltshire CA Remainder	Phosphate and nitrate mitigation issues remain unresolved between the developer and the council, with no updates since 28 April 2022. No Discharge of Conditions (DoC) applications have been submitted to date. As a result, the council has adopted a cautious approach, and first completions are not anticipated until 2029/30.
Beaumont Business Park, Woodlands Road, Mere, Warminster, Wiltshire, BA12 6BT	20/07469/OUT	Outline permission	Mere	Since the outline approval was granted, no DoCs or reserved matters applications have been submitted. As a result, the council has taken a cautious approach, with first completions not expected until 2029/30.

Site Address	Site reference	Planning status (at 31 March 2024)	Settlement / CA Remainder	5-year deliverability summary
Building Known As Finch House The Old Manor Hospital Wilton Road Salisbury Wiltshire	19/11110/FUL	Full permission	Salisbury	The flats were complete in 2024/25 with council tax records confirming occupation.
Bulbridge	3/LPA/36	District Local Plan Allocation	Wilton	Site is a saved allocation which indicates the site's suitability for development. There has been recent interest in the site but has not come to fruition. Timescales for development not known, but there is a reasonable prospect that the site will be available and could be viably developed by 2038.
Castle View Rest Home, 8 Old Castle Road, Salisbury, Wilts, SP1 3SF	PL/2022/06171	Full permission	Salisbury	Google Earth satellite imagery shows the new care home nearing completion (at roof level) as of November 2024. Development comprises 28 additional bed spaces in C2 use. Figures shown in the trajectories are based on a bed spaces-to-dwellings ratio in accordance with the PPG.
Central Car Park	WCS/S5	Strategic site	Salisbury	Full application PL/2024/06047 for 47 retirement apartments was refused on 23/12/2024. The application is now under appeal and is due to proceed through the hearing process. There have been no further major residential planning applications at the site, so dwellings are not expected to be delivered until the later years of the Local Plan period.
Churchfields & Engine Sheds	WCS/S4	Strategic site	Salisbury	There have been no further major residential planning applications submitted for this allocation.
Clover Lane	H3.6	DPD Allocation	Amesbury	Full planning application PL/2024/02283 includes eastern portion of the site and adjacent land to the north for 68 dwellings. Application was submitted on 01/03/2024 and remains under consultation.
E V Naish Ltd Crow Lane Wilton Salisbury Wiltshire	S/2003/1016	Outline permission	Wilton	Reserved matters application PL/2021/03251 is currently under consultation, having been validated on 16/03/2021. In February 2025, the applicant requested an EoT until September 2025 to allow for additional technical work. Following this, the application is expected to be brought forward to the committee for determination on 18 September.

Site Address	Site reference	Planning status (at 31 March 2024)	Settlement / CA Remainder	5-year deliverability summary
Erskin Barracks	S11.0517	Outline permission	Wilton	The components of the UKLF development covered by the 2011 outline permission are now complete. The remainder of the site is subject to a full planning application (PL/2021/08160) for an innovation centre, veterans' flats, and additional dwellings. This application is currently being progressed but has not yet been determined.
Former Sports Centre	NP/S17	Neighbourhood Plan	Tisbury	See PL/2022/00855.
Fugglestone Red	WCS/S3	Strategic site	Salisbury	See S12.0814.
Kings Gate	WCS/S1	Strategic site	Amesbury	Last parcel being built out, see 19/07304/REM.
Kings Gate Phase 4, West of Archers Gate Development, Amesbury, Wiltshire	19/07304/REM	Full permission	Amesbury	Remaining dwellings completed in 2024/25, as confirmed by council tax records.
Knighton Road (Site 4)	NP/S15	Neighbourhood Plan	Wilton CA Remainder	Full planning application PL/2023/00911 for 6 dwellings remains under consultation. There is an EoT until the 16/05/2025 to finalise the drainage details.
Land Adjacent Quarryfield Industrial Estate Castle Street Mere BA12 6LA	20/11079/FUL	Full permission	Mere	Development comprises 70 additional bed spaces in C2 use. Figures shown in the trajectories are based on a bed spaces-to-dwellings ratio in accordance with the PPG. Google Earth satellite imagery from June 2024 shows that the care home was under construction. Based on this progress, it is reasonable to expect completion by 2025/26.
Land at Chicklade Road, Hindon, Wiltshire	PL/2021/09623	S106	Tisbury CA Remainder	A resolution to grant permission was made at Committee on 27/04/2023. The Section 106 agreement is still being finalised, with an Extension of Time (EoT) in place until the end of October 2025. Consequently, site delivery is forecast to commence from 2029/30.
Land at H3.7 adj to 'Warren's Folly' and Vets, Larkhill Road, Durrington, SP4 8DR	20/04397/OUT	Outline permission	Amesbury	Reserved matters application is yet to be submitted. As a result, the Council has adopted a cautious approach, forecasting completion in 2029/30.

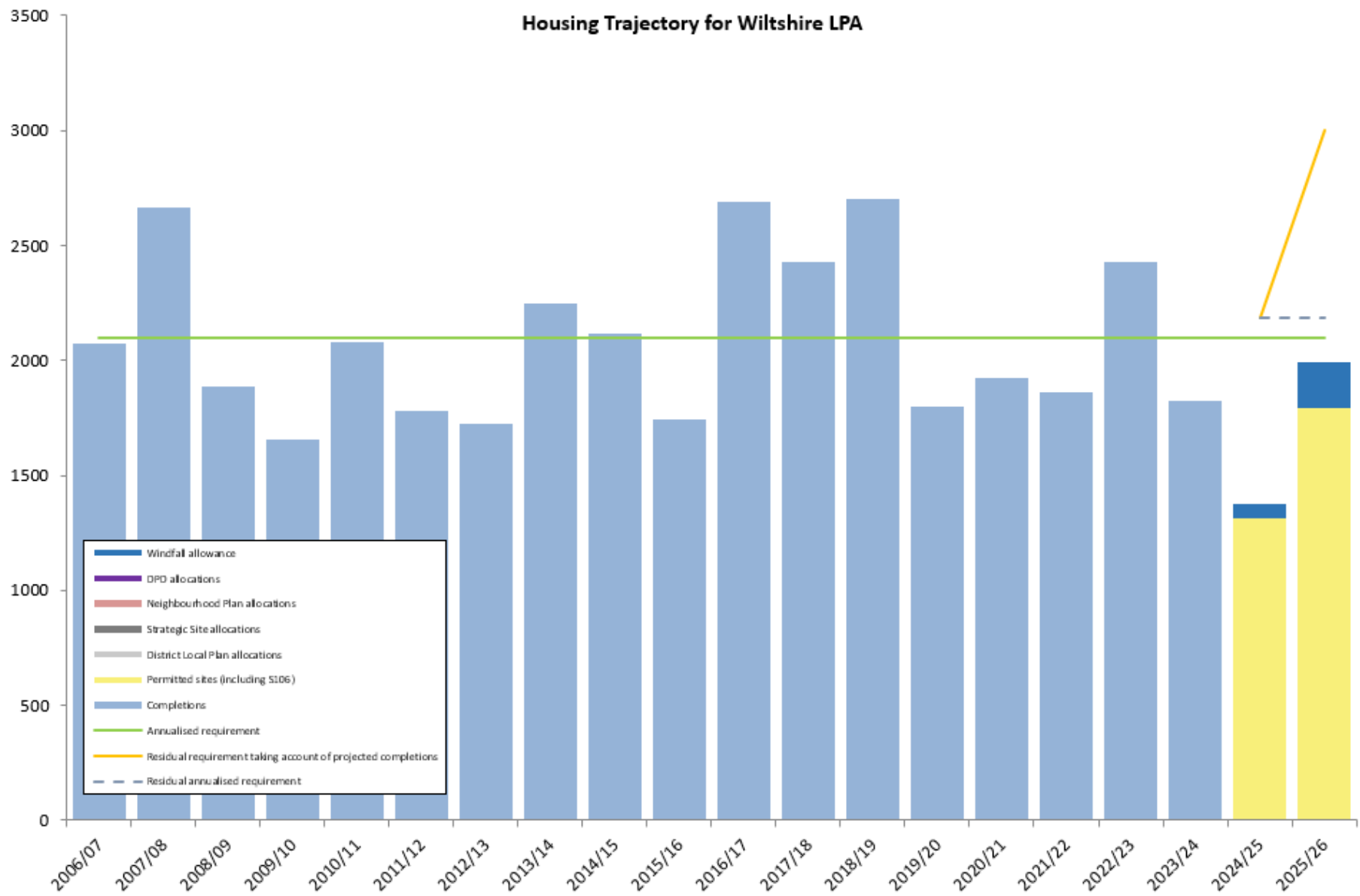
Site Address	Site reference	Planning status (at 31 March 2024)	Settlement / CA Remainder	5-year deliverability summary
Land at Hillbrush Company Ltd Woodlands Road Mere	S17.0085	Full permission	Mere	Remaining 8 units completed in 2024/2025. Council tax records are present for these units.
Land at Hillcrest Paddock	NP/S19	Neighbourhood Plan	Tisbury CA Remainder	No recent residential planning applications or known plans at the site, but potential for the site to be developed in the medium-to-long term.
Land at Red House Farm	NP/S20	Neighbourhood Plan	Tisbury CA Remainder	No recent residential planning applications or known plans at the site, but potential for the site to be developed in the medium-to-long term.
Land at Romsey Road, Whiteparish, Salisbury	PL/2022/09532	S106	Southern Wiltshire CA Remainder	The Section 106 agreement has been finalised, and the decision notice was issued on 10/06/2024. A Reserved Matters application has not yet been submitted. As a result, the Council has adopted a cautious approach, forecasting first completions from 2029/30.
Land at Rowbarrow	H3.4	DPD Allocation	Salisbury	See 20/00337/FUL.
Land at The Hill Brush Co Ltd Woodlands Road Mere Warminster	S14.6780	Outline permission	Mere	See S17.0085.
Land at Westside Close, Old Sarum, SP4 6BX	PL/2021/09567	Outline permission	Salisbury	Reserved matters application PL/2023/04526 for 46 dwellings was approved on 11/07/2024. However, as the application was submitted on 06/06/2023, it was under consideration prior to the 2024 base date. A Commencement Notice was submitted on 23/01/2025, with a start date of 17/02/2025. All pre-commencement conditions have been discharged. Given the efficient progress made since the reserved matters approval, it is considered reasonable to expect first completions in 2025/26.
Land between Glebe Hall and Primary School	NP/S12	Neighbourhood Plan	Southern Wiltshire CA Remainder	Pre-app for 50 dwellings at the site in 2017 - no further details available. This suggests there is potential and interest for the site to be delivered in the latter years of the Local Plan Period through a new scheme.

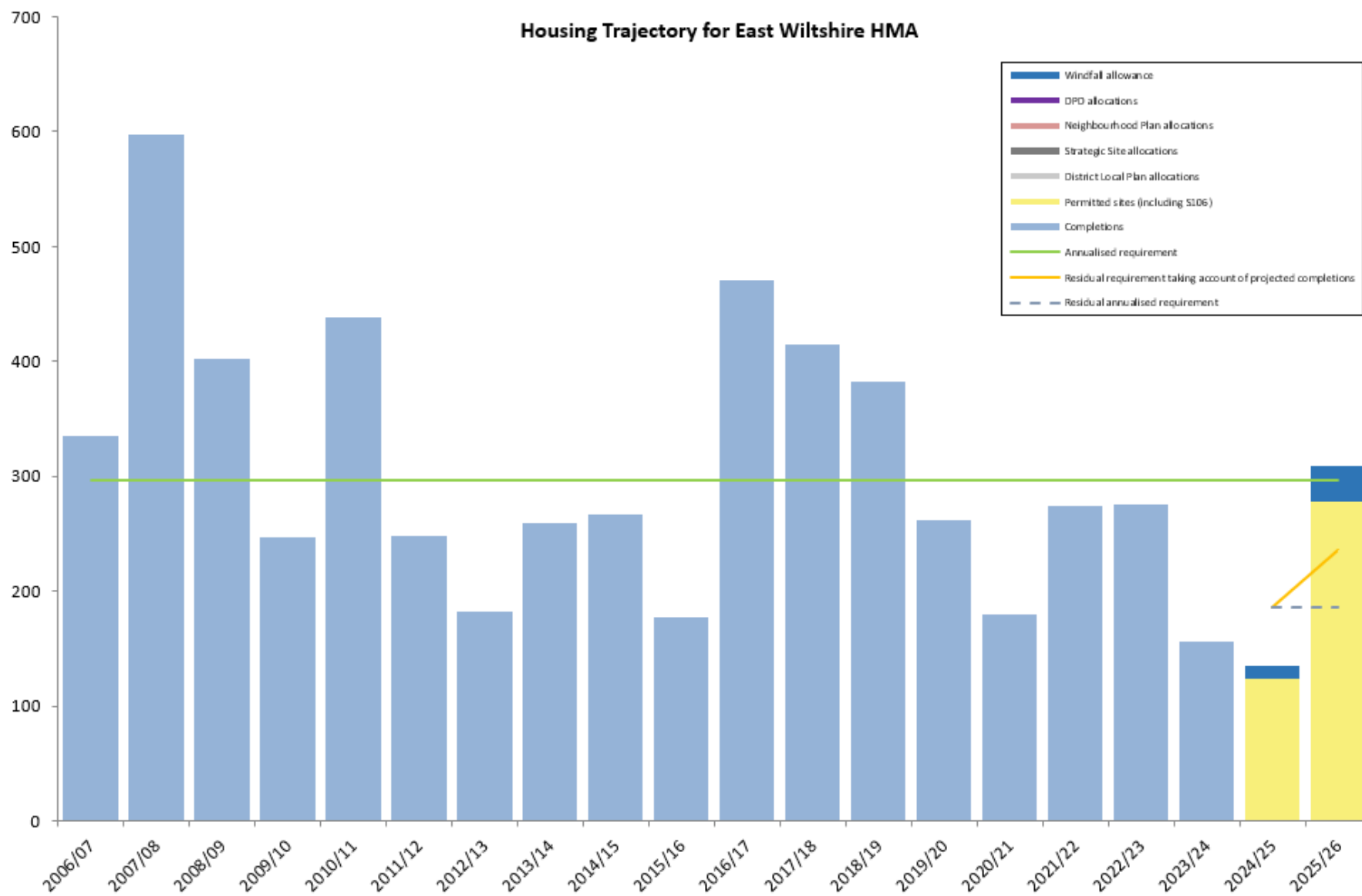
Site Address	Site reference	Planning status (at 31 March 2024)	Settlement / CA Remainder	5-year deliverability summary
Land immediately to the south and west of the Archers Gate Housing Development Amesbury	S15.2530	Outline permission	Amesbury	See 19/07304/REM.
Land North of Netherhampton Road, Salisbury, Wiltshire	PL/2021/06594	Full permission	Salisbury	A Commencement Notice was submitted on 20/02/2023, with a start date of 23/02/2023. Google Earth Street View imagery from November 2024 shows that a significant portion of the dwellings has been constructed up to roof level.
Land off Chicklade Road	NP/S18	Neighbourhood Plan	Tisbury CA Remainder	See PL/2021/09623.
Land south of Netherhampton Road Salisbury	19/05824/OUT	Outline permission	Salisbury	Reserved matters application PL/2023/11196 for 406 dwellings is currently under consultation. Pre-commencement conditions for this phase will need to be discharged once the decision notice is issued. The Council has secured phosphate credits and the developer has made contributions to purchase these credits for a positive Appropriate Assessment to allow permission for the reserved matters to be granted. Contributions to secure habitat mitigation through the SAMM strategy required for the New Forest protected sites are to be achieved by a Unilateral Undertaking. First completions in 2027/28 are considered achievable. Yield projections are informed by the developer's recent local build-out history.
Land South of Netherhampton Road, Salisbury	PL/2021/08735	Full permission	Salisbury	A Commencement Notice was submitted on 09/01/2023. Google Earth satellite imagery from November 2024 shows several dwellings at roof level and nearing completion. Yield projections are based on the developers recent local build-out history.

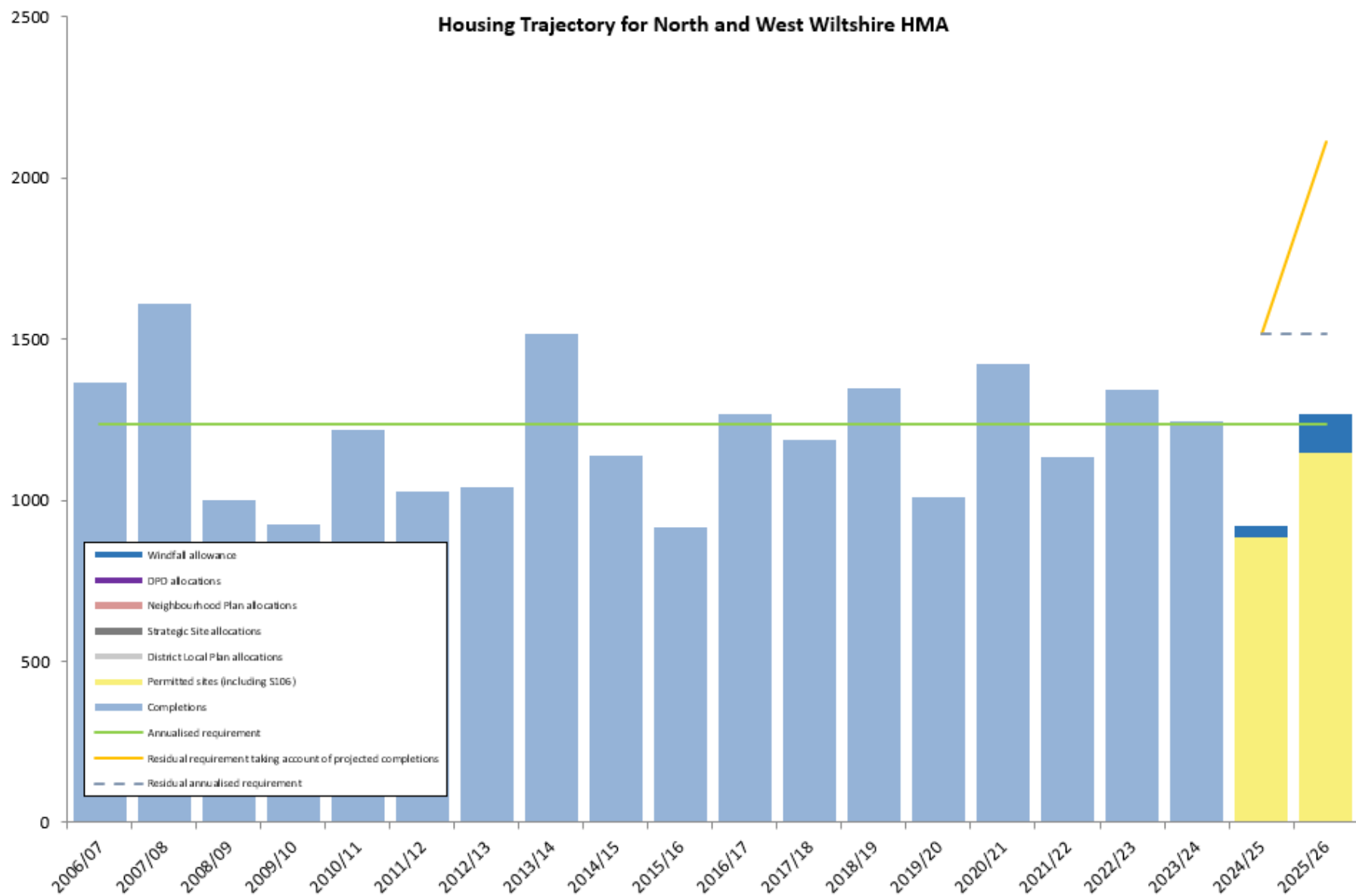
Site Address	Site reference	Planning status (at 31 March 2024)	Settlement / CA Remainder	5-year deliverability summary
Land to the north west of Fugglestone Red and Bemerton Heath	S12.0814	Outline permission	Salisbury	Outline element of the allocation. Both Phase B3 (PL/2023/05287 - 176 dwellings) and Phase A2B (PL/2023/10980 - 164 dwellings) were submitted prior to base date, but were held up with phosphates. However, both are now resolved with PL/2023/05287 receiving permission on 15/04/2025 and PL/2023/10980 on 23/05/2025. Both B3 and A2B will be built concurrently, utilising two brands. Forecasts in line with developer survey (May 25). Despite the delay in planning approvals, Persimmon have still averaged over 120 completions per annum on site (not including start up year).
Land to the North West of Fugglestone Red and Bemerton Heath, Salisbury, Wilts P	PL/2022/07678	Full permission	Salisbury	Phase A2 of development. Wiltshire Council mapping shows over half the phase is complete (April 2025).
Larkhill Road	H3.7	DPD Allocation	Amesbury	See 20/04397/OUT.
Longhedge (Old Sarum)	WCS/S2	Strategic site	Salisbury	Site built out.
Manor Farm Road (Site 5)	NP/S16	Neighbourhood Plan	Wilton CA Remainder	Application PL/2023/00909 for three dwellings awaiting completion of S106 agreement
Netherhampton Road	H3.1	DPD Allocation	Salisbury	See 19/05824/OUT.
North of Netherhampton Road	H3.3	DPD Allocation	Salisbury	See PL/2021/06594.
Odstock Hospital	3/LPA/41	District Local Plan Allocation	Salisbury	No recent planning activity or known development plans suggest that the allocation will be delivered in the Local Plan period.
Old Manor Hospital	3/LPA/11	District Local Plan Allocation	Salisbury	See 19/11110/FUL - last remaining part of allocation.
RAF Baverstock	3/LPA/38	District Local Plan Allocation	Wilton CA Remainder	No recent planning activity or known development plans suggest that the allocation will be delivered in the Local Plan period.

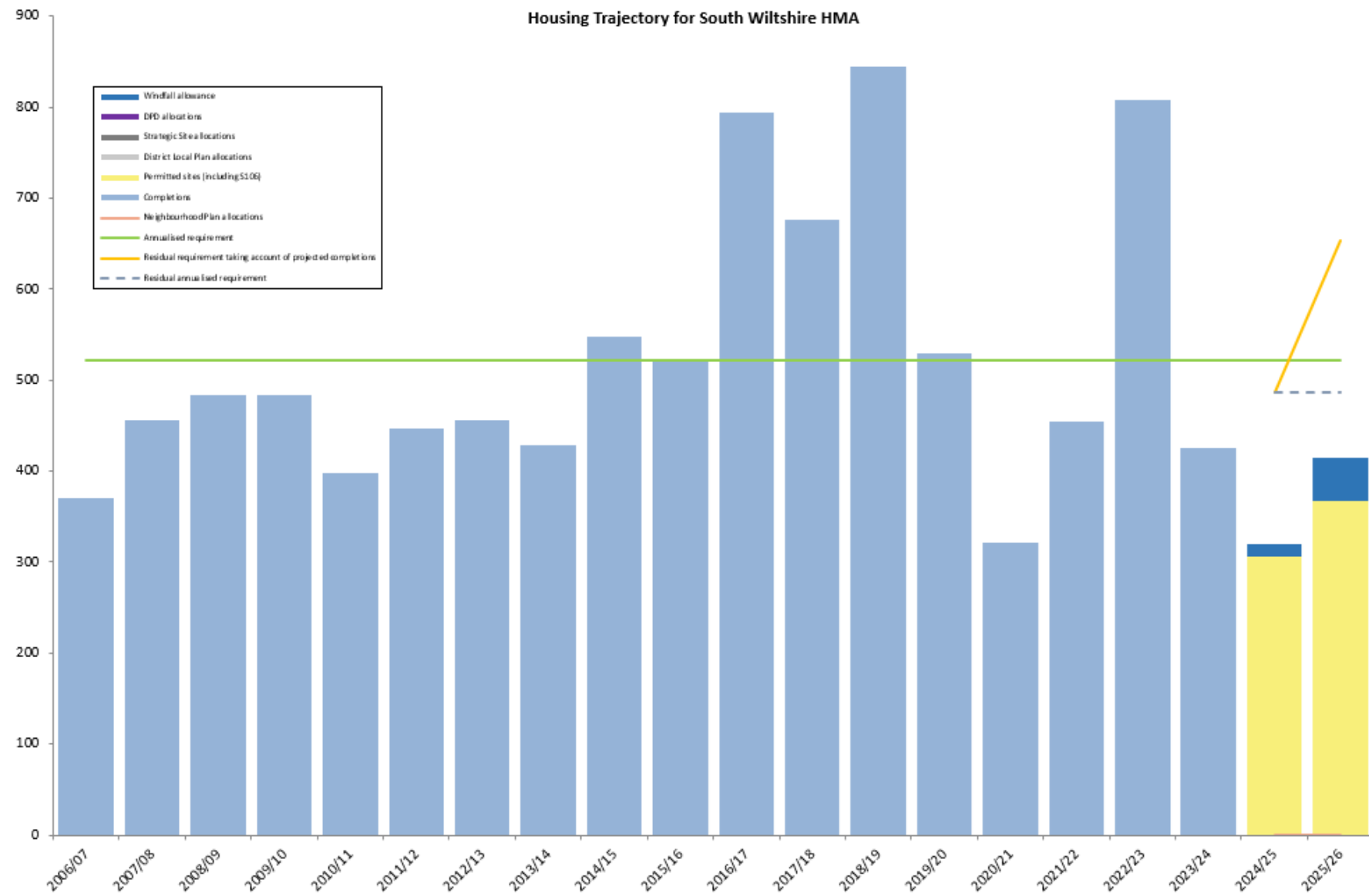
Site Address	Site reference	Planning status (at 31 March 2024)	Settlement / CA Remainder	5-year deliverability summary
South of Rowbarrow	20/00337/FUL	S106	Salisbury	The Section 106 agreement was signed on 17/10/2024, and a Commencement Notice was issued on 29/10/2024, with a start date of 18/11/2024. The developer, Bellway, forecasted first completions for 2025/26 in a survey submitted to the council in October 2024. As a result, the housing trajectory has been updated to reflect this recent information.
Station Works	NP/S11	Neighbourhood Plan	Tisbury	Appeal (APP/Y3940/W/22/3308919) dismissed for 86 dwellings and a care home of up to 40 bedspaces on 21/06/2023. Recent activity suggests there is potential and interest for the site to be delivered in the latter years of the Local Plan Period through a new scheme.
Stratford Court, Stratford Road, Salisbury, SP1 3JH	PL/2022/05365	Full permission	Salisbury	Development comprises 30 additional bed spaces in C2 use. Figures shown in the trajectories are based on a bed spaces-to-dwellings ratio in accordance with the PPG. Google Earth Street View imagery from November 2024 indicates that the new care home is nearing completion.
Tisbury Sports Centre, Weaveland Road, Tisbury, Salisbury, SP3 6HJ	PL/2022/00855	Full permission	Tisbury	Planning permission for 13 dwellings was granted on 04/12/2023. A discharge of conditions application (PL/2024/07292) is currently under consultation. Initial completions are considered achievable by 2026/27.
UKLF	WCS/S7	Strategic site	Wilton	See S11.0517.

Appendix 4: Trajectory graphs for Wiltshire LPA and Wiltshire Core Strategy Housing Market Areas









Appendix 5 - Windfall allowance for land supply calculations

- A1. The NPPF (paragraph 75) identifies that an allowance for windfall may be made where appropriate. It states:

“Where an allowance is to be made for windfall sites as part of anticipated supply, there should be compelling evidence that they will provide a reliable source of supply. Any allowance should be realistic having regard to the strategic housing land availability assessment, historic windfall delivery rates and expected future trends. Plans should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area.”

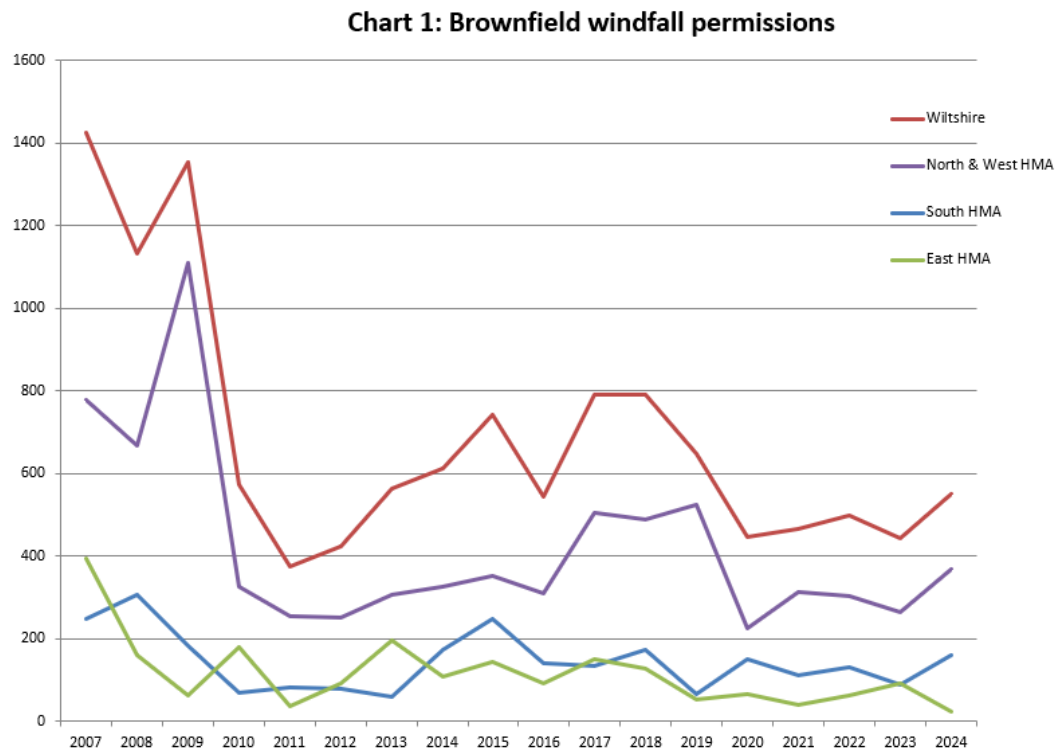
- A2. In Annex 2, the NPPF defines windfall sites as:

“Sites not specifically identified in the development plan.”

- A3. For the purposes of this assessment, windfall is defined as unallocated development. The 2019 NPPF (and subsequent versions of the NPPF) no longer define windfall sites as “normally” previously-developed land, and this indicates that an allowance for greenfield sites can be made subject to the criteria set out in paragraph 75 of the NPPF.
- A4. This Appendix determines an appropriate windfall allowance for each of the Housing Market Areas within Wiltshire. It firstly analyses the trend of windfall permissions over the recent past in order to determine whether there has been consistent delivery from this source of supply. It also has regard to the Strategic Housing and Economic Land Availability Assessment (SHELAA) and potential supply from windfall sites in future years.
- A5. In order to accord with the NPPF requirements for windfall allowance, the Council analyse prospects for windfall delivery each year as part of the annual review of its housing land supply.

Historic windfall delivery – brownfield sites

A6. The number of new brownfield windfall permissions granted during the Wiltshire Core Strategy period to date (2006 to 2024) is presented in Chart 1.



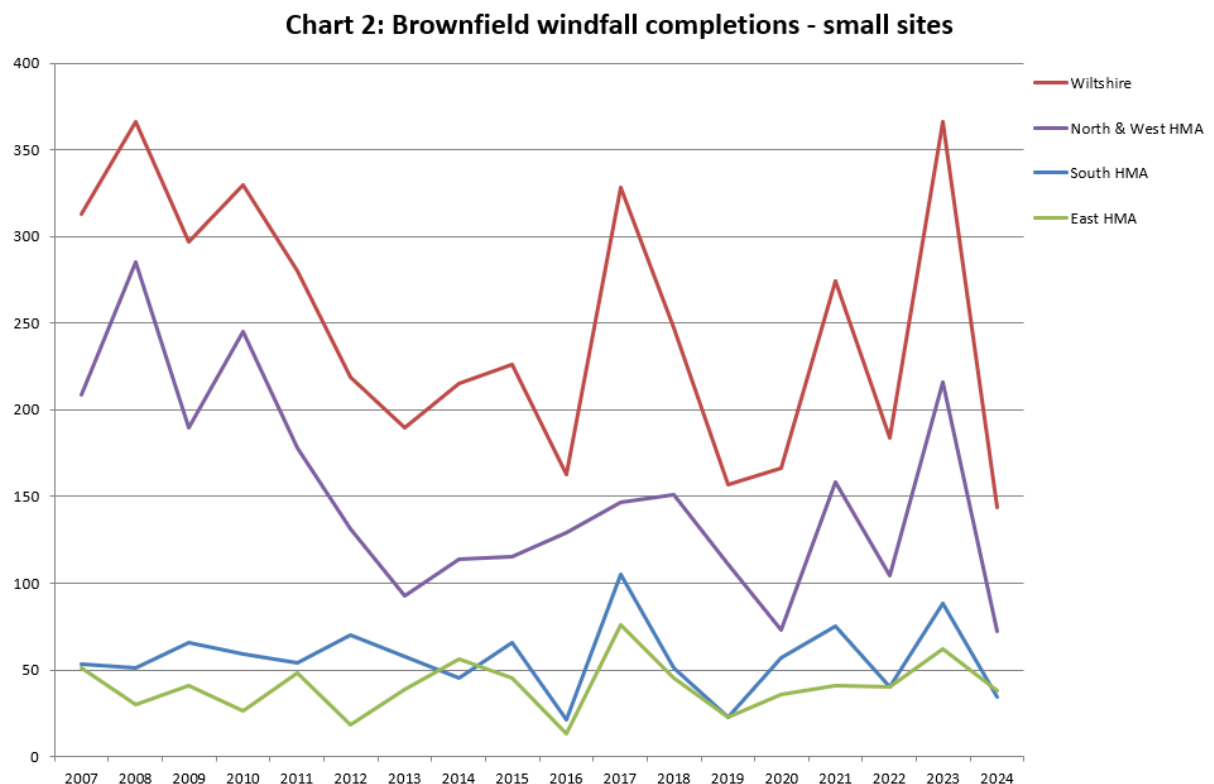
A7. The early years of the plan period saw a peak of permissions and corresponding delivery. There was a notable drop-off in permissions during the economic downturn following the financial crash in 2008 and given the limited availability of finance for development schemes and house purchases during this period, this is to be expected. However, periods of recovery since 2010 have shown peaks where developers are seeking consent on development opportunities. In recent years (since 2020) consents have been more limited, but this is likely to have been affected by the COVID-19 pandemic, and even during that period permissions have stayed relatively stable.

A8. In addition, during this period the Government have relaxed permitted development rights for changes of use to residential uses through the prior approval process. These have a lower requirement to show suitability than for equivalent detailed planning permission and removing the requirement for contributions, thus reducing the cost burden for developers. This has had a positive impact on applications for residential development, particularly on small sites.

A9. Taking these factors into account, it is appropriate to base a future windfall allowance on trends over a longer period of time to reflect such variations in economic conditions.

A10. Brownfield windfall development has historically contributed to supply in Wiltshire, accounting for some 27% of housing delivery during the Wiltshire Core Strategy period to date from 2006 to 2024. During this period, there has been a contribution from a range of sites of varying sizes. To better understand the propensity for different sized sites to contribute to delivery, the council have analysed delivery separately for small sites (<10 dwellings) and large sites (10 or more dwellings).

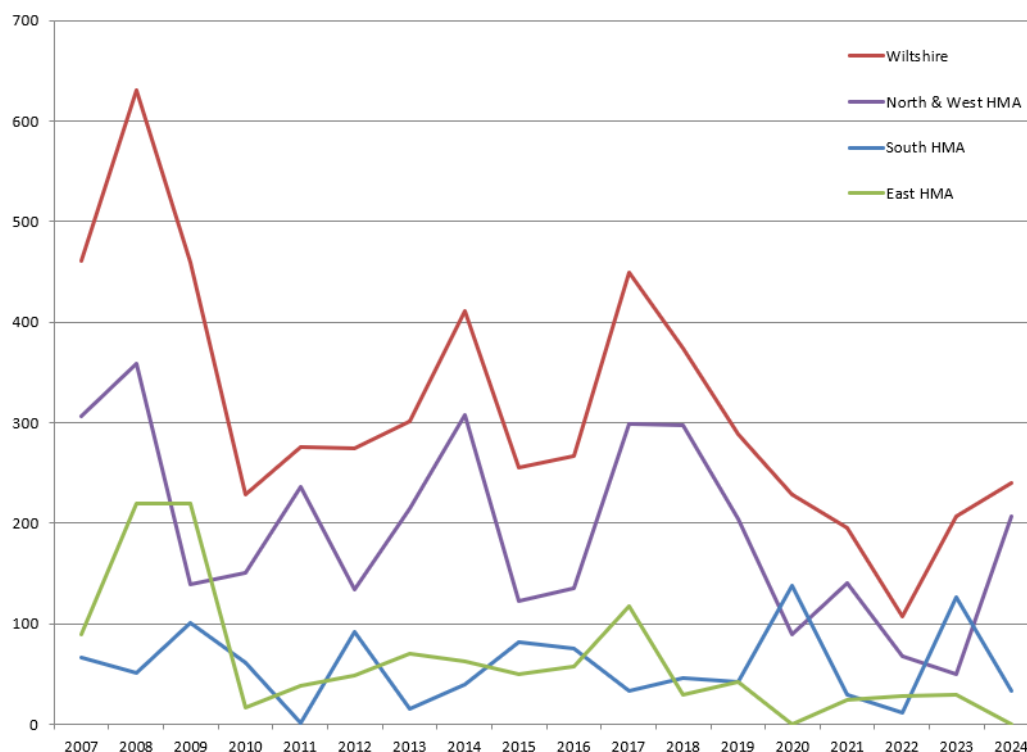
A11. The rate at which brownfield windfall development on small sites has come forward is presented in Chart 2.



A12. As with the volume of permissions, brownfield completions on small sites are lower than in the very early years of the plan period. Since the early stages of the economic recovery in 2012 completions on small sites have remained relatively stable (allowing for inevitable peaks and troughs over this period.) Increased availability of credit following the 2008 economic crash is likely to have made potential schemes more viable, and thus more likely to be implemented. The relatively consistent delivery from small sites reflects the number of opportunities and propensity for sites to become available. To reflect this, the allowance for small sites is based on the volume of such permissions since April 2009.

A13. The rate at which brownfield windfall development on large sites has come forward is presented in Chart 3.

Chart 3: Brownfield windfall completions - large sites



A14. Delivery from large sites on brownfield land may be more limited, due to fewer sites being delivered at any one time. However, the quantum of development will deliver more significant levels of housing when brought forward. The pattern of delivery from large sites has broadly followed that from small sites as shown in Chart 2 for the majority of the plan period.

A15. However, in recent years, rather than following a steady trajectory across the longer time period, delivery has shown a noticeable decrease. This may be due to existing sites being used up, but without a stock of opportunities being refreshed by the recycling of sites where the existing use has ceased.

A16. Although this may not be a long-term trend, the council have responded by amending its windfall allowance to reflect this trend on large sites. As such, the allowance for large sites is now based on the volume of permissions since April 2019 as this broadly reflects the time during which more limited delivery has occurred.

Historic windfall delivery – greenfield sites

A17. The council have not previously assessed the potential capacity from a windfall allowance on small greenfield sites due to national policy. Under the original Planning Policy Statement 3: Housing (DCLG, 2006) windfall development had been restricted to previously-developed land only. In response to concerns regarding over-development of neighbourhoods and targets to deliver a proportion of housing requirement on brownfield land, the Government issued a written statement in June 2010, to remove residential gardens from the definition of previously-developed land. Planning Policy Statement 3 was subsequently re-issued, with the definition of previously-developed land revised to excluding residential gardens.

A18. Under the 2012 NPPF the Annex 2 definition of windfall indicated that such sites “normally comprised previously developed land”, thus providing some flexibility in the types of land that could be assessed as windfall. However, the windfall policy requirement (then paragraph 48) continued the approach set out in the (now superseded) PPS3 that such an allowance should not include development on residential gardens.

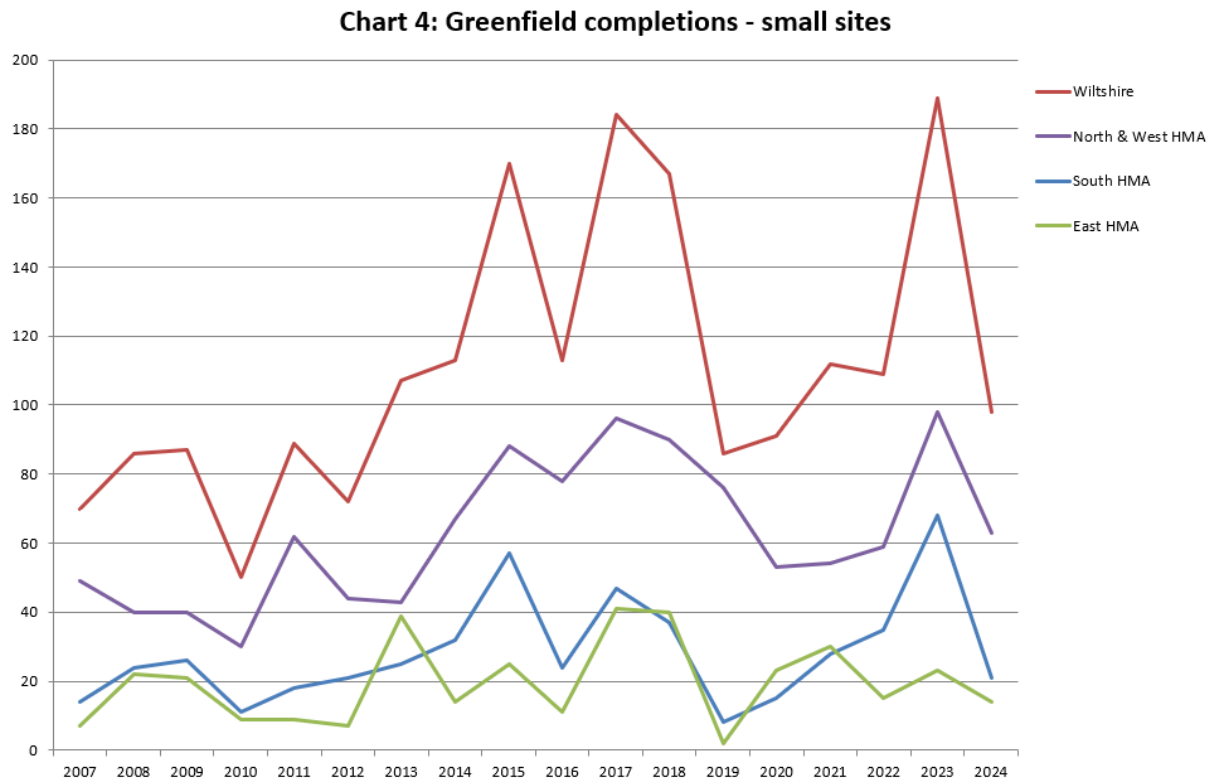
A19. Although it was recognised that not all small greenfield sites were residential gardens, analysis indicated that this formed a significant proportion of such sites. As detailed above, national policy that was in effect at this time limited the potential to identify windfall from greenfield sources and, as such, the council restricted its windfall allowance to brownfield land only.

A20. The publication of the 2018 NPPF both amended the Annex 2 definition to remove the text referring to previously developed land, and amended the policy requirement (then paragraph 70) from a blanket exclusion on residential gardens to setting out policies in plan-making to restrict this where appropriate. These changes to national policy provided greater potential to consider delivery from un-allocated greenfield sites.

A21. The council recognise that policies in the development plan make provision for opportunities on small sites, both on previously-developed and greenfield land. There is a presumption in favour of development within existing settlement boundaries, which could include greenfield opportunities. At Small Villages, the delivery strategy makes provision for in-fill development which can include areas of undeveloped or vacant land within the built form. Core Policy 44 also makes provision for small rural exception housing sites where there is an identified local need. In addition, changes to legislation such as permitted development changes have encouraged the re-use of agricultural buildings to residential dwellings.

A22. As such the council have assessed delivery from small greenfield sites across the Wiltshire Core Strategy plan period to establish whether there is a case for including delivery from this source in the windfall allowance.

The rate at which greenfield development on small sites has come forward is presented in Chart 4.



A23. Unlike delivery from brownfield sites, delivery from small greenfield sites has broadly shown a gradual increase across the plan period, even accounting for peaks in delivery. Although delivery from this source is more limited than from brownfield sites, this demonstrates that this represents a continuous source of supply.

A24. The council recognises that until 2018, national policy restricted the use of greenfield delivery in its windfall allowance. However, given the changes to the NPPF at that date (which prevail in the current version) and that analysis shown in Chart 4 indicate this is a reliable source of supply, the council has included an allowance for small sites on greenfield land, based on permissions granted since April 2009. This is consistent with the approach taken for small brownfield sites.

Strategic Housing and Economic Land Availability Assessment (SHELAA)

A25. As noted in paragraph A1 above, the NPPF requires that, among other matters to be taken into consideration, a windfall allowance should be realistic having regard to the Strategic Housing Land Availability Assessment (now referred to as Strategic Housing and Economic Land Availability Assessment, or SHELAA).

A26. Up to the 2014 Housing Land Supply Statement, the Council based the windfall allowance for large sites using by assessing sites in the SHELAA which met the NPPF definition of windfall and were 'assumed deliverable' based on the following criteria:

- previously developed land within settlement boundaries (and therefore suitable in principle),
- confirmed to be in single ownership (and therefore with no availability constraint),
- viable, based on the model used in the SHELAA methodology (and therefore achievable).

A27. Following the publication of the 2012 SHLAA the Council carried out a proactive 'Call for Sites' as part of the emerging Wiltshire Housing Site Allocations Plan in 2014. As a result, there were a large number of new sites submitted that were considered in the Plan and were included in the most recent SHELAA (August 2017). More recently, the Council have carried out a Regulation 18 consultation for its emerging Local Plan in January 2021: this also generated a significant number of responses including sites where there are aspirations for development. The majority of these are on greenfield land outside settlement boundaries.

A28. However as acknowledged in previous Housing Land Supply Statements the Council does not rely on specific SHELAA sites within the 5-year supply, as sites that have not been submitted to the SHELAA come forward more regularly. To demonstrate this, the Council has carried out analysis of the contribution of SHELAA sites to brownfield windfall delivery during the Wiltshire Core Strategy period to date, compared to overall windfall delivery.

During the Wiltshire Core Strategy period (up to 31 March 2024), **1,348** windfall units have been delivered on sites which were originally identified in the SHELAA⁴ compared with **10,145** brownfield windfall completions overall. Delivery of such sites thus represents just **13%** of total windfall in Wiltshire. This demonstrates that SHELAA sites have historically made a low contribution to windfall development.

Given the relatively low proportion of SHELAA sites submitted on brownfield land, this contribution is unlikely to change over time, whilst the overall numbers of windfall completions looks likely to maintain current delivery levels, supplied by the consistent numbers of windfall permissions being granted as shown in recent years.

In summary, although it is recognised that sites in the SHELAA do come forward, it can be shown that they form a low proportion of overall windfall delivery.

⁴ Including sites identified prior to the concept of a SHELAA within a predecessor Urban Capacity Study or the National Land Use Database.

Permitted development legislation changes

- A29. A number of changes to the General Permitted Development Order have been introduced since May 2013 which have reduced the need to seek planning applications for certain changes of use. These concern the change of use from a number of use classes to residential under a prior approval process.
- A30. The consolidated General Permitted Development Order 2015 (and subsequent amendments) detailed this, and includes the change of use from offices, light industrial, storage and distribution units, shops, professional services, pay-day loan and betting shops, agricultural uses, casinos, and amusement arcades.
- A31. With regards to greenfield delivery, the Government's expansion of permitted development rights has included Class MB (now Class Q following changes to the Use Class Order) which allows conversion of agricultural buildings to residential uses subject to criteria on floorspace and a maximum number of dwellings permitted under the extended rights. This has been subsequently further expanded in May 2024 to increase the amount of floorspace and number of dwellings permissible under such changes of use. In a rural authority such as Wiltshire there are plentiful supply of such opportunities, and these have developed in popularity since their introduction.
- A32. More recently in 2020 and 2021, further changes have continued to allow provision for residential dwellings on previously developed land. These have allowed:
- upwards extensions of existing residential and commercial buildings (Class AA, AB, AC and AD),
 - demolition and redevelopment of redundant buildings formerly in commercial or mixed use to residential use (Class ZA), and
 - change of use of commercial and business uses to residential uses (Class MA). This right was extended further in March 2024 to increase the amount of floorspace permissible under such a change of use and no longer requires the building to have been vacant for 3 months prior to the change.

Since the first change-of-use prior-approvals amendments came into effect (May 2013) until the end of the current monitoring period (March 2024) prior approval has been granted (or not required) for a total of **590** residential units on brownfield land in Wiltshire.

In addition, over the same time period, prior approval has been granted (or not required) for a total of **233** dwellings for agricultural-to-residential changes of use in Wiltshire.

Policy and legislative incentives

A33. In addition to the continuous trend in windfall permissions and delivery from small sites and the effect of relaxing permitted development rights, the Government proposed initiatives to increase housing supply, implemented through the Housing and Planning Act 2016. As part of the legislation Local Planning Authorities now have to maintain statutory registers of previously-developed land in the Brownfield Land Register and can grant 'permission-in-principle' for sites on the Register.

The concept of 'permission-in-principle' has subsequently been extended to allow applicants to apply for permission-in-principle for Small sites, with details of the proposal submitted later through Technical Details Consent. Plan-making authorities can also grant permission-in-principle on site allocations in the development plan.

A34. The 2019 NPPF (and retained in subsequent versions of the NPPF) includes a chapter entitled 'Making effective use of land' which promotes policies to meet the need for homes and other uses. It requires policies and decisions to give substantial weight to the value of suitable brownfield land within settlements. As the emerging Wiltshire Local Plan progresses, future development strategies would need to demonstrate how they have regard to this national policy. This has the potential to unlock brownfield sites and increase the supply of windfall development within Wiltshire in the future.

A35. To encourage opportunities for first-time buyers the 2018 NPPF also introduced the concept of entry-level exception sites. These set out criteria for development of such uses on non-allocated and smaller sites⁵ thus potentially unlocking sites that may not previously have garnered policy support.

A36. The introduction of legislation and policy specifically for self-build and custom-build housing also has the potential to increase windfall as a source of supply. This form of development includes an exemption from Community Infrastructure Levy (CIL) payments and Biodiversity Net Gain (BNG) requirements, thus reducing the cost burden and making such developments more attractive for would-be developers.

A37. As part of its programme of planning reform to speed up build rates and timescales of development, in May 2025 MHCLG announced proposals to improve the planning and development environment for Small and Medium sized enterprise (SME) developers. Such enterprises are those most likely to build small sites, which form a significant proportion of windfall permissions and delivery in Wiltshire. The changes includes reforming site size thresholds to introduce a 'medium' site between

⁵ Footnote 36 of the NPPF (December 2024) indicates such exception sites should not be larger than one hectare in size or exceed 5% of the size of the existing settlement.

major and non-major development, and reducing policy requirements for such sites.

The proposal also seeks to reduce development costs on non-major sites including less regulatory requirements on BNG which will improve viability, and exempting sites from proposed build-out transparency proposals (also introduced through the May 2025 announcements). The Government are also introducing a new Housing Delivery Fund for SMEs to support long-term finance options for development projects to support delivery. The existing Home Building Fund offered by Homes England has also been extended to provide access to finance for SMEs who had been unable to obtain funding from traditional lenders.

A38. Although the proposals are currently in consultation, it does indicate the recognition that SMEs make in delivering smaller sites and the Government's drive to improve prospects of future development of small and medium sized windfall sites.

A39. At a local level, the Council has commissioned studies to identify existing provision and potential need for non-residential land uses, to inform the emerging Local Plan review. The Wiltshire Retail and Town Centres Study 2020 (Avison Young, November 2020) identifies approaches to diversify uses within town centres in certain locations. In response, the town centre policy (Policy 68) in the emerging Local Plan provides a criteria-based approach for circumstances in which provision of residential development may be acceptable.

Expected future supply

A40. Chart 1 above shows brownfield windfall permissions in the 18 years of the Wiltshire Core Strategy. Permissions decreased from the start of the plan period in 2006 following the financial crisis and subsequent economic recession from 2009 to 2012.

A41. Chart 2 shows brownfield windfall completions from small sites in the 18 years of the Wiltshire Core Strategy. It also reflects the economic conditions over that period, with relative consistent delivery since recovery from the 2008 economic crash began. These trends indicate that development opportunities are consistently being implemented and, in terms of future delivery, that supply is continually being replenished with new sites. This arises where the current land use has changed and/or policy and legislative changes are simplifying the planning process, and/or making such opportunities attractive for development.

A42. The change in the approach for brownfield windfall from large sites (Chart 3) reflects the downward trend from this source, however this is not to indicate this will continue indefinitely. This, as well as all sources of windfall, will be monitored as part of the annual review of the housing land supply.

A43. Chart 4 shows greenfield windfall completions from small sites in the 18 years of the Wiltshire Core Strategy. This indicates that development opportunities are consistently being implemented over a longer period of time. Opportunities have continually arisen, both through in-filling of greenfield sites in built-up areas, and opportunities offered through rural sites given the nature of Wiltshire.

Method for identifying an allowance for future windfall delivery

A44. Up to the 2014 Housing Land Supply Statement the Council calculated a windfall allowance based on two separate components:

- For **small** sites (5 or fewer dwellings): historic permissions of such sites from 2009 to 2012 with a delivery rate applied,
- For **large** sites (more than 5 dwellings): capacity of previously developed sites within settlement boundaries (therefore assumed to be suitable) and in single ownership (therefore assumed to be available) within the 2012 SHELAA.

A45. Paragraph 32 of the NPPF requires Local Planning Authorities to ensure their local plan is based on relevant and up-to-date evidence. This should include the update of the authority's Housing Land Supply position, and therefore the windfall allowance that forms a source of housing supply. This previous windfall allowance used permissions from April 2009 to March 2012 which is now dated, and relied on delivery rates from permissions prior to 2008 which no longer reflect the prevailing economic climate. In addition, as discussed in A26-A28 above, using the capacity of 'assumed deliverable' SHELAA sites to establish a large site allowance significantly under-estimates the potential future supply when compared against actual historic permissions, and has also found to be difficult to understand.

A46. Following the publication of the July 2014 Housing Land Supply Statement the Wiltshire Core Strategy Inspector produced his Final Report confirming that the development plan passed the tests of soundness set out in the NPPF. The housing land supply was discussed in paragraphs 88-97 of the Final Report and included a discussion on the use of a windfall allowance at paragraph 97. It states:

“...the Council promulgates three methods of calculating windfall allowances all of which have some credibility and which produce a county wide five year range of housing delivery between 940 and 2713 homes. The Council has elected to take a conservative estimate of likely windfalls yet the evidence is sufficiently compelling to suggest that the likely rate of housing delivery on such sites, both large and small, will be greater.”⁶

The Wiltshire Core Strategy was subsequently adopted by the Council in January 2015.

A47. Given the national and local policy context the Council has adopted its current windfall allowance to reflect the Inspector’s conclusions. The method is a model based on historic delivery as used in Method 3 set out in the July 2014 Housing Land Supply Statement and referenced in the Wiltshire Core Strategy Inspector’s Final Report. This was referred to as Method A from the 2015 Housing Land Supply Statement onwards up to the present Statement.

A48. Method A uses the number of permissions across a period achieved to date to produce an annualised average to which a delivery rate is then applied. The delivery rate reflects more recent economic conditions - specifically build out of permissions granted from 2008 to 2014 - rather than an earlier period (from 2001 to 2008) used in the windfall allowance calculation until 2017.

As discussed in the section on ‘Historic windfall delivery’, for small sites it is considered that permission figures derived from the 2009 – 2024 period represent an accurate estimate of future delivery, as it covers the low number of permissions granted during the recessionary period following the economic crisis, a relatively steady position up to the present day, with some reduction across the years affected by the COVID pandemic (as shown in Chart 1 above). For large brownfield sites, it is appropriate to base the calculation on permissions in more recent years 2019 – 2024 to reflect the recent downward trend in delivery from this source.

A49. To demonstrate the realistic nature of this method, a number of alternative methods and the allowance generated by each are set out in Table A6.

⁶ It is acknowledged that Methods 1 and 2 referenced in the July 2014 Statement use the capacity of Large sites in the SHLAA to calculate the large part of the allowance (as discussed in A14 above). Method 3 (which produced the largest allowance quoted in the Wiltshire Core Strategy Inspector’s Final Report paragraph 97 above) is based exclusively on permissions during the period 2006-2012.

Windfall allowance calculation

A50. As identified above, the number of windfall sites achieving permission since 2009 has varied with differing longer term trends depending on the size and land type nature (brownfield or greenfield) of the site.

A51. Although future economic conditions are, by their nature, uncertain it is considered that basing the allowance on a longer period results in a more representative picture of the economic cycle and potential future development activity.

A52. For **small brownfield** and **small greenfield sites** the average number of permissions across the period 2009-2024 will be assumed to be permitted each year for the following five years.

A53. For **large brownfield sites** the average number of permissions across the period 2019-2024 will be assumed to be permitted each year for the following five years.

A54. The average number of new windfall permissions across this period for each category of windfall is presented in Table A2.

Table A2: windfall permissions and assumed delivery over five years

Area	Average number of brownfield windfall permissions on small sites (per annum)	Average number of brownfield windfall permissions on large sites (per annum)	Average number of greenfield windfall permissions on small sites (per annum)
East Wiltshire HMA	54	6	20
North and West Wiltshire HMA	161	130	74
South Wiltshire HMA	70	38	28
Wiltshire	285	174	122

Delivery rate

A55. In order to estimate how many windfall sites will actually be delivered within five years, a delivery rate is applied to allow for non-implementation of permissions. The delivery rate has been calculated

using the completion date of windfall permissions granted from 2009 to 2015⁷ over an eight-year period. This is appropriate for two reasons:

Firstly, it reflects the low number of permissions in the early part of that period with a gradual increase to 2015, and thus reflects delivery throughout that economic period as permissions were implemented.

Secondly, if brownfield windfall permissions are implemented, historic delivery records indicate any permission that is implemented will be completed within eight years after permission. Using the period 2009 – 2015 for assessing implementation of permissions provides a comprehensive dataset of delivery rates. This is because virtually all implemented permissions that were granted in 2009 will be complete by 2017. Similarly at the later end of the range, virtually all implemented permissions granted in 2015 will be complete by 2023 which is the present position.

The resulting rate is presented in Table A3.

Table A3: Standard delivery rate

Type	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Year 7	Year 8
Small greenfield	13.7%	29.5%	14.3%	7.6%	3.0%	1.4%	0.04%	0.03%
Small brownfield	14.0%	26.3%	14.9%	8.7%	3.3%	0.1%	0.03%	0.02%
Large brownfield	0.02%	14.9%	23.2%	14.2%	5.6%	6.4%	0.01%	0.00%

A56. Table A3 shows that for a small brownfield permission granted in year 1, only 67.2% will reach completion in the five-year period. Indeed, only 68.6% will reach completion at all, providing an allowance for non-delivery. For a large brownfield permission granted in year 1, only 59.7% will reach completion in the five-year period and 66.9% overall. Finally, for a small greenfield permission granted in year 1, only 68% will reach completion in the five-year period and 70.7% overall. This provides a comprehensive assessment of the rate at which permissions are either implemented or lapsed.

A57. This delivery rate has been applied to the assumed number of new windfall sites for small and large brownfield sites. Table A4 shows an example which is for small brownfield sites in the East Wiltshire HMA.

⁷ This uses the same number of dwellings permitted as in earlier Housing Land Supply Statements, however the data used to determine the delivery rate has been refreshed to include completions up to 2015. This will result in a revised rate for each year, and thus for the overall 5-year period.

Table A4: Delivery matrix showing small brownfield sites in the East Wiltshire HMA

	Built in year 1	Built in year 2	Built in year 3	Built in year 4	Built in year 5
54 permitted in year 1	54 x 14.0% = 7.6	54 x 26.3% = 14.2	54 x 14.9% = 8.0	54 x 8.7% = 4.7	54 x 3.3% = 1.8
54 permitted in year 2		54 x 14.0% = 7.6	54 x 26.3% = 14.2	54 x 14.9% = 8.0	54 x 8.7% = 4.7
54 permitted in year 3			54 x 14.0% = 7.6	54 x 26.3% = 14.2	54 x 14.9% = 8.0
54 permitted in year 4				54 x 14.0% = 7.6	54 x 26.3% = 14.2
54 permitted in year 5					54 x 14.0% = 7.6
Sum	7.6	21.8	29.8	34.5	36.3

A58. This demonstrates the effect of assessing delivery from a 'cold start' (in order not to double-count completions on permissions that have already been granted at the base date) and providing a realistic delivery rate.

A59. In the example given, of the **290** dwellings that are forecast to be permitted within 5 years on small brownfield sites in the East Wiltshire HMA, only **130** are assumed to be deliverable in the forthcoming 5 years.⁸

A60. Using the above calculation, the resulting allowance for each category of windfall in each HMA and Wiltshire overall is presented in Table A5⁹.

⁸ Figures from table A4 may not sum exactly due to rounding.

⁹ Figures from table A5 may not sum exactly due to rounding.

Table A5: Summary of windfall allowance for each HMA, development size and land type for 2024-2029.

Area	From brownfield windfall permissions on small sites	From brownfield windfall permissions on large sites	From greenfield windfall permissions on small sites	TOTAL
East Wiltshire HMA	130	10	50	190
North and West Wiltshire HMA	389	225	183	797
South Wiltshire HMA	168	66	69	303
Wiltshire	687	301	302	1,290

A61. This allowance, as described throughout this section, is set out to be a realistic estimate based on prevailing and anticipated economic conditions. To demonstrate this Table A6 shows the proposed method described above (Method A) and two alternative calculations (Methods B and C) using permissions granted during other time periods, thus reflecting a different mix of economic conditions. Each method is described briefly in footnotes 10 and 11.

Table A6: Comparison of methods for calculating windfall allowance

Area	Method A (as above)	Method B ¹⁰	Method C ¹¹
East Wiltshire HMA	190	244	223
North and West Wiltshire HMA	797	916	607
South Wiltshire HMA	303	315	161
Wiltshire	1,290	1,475	991

¹⁰ **Method B:** as Method A but for brownfield sites only. It assumes that the average number of new windfall permissions over the entirety of the Wiltshire Core Strategy period to date (2006-2024) will be permitted for the next five years and will be delivered at the standard development rate. This could be perceived to be a more robust assessment of future windfall delivery as it covers a longer period of time and thus takes into account both peaks and troughs of the economic cycle. However, given the nature of the economic recession from 2008, permissions achieved in the early years of this period are considered to have been driven by an unsustainable financial model, and therefore are unlikely to be a realistic representation of future activity.

¹¹ **Method C:** as Method A but for brownfield sites only. It assumes that the average number of new windfall permissions during the period 2009-2012 will be permitted for the next five years and will be delivered at the standard development rate. This period of time was used for the small brownfield site windfall allowance in Housing Land Supply Statements prior to 2015. As can be seen from Chart 2 and Chart 3 in this section it represents the lowest points in the economic cycle. Since this date there have been periods of improved economic activity, with greater opportunities for delivery and for reasons explained earlier this is likely to continue. As such this method is not considered to be a realistic projection for future years.

Appendix 6 – Summary assessment of supply and remaining housing to be identified (by Community Area settlements and rural remainders)

Area	Indicative requirement 2006-2026	Completions 2006-2024	Deliverable commitments 2024-2026 ¹²	Indicative remaining requirement ¹³
Devizes	2,010	2,066	87	-143
Devizes CA remainder	490	442	105	-56
Devizes CA	2,500	2,508	192	-200
Marlborough	680	726	17	-63
Marlborough CA remainder	240	237	12	-9
Marlborough CA	920	963	29	-72
Pewsey CA	600	611	7	-18
Tidworth and Ludgershall	1,750	1,370	164	216
Tidworth CA remainder	170	117	7	46
Tidworth CA	1,920	1,487	172	261
EAST WILTSHIRE HMA	5,940	5,569	399	-28
Bradford on Avon	595	630	8	-43
Bradford on Avon CA remainder ¹⁴	185	201	22	-38
Bradford on Avon CA ¹⁴	780	831	30	-81
Calne	1,440	2,134	87	-781
Calne CA remainder	165	196	6	-37
Calne CA	1,605	2,330	93	-818
Chippenham	4,510	2,918	453	1,139
Chippenham CA remainder	580	571	67	-59
Chippenham CA	5,090	3,489	521	1,080
Corsham ¹⁵	1,220	984	65	171
Corsham CA remainder ¹⁵	175	459	13	-297
Corsham CA	1,395	1,443	78	-126

¹² Figures in the Deliverable commitments column represent committed sites only and **do not** include a windfall allowance. The summary for each area shows the total number of units assumed to be developable based on historic delivery rates (rounded to the nearest whole unit) and information from developers, site representatives and officers for Large Sites.

¹³ Figures in the Indicative remaining requirement column show as a positive figure where the indicative requirement (completions and commitments) has not yet been met. It shows as zero or a negative figure where the indicative requirement has been met or exceeded.

¹⁴ Bradford on Avon CA remainder and Bradford on Avon CA exclude any development at Staverton Marina which is classified as Trowbridge Principal Settlement.

¹⁵ Corsham CA remainder and Corsham CA exclude any development at South West Chippenham which is classified as Chippenham Principal Settlement.

Area	Indicative requirement 2006-2026	Completions 2006-2024	Deliverable commitments 2024-2026 ¹²	Indicative remaining requirement ¹³
Malmesbury	885	1,043	180	-338
Malmesbury CA remainder	510	617	118	-225
Malmesbury CA	1,395	1,660	297	-562
Melksham and Bowerhill	2,240	2,590	103	-453
Melksham CA remainder ¹⁶	130	186	22	-78
Melksham CA ¹⁶	2,370	2,776	125	-531
Royal Wootton Bassett	1,070	1,170	16	-116
Royal Wootton Bassett and Cricklade CA remainder ¹⁷	385	745	104	-464
Royal Wootton Bassett and Cricklade CA ¹⁷	1,455	1,915	120	-580
Trowbridge	6,810	3,629	352	2,829
Trowbridge CA remainder	165	346	24	-205
Trowbridge CA	6,975	3,975	376	2,624
Warminster	1,920	1,124	230	566
Warminster CA remainder	140	193	23	-76
Warminster CA	2,060	1,317	253	490
Westbury	1,500	1,848	100	-448
Westbury CA remainder	115	90	36	-11
Westbury CA	1,615	1,938	136	-459
NORTH AND WEST WILTSHIRE HMA	24,740	21,674	2,030	1,036
Amesbury, Bulford and Durrington	2,440	2,328	31	81
Amesbury CA remainder	345	317	16	12
Amesbury CA	2,785	2,645	47	93
Mere	235	265	52	-82
Mere CA remainder	50	73	5	-28
Mere CA	285	338	57	-110
Salisbury	6,060	4,681	517	346
Wilton		510	6	
Wilton CA remainder	255	182	1	72
Salisbury and Wilton CAs	6,315	5,373	524	418
Downton	190	183	1	6
Southern Wiltshire CA remainder ¹⁸	425	616	37	-228

¹⁶ Melksham CA remainder and Melksham CA exclude any development at Land North of Green Lane as this is classified as Trowbridge Principal Settlement.

¹⁷ Royal Wootton Bassett & Cricklade CA remainder and Royal Wootton Bassett & Cricklade CA exclude any development at the West of Swindon.

¹⁸ Southern Wiltshire CA remainder and Southern Wiltshire CA exclude development at Old Sarum and Longhedge. These are classified as Salisbury Principal Settlement.

Area	Indicative requirement 2006-2026	Completions 2006-2024	Deliverable commitments 2024-2026 ¹²	Indicative remaining requirement ¹³
Southern Wiltshire CA ¹⁸	615	799	38	-222
Tisbury	200	181	1	18
Tisbury CA remainder	220	94	6	120
Tisbury CA	420	275	7	138
SOUTH WILTSHIRE HMA	10,420	9,430	673	316
Swindon (within Wiltshire)	900	932	0	-32
WILTSHIRE	42,000	37,605	3,103	1,292



Appendix 7 – Inspectors’ Detailed Stage 2 Post Hearings Letter

Examination of the Wiltshire Local Plan Review

Inspectors: Philip Mileham BA (Hons) MA MRTPI
Gareth Wildgoose BSc (Hons) MSc MRTPI

Programme Officer: Ian Kemp
Email: ian@localplanservices.co.uk

22 December 2025

Dear Mrs Clampitt-Dix,

Wiltshire Local Plan examination – Inspectors’ post Stage 2 hearings letter

1. Further to the hearing sessions held on 11-13 November 2025 and our post hearings letter sent on 17 November 2025, we are now writing to you to set out our initial views on the next steps of the Wiltshire Local Plan (the Plan) Examination. In summary, having had regard to the written statements received in response to our Matters, Issues and Questions and the subsequent discussions in the hearing sessions to date, we have identified several significant issues in terms of the Plan as submitted which we go on to set out in detail in this letter.
2. We are satisfied at this stage that there is sufficient prospect that the existing legal compliance and soundness deficiencies we have identified could be overcome. This is, however, subject to the Council outlining an achievable timetable for the preparation and submission of additional evidence that would not unreasonably delay the progress of the Examination. The timetable should be provided to us by not later than **5pm on Friday 30 January 2026** and should include provision for monthly progress updates. To assist with the preparation of the timetable, we set out in this letter the further work which we consider to be necessary at this stage to overcome the shortcomings that we have identified so far.
3. In reaching our initial conclusions, we have considered all evidence submitted and representations made relating to the Plan to date, including the written statements and oral contributions at the hearing sessions. Our overall conclusions on soundness and legal compliance will be given in the Final Report, which will be produced taking into account all stages of the Examination. As such, any views expressed in this note are preliminary and may alter in the light of any further evidence that emerges. This includes as part of any subsequent consultation process and any necessary work on the sustainability appraisal (SA) or habitats regulations assessment (HRA). It therefore follows that the views expressed in this letter are without prejudice to the conclusions of our Final Report.

Initial Views and Required Actions

Housing Need and the Housing Requirement

4. As submitted, the housing requirement is 36,738 dwellings over a plan period of 2020 to 2038. This is based on a local housing need calculation (LHN) of 2,041 homes per year. However, the base date of that calculation was 1 April 2022 and more recent Office for National Statistics (ONS) workplace affordability ratios have since been published.
5. The Council has referred to the Planning Practice Guidance (PPG) which advises that the LHN calculated using the standard method may be relied upon for two years from submission of the Plan. However, it is evident that the LHN calculation informing the Plan was already more than two years old when the Plan was submitted on 28 November 2024. The PPG is clear that the LHN calculation should be kept under review and revised where appropriate.
6. It follows that we request the Council to rebase the Plan period to 1 April 2023 to match the date of the median workplace-based affordability ratios (at the time of the Plan's submission). The Council should then recalculate the LHN for the Plan period. In doing so, the housing requirement may also need to be recalculated. If the Plan period were to be extended (see later paragraphs) this would likely result in a significantly higher number of homes to be delivered. This is evident even before any detailed testing of the housing supply and would have significant implications for the examination going forward.

Stepped Housing Requirement / Distribution of Development

7. Turning to the proposal to include a stepped housing requirement in the Plan as submitted, we consider that it is neither positively prepared nor justified. Whilst we note that the HRA indicates that a stepped trajectory should be considered, no clear evidence has been provided to justify at what level the step might be set at or its duration. Furthermore, the level of the step does not appear to have been subject to SA. Evidence was also provided during the hearings that the step was lower than current rates of housing delivery in the County. We are therefore concerned that it is not justified and would serve to unnecessarily delay meeting identified housing needs. In reaching this view, we note that there has not been a significant change in the level of the proposed housing requirement in the Plan when annualised and compared with the Wiltshire Core Strategy (document DP/01). Moreover, the housing trajectory provided in the submitted Plan does not seemingly correspond with a reliance upon strategic sites that would have phased delivery, nor is a majority of housing to be delivered later in the Plan period.
8. The approach pursued is instead influenced by rigidly following a distribution of development between the four Housing Market Areas (HMAs) informed by the Wiltshire Local Housing Need Assessment Update Volume One (document

SD/21). In doing so, the strategy is derived from nutrient neutrality constraints in the HRA (document SD/65) which affects the short-term deliverability of some sites in the Salisbury HMA in advance of upgrades to existing wastewater treatment works. However, in pursuing that strategy, there has been insufficient consideration of alternative distributions of development between the four HMAs which could have supported a much higher rate of housing delivery over the Plan period. This includes the alternative of allocating additional sites in HMAs other than Salisbury to provide sufficient deliverable sites in Wiltshire upon adoption and throughout the Plan period. It is necessary to assess those alternatives, given that they have the potential to be a realistic means of meeting identified housing needs in the early years of the Plan period.

9. Further work is therefore required to consider a range of alternative distributions between the four HMAs to ensure that housing needs can be met in the earlier parts of the Plan period. This should be informed by updates to the SA, which should consider a range of reasonable alternatives.

Proposed Salisbury Area New Community

10. The hearing sessions confirmed our earlier concerns (see document ID1) that there is no substantive evidence to justify the proposed search area for a new community, or the related approach in Policy 21 and the Key Diagram. This is also reflected in the SA Annex 3 (document CD/03U) which provides very little detail on how Policy 21 meets SA objectives. There is also insufficient evidence to inform the HRA conclusion of no likely significant effect on European sites. The latter finding is inconsistent with the Plan, which expects around 300 homes from the new community. In that regard, we do note that there is no evidence of a reasonable prospect that any homes from this new community could realistically be delivered within the Plan period as submitted.
11. Setting aside the inconsistency between the HRA and the Plan, the intention of Policy 21 to confirm the new community only through a future review suggests it is not currently supported by sufficient evidence. The Plan also conflicts with paragraph 22 of the NPPF, which requires that where large-scale developments (such as new settlements or significant extensions to existing villages and towns) form part of the strategy for the area, that policies should be set within a vision that looks further ahead (at least 30 years) to take into account the likely timescale for delivery. In addition, the evidence provided does not adequately show the likely nature or scale of development likely to come forward, meaning the Plan cannot be modified to meet this requirement.
12. In reaching the above view, it is appreciated that the delivery of large-scale developments may need to extend beyond an individual plan period and the associated infrastructure requirements may not be capable of being identified fully at the outset. However, when taking account of the shortcomings of the SA assessment and the lack of detailed HRA

assessment, the Plan's approach is not justified nor consistent with national policy insofar as seeking to establish the principle for the strategic distribution of development beyond the Plan period and deferring the detail to a future Plan review.

13. We therefore consider that the inclusion of the proposed Salisbury area new community is not supported by sufficient evidence and is unsound. Having considered the extent of work that would likely be required to justify its inclusion in the Plan, we consider that it would not be achievable in a reasonable timescale during this Examination. Accordingly, the proposed Salisbury area new community should be removed from the Plan.

Broad Locations

14. The NPPF paragraph 68 b) allows for the identification of a supply of land for homes for years 6-10 and where possible for years 11-15 years of the Plan, to include broad locations for growth. NPPF paragraph 23, however, indicates that strategic policies should provide a clear strategy for bringing sufficient land forward, and at a sufficient rate, to address objectively assessed needs over the plan period. In that context, we appreciate that broad locations by their very nature often have a degree of ambiguity in terms of the precise location, scale of development, infrastructure requirements and delivery timescales. Nonetheless, the approach of the Plan to the proposed broad locations still falls considerably short of the expectations of the NPPF. The broad locations have not been identified on the Key Diagram, and need to be more specific in terms of the extent of growth that is expected to be brought forward/required during the Plan period.
15. The lack of certainty regarding the intended broad locations in Chippenham, Melksham and Trowbridge is exacerbated by the approach in Policy 3 and its supporting text which relies on further Development Plan Documents (DPDs) to assist in delivering the strategic objectives of the Plan. As such, there is insufficient evidence to demonstrate that there is a reasonable prospect that the proposed broad locations can be developed within the timescales envisaged. Therefore, we consider there are similar shortcomings to Policy 21 in terms of the demonstration of consideration of alternative approaches to the distribution of development and other locations as described above.
16. It follows that the Council are requested to reassess the inclusion of the broad locations in Chippenham, Melksham and Trowbridge. This should be undertaken as part of the additional work required relating to the distribution of development across the plan area, including revisiting the site selection process and updates to the SA and HRA. It should also include consideration and assessment of reasonable alternatives such as the identification of additional specific allocations in each of those settlements or elsewhere in Wiltshire. Following that process, if the Council was to find that one or more of the broad locations are still required, this should be fully justified in evidence including the contribution required from each along with some further details on their location and extent. The justification should also

include proposed main modifications to the Key Diagram and Policy 3 of the Plan to provide a positively prepared and effective strategy that would enable any broad location(s) to be brought forward by the end of a Plan period (without reliance solely on the preparation of a future DPD).

Reserve Sites

17. We also have concerns about the justification and effectiveness of the approach taken in Policy 3 of the Plan as submitted to reserve sites. This is particularly notable given that their limited scale is likely to offer little contingency for the circumstances of housing land supply shortfall identified in the Plan. There is also concern that the trigger for the release of the reserve sites which relies upon the calculation of land supply on an HMA basis is not justified. No clear evidence has been provided why the reserve sites were not proposed to be allocated to simply provide a further land supply buffer.
18. The Council is, therefore, requested to revisit the status of the proposed reserve sites as part of the additional work required on the site selection process and updates to the SA and HRA. This should include consideration of whether they should be allocated immediately.

Employment Need and Delivering the Employment Requirement

19. To reflect the changes to the housing requirement and those that may be required to the Plan period (see later paragraphs), further work will also be required to recalculate the employment land requirement. As part of that process, the Council should provide additional justification for the approach pursued in the Plan. This should include further assessment and explanation of any intended balance between homes and jobs being planned for in each of Wiltshire's Functional Economic Market Areas (FEMAs). It should also set out the extent to which supply and demand for the numbers of workers and sectoral priorities have influenced the distribution of proposed allocations in the Plan.
20. Notwithstanding the above, there are other evident shortcomings in the approach of the Plan to additional employment land in terms of soundness that will also need to be addressed. A significant concern is the approach of Policy 64 which provides support for the principle of development of unallocated sites within or adjacent to Principal Settlements, Market Towns, Local Service Centres and Large and Small Villages where appropriate to the role and function of the settlement subject to listed criteria. The flexibility afforded in the policy and the absence of prioritisation of the most sustainable locations, serves to demonstrate that there is a deficiency in setting out an overall strategy for the pattern and scale of employment sought to be delivered contrary to NPPF paragraph 20. The spatial strategy therefore lacks justification as the Plan does not bring sufficient employment land forward through allocations and broad locations noting the deliverability risks of some sites identified in the Wiltshire Employment Land Review Update (document SD/20). There is also an evident need for main

modifications to revise the policy for effectiveness to allow opportunities for existing businesses in other locations to appropriately expand.

21. We consider that further work is therefore required insofar as assessing a suitable range of alternative distributions of development between the three FEMAs in the Wiltshire Council area. This should be underpinned by revisiting the approach to site selection that informed the Plan given the potential necessity to identify an additional supply of employment land for an extended Plan period (see later paragraphs). The additional work should include updates to the SA to assess the broader range of reasonable alternatives and the HRA to both inform the proposed modifications to the Plan and to ensure that the cumulative effects are appropriately assessed and addressed.

Planning for Strategic Logistics Development

22. There are further deficiencies of the Plan and Policy 64 in terms of the approach to strategic logistics development adjacent to M4 Junction 17. In that respect, we acknowledge that the evidential basis for identifying a specific quantum of logistics development in the Plan area to address regional and local needs is not currently available. Nonetheless, given the likelihood that planning applications may come forward imminently during this Plan period, it is essential that the policy approach in the Plan is clearly written and unambiguous so that it is evident how a decision maker should react to development proposals for strategic logistics development.
23. It follows that main modifications will be required to refine the criteria-based approach set out in Policy 64 for national and regional logistics development adjacent to M4 Junction 17. For effectiveness, we recommend that this would be most appropriately achieved through a new policy focussed specifically on strategic logistics development. Ideally, such a new policy in the Plan would be supplemented by identifying a new broad location on the Key Diagram or specific allocations to clearly denote the location where the new policy would apply. The identification of a new broad location or alternatively specific allocations would inevitably require additional work to identify the potential scale/boundaries. This process would need to take account of any likely constraints such as capacity of infrastructure and/or protective land-use designations. The identification of a new broad location or specific allocations should also be informed by updates to the SA, including the assessment of reasonable alternatives for bringing sufficient land forward. Updates to the HRA would also be required to assess any proposed changes that the Council provide to us, including in terms of the cumulative effects with plans and projects elsewhere.

The Plan Period

24. As discussed during the hearing sessions, paragraph 22 of the NPPF - September 2023, amongst other things, requires that strategic policies should look ahead over a minimum 15-year period from adoption to anticipate and respond to long-term requirements and opportunities, such as

those arising from major improvements to infrastructure. Where larger scale developments such as new settlements or significant extensions to existing villages and towns form part of the strategy for the area, policies should be set within a vision that looks further ahead (at least 30 years), to take into account the likely timescale for delivery.

25. Given the extent of work required in this letter, together with the remainder of the hearings programme and consultation process that would likely follow, we consider it unlikely that the Plan would be adopted until 2027. The Plan period may, therefore, need to be extended by at least a further four years to 2042 to ensure that the Plan is consistent with national policy and effective.
26. The implications of extending the Plan period by a further four years would be that the housing and employment requirements would need to be recalculated as previously stated. Further main modifications may also be required to identify sufficient land to ensure that needs could still be met.

Updates to Key Evidence

27. The Council should be mindful that any proposed changes to the Plan will need to be supported by relevant and up-to-date evidence beyond the specific additional work we have already identified in this letter. Adequate and proportionate updates to key evidence, sufficient to inform robust SA and HRA assessments and justify the proposed changes, are likely to be required. The range of evidential updates required will be dependent upon the extent of necessary changes to the distribution of development and identification of new site allocations and/or new or revised broad locations, and their relationship with their surroundings. However, as a minimum they are likely to include updated transport modelling, viability and infrastructure work. In addition, where applicable and relevant, it may be necessary to undertake further localised assessments of potential effects of any new site allocations and new or revised broad locations, such as upon air quality, historic environment, landscape and flood risk.

Other Matters

28. To address our concerns expressed during the recent hearings regarding the identification of strategic policies, we also request that the Council undertake a thorough review of the policies of the Plan having regard to the strategic priorities insofar as they align with Section 19 (1B-E) of the Planning and Compulsory Purchase Act 2024. When undertaking that process, we encourage the Council to be conscious of the differences between strategic and non-strategic policies in the context of NPPF paragraphs 11, 13, 17, 18, 19, 20, 21, 23, 28, 29, 30, 33, 36, 61, 66, 74, 119, 156 and 160.
29. Following on from the legal opinion provided by the Counsel for the Local Planning Authority regarding the ability to partially supersede policies from the existing Development Plan and the Council's further response on this

matter, we also request that the Council clearly sets out which elements of any existing policies the Council proposes to partially supersede through the Wiltshire Local Plan review.

30. The hearings to date have yet to cover the neighbourhood area designation requirements set out in the Plan. However, we are mindful of our soundness concerns regarding the Plan seeking to defer delivery of its strategy and associated strategic objectives to future DPDs. This is also likely to apply to neighbourhood area designation requirements that are included above and beyond the allocations proposed in the Plan.
31. The additional work set out in this letter provides an opportunity for the Council to prepare additional evidence and/or propose modifications to the Plan that provide greater certainty of how neighbourhood area designation requirements are to be delivered. As a minimum it should be made clear how each of the individual requirement figures have been derived and how they are intended to be met (i.e. existing commitments, windfalls or a combination of the two), and whether the Plan incorporates any specific contingencies should the neighbourhood plan process be unable to deliver the identified local needs.
32. The provision for accommodation for Gypsies, Travellers and Travelling Showpeople is not currently addressed by the Plan on the basis that a separate Gypsies and Travellers DPD is under preparation. The Gypsies and Travellers DPD is identified in the Wiltshire Local Development Scheme - March 2025 (document SD/39A) as expected to be submitted for examination in the 3rd quarter of 2025. It follows that we would be grateful for an update of the progress on the preparation of the DPD in response to this letter. The provision of accommodation for Gypsies, Travellers and Travelling Showpeople is necessary to be included in the development plan for consistency with NPPF paragraph 62. As such, we also request that the Council prepare a proposed modification to the Plan that would provide certainty that the matter will be addressed by a separate DPD.

Next Steps and Concluding Remarks

33. We would like to thank the Council and participants for their co-operation during the Examination to date. Assuming that the Council would be content to progress the Examination based on the actions which we have indicated are necessary, we would be grateful of an estimate of the likely timescales associated with the individual actions. In summary the actions are:

Spatial Strategy

- Consider a range of alternative distributions of housing and employment between the four HMAs to determine whether housing needs can be met in the earlier parts of the plan period. This should be informed by updates to the SA and HRA, which should consider a range of reasonable

alternatives, including whether a stepped housing requirement is needed at all.

- Revisit the site selection methodology to identify additional housing and employment land as may be required.

Broad Locations

- Provide additional evidence to demonstrate that there is a reasonable prospect that the broad locations can be developed within the timescales envisaged, or if not, suggest how the soundness issues can be overcome by main modifications.

Potential for Plan Period Extension

- Assess and set out the implications of extending the Plan period to meet the minimum 15-year plan period envisaged by the NPPF making the Plan period run to 2042.
- Update the housing and employment land requirements accordingly.

Potential Main Modifications

Aside from the issues identified above, the following changes will also be necessary to the Plan and should be addressed by the Council in responding to our Initial Findings:

- Deletion of the Salisbury Area New Community Area of Search;
- Amendments to the approach to employment land and strategic logistics (including possible new policy and allocations);
- Clarification of the relationship with the Gypsies and Travellers DPD;
- Explanation of the approach to delivery of requirements in neighbourhood area designations;
- Clarification of the alignment of strategic policies with legislation and national policy, and;
- Amendments to provide greater specificity of the approach to the partial superseding of existing policies.

Evidence and Assessments

- Updates to any key evidence considered necessary to justify the resultant changes proposed to the Plan.

34. We look forward to receiving a response from the Council **by not later than 30 January 2026**. The Council's response should include the intended programme for the next stage of the Examination consisting of the expected dates of completion for each item of work, key milestones and the dates when monthly progress updates will be provided. Ideally the entire programme of works should be completed as soon as possible to avoid unreasonable delay to the examination. Please note that whether the Examination can proceed to the remaining hearings would then be dependent on our consideration of the additional work provided and the responses to a consultation that will follow.

35. Having regard to the amount of time that has already elapsed since the Plan was submitted, we should be informed as soon as possible if the Council is unable to complete the requested additional work in a timescale that would avoid an overly long examination. In those circumstances, we would have to reconsider how best to take the Examination forward.
36. If there are any procedural or other questions arising from this letter, the Council should contact us via the Programme Officer in the first instance. We would be grateful if this letter could be placed on the examination website at the earliest opportunity. We are not inviting, nor envisage accepting, any comments from other examination participants at this stage.

Yours sincerely,

Philip Mileham

INSPECTOR

Gareth Wildgoose

INSPECTOR

Town & Country Planning Act 1990 (as amended)
Planning and Compulsory Purchase Act 2004

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