

1. Introduction

1.1 This objection is submitted in relation to the proposed development at Three Daggers, Westbury Road, Edington. It draws upon a comprehensive review of the applicant's Ecological Impact Assessment (EclA), Biodiversity Net Gain (BNG) Statement, Flood Risk Assessment (FRA), drainage strategy, lighting implications, arboricultural context, and relevant planning policy.

1.2 The objection integrates ecological, hydrological, procedural, and policy based evidence to demonstrate that the application fails to meet the requirements of the National Planning Policy Framework (NPPF), the Conservation of Habitats and Species Regulations 2017, the Wildlife and Countryside Act 1981, the Environment Act 2021 (BNG), and Wiltshire Council's adopted planning policies.

1.3 The proposed development includes a café extension, a large new car park, a multi-use games area (MUGA), and associated operational changes. These works occur within a sensitive ecological landscape containing confirmed bat roosts, high-value hedgerows, protected species habitat, and climate change impacted surface water flow paths.

1.4 The applicant's ecological and hydrological submissions contain significant omissions, contradictions, and non compliances. These defects are not minor or technical; they are fundamental and render the application incapable of lawful approval.

1.5 This objection demonstrates that the application must be refused on the grounds of:

- inadequate ecological survey effort
- failure to meet natural england and bat conservation trust (bct) standards
- unassessed impacts on confirmed bat roosts
- unassessed lighting impacts
- unassessed hydrological interactions with ecological receptors
- procedural errors
- failure to demonstrate the development is safe for its lifetime
- conflict with multiple nppf policies
- conflict with wiltshire core strategy policies

1.6 The document is structured to provide a hybrid approach:

- a professional planning theme structure
- combined with forensic, point by point dismantling of the applicant's evidence
- any named persons are already in the public domain

1.7 The conclusion is clear and unavoidable: the application cannot lawfully be approved.

2. Site Context and Planning Background

2.1 The application site comprises two parcels of land divided by Westbury Road. The northern parcel contains the Three Daggers public house, farm shop, existing parking areas, and open grassland proposed for redevelopment. The southern parcel contains residential and commercial buildings.

2.2 The northern parcel is ecologically sensitive, containing mature hedgerows, mature trees, high value foraging habitat, and confirmed bat roosts within the existing farm shop structure. The site lies adjacent to a network of hedgerows and treelines that function as commuting corridors for multiple bat species.

2.3 The site is located within the setting of Edington Conservation Area and in proximity to

heritage assets including the Grade I listed Edington Priory. The landscape character is rural, open, and historically significant.

2.4 The site lies within Flood Zone 1 but is subject to groundwater emergence risk and climate change impacted surface water flow paths, as confirmed by the Wiltshire Council Strategic Flood Risk Assessment (SFRA) and the applicant's own FRA.

2.5 The proposed development includes:

- a 120m² café extension
- a large new car park on currently undeveloped grassland
- a multi use games area (MUGA)
- new pedestrian access points
- operational changes that increase lighting, noise, and human activity

2.6 The development footprint overlaps with areas identified by the SFRA as susceptible to groundwater emergence and climate change exacerbated surface water flooding. These hydrological constraints interact directly with ecological receptors, particularly bats.

2.7 The site is within a wider ecological landscape that includes Bratton Downs SSSI, a designated site of national importance for chalk grassland and associated species. Although the EclA asserts "no effect", the assessment does not consider functional connectivity or indirect impacts.

2.8 The planning history of the site demonstrates incremental intensification of commercial activity. The current proposal represents a significant escalation in built form, operational footprint, and ecological impact.

2.9 Local residents have raised concerns regarding ecological harm, landscape character, heritage setting, and the scale of development relative to the village.

2.10 The LPA must consider the cumulative effect of the proposed development in the context of the site's ecological sensitivity, hydrological constraints, and heritage setting.

3. Procedural and Legal Failures

3.1 The application suffers from multiple procedural defects that undermine the validity of the submitted assessments and prevent the Local Planning Authority (LPA) from lawfully determining the proposal. These failures relate to survey adequacy, statutory duties, misapplication of policy, and omissions in the applicant's evidence base.

3.2 The LPA has a legal duty under the Conservation of Habitats and Species Regulations 2017 to ensure that any decision affecting European Protected Species (EPS), including bats, is based on adequate, up to date, and proportionate survey information. The submitted Ecological Impact Assessment (EclA) does not meet this requirement.

3.3 The EclA acknowledges confirmed bat roosts within the existing farm shop building but fails to undertake the full suite of surveys required by Natural England and the Bat Conservation Trust (BCT) for a site with known roosts. This constitutes a procedural failure that invalidates the ecological assessment.

3.4 Expiry of Bat Survey Validity Period - The bat surveys submitted with the application were undertaken between 1 August 2025 and 18 September 2025. For a site with confirmed roosts, high suitability PRFs, and multiple sensitive species, Bat Conservation Trust (BCT) guidance limits survey validity to a maximum of 12 months.

3.5 This means the survey data will expire on 18 September 2026. The applicant has not demonstrated that works will commence before this date. Given the scale of the

development, the need for pre commencement conditions, and the construction programme, it is highly likely that works would begin after the survey data has expired.

3.6 Natural England standing advice requires decisions affecting European Protected Species to be based on current, adequate, and proportionate survey information. Expired surveys cannot lawfully be relied upon.

3.7 The LPA cannot lawfully condition updated surveys after approval. Case law (including *Morge v Hampshire CC*) confirms that survey adequacy must be established before permission is granted.

3.8 The expiry of survey validity is therefore a fundamental procedural defect. The application cannot lawfully be determined until updated surveys are provided.

Continuation of Procedural Failures

3.9 The applicant has not provided a winter bat survey despite the EclA explicitly stating that winter roosting “cannot be ruled out”. This omission is contrary to Natural England standing advice.

3.10 The applicant has not provided any activity transect surveys across the wider site, despite the presence of hedgerows, treelines, and open grassland that function as commuting and foraging habitat. This omission breaches BCT survey guidelines.

3.11 The applicant has not provided a lighting impact assessment, despite proposing a large new car park, a MUGA, and extended operational hours. Lighting is a critical impact pathway for bats, and its omission renders the EclA incomplete.

3.12 The applicant has not provided a drainage strategy that assesses ecological receptors. The FRA identifies climate change impacted surface water flow paths across the development footprint, but the EclA does not assess how these hydrological changes will affect bat foraging, commuting, or roosting behaviour.

3.13 The applicant has not provided a Construction Environmental Management Plan (CEMP) or Landscape and Ecological Management Plan (LEMP), both of which are required for developments affecting protected species and priority habitats.

3.14 The applicant has not provided a Tree Survey or Arboricultural Impact Assessment, despite the presence of mature hedgerows and trees that form essential bat commuting corridors. This omission is contrary to BS5837:2012 and prevents the LPA from assessing arboricultural impacts.

3.15 The applicant has not provided a Heritage Impact Assessment, despite the site’s proximity to Edington Conservation Area and the Grade I listed Edington Priory. This omission is contrary to NPPF paragraphs 194–208.

3.16 The applicant has not provided a Noise Impact Assessment, despite the introduction of a MUGA and increased vehicle movements. Noise is a recognised impact pathway for bats and residential amenity.

3.17 The applicant has not provided a Highways Impact Assessment, despite proposing a large new car park and increased traffic generation. This omission is contrary to NPPF paragraph 111.

3.18 The cumulative effect of these omissions is that the application is procedurally incomplete. The LPA cannot lawfully determine the application without the missing assessments.

3.19 Granting permission in the absence of adequate ecological, hydrological, arboricultural, heritage, noise, and highways assessments would expose the LPA to legal

challenge, including judicial review.

3.20 The procedural failures identified in this section are fundamental and cannot be remedied through planning conditions. The application must therefore be refused.

3A. Procedural Misconduct, Predetermination, and Governance Failures by Edington Parish Council

3A.1 The conduct of Edington Parish Council in relation to the proposed land swap and associated development by The Three Daggers demonstrates a sustained pattern of procedural impropriety, predetermination, lack of transparency, and failure to comply with statutory governance obligations. The evidence spans from 2021 to 2025 and is drawn directly from the Parish Council's own minutes and the verbatim transcript of the 13 September 2021 public meeting.

3A.2 Early Alignment and Inappropriate Negotiations (2021)

3A.2.1 At the public meeting of 13 September 2021, The Three Daggers were invited by Edington Parish Council to present their commercial expansion proposals directly to residents. The Parish Council framed the meeting around The Three Daggers' presentation, giving the applicant privileged access and influence. This is inconsistent with the Parish Council's duty to act impartially in planning related matters.

3A.2.2 During this meeting, The Three Daggers openly linked a package of inducements — including maintenance of the Edington Playing Field, safety checks, village parking, and the purchase of a Multi Use Games Area — to the Parish Council agreeing to sell or swap part or all of the existing Edington Playing Field. This was a transactional offer, not a community benefit, and the Parish Council did not challenge or scrutinise it.

3A.2.3 The transcript shows that the Parish Council had already been in private discussions with The Three Daggers prior to the meeting. Residents were not informed of these discussions, nor were they provided with any documentation. This is a breach of the principles of openness and accountability.

3A.2.4 Residents repeatedly raised concerns about the loss of green space, noise, lighting, scale, lack of information, and the Parish Council's naivety in its dealings with The Three Daggers. The Parish Council did not address these concerns, nor did it provide any evidence based justification for considering the disposal of community land.

3A.3 Ongoing Private Negotiations and Operational Dependence (2023)

3A.3.1 By July 2023, the Parish Council minutes record that The Three Daggers were "still working on full costings" for the land swap. This confirms that bilateral negotiations were ongoing long before any planning application existed.

3A.3.2 The same minutes show that the Parish Council was delaying statutory maintenance of the Edington Playing Field and delaying equipment replacement because of "continuing uncertainty about the future of the project". This is a breach of the Parish Council's duty of care and fiduciary responsibility to maintain public assets.

3A.3.3 In September 2023, the Chairman reported that he had "alerted The Three Daggers" to the Parish Council's need to upgrade playing field equipment. This demonstrates that the Parish Council was treating The Three Daggers as a co decision maker in the management of the Edington Playing Field.

3A.3.4 Throughout 2023, the Parish Council's work on the Neighbourhood Plan was repeatedly influenced by the land swap, with discussions about the "aspirational site" and

the avoidance of survey costs. This is a conflict of interest.

3A.4 Escalation of Private Negotiations and Pre Commitment (2024)

3A.4.1 The January 2024 minutes record that “a further discussion was awaited with The Three Daggers” regarding the land swap. These discussions were not minuted, not disclosed, and not authorised by a public mandate.

3A.4.2 The Parish Council continued to make operational decisions about the Edington Playing Field — including equipment purchases, risk assessments, and signage — contingent on the land swap, despite having no planning permission and no public approval.

3A.5 Contractual Commitment Before Planning Application (2025)

3A.5.1 The February and March 2025 minutes confirm that the Heads of Terms for the land swap were with solicitors and that the Parish Council was actively progressing the legal documentation.

3A.5.2 On 30 October 2025, the Parish Council held an extraordinary meeting to arrange a confidential session to approve the land swap contract. The public and press were explicitly excluded. This is highly irregular for the disposal of public open space and contrary to the Transparency Code for Smaller Authorities.

3A.5.2.1 Lack of Public Awareness: Transfer of the Existing Playfield to an Offshore Company

- The land swap results in the existing village Playfield being transferred out of public ownership and into the control of a private company. Through examination of publicly available corporate filings, it is clear that the applicant’s operational entities form part of a wider group structure ultimately controlled by a Jersey registered offshore company. This information was not disclosed to residents during the Parish Council’s public engagement on the land swap, nor was it referenced in any Parish Council minutes or explanatory material.
- Residents were therefore not informed that the land swap would result in the transfer of the existing Playfield — a long established community asset — to a company ultimately owned outside the UK. This lack of transparency is significant, as the nature of the receiving entity is a material consideration for the community when evaluating the long term stewardship, accountability, and public accessibility of land currently held for community use.
- The absence of this information prevented residents from making an informed judgement about the implications of the land swap and undermines the validity of the Parish Council’s claim that the community supported the proposal. The public cannot meaningfully consent to the disposal of community land when material facts about the identity and jurisdiction of the acquiring party were not disclosed.

3A.5.3 Pre Determination, Contractual Commitment, and Loss of Impartiality

On 10 November 2025, the Parish Council held a confidential meeting from which the public and press were excluded. The sole purpose of this closed session was to review the draft land swap contract and transfers with The Three Daggers (TD) and to decide whether to proceed. During this meeting, the Parish Council considered not only the wording of the documents but the principle of the deal itself, including the chronology of negotiations, the

loss of the skateboard park, the provision of a MUGA, and the proposed bund and hedging to screen the future car park. Despite concerns raised about the deal being “all in favour of TD” and about “poor governance”, the Parish Council unanimously resolved to approve the contract.

On 17 November 2025, at an open meeting, the Parish Council formally signed the land swap contract. This was done before any planning application had been submitted, and therefore before the Parish Council had sight of any technical evidence, statutory consultee responses, or impact assessments. By entering into a binding legal agreement at this stage, the Parish Council fettered its discretion and created a direct financial and legal interest in the success of the subsequent planning application.

The same 17 November minutes record the Parish Council agreeing to physical works on the new Playfield—specifically, trenching and the installation of two manholes to resolve a drainage issue for TD. These works were approved despite:

- no planning application having been submitted,
- no planning permission being in place,
- no assessment of the impacts of trenching or manhole installation, and
- the land being an area of known archaeological sensitivity.

This amounted to premature consent to intrusive groundworks on land central to the development proposal, undertaken outside any statutory process and without archaeological evaluation.

At the 8 December 2025 meeting, attended by Mr Sheridan and Mr Martin Smith as representatives of The Three Daggers, the Parish Council considered the applicant’s planning material in advance of submission, in accordance with the land swap contract. During this meeting, councillors accepted the applicant’s verbal assurance that “highways were satisfied”, despite no Highways consultation response having been issued. The formal Highways Officer response (20 January 2026) directly contradicts this claim, confirming that Highways is not satisfied and that the application is incomplete.

During the same meeting, Mr Sheridan told the Parish Council that “the brewery would either stay or be moved to Station Yard — no final decision had yet been made.” However, the planning application form, signed by Mr Sheridan on 27 August 2025, explicitly proposes the change of use of the farm shop brewery to a café with extension. This contradiction confirms that the Parish Council was being misled about the scope of the application and formed its planning position based on verbal assurances that were inconsistent with the submitted documentation.

The Parish Council therefore formed its planning position:

- after committing itself contractually to the land swap,
- after authorising works linked to the applicant’s wider scheme,
- in the presence of the applicant’s representatives, and
- on the basis of unverified and misleading information.

In these circumstances, the Parish Council cannot be regarded as an impartial statutory consultee, and its planning response must be afforded significantly reduced weight.

3A.5.4 December 2025: Explicit Predetermination

The 8 December 2025 minutes record that the Parish Council:

“expressed its satisfaction with the plans thereby enabling the planning application to be formally submitted.”

This is explicit predetermination. The Parish Council signalled its support for the proposal before the application was submitted, before public consultation, and before any statutory consultee responses were available.

When read alongside:

- the November contractual approval,
- the authorisation of pre planning works, and
- the acceptance of incorrect assurances from the applicant,

this statement forms part of a clear and consistent pattern: the Parish Council had aligned itself with the applicant’s project long before the planning process began.

3A.6 Predetermination, Fettering of Discretion, and Loss of Impartiality

3A.6.1 The Parish Council’s actions demonstrate:

- Predetermination: The Parish Council expressed satisfaction with the proposals before any application existed.
- Fettering of discretion: The Parish Council entered into a binding contract whose implementation depended on planning approval.
- Conflict of interest: The Parish Council stood to gain a MUGA, playfield works, and other benefits linked to the applicant’s scheme.
- Lack of transparency: Key negotiations were held privately and not minuted.
- Failure to consult: Residents were not consulted on the land swap until after negotiations had begun.
- Failure to protect public land: The Parish Council treated the Edington Playing Field as a bargaining asset rather than a community resource.
- Breach of the Nolan Principles: Particularly objectivity, accountability, openness, and integrity.

3A.6.2

The Parish Council’s conduct is incompatible with its quasi judicial role in the planning process. The Local Planning Authority must therefore give minimal weight to the Parish Council’s representations.

The agenda for the Parish Council meeting scheduled on 12 January 2026 is dated 6 January 2026 and includes the full planning application (PL/2025/07147/FUL). This confirms that the Parish Council had received the application from Wiltshire Council by at least 6 January. However, the Parish Council had already expressed “satisfaction with the plans” on 8 December 2025, weeks before the application was received. This demonstrates that the Parish Council formed its planning position in advance of the statutory consultation process. Furthermore, as of 22 January 2026, the minutes of the 12 January meeting have still not been published, raising additional concerns about transparency during the consultation period.

3A.7 Conclusion

The procedural misconduct, predetermination, and governance failures documented across the Parish Council's own minutes render any support for the application unreliable and compromised. The Local Planning Authority must apply heightened scrutiny and cannot rely on the Parish Council's position in the planning balance.

4. Policy Framework and Statutory Duties

4.1 The Local Planning Authority (LPA) must determine the application in accordance with the development plan unless material considerations indicate otherwise, as required by Section 38(6) of the Planning and Compulsory Purchase Act 2004.

4.2 The development plan for this area comprises the Wiltshire Core Strategy (WCS), the Wiltshire Housing Site Allocations Plan, and any relevant made Neighbourhood Plans. The National Planning Policy Framework (NPPF) is a significant material consideration.

4.3 The LPA also has statutory duties under the Conservation of Habitats and Species Regulations 2017, the Wildlife and Countryside Act 1981, and the Planning (Listed Buildings and Conservation Areas) Act 1990.

4.4 Under the Habitats Regulations, the LPA must ensure that any decision affecting European Protected Species, including bats, is based on adequate, current, and proportionate survey information. This duty is non delegable and cannot be discharged through planning conditions.

4.5 The Wildlife and Countryside Act 1981 makes it an offence to disturb bats or damage or destroy a bat roost. The LPA must therefore ensure that the ecological assessment is robust, complete, and compliant with Natural England and Bat Conservation Trust guidance.

4.6 The Planning (Listed Buildings and Conservation Areas) Act 1990 requires the LPA to give special regard to preserving the setting of listed buildings and the character or appearance of conservation areas. This is a statutory duty of the highest order.

4.7 The NPPF requires decisions to:

- contribute to and enhance the natural environment (paragraphs 174–182),
- avoid unacceptable flood risk (paragraphs 159–169),
- protect heritage assets (paragraphs 194–208), and
- ensure safe and suitable access for all users (paragraph 111).

4.8 The NPPF also requires ecological impacts to be assessed using up to date surveys and proportionate evidence. Paragraph 99 of the Natural Environment PPG confirms that surveys must be “sufficiently up to date to inform the decision making process”.

4.9 Relevant Wiltshire Core Strategy policies include:

- CP1 (Settlement Strategy)
- CP2 (Delivery Strategy)
- CP32 (Westbury Community Area)
- CP40 (Hotels, B&Bs, Conference Facilities)
- CP50 (Biodiversity and Geodiversity)
- CP51 (Landscape)
- CP57 (Ensuring High Quality Design)
- CP58 (Heritage)
- CP60–CP64 (Transport and Accessibility)

- CP67 (Flood Risk)

4.10 CP1, CP2 and CP32 strictly limit development in Small Villages to modest, infill scale proposals that respect settlement form, avoid elongation, and do not impose development in sensitive landscape areas. The proposed 40 space car park, access track, MUGA, café expansion and relocation of the Recreation Ground represent a major commercial intensification in open countryside and conflict directly with these policies.

4.11 CP40 supports conference and similar facilities only where they are of an appropriate scale, protect amenity, and do not harm landscape or access. The proposed Class F venue at Hillside Cottage fails these tests.

4.12 CP50 requires adequate ecological survey information and protection of protected species. The application fails to meet this requirement.

4.13 CP51 requires development to protect, conserve and enhance landscape character. The proposed car park, access track and MUGA constitute a significant urbanising intrusion into the Special Landscape Area.

4.14 CP57 requires high quality design that respects local character and protects residential amenity. The scale, form and late night operational impacts of the proposal conflict with this requirement.

4.15 CP58 requires the protection of heritage assets and their settings. The absence of a Heritage Impact Assessment prevents the LPA from discharging its statutory duty.

4.16 CP60–CP64 require safe and suitable access, minimisation of traffic impacts, and proper assessment of transport effects. The Transport Statement is methodologically unsound, contains baseline errors, and fails to assess:

- pedestrian safety,
- footpath conflict,
- late night staff vehicle movements,
- cumulative impacts,
- junction capacity,
- construction traffic.

The proposal therefore fails to demonstrate compliance.

4.17 CP67 requires developments to be safe for their lifetime, taking account of climate change. The FRA identifies surface water flow paths across the development footprint, but the ecological and design documents do not assess their implications.

4.18 The cumulative policy conflicts identified in this section demonstrate that the application fails to comply with the development plan and the NPPF. There are no material considerations that outweigh these conflicts.

4.19 The application must therefore be refused.

5. Ecology and Protected Species (General)

5.1 The application site contains a combination of habitats and features that are highly sensitive to ecological disturbance, including mature hedgerows, treelines, grassland, and buildings supporting confirmed bat roosts. These features form part of a wider ecological network that supports multiple protected species.

5.2 The Ecological Impact Assessment (EclA) submitted by the applicant does not provide the level of detail or survey effort required for a site of this sensitivity. The assessment is incomplete, contains significant omissions, and fails to comply with Natural England

standing advice, Bat Conservation Trust (BCT) guidelines, and CIEEM best practice.

5.3 The EclA acknowledges the presence of confirmed bat roosts within the existing farm shop building. However, the survey effort undertaken is insufficient to characterise the roosts, assess their conservation significance, or evaluate the impacts of the proposed development.

5.4 The EclA does not include any activity transect surveys across the wider site, despite the presence of high value foraging and commuting habitat. This omission is contrary to BCT survey guidelines, which require transect surveys for sites with moderate or high bat activity potential.

5.5 The EclA does not assess the impacts of increased lighting associated with the proposed car park, MUGA, and extended operational hours. Lighting is a critical impact pathway for bats, and its omission renders the assessment incomplete.

5.6 The EclA does not assess the impacts of hydrological changes identified in the Flood Risk Assessment (FRA). The FRA identifies climate change impacted surface water flow paths across the development footprint, but the EclA does not consider how these changes will affect bat foraging, commuting, or roosting behaviour.

5.7 The EclA does not assess the impacts of noise associated with the MUGA, increased vehicle movements, or extended operational hours. Noise is a recognised impact pathway for bats and other protected species.

5.8 The EclA does not assess the impacts of increased human activity associated with the proposed development. Increased footfall, vehicle movements, and recreational use can have significant impacts on protected species, particularly bats.

5.9 The EclA does not assess the impacts of tree and hedgerow loss associated with the proposed development. Mature hedgerows and trees form essential commuting corridors for bats and other protected species.

5.10 The EclA does not assess the impacts of construction activities, including noise, vibration, lighting, and habitat disturbance. These impacts can have significant effects on protected species, particularly during sensitive periods such as breeding and hibernation.

5.11 The ecology report confirms that bats are already roosting within the farm shop/café building. The applicant's only mitigation — positioning the wood fired oven flue 1.5m from the roost access point — does not address the real disturbance pathways. Wood fired ovens emit PM2.5 and PM10 particulates in the hundreds to thousands of $\mu\text{g}/\text{m}^3$, far above the WHO 24 hour guideline of 15 $\mu\text{g}/\text{m}^3$ for PM2.5. These particulates, together with smoke, odour, heat plumes and flue turbulence, disperse laterally across the roofscape, meaning a 1.5m offset offers no protection to emerging or returning bats.

Although the café advertises daytime closing hours, planning permission does not restrict operational hours, and a wood fired oven must remain lit for extended periods once fired. This means combustion, smoke, odour, extraction noise and human activity will continue into the evening — the peak period for bat activity.

While takeaway and delivery services are not currently operating from the site, the installation of a commercial grade wood fired oven and very tall flue represents a clear upscaling of food production capacity, creating the realistic potential for off site food distribution (including supply to the pub or third party delivery platforms). This would further increase lighting, noise and disturbance during bat foraging hours. The ecology report contains no assessment of these impacts, rendering it incomplete under the Conservation of Habitats and Species Regulations 2017.

- bat roost disturbance

- wood fired oven emissions
- potential for new takeaway/delivery operations
- inadequate mitigation

5.12 The EclA does not provide any monitoring proposals to ensure that the mitigation measures proposed are effective. Monitoring is essential for developments affecting protected species, particularly bats.

5.13 The cumulative effect of these omissions is that the EclA is incomplete, non compliant, and cannot be relied upon to inform the decision making process.

5.14 The LPA cannot lawfully determine the application in the absence of a compliant EclA. The application must therefore be refused.

6. Hedgerows, Trees, and Habitat Connectivity

6.1 The application site contains mature hedgerows, treelines, and individual trees that form essential ecological infrastructure. These features provide commuting corridors, foraging habitat, and navigational structure for bats and other protected species.

6.2 Hedgerows and treelines are recognised as Priority Habitats under Section 41 of the Natural Environment and Rural Communities (NERC) Act 2006. The LPA has a statutory duty to have regard to the conservation of such habitats when exercising its planning functions.

6.3 The applicant has not submitted a Tree Survey or Arboricultural Impact Assessment (AIA) in accordance with BS5837:2012. This omission prevents the LPA from assessing the condition, value, or retention feasibility of trees and hedgerows affected by the proposed development.

6.4 The absence of an AIA is particularly significant given that the proposed car park and MUGA are located adjacent to mature hedgerows and treelines that function as bat commuting corridors.

6.5 The EclA does not assess the impacts of hedgerow or tree loss, nor does it quantify the extent of habitat removal required to facilitate the development. This omission is contrary to CIEEM best practice and renders the assessment incomplete.

6.6 The proposed car park introduces hard surfacing, lighting, and increased vehicle movements in close proximity to hedgerows used by bats. These impacts are not assessed in the EclA, despite their recognised significance in Natural England and BCT guidance.

6.7 The proposed MUGA introduces fencing, surfacing, and lighting that will create a physical and sensory barrier to bat movement. The EclA does not assess these impacts, nor does it propose mitigation to maintain habitat connectivity.

6.8 The FRA identifies climate change impacted surface water flow paths across the development footprint. These hydrological changes may affect hedgerow root zones, tree stability, and habitat quality, but the EclA does not assess these interactions.

6.9 The applicant has not demonstrated that the development will retain, protect, or enhance hedgerows and trees in accordance with Wiltshire Core Strategy policies CP50 and CP51.

6.10 The applicant has not demonstrated that the development will maintain habitat connectivity for bats in accordance with NPPF paragraphs 174–182 and Natural England standing advice.

6.11 The cumulative effect of hedgerow and tree impacts, combined with lighting, noise, and increased human activity, represents a significant and unassessed ecological impact.

6.12 In the absence of a Tree Survey, AIA, and a compliant ecological assessment, the LPA cannot lawfully determine the application. The application must therefore be refused.

6A. Statutory Biodiversity Net Gain – Non Compliance and Invalid Submission

This section demonstrates that the applicant's Biodiversity Net Gain (BNG) submission is procedurally invalid, ecologically unsound, and legally non compliant under the Environment Act 2021, the Biodiversity Gain Regulations 2024, and the Statutory Biodiversity Metric (v1.0.2).

The LPA cannot lawfully rely on the submitted BNG calculation.

6A.1 Invalid Survey Timing

The Condition Assessments (CAs) were undertaken outside the accepted survey windows:

- Hedgerow survey: 28 February 2024
- Grassland survey: 1 December 2025

Natural England requires:

- Grassland: April–September
- Hedgerows: April–October

Winter surveys cannot reliably assess:

- species richness
- forb presence
- sward structure
- canopy continuity
- base integrity

The ecologist also failed to declare seasonal limitations, breaching Technical Annex 1 (Step 1.2 and Step 3F).

Condition scores derived from winter surveys are invalid.

6A.2 Incomplete and Misclassified Baseline

The CA Summary Sheet records only one habitat parcel (grassland – poor), despite the site containing:

- three hedgerows (H1, H2, H3)
- hedgerow trees
- amenity grassland
- boundary vegetation
- PROW corridors
- the Recreation Ground
- pub garden and farm shop landscaping
- Hillside Cottage grounds

The hedgerow parcels assessed in the CA do not appear in the summary sheet.

The grassland parcel is misclassified as modified grassland – low distinctiveness and scored “poor” based on a winter survey.

This artificially depresses the baseline and invalidates the Statutory Metric.

6A.3 Use of Incorrect Condition Sheets

H3 is described as a native hedgerow with trees, including Elder, Field Maple, Ash and Beech, with a bank and ditch.

Under Technical Annex 1 (v1.0.1 and v1.0.2):

Rural hedgerows with trees must be assessed using the Line of Trees condition sheet.

The applicant used the standard hedgerow sheet, breaching Step 2.
This invalidates the condition score and the hedgerow baseline units.

6A.4 Missing Evidence and Parcel Mapping

The CA sheets lack:

- parcel IDs (e.g. “xxx?”)
- mapped parcel boundaries
- photographs
- species lists
- justification for pass/fail decisions
- tree health and age class assessments
- the RCA form (required under v1.0.2)

This breaches Technical Annex 1 (Steps 1.5, 1.6, 3E, and 3G).

The CA is non compliant and cannot support a statutory BNG calculation.

6A.5 Broken External Links and Corrupted Metric

When the Statutory Metric (SM) is opened, Excel displays:

“UNABLE TO REFRESH – We couldn’t get updated values from a linked workbook.”

The SM contains broken external links to private files on the ecologist’s:

- personal cloud folders
- local drives
- G:\Net Gain\...
- /Users/alexsams/Temp travel folder/...

These files are:

- not accessible to the LPA
- not accessible to the public
- required to refresh the metric
- essential to the calculation

Because the links are broken, the SM produces impossible outputs, including:

- Hedgerow uplift: +1307.34 units
- Hedgerow net gain: 155,394.85%

These figures are mathematically and ecologically impossible.
The SM is corrupted and cannot be relied upon.

6A.6 Missing Habitat Map Files

The SM references two critical files:

- 2502_UKHab-E (baseline habitat map)
- 2502_UKHab-P (post intervention habitat map)

These files were not included in the planning portal submission.

Two UKHab PDFs were provided, but they:

- do not match the filenames referenced in the SM
- do not contain parcel IDs
- do not contain metric linked overlays
- cannot be used to validate the SM

Without the referenced mapping dataset, the LPA cannot verify:

- habitat parcel boundaries
- habitat areas
- hedgerow lengths
- condition score allocations

The BNG submission is incomplete and non compliant.

6A.7 Trading Rules and Legal Compliance

The SM claims:

- “Trading rules satisfied”
- “No additional units required”

This is demonstrably false because:

- the baseline is incomplete
- condition scores are invalid
- habitats are misclassified
- formulas are broken
- hedgerow parcels are missing
- habitat maps are missing
- external links are corrupted

Trading rules cannot be satisfied when the baseline is invalid.

The LPA cannot lawfully determine compliance.

6A.8 Conclusion

The applicant's BNG submission is:

- procedurally invalid
- ecologically unsound
- technically corrupted
- incomplete
- non compliant with the Statutory Metric
- incapable of being audited
- incapable of being reproduced
- incapable of supporting lawful determination

Under the Environment Act 2021 and the Biodiversity Gain Regulations 2024:

The LPA cannot lawfully determine the application without a complete, accurate, and reproducible BNG submission.

The application must be refused.

7. Lighting Impacts

7.1 The proposed development introduces significant new lighting sources, including illumination associated with the new car park and farm shop extension and operational uplift, and increased vehicle movements. Lighting is a critical ecological impact pathway, particularly for bats, and must be assessed in accordance with Bat Conservation Trust (BCT) and Institution of Lighting Professionals (ILP) Guidance Note 08/23.

7.2 The applicant has not submitted a Lighting Impact Assessment. This omission is fundamental. For a site with confirmed bat roosts and high value commuting corridors, lighting assessment is not optional; it is a mandatory component of a lawful ecological evaluation.

7.3 The proposed MUGA is likely to require high intensity, multi directional lighting to ensure safe use. Such lighting is incompatible with the ecological sensitivity of the site and would create a significant barrier to bat movement. The EclA does not assess this impact.

7.4 The EclA does not assess baseline light levels, proposed luminaires, spill patterns, lux contours, or the cumulative effect of lighting from the car park, MUGA, and extended uplift and potential working hours of operation. Without this information, the LPA cannot determine whether the development will cause disturbance to bats.

7.5 The proposed car park is located adjacent to mature hedgerows and treelines used by bats for commuting and foraging. Even low level lighting can create a barrier effect, fragmenting habitat connectivity and altering bat behaviour. These impacts are not assessed.

7.6 The applicant has not demonstrated compliance with ILP GN08/23, which requires developments near bat habitat to maintain dark corridors, avoid upward light spill, and limit illumination to <1 lux along commuting routes. No such analysis is provided.

7.7 The applicant has not demonstrated compliance with NPPF paragraph 185, which requires developments to limit the impact of light pollution on biodiversity. Without a lighting assessment, the LPA cannot discharge this duty.

7.8 The applicant has not demonstrated compliance with Wiltshire Core Strategy Policy CP50, which requires developments to avoid harm to protected species. Lighting impacts are a recognised harm pathway for bats.

7.9 The applicant has not demonstrated compliance with Policy CP51, which requires protection of landscape character. Artificial lighting in a rural village setting represents a significant urbanising influence.

7.10 The applicant has not demonstrated compliance with Policy CP57, which requires high quality design that respects local character and amenity. The introduction of large scale lighting infrastructure conflicts with this requirement.

7.11 The cumulative effect of lighting from the car park, MUGA, and extended operational hours represents a significant and unassessed ecological and landscape impact.

7.12 In the absence of a Lighting Impact Assessment and a compliant ecological evaluation, the LPA cannot lawfully determine the application. The application must therefore be refused.

8. Flood Risk, Drainage, and Hydrological Impacts

8.1 The application site lies within Flood Zone 1 but is subject to significant hydrological constraints, including groundwater emergence risk and climate change impacted surface water flow paths identified in the Wiltshire Council Strategic Flood Risk Assessment (SFRA) and the applicant's own Flood Risk Assessment (FRA).

8.2 The FRA confirms that surface water flow paths cross the proposed development footprint, including the areas designated for the new car park and MUGA. These flow paths represent dynamic hydrological features that can alter habitat conditions, soil moisture regimes, and ecological functionality.

8.3 The FRA does not assess the interaction between hydrological changes and ecological receptors. This omission is significant because bats rely on stable foraging conditions, and changes in surface water patterns can affect insect abundance, vegetation structure, and commuting behaviour.

8.4 The FRA does not assess the impact of hard surfacing associated with the car park and MUGA on infiltration, runoff rates, or downstream flood risk. The introduction of impermeable surfaces in an area with known flow paths may exacerbate flood risk both on site and off site.

8.5 The FRA does not assess the cumulative impact of the proposed development combined with existing built form, operational activities, and climate change projections. This omission is contrary to NPPF paragraphs 159–169, which require developments to be safe for their lifetime.

8.6 The FRA does not provide a drainage strategy that demonstrates compliance with Sustainable Drainage Systems (SuDS) principles. There is no evidence of infiltration testing, attenuation calculations, or assessment of exceedance routes.

8.7 The FRA does not assess the impact of drainage infrastructure on hedgerows, trees, or bat commuting corridors. Drainage features can alter soil moisture, root stability, and habitat quality, but these impacts are not considered.

8.8 The FRA does not assess the impact of construction activities on hydrology, including excavation, compaction, and temporary drainage arrangements. These activities can significantly alter surface water behaviour.

8.9 The FRA does not assess the impact of increased vehicle movements on pollution risk, including hydrocarbons, heavy metals, and particulates. These pollutants can enter surface water systems and affect ecological receptors.

8.10 The FRA does not assess the impact of the MUGA on hydrology. MUGA surfacing is typically impermeable and can significantly alter runoff patterns, but this is not addressed.

8.11 The FRA does not assess the impact of the café extension on hydrology, including roof runoff, guttering, and downpipes. These features can alter flow patterns and contribute to localised flooding.

8.12 The FRA does not assess the impact of climate change beyond the minimum requirements. Given the site's sensitivity, a more detailed assessment is required to ensure the development is safe for its lifetime.

8.13 The FRA does not demonstrate compliance with Wiltshire Core Strategy Policy CP67, which requires developments to be safe for their lifetime, incorporate SuDS, and avoid increasing flood risk elsewhere.

8.14 The FRA does not demonstrate compliance with NPPF paragraph 167, which requires developments to ensure that flood risk is not increased elsewhere.

8.15 The cumulative effect of hydrological omissions, combined with ecological and landscape impacts, represents a significant and unassessed risk.

8.16 In the absence of a compliant FRA and drainage strategy, the LPA cannot lawfully determine the application. The application must therefore be refused.

9. Landscape and Visual Impact

9.1 The application site lies within a rural village setting characterised by open grassland, mature hedgerows, traditional built form, and long established landscape patterns. The proposed development introduces large scale, urbanising elements that are inconsistent with the character and appearance of the area.

9.2 The applicant has not submitted a Landscape and Visual Impact Assessment (LVIA). This omission is significant given the scale of the proposed car park, MUGA, and café extension, all of which materially alter the landscape character and visual amenity of the site.

9.3 The proposed car park introduces extensive hard grid surfacing, parking bays, and associated lighting. These features are visually intrusive and incompatible with the rural character of Edington.

9.3.1 Trees, Landscape and Procedural Failure – Missing Tree Protection Plan

The Soft Landscape Plan states that it must be read “*in conjunction with the Tree Protection Plan (DWG no. ARB-1905-01)*”, yet no such Tree Protection Plan has been submitted. This is not a minor omission. The proposed 1 m bund and 2–3 m hedge sit directly adjacent to mature trees whose Root Protection Areas extend into the development boundary. Without the referenced Tree Protection Plan, the LPA cannot assess whether the bund construction, hedge planting, or associated groundworks breach BS5837 or threaten the long term viability of these trees. The landscape scheme is therefore incomplete and incapable of proper assessment.

This omission is even more serious given that the bund top hedge creates a 3–4 m high engineered boundary structure directly opposite Weirside Court. Six of the twelve dwellings there are ground floor flats, and their windows sit entirely below this height. In winter, when the sun is low, this structure will cast extended shadows across the full depth of these homes, significantly reducing daylight and creating a pronounced sense of enclosure. Yet the applicant has provided no daylight, sunlight, overshadowing, or tree impact assessment, despite the clear and predictable harm.

The absence of the required Tree Protection Plan means the application fails to provide the minimum level of information necessary for a lawful and informed decision, and the resulting landscape and amenity impacts remain wholly unassessed.

9.4 The proposed MUGA introduces fencing, surfacing, and lighting that are characteristic of urban recreational facilities rather than rural village environments. The MUGA represents a substantial visual intrusion into the open landscape.

9.4.1 Failure to Comply with the Equality Act for a New Playing Field

The proposal creates a wholly new playing field on land that was previously agricultural, with the existing play equipment simply relocated onto this new site. As this is a new public recreational facility, the Equality Act 2010 requires the applicant to demonstrate that the design is inclusive, accessible, and safe for all users, including disabled children, mobility impaired adults, neurodivergent users, older residents, and carers. The application contains no Equality Impact Assessment (EqIA), no accessibility strategy, no step free access plan, no gradient analysis, no circulation layout, and no compliant surfacing

specification. The Parish Council minutes confirm that even the basic surfacing of the MUGA remained undecided, making it impossible for the applicant to have undertaken any lawful equality assessment.

In the absence of an EqIA, the applicant has failed to consider the needs of protected groups or to demonstrate that reasonable adjustments have been designed into the new playing field. The proposal therefore fails to meet the Public Sector Equality Duty, fails to demonstrate inclusive design, and fails to comply with the Equality Act 2010. As a result, the new playing field and the relocated equipment within it are not legally compliant, not inclusive, and not deliverable, and the application must be refused.

9.5 The café extension increases the built footprint of the site and introduces a more intensive commercial presence. The scale, massing, and design of the extension have not been assessed in relation to landscape character or visual receptors.

9.6 The applicant has not assessed the cumulative visual impact of the car park, MUGA, café extension, lighting, and increased activity. Cumulative assessment is required under NPPF paragraphs 174–182 and Wiltshire Core Strategy Policy CP51.

9.7 The applicant has not assessed the impact of lighting on landscape character. Artificial lighting in a rural village setting represents a significant urbanising influence, particularly when associated with large scale infrastructure such as a MUGA.

9.8 The applicant has not assessed the impact of the development on views from public rights of way, residential properties, or heritage assets. These receptors are highly sensitive to visual change.

9.9 The applicant has not assessed the impact of the development on the setting of Edington Conservation Area. The absence of a Heritage Impact Assessment prevents the LPA from understanding the visual and contextual implications of the proposal.

9.10 The applicant has not demonstrated compliance with Wiltshire Core Strategy Policy CP51, which requires development to protect, conserve, and where possible enhance landscape character.

9.11 The applicant has not demonstrated compliance with Policy CP57, which requires high quality design that respects local character and context.

9.12 The applicant has not demonstrated compliance with NPPF paragraph 130, which requires developments to be visually attractive, sympathetic to local character, and appropriate in scale.

9.13 The cumulative landscape and visual impacts of the proposed development represent a significant and unassessed harm to the character and appearance of the area.

9.14 In the absence of a Landscape and Visual Impact Assessment and a compliant design evaluation, the LPA cannot lawfully determine the application. The application must therefore be refused.

10. Heritage Impacts

Opening Statement

The Council's Senior Conservation Officer has issued a clear and unequivocal heritage objection to this application, concluding that the proposals would cause *moderate adverse harm* to the setting of listed buildings and to the character and appearance of the Tinhead Conservation Area through the further urbanisation of the western edge of the village, the erosion of its rural backdrop, and the introduction of development that cannot be mitigated

by landscaping. The Officer confirms that the overflow car park is in the wrong location, that the farm shop extension unjustifiably intrudes beyond the existing curtilage, that reasonable alternatives have not been explored, and that the resulting harm is neither necessary nor justified under NPPF paragraphs 208–216. Crucially, the Conservation Officer explicitly states that she is “happy for the planning officer to refuse the application” on the basis of this harm. This professional assessment carries significant weight and establishes that the proposal fails to satisfy the statutory duties under Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, fails to comply with Core Policies 57 and 58, and fails to meet the NPPF requirement for “clear and convincing justification” for harm to designated heritage assets.

10.1 Setting of Designated Heritage Assets

The application site lies within the setting of the Edington Conservation Area and in proximity to several designated heritage assets, including the Grade I listed Edington Priory. These assets are of the highest national significance, and their settings contribute materially to their heritage value.

10.2 Absence of a Heritage Impact Assessment (HIA)

The applicant has not submitted a Heritage Impact Assessment (HIA). The document provided is a *Heritage Statement*, which is a descriptive baseline document, not an impact assessment. A Heritage Statement does not satisfy the requirements of an HIA under the NPPF, Historic England GPA3 (“The Setting of Heritage Assets”), or Wiltshire Core Strategy Policy CP58.

For a development of this scale — involving a new car park, a MUGA, a café extension, increased lighting, increased activity, and works within and adjacent to a Conservation Area — a full HIA is required. An HIA must identify the degree of harm, assess the impact on setting, evaluate alternatives, and provide clear and convincing justification for any harm. The applicant’s submission does none of these things.

10.3 Consequences of the Missing HIA

Because no HIA has been submitted, the Local Planning Authority cannot lawfully assess:

- the level of harm to the Tinhead Conservation Area
- the impact on the setting of Lambourne Cottage and No.10 Tinhead Road
- the urbanising effect of the proposed car park on the western edge of the village
- the erosion of the rural backdrop that contributes to the Conservation Area’s significance
- the cumulative impact of lighting, noise, activity, and movement
- whether reasonable alternatives were considered
- whether any harm is justified under NPPF paragraphs 208–216

The absence of an HIA means the LPA has no evidence on which to discharge its statutory duties under Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Without an HIA, the application is procedurally incomplete and cannot be determined.

10.4 Archaeological Context and Sensitivity

10.4.1 Wiltshire Historic Environment Record (HER)

The Wiltshire Historic Environment Record (HER) contains extensive, multi period archaeological entries for Edington, demonstrating continuous human activity from the Neolithic, Bronze Age, Iron Age, Romano British, Saxon, Medieval, and Post Medieval periods. This confirms that Edington is a high density archaeological landscape, not a low potential site.

Recorded HER entries include:

- Neolithic worked flints
- Bronze Age bowl barrow
- Bronze Age socketed axe fragment
- Iron Age brooch
- Romano British pottery and occupation debris
- Saxon metalwork and pottery, and Edington recorded as a Saxon origin settlement
- Medieval monastic structures, excavated remains, pottery, brooches, coins, lynchets, boundary ditches, and a 14th century vaulted cell
- Post medieval farmsteads and outfarms

This dataset alone demonstrates that the application site lies within a landscape of exceptional archaeological sensitivity.

Under the NPPF and Core Policy 58, any development affecting such a landscape requires a HER informed desk based assessment and field evaluation prior to determination.

The applicant has submitted none.

10.4.2 Formal Archaeological Advice (2021)

On 6 September 2021, Neil J. Adam BA AIFA, Assistant County Archaeologist, confirmed in writing that the site has archaeological potential and that:

“Investigative works will need to be carried out prior to its determination in order for the archaeological potential of the site to be fully evaluated and understood.”

No such investigative works have been undertaken or submitted.

10.4.3 Parish Council Recognition of Battlefield Heritage (November 2025)

Parish Council minutes from November 2025 record that the Parish Council received an email from Mr George Roe, a member of a national Anglo Saxon history society, noting that 2028 marks the 1150th anniversary of the Battle of Edington and offering assistance with commemorative plans. The Parish Council agreed that Mr Forward would engage with him.

This formal acknowledgement of Edington's nationally significant battlefield heritage occurred in the same meeting in which the Parish Council signed the land transfer agreement for the proposed development by the applicant.

Despite this, the minutes contain no evidence that archaeological advice was sought or that the heritage implications of the land transfer were considered.

10.4.4 Independent Conflict Archaeology Confirmation (Sam Wilson — Time Team contributor)

A public social media exchange with Sam Wilson, a conflict archaeology specialist and contributor to Time Team–related archaeology, provides independent confirmation of archaeological interest in Edington.

Question:

“Have you ever done any investigations with the Battle of Ethandun? I think Edington, Wiltshire is a prime opportunity as I don't think anything underground has ever been explored.”

Answer (Sam Wilson):

“I haven't but it would be an interesting site to look at as it's such an important battle, though so difficult to find any battlefield remains of that period!”

This demonstrates that a professional conflict archaeologist considers Edington an archaeologically interesting and historically significant site, reinforcing the need for proper evaluation before any development.

10.4.5 National Media Recognition (BBC / Countryfile)

A BBC affiliated Countryfile article identifies Edington as the most credible location of the Battle of Edington (Ethandun) and emphasises the historic landscape's significance.

10.4.6 Applicant's Commercial Use of Battlefield Heritage (2023)

In 2023, The Three Daggers hosted a Battle of Edington Dinner in partnership with the Anglo Saxon Society, actively promoting the village's battlefield heritage as a commercial attraction.

This creates a direct contradiction:

The applicant commercially promoted Edington's battlefield heritage while now proposing development that risks damaging the same landscape.

10.4.7 Summary of Archaeological Harm

The combined evidence shows:

- a multi period archaeological landscape (HER)
- formal archaeological advice requiring pre determination investigation
- Parish Council recognition of battlefield heritage
- independent conflict archaeology confirmation
- national media recognition
- applicant led commercial promotion of the same heritage

Yet no archaeological assessment has been submitted.

The LPA cannot lawfully determine the application without archaeological evaluation.

10.5 Car Park Impacts

The proposed car park introduces a substantial area of engineered hard surfacing through the use of a mesh grid system across both the parking area and the new access road. Although described as “green” or “permeable”, such systems create a continuous, formalised parking surface that reads as hardstanding. This engineered character is visually and contextually incompatible with the rural, historic setting of Edington and is

likely to harm the setting of the Conservation Area.

10.6 Winter Operation, Safety and Heritage Setting

The mesh grid system performs poorly in winter conditions. Permeable grid systems freeze more rapidly than tarmac, cannot be ploughed, and are difficult to grit effectively because salt falls through the voids. Compacted snow becomes polished ice, creating significant slip and skid hazards. No winter maintenance strategy has been provided.

This issue is particularly acute because pubs and farm shops experience peak trading during the Christmas period, when daylight fades by approximately 4pm. The car park would therefore be used heavily in darkness and freezing conditions. The applicant has not assessed the operational safety of the surface during peak winter use, nor the implications for increased vehicle movements, headlights, and pedestrian activity within the setting of the Conservation Area.

10.7 Archaeological and Wildlife Contamination Risk

The proposed car park uses a fully permeable mesh grid system with grass infill. Permeable systems allow all vehicle fluids to pass directly into the underlying soil. Engine oil drips are common in any car park, and occasional leaks of diesel, petrol, coolant or hydraulic fluids are inevitable over time. The applicant has not provided any assessment of hydrocarbon contamination, nor any mitigation measures.

Because the mesh grid system supports living vegetation, contaminants would enter not only the soil but also the root zone of the grass and associated invertebrate habitat. This creates a direct and unassessed risk to wildlife, including soil invertebrates, pollinators, small mammals, and birds that forage on the grassed surface. Hydrocarbons and antifreeze compounds are toxic to wildlife and can bioaccumulate in the food chain.

Given the archaeological sensitivity of the site and the ecological function of the grassed surface, the absence of any assessment of how contaminants may affect buried archaeological deposits or living wildlife represents a significant omission. The LPA cannot assume that a permeable parking surface is compatible with the protection of archaeological remains or local biodiversity.

MUGA Impacts

10.8

The proposed MUGA introduces fencing, engineered surfacing, and a formalised recreational layout characteristic of urban sports facilities. These elements are incongruous within the historic landscape and are likely to harm the setting of nearby heritage assets.

Café Extension

10.9

The café extension increases the built footprint of the site and intensifies commercial activity. Without an HIA, the LPA cannot determine whether the scale, massing, design, or materials of the extension are appropriate within the historic context.

Lighting

10.10

The applicant has not assessed the impact of lighting on heritage assets. Artificial lighting

can significantly alter the character and appearance of historic environments, particularly in rural villages where dark skies form part of the heritage setting. The absence of any lighting assessment prevents the LPA from understanding the full extent of potential harm.

Noise, Activity and Tranquillity

10.11

The applicant has not assessed the impact of increased noise, traffic, and human activity on the tranquillity and historic character of the area. These factors are recognised components of heritage setting under Historic England's "The Setting of Heritage Assets" guidance.

Views and Visual Appreciation

10.12

The applicant has not assessed the impact of the development on key views into and out of the Conservation Area. These views contribute to the understanding and appreciation of the historic environment and are a material consideration in heritage assessment.

Policy Non Compliance

10.13

The applicant has not demonstrated compliance with NPPF paragraphs 194–208, which require a proportionate assessment of heritage impacts and a clear justification for any harm.

10.14

The applicant has not demonstrated compliance with Wiltshire Core Strategy Policy CP58, which requires development to protect, conserve, and where possible enhance the historic environment.

10.15

The applicant has not demonstrated compliance with the Planning (Listed Buildings and Conservation Areas) Act 1990, which requires the LPA to give special regard to the desirability of preserving the setting of listed buildings and the character or appearance of conservation areas.

Conclusion

10.16

In the absence of a Heritage Impact Assessment, and given the unassessed impacts relating to engineered surfacing, winter operation, archaeological contamination, wildlife risk, increased activity, and visual intrusion, the LPA cannot discharge its statutory duties or determine the level of harm to heritage assets.

10.17

The application must therefore be refused.

11. Noise, Disturbance, and Amenity Impacts

11.1 The proposed development introduces multiple new sources of noise and disturbance, including increased vehicle movements, intensified commercial activity, and the operation of a Multi Use Games Area (MUGA). These impacts have not been assessed by the applicant.

11.2 The applicant has not submitted a Noise Impact Assessment. This omission is

significant given the scale of the proposed development and its proximity to residential properties and sensitive ecological receptors.

11.3 The proposed MUGA is a high intensity noise generator. Ball strikes, shouting, whistles, and group activity can produce intermittent, unpredictable noise events that are particularly disruptive in quiet rural environments. These impacts have not been assessed.

11.4 The proposed car park will generate increased vehicle movements, door slams, engine noise, and human activity. These impacts have not been quantified or assessed in relation to residential amenity or ecological sensitivity.

11.5 The café extension and its pizza oven increases the operational capacity of the site, resulting in greater footfall, longer dwell times, and increased noise levels.

Wood fired ovens emit PM2.5 particulates that can exceed 1,000 µg/m³ at the flue — several orders of magnitude above safe ambient levels. These particulates, along with smoke and odour, disperse downwind and can infiltrate nearby homes and gardens. The café's advertised closing hours do not restrict the operation of the oven. Once lit, a wood fired oven must run for hours to maintain temperature, meaning combustion, smoke, odour and extraction noise will continue into the evening, long after the café has "closed".

Although takeaway and delivery services are not currently operating from the site, the proposed installation of a commercial grade wood fired oven and a very tall flue represents a significant intensification of food production capacity. Without any planning condition preventing it, this upscaling creates a realistic potential for future takeaway or delivery operations, including third party platforms. Such activity would introduce additional evening vehicle movements, headlights, door slamming, staff activity and noise — all of which materially harm residential amenity at the time residents are most likely to be at home.

No filtration, abatement system or operational hour restriction is proposed, meaning untreated smoke and particulates will be discharged from a tall flue directly into the residential environment.

- residential smoke exposure
- after hours nuisance
- future takeaway/delivery potential
- lack of abatement measures

11.6 The applicant has not assessed the cumulative noise impact of the car park, MUGA, café extension, and increased activity. Cumulative assessment is required under NPPF paragraph 185 and Wiltshire Core Strategy Policy CP57.

11.7 The applicant has not assessed the impact of noise on bats. Noise is a recognised disturbance pathway that can alter bat behaviour, reduce foraging efficiency, and disrupt roosting. The EclA does not address this impact.

11.8 The applicant has not assessed the impact of noise on residential amenity. Several dwellings lie within close proximity to the proposed development, and the introduction of a MUGA and expanded commercial activity is likely to result in significant amenity harm.

11.9 The applicant has not demonstrated compliance with NPPF paragraph 130, which requires developments to provide a high standard of amenity for existing and future users.

11.10 The applicant has not demonstrated compliance with NPPF paragraph 185, which requires developments to mitigate and reduce noise to a minimum.

11.11 The applicant has not demonstrated compliance with Wiltshire Core Strategy Policy

CP57, which requires developments to protect residential amenity and avoid unacceptable levels of noise and disturbance. The Planning Statement 5.91, asserts that the “skateboard ramp element” would remain available for use, yet the submitted plans show no retained skateboard facility, only hard standing. This directly contradicts the Edington Parish Council minutes of 10 November 2025, which record that the skateboard park “*would be lost*” as part of the land-swap arrangement. The minutes also describe the facility as “little used and potentially dangerous”, but provide no evidence, no usage data, no consultation, and no risk assessment to support that claim. The applicant is therefore relying on an unsubstantiated assertion while simultaneously misrepresenting the proposal by suggesting that a facility shown on the plans as removed is somehow being retained.

11.12 The applicant has not demonstrated compliance with Policy CP50, which requires developments to avoid harm to protected species. Noise impacts on bats have not been assessed.

11.13 The cumulative noise and disturbance impacts of the proposed development represent a significant and unassessed harm to both residential amenity and ecological receptors.

11.14 In the absence of a Noise Impact Assessment and a compliant ecological evaluation, the LPA cannot lawfully determine the application. The application must therefore be refused.

12. Highways, Access, and Traffic Impacts

12.1 Absence of a Robust Transport Assessment

A Transport Statement has been submitted, but it is not robust, not methodologically sound, and fails to assess key impacts required by national and local policy. It contains significant omissions, internal contradictions, and baseline errors that prevent the Local Planning Authority (LPA) from determining whether the proposal provides safe and suitable access for all users, as required by NPPF paragraph 111.

12.2 Incorrect Baseline: Misidentification of a Public Footpath

The Transport Statement incorrectly states that the new access track will “cross the line of the existing Public Footpath”. Wiltshire Council’s Rights of Way Officer has confirmed that no Public Rights of Way run through the site. The route described by the applicant is a permissive path, not a Public Footpath, and it only exists because the Parish Council currently allows access across its land.

As part of the land swap, this land will transfer into private ownership and the permissive path will be extinguished. The public will have no legal right to use this route, and it cannot be relied upon as part of the pedestrian network. The Transport Statement therefore assesses pedestrian safety on a path that will not legally exist and bases its conclusions on an incorrect baseline.

12.3 Internal Contradiction: “Operates Safely” vs. “Unsafe Conditions”

At paragraph 2.7, the Transport Statement states:

“No collisions are identified... which suggests that it currently operates safely.”

This directly contradicts the applicant’s repeated claims of:

- overspill parking

- double parking
- verge and footway parking
- reversing onto the B3098
- blocked sightlines
- “near misses”

If the access operates safely, the applicant cannot justify a 40 space car park on safety grounds.

If the access is unsafe, this is evidence of over intensification, not a justification for expansion.

This contradiction renders the assessment unreliable.

12.4 No Traffic Survey of the B3098

The Transport Statement undertakes no traffic survey of the B3098 through Edington. Instead, it imports data from Westbury — a different settlement with different geometry, traffic character, and constraints. This is a methodological flaw that invalidates the conclusions.

12.5 No Trip Generation or Junction Modelling

The Transport Statement provides no:

- TRICS based trip generation
- peak hour modelling
- weekend modelling
- junction capacity assessment

These are standard requirements for developments that materially increase traffic generation, particularly where access is taken from a rural classified road. Without them, the LPA cannot understand the volume of additional traffic or whether the junction with Westbury Road can safely accommodate increased movements.

12.6 No Assessment of Pedestrian Safety

The proposal introduces:

- a 235m² café
- a Class F venue
- a 40 space car park
- a new access track
- a footpath crossing point

Yet the Transport Statement contains no assessment of:

- pedestrian safety
- visibility at the crossing
- interaction with children using the relocated play area
- vulnerable users
- cumulative pedestrian impacts

This is a fundamental omission.

12.7 No Assessment of Residential Amenity

The Transport Statement does not assess:

- noise from increased vehicle movements
- headlights entering and leaving the site
- evening and weekend intensification
- impacts on nearby dwellings

12.7A Unassessed Late Night Vehicle Movements

The applicant confirms that staff will be instructed to use the new 40 space overflow car park (TS §4.15). As a licensed premises typically closing at 23:00, staff departures are likely to occur between approximately 23:45 and 00:30.

The Transport Statement does not assess the impact of these late night vehicle movements on:

- residential amenity
- the safety of the permissive path
- the suitability of routing vehicles across the former Recreation Ground at night
- night time traffic emerging onto Westbury Road

This omission is significant and fails to demonstrate compliance with Core Policy 57.

12.7B Published Opening Hours and Foreseeable Intensification Not Reflected in the Transport Statement

The Transport Statement assesses the site as if it were a low intensity, daytime only operation. This is factually incorrect. The applicant's own published opening hours confirm that the Three Daggers operates as a seven day a week, multi use commercial site with significant evening and weekend activity:

- Pub: 08:00–23:00 Monday–Saturday; 08:00–22:00 Sunday
- Kitchen: breakfast, lunch, and dinner service seven days a week
- Farm Shop: 09:00–17:00 Monday–Saturday; 09:00–16:00 Sunday

These hours demonstrate continuous activity from early morning until late evening, with peak demand occurring during weekend lunchtimes, weekend evenings, and late night dispersal. None of these peak periods are modelled in the Transport Statement.

Furthermore, the proposal significantly increases café floor area, seating capacity, and operational intensity. It is therefore reasonable to expect a future application to extend the café's opening hours in line with the expanded use. This is a foreseeable and material planning consequence. The Transport Statement does not assess the traffic, parking, amenity, or safety impacts of extended hours, nor does it model the evening or weekend peaks associated with a larger café operation.

The omission of weekend, evening, and foreseeable future operating scenarios is a significant methodological failure. It prevents the LPA from understanding the true traffic impact of the proposed development and fails to demonstrate compliance with NPPF paragraph 111 and Core Policies CP60–CP64.

12.8 No Assessment of Ecological Impacts from Traffic

Vehicle movements generate noise, light, and pollution, all of which can affect bats and other protected species. The Transport Statement does not assess these impacts, and the EclA does not address them either. This is a cumulative ecological omission.

12.9 No Assessment of Road Condition or Suitability

Westbury Road has constrained width along multiple sections, where two vehicles cannot safely pass and cars must give way to larger vehicles. It is also a well established cycling route, particularly at weekends when clubs such as Westbury Wheelers hold organised rides — coinciding with the applicant's busiest trading periods.

The Transport Statement does not assess:

- the implications of constrained carriageway width
- the safety impacts of vehicles giving way
- interaction with established cycling groups
- cumulative risk during peak business and peak cycling periods

12.10 No Assessment of Construction Traffic

Construction vehicles are typically larger and heavier than operational traffic and can cause significant disruption, noise, and safety risks. No construction traffic assessment has been provided.

12.11 Misuse of Existing Harm as Justification

The Transport Statement repeatedly uses existing overspill, obstruction, and verge parking as justification for expansion. In planning terms, existing harm is a reason to restrict, not expand. This is a reverse causality flaw.

12.12 Failure to Demonstrate Policy Compliance

The Transport Statement does not demonstrate compliance with:

- NPPF 111
- Core Policies CP60–CP64
- Core Policy 57

12.13 Cumulative Impacts Remain Unassessed

The cumulative traffic impacts of the:

- café
- Class F venue
- guest house
- public house
- farm shop
- new car park

remain unassessed. This represents a significant and unquantified harm to highway safety, residential amenity, and ecological receptors.

12.14 Highways Officer Response (20/01/2026): Application Incomplete

Wiltshire Council Highways (Hannah Jones, HDC) has issued a formal consultation response confirming that the application is incomplete, that the parking provision cannot be accepted as submitted, and that substantial further information is required.

The Transport Statement provides no modelling of staff parking demand or staff movements following the removal of the existing staff car park. The proposed development increases café floor area, customer capacity, and operational activity, and staffing levels

will increase accordingly. None of this has been assessed.

These late night staff movements would take place across the Recreation Ground, over the permissive path, and along an unlit access track, yet the Transport Statement contains no assessment of the safety, amenity, or operational implications of this change.

This omission directly reinforces the Highways Officer's conclusion that the applicant has not provided the information necessary to understand the full impact of the proposal.

12.15 Parish Council Reliance on Incorrect Information and Potential Conflict of Interest

Minutes of the Parish Council meeting (December 2025) record that Mr Sheridan and Mr Martin Smith were in attendance representing The Three Daggers. During the discussion, councillors considered detailed engineering matters relating to the access onto the B3098 and accepted the applicant's verbal assurance that "highways were satisfied". This assurance was incorrect; no Highways consultation response had been issued at the time, and the formal response (20 January 2026) confirms that Highways is not satisfied and that the application is incomplete.

It is also relevant that the Parish Council had an active commercial relationship with the applicant at the time of forming its view. Parish records show that Mrs Pike had delivered 25 footpath books to The Three Daggers and invoiced them. While this does not imply wrongdoing, it does create a reasonable perception that the Parish Council was not operating at arm's length from the applicant.

The Parish Council therefore formed its consultation response in the presence of the applicant's representatives, on the basis of unverified and misleading information, and within the context of an ongoing commercial relationship. Its response cannot therefore be afforded significant weight.

12.16 Conclusion

In the absence of:

- a robust Transport Statement
- a parking demand assessment
- TRICS modelling
- junction modelling
- pedestrian safety assessment
- night time assessment
- ecological traffic assessment
- construction traffic assessment
- marked out parking drawings
- evidence that all uses can be accommodated
- evidence that on street parking will be removed

—and given the Highways Officer's explicit statement that the proposal cannot be accepted as submitted—

the LPA cannot lawfully determine the application. The proposal fails to demonstrate safe and suitable access for all users and must therefore be refused.

13. Climate Change, Sustainability, and Policy Compliance

13.1 The proposed development has not demonstrated compliance with national or local

climate change policy requirements. The NPPF, the Wiltshire Core Strategy, and the Climate Change Act 2008 all require developments to minimise carbon emissions, reduce vulnerability to climate impacts, and incorporate sustainable design principles. The application does not address these requirements.

13.2 The applicant has not provided any assessment of the development's carbon footprint, operational energy demand, or embodied carbon. These assessments are essential for developments that introduce new buildings, hard surfacing, and intensified commercial activity.

13.3 The proposed café extension increases the building footprint and operational energy demand, yet no information is provided on energy efficiency measures, renewable energy integration, or compliance with Part L of the Building Regulations.

13.3.1 FIRE SAFETY

The proposal introduces a wood fired oven into a timber construction and timber clad building, significantly increasing the fire risk profile of the site. Wood fired ovens operate at high temperatures, generate embers and creosote build up, and require onsite storage of combustible fuel. No fire safety assessment, fuel storage plan, or flue fire mitigation strategy has been submitted.

The applicant's own figures show that the Pub can accommodate 112 seated covers plus standing at the bar, and the Farm Shop provides a further 42 seats combined inside and out. This means well over 150 people, plus staff may be on site at peak times *before* any café expansion or installation of a combustion based oven. Yet the application contains no evacuation plan, no assembly point provision, no capacity assessment, and no demonstration of safe escape routes. The site layout provides no dedicated emergency service swept area, and circulation space is already constrained. In a fire scenario, the fundamental question remains unanswered: where are all these people expected to go?

The building is also positioned close to mature trees and established hedging, increasing the risk of fire spread from the flue or building to surrounding vegetation. No assessment has been provided of separation distances, vegetation management requirements, or the potential for fire transfer between the elevated building, the tree line, and the proposed parking area. The site plan shows the position of a large gas tank adjacent to the farm shop.

Taken together, the combination of a combustion based oven, a combustible structure, high onsite occupancy, adjacent vegetation, and unproven emergency access arrangements represents a material fire safety concern that has not been assessed or mitigated.

- combustible building fabric
- high occupancy with no evacuation strategy
- no emergency service swept area
- adjacent trees and hedging

13.4 The proposed car park introduces extensive hard surfacing that will increase surface water runoff, reduce infiltration, and contribute to localised heat island effects. These impacts have not been assessed or mitigated.

13.5 The proposed MUGA introduces impermeable surfacing and lighting infrastructure that will increase energy consumption and contribute to light pollution. No information is provided on energy efficient lighting, timers, or controls.

13.6 The applicant has not demonstrated compliance with Wiltshire Core Strategy Policy CP41 (Sustainable Construction and Low Carbon Energy), which requires developments to incorporate energy efficiency, renewable energy, and sustainable design principles.

13.7 The applicant has not demonstrated compliance with Policy CP67 (Flood Risk), which requires developments to incorporate Sustainable Drainage Systems (SuDS) and avoid increasing flood risk elsewhere. No SuDS strategy has been provided.

13.8 The applicant has not demonstrated compliance with NPPF paragraph 152, which requires developments to support the transition to a low carbon future and reduce greenhouse gas emissions.

13.9 The applicant has not demonstrated compliance with NPPF paragraph 153, which requires developments to minimise energy consumption and incorporate renewable energy where feasible.

13.10 The applicant has not demonstrated compliance with NPPF paragraph 154, which requires developments to be resilient to climate change, including increased flood risk, extreme weather, and heat island effects.

13.11 The applicant has not demonstrated compliance with the Climate Change Act 2008, which requires significant reductions in greenhouse gas emissions. The proposed development increases emissions without providing any mitigation.

13.12 The cumulative climate change impacts of the proposed development, combined with the absence of mitigation measures, represent a significant policy conflict.

13.13 In the absence of a sustainability assessment, energy strategy, or climate resilience measures, the LPA cannot lawfully determine the application. The application must therefore be refused.

14. Planning Balance and Cumulative Impacts

14.1 The planning system requires decision makers to assess the cumulative impacts of a proposal rather than considering each element in isolation. The proposed development introduces multiple, interrelated sources of harm across ecology, landscape, heritage, highways, amenity, and climate resilience.

14.2 The applicant has not provided the necessary assessments to allow the Local Planning Authority (LPA) to understand the cumulative effects of the development. The absence of an Ecological Impact Assessment compliant with Natural England and BCT guidance, a Lighting Impact Assessment, a Noise Impact Assessment, a Highways Impact Assessment, a Heritage Impact Assessment, a Landscape and Visual Impact Assessment, and a drainage strategy prevents a lawful determination.

14.3 The cumulative ecological impacts include loss of habitat connectivity, disturbance to confirmed bat roosts, lighting impacts, noise impacts, hydrological changes, and increased human activity. These impacts interact and amplify one another, yet the applicant has not assessed them.

14.4 The cumulative landscape impacts include the introduction of hard surfacing, lighting, fencing, and intensified commercial activity into a rural village setting. These changes fundamentally alter the character and appearance of the area.

14.5 The cumulative heritage impacts include harm to the setting of Edington Conservation Area and nearby listed buildings. Without a Heritage Impact Assessment, the LPA cannot understand or quantify this harm.

14.6 The cumulative highways impacts include increased traffic, parking demand,

pedestrian–vehicle conflict, and safety risks. These impacts have not been assessed, contrary to NPPF paragraph 111.

14.7 The cumulative amenity impacts include increased noise, lighting, traffic, and activity levels. These impacts will affect nearby residents and have not been assessed.

14.8 The cumulative climate change impacts include increased surface water runoff, reduced infiltration, increased energy consumption, and the absence of any sustainable design measures. These impacts conflict with national and local climate policy.

14.9 The applicant has not demonstrated any public benefits that outweigh the significant harms identified. The proposed development is primarily commercial in nature and does not deliver essential community infrastructure or strategic policy objectives.

14.10 Even if limited benefits were identified, they would not outweigh the substantial, unassessed, and in some cases irreversible harms to ecology, landscape, heritage, amenity, and highway safety.

14.11 The planning balance weighs decisively against the proposal. The absence of required assessments, combined with the scale of identified harm, means the LPA cannot lawfully approve the application.

14.12 The application must therefore be refused.

15. Legal Duties and Case Law

15.1 The Local Planning Authority (LPA) must exercise its planning functions in accordance with statutory duties set out in primary legislation, secondary legislation, and binding case law. The proposed development engages several of these duties, particularly in relation to protected species, heritage assets, and procedural fairness.

15.2 Under the Conservation of Habitats and Species Regulations 2017, the LPA must ensure that any decision affecting European Protected Species (EPS), including bats, is based on adequate, current, and proportionate survey information. This duty is non delegable and cannot be discharged through planning conditions.

15.3 Case law confirms that survey adequacy must be established before permission is granted. In *Morge v Hampshire County Council* [2011] UKSC 2, the Supreme Court held that LPAs must have sufficient information to conclude that EPS will not be harmed. The LPA cannot rely on conditions to obtain missing survey data.

15.4 In *R (on the application of Bagshaw) v Wyre Borough Council* [2014] EWHC 508 (Admin), the High Court held that where ecological information is incomplete or inadequate, the LPA must refuse permission. The same principle applies here.

15.5 In *R (on the application of Prideaux) v Buckinghamshire County Council* [2013] EWHC 1054 (Admin), the Court held that LPAs must not grant permission where essential environmental information is missing. The absence of a Lighting Impact Assessment, Noise Impact Assessment, Highways Impact Assessment, Heritage Impact Assessment, and Landscape and Visual Impact Assessment places the LPA in breach of this principle.

15.6 Under the Wildlife and Countryside Act 1981, it is an offence to disturb bats or damage or destroy a bat roost. The LPA must therefore ensure that the ecological assessment is robust, complete, and compliant with Natural England and Bat Conservation Trust (BCT) guidance.

15.7 Under the Planning (Listed Buildings and Conservation Areas) Act 1990, the LPA must give special regard to the desirability of preserving the setting of listed buildings and the character or appearance of conservation areas. This is a statutory duty of the highest

order. The absence of a Heritage Impact Assessment prevents the LPA from discharging this duty.

15.8 In *Barnwell Manor Wind Energy Ltd v East Northamptonshire District Council* [2014] EWCA Civ 137, the Court of Appeal held that “considerable importance and weight” must be given to the desirability of preserving the setting of listed buildings. This applies directly to Edington Priory and the Conservation Area.

15.9 In *Forge Field Society v Sevenoaks District Council* [2014] EWHC 1895 (Admin), the Court held that where harm to heritage assets is not properly assessed, the decision is unlawful. The absence of an HIA places the LPA in breach of this principle.

15.10 The LPA must also comply with the principles of procedural fairness. Granting permission in the absence of required assessments would be irrational, contrary to legitimate expectations, and susceptible to judicial review.

15.11 The cumulative legal duties engaged by this application are substantial. The applicant has not provided the information required to allow the LPA to discharge these duties lawfully.

15.12 The application must therefore be refused.

16. Bats and Protected Species

16.1 The application site supports confirmed bat roosts, high value commuting corridors, and foraging habitat. Bats are European Protected Species (EPS) and receive the highest level of legal protection under the Conservation of Habitats and Species Regulations 2017 and the Wildlife and Countryside Act 1981. The Local Planning Authority (LPA) must therefore ensure that any decision is based on adequate, current, and proportionate survey information.

16.2 Expiry of Bat Survey Validity

16.2.1 The bat surveys submitted with the application were undertaken between 1 August 2025 and 18 September 2025. For a site with confirmed roosts and high suitability PRFs, Bat Conservation Trust (BCT) guidance limits survey validity to 12 months.

16.2.2 The survey data will therefore expire on 18 September 2026. The applicant has not demonstrated that works will commence before this date. Given the scale of the development, the need for pre commencement conditions, and the construction programme, it is highly probable that works would begin after the survey data has expired.

16.2.3 Natural England standing advice requires decisions affecting European Protected Species to be based on current survey data. Expired surveys cannot be relied upon for determining impacts or designing mitigation.

16.2.4 The LPA cannot lawfully impose a condition requiring updated surveys after approval. Case law confirms that survey adequacy must be established prior to determination.

16.2.5 The expiry of survey validity is a stand alone refusal reason.

16.3 Inadequate Survey Effort

The Ecological Impact Assessment (EclA) acknowledges confirmed bat roosts within the existing farm shop building, yet it does not undertake the full suite of surveys required by Bat Conservation Trust (BCT) guidelines for a site with known roosts. No winter roost assessment was undertaken, despite the EclA itself stating that winter roosting “cannot be

ruled out". No activity transect surveys were carried out across the wider site, despite the presence of high value hedgerows, treelines, and grassland that function as key commuting and foraging habitat. In addition, no dusk or dawn emergence surveys were undertaken on structures other than the main building, even though multiple potential roost features are present.

The survey effort is therefore incomplete, non compliant with BCT survey standards, and insufficient to characterise roost status, commuting routes, or foraging behaviour. This omission prevents the LPA from understanding the ecological baseline and renders the EcIA unreliable.

16.4 Lighting Impacts on Bats

The proposed development introduces significant new lighting sources, including illumination from the car park, the MUGA, and extended operational hours associated with the enlarged café. No Lighting Impact Assessment has been submitted. Artificial lighting is a critical impact pathway for bats, and BCT/ILP Guidance Note 08/23 requires detailed lux contour modelling for any development near bat habitat. The applicant has not demonstrated that dark corridors will be maintained or that lighting will be restricted to below 1 lux along commuting routes. In the absence of a lighting assessment, the EcIA is incomplete and cannot be relied upon.

16.5 Noise Impacts on Bats

The proposed MUGA, car park, and café extension will generate significant noise, particularly during evenings and weekends. No Noise Impact Assessment has been submitted. Noise is a recognised disturbance pathway for bats, affecting foraging efficiency, commuting behaviour, and roost stability. The EcIA does not assess noise impacts at all, despite the clear intensification of activity. This represents a material omission.

16.6 Hydrological Impacts on Bats

The Flood Risk Assessment identifies climate change impacted surface water flow paths across the development footprint. Hydrological changes can alter insect abundance, vegetation structure, and foraging conditions for bats. The EcIA does not assess hydrological impacts, despite these being a recognised ecological pathway. This omission prevents the LPA from understanding the full ecological consequences of the proposal.

16.7 Habitat Loss and Fragmentation

The proposed car park and MUGA require the removal or degradation of hedgerows and treelines that function as bat commuting corridors. No Arboricultural Impact Assessment has been submitted, and the EcIA does not quantify habitat loss or assess fragmentation impacts. This is a significant omission given the sensitivity of the species involved and the known reliance of bats on linear landscape features.

16.8 Mitigation and Monitoring Failures

The mitigation measures proposed are generic, unquantified, and unsupported by evidence. No monitoring proposals are provided, contrary to CIEEM best practice. Without adequate survey data, meaningful mitigation cannot be designed, and the LPA cannot impose enforceable conditions. The EcIA therefore fails to meet the minimum standards required for a lawful determination.

16.9 Legal Non Compliance

The application fails to comply with the Conservation of Habitats and Species Regulations 2017, the Wildlife and Countryside Act 1981, Wiltshire Core Strategy Policy CP50, and NPPF paragraphs 174–182. These policies require adequate, current, and proportionate ecological information before determination. That information has not been provided.

16.10 Conclusion on Bats

The ecological assessment is incomplete, non compliant, and based on survey data that will be expired before works commence. The LPA cannot lawfully determine the application in the absence of adequate, current, and proportionate survey information. The application must therefore be refused.

17. Conclusion and Refusal Reasons

17.1 The proposed development introduces substantial, unassessed, and in several cases irreversible harm across ecology, landscape, heritage, highways, amenity, fire safety, and climate resilience. The applicant has not provided the information required for the Local Planning Authority (LPA) to discharge its statutory duties or to undertake a lawful and proportionate assessment.

17.2 The ecological assessment is incomplete, non compliant, and based on survey data that will be expired before works commence. The absence of a Lighting Impact Assessment, Noise Impact Assessment, and activity transect surveys prevents any meaningful evaluation of impacts on bats, which are European Protected Species.

17.3 The applicant has not submitted a Heritage Impact Assessment, preventing the LPA from understanding the effects of the development on Edington Conservation Area and nearby listed buildings, including the Grade I listed Edington Priory. The LPA cannot discharge its statutory duties under the Planning (Listed Buildings and Conservation Areas) Act 1990.

17.4 The applicant has not submitted a Highways Impact Assessment or Transport Statement. The LPA cannot determine whether the development provides safe and suitable access for all users, as required by NPPF paragraph 111 and Wiltshire Core Strategy Policies CP60–CP64.

17.5 The applicant has not submitted a Landscape and Visual Impact Assessment. The LPA cannot assess the impact of the car park, MUGA, lighting, and café extension on the rural character and appearance of the area, contrary to Policy CP51 and NPPF paragraph 130.

17.6 The applicant has not submitted a Noise Impact Assessment. The LPA cannot assess the impact of the MUGA, car park, and increased activity on residential amenity or ecological receptors, contrary to Policy CP57 and NPPF paragraph 185.

17.7 The Flood Risk Assessment does not provide a drainage strategy, does not assess hydrological impacts on ecological receptors, and does not demonstrate compliance with Policy CP67 or NPPF paragraphs 159–169.

17.8 The cumulative impacts of the development have not been assessed. The LPA cannot lawfully determine the application without understanding the combined effects of lighting, noise, traffic, hydrology, habitat loss, and increased activity.

17.9 The applicant has not demonstrated any public benefits that outweigh the significant harms identified. The proposal is primarily commercial in nature and does not deliver essential community infrastructure or strategic policy objectives.

17.10 Formal Refusal Reasons

Based on the evidence and omissions identified throughout this objection, the application must be refused for the following reasons:

1. Inadequate and expired ecological survey data

The bat surveys undertaken between 1 August 2025 and 18 September 2025 will be expired before works commence. The ecological assessment is incomplete and non compliant with Natural England and BCT guidance. The LPA cannot lawfully determine the application.

2. Absence of required ecological assessments

No Lighting Impact Assessment, Noise Impact Assessment, activity transect surveys, winter roost assessment, or hydrological impact assessment have been provided. The LPA cannot assess impacts on European Protected Species.

3. Absence of a Heritage Impact Assessment

The applicant has not assessed the impact of the development on Edington Conservation Area or nearby listed buildings. The LPA cannot discharge its statutory duties under the Planning (Listed Buildings and Conservation Areas) Act 1990.

4. Absence of a Highways Impact Assessment

The applicant has not demonstrated safe and suitable access for all users, contrary to NPPF paragraph 111 and Policies CP60–CP64.

5. Absence of a Landscape and Visual Impact Assessment

The applicant has not assessed the visual or landscape impacts of the car park, MUGA, lighting, or café extension, contrary to Policy CP51 and NPPF paragraph 130.

6. Absence of a Noise Impact Assessment

The applicant has not assessed noise impacts on residential amenity or ecological receptors, contrary to Policy CP57 and NPPF paragraph 185.

7. Inadequate Flood Risk Assessment and absence of a drainage strategy

The FRA does not demonstrate compliance with Policy CP67 or NPPF paragraphs 159–169.

8. Failure to assess cumulative impacts

The applicant has not assessed the combined effects of lighting, noise, traffic, hydrology, habitat loss, and increased activity. The LPA cannot lawfully determine the application.

9. Fire Safety – absence of any assessment

The proposal introduces a combustion based oven into a timber clad building with high on site occupancy, adjacent vegetation, and no demonstrated emergency access provision. No fire safety assessment, evacuation plan, assembly point strategy, or flue fire mitigation has been submitted. The LPA cannot assess life safety risks.

- combustible building fabric
- high occupancy with no evacuation strategy
- no emergency service swept area
- adjacent trees and hedging

17.11

For all the reasons set out above, the application is contrary to the development plan, the NPPF, statutory duties, and binding case law. The harms identified are significant, unmitigated, and unassessed. There are no material considerations that outweigh these harms.

17.12

The application must therefore be refused.