



The Town and Country Planning Act 1990
Approval of Full Planning Permission with Conditions
Application Reference Number: PL/2025/07709
Decision Date: 16/02/2026

Applicant:	Mr Nicholas Bayldon Pritchard Malet Arms, Bodenham, Newton Tony, Wiltshire, United Kingdom, SP4 0HF
Particulars of Development:	Construction of a new wildlife pond.
At:	Land to the rear of Malet Arms, Newton Tony, Salisbury, SP4 0HF

In pursuance of its powers under the above Act, the Council hereby **GRANT PLANNING PERMISSION** for the above development to be carried out in accordance with the application and plans submitted (listed below).

In accordance with paragraph 39 of the National Planning Policy Framework, Wiltshire Council has worked proactively to secure this development to improve the economic, social and environmental conditions of the area.

Subject to the following conditions:

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans and documents:

Location Plan Received: 24/09/2025

Proposed Site Plan and Section Drg no 1009/Pr/101 Received: 24/09/2025

Ecological Impact Assessment, Eclipse Ecology, October 2025 Received:
27/10/2025

Biodiversity Net Gain Assessment, Eclipse Ecology, October 2025 Received:
27/10/2025

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

- 3** All soil/debris created from the excavation works necessary to create the wildlife pond hereby approved shall be removed from the site in their entirety within 3 months of the completion of the pond and shall not be spread, re graded, stockpiled or deposited on any part of the surrounding land.

REASON: To ensure that no alterations to existing ground levels occur on the site in the interest of flood risk management, rural character and visual amenity, and to ensure compliance with Core Policies 51, 57 and 67 if the Wiltshire Core Strategy and the relevant provisions of the National Planning Policy Framework.

- 4** Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), or any Order revoking and re enacting that Order with or without modification, no operational development or use shall take place within the land associated with the wildlife pond that would facilitate or support pub-related uses. This includes (but is not limited to):

- a) creation of paths, decking, hardstanding or surfacing;
- b) installation of lighting, power, water supply for non-ecological purposes, or sound systems;
- c) erection of means of enclosure, shelters, pergolas, gazebos, marquees, canopies or other structures;
- d) siting of tables, chairs, benches or outdoor furniture for customers;
- e) signage or advertisements inviting or directing pub patrons;

REASON: The wildlife pond has been granted permission on the premise that it is an agricultural enhancement in an agricultural field and that no change of use to incorporate the land into the pub curtilage is proposed. To prevent the unjustified extension of the public house curtilage and the introduction of ancillary commercial use onto adjoining agricultural/open land; to preserve the rural character of the area; to protect neighbouring amenities; and to ensure the approved development functions as a biodiversity asset rather than as pub-related amenity space.

- 5** No development shall commence on site (including any vegetation removal), until a Construction Method Statement has been submitted to, and approved in writing by the Local Planning Authority. The Construction Method Statement shall include all precautionary measures to be implemented during the construction period, for the protection of sensitive habitats and species known to be present within or adjacent the site, with particular reference to reptiles, nesting birds, the River Bourne and nearby woodland. The development shall be carried out in strict accordance with the approved Construction Method Statement.

REASON: To ensure adequate protection, mitigation and compensation for protected species and priority habitats throughout the construction period.

- 6 No construction shall take place on Sundays or Public Holidays or outside the hours of 8:00 to 18:00 Monday to Friday and 08:00 to 13:00 on Saturdays.

REASON: To minimise disturbance to nearby residents during the construction

Informatives

1 BNG – Gain Plan Required

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition “(the biodiversity gain condition”) that development may not begin unless:

- (a) a Biodiversity Gain Plan has been submitted to the planning authority, and
- (b) the planning authority has approved the plan.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan if one is required in respect of this permission would be Wiltshire Council. There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. For further information on exempt developments please refer to:

<https://www.gov.uk/guidance/biodiversity-net-gain-exempt-developments>

Based on the information available this permission is considered to be one which will require the approval of a biodiversity gain plan before development is begun because none of the statutory exemptions or transitional arrangements are considered to apply. Irreplaceable habitat If the onsite habitat includes irreplaceable habitat (within the meaning of the Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024) there are additional requirements for the content and approval of Biodiversity Gain Plans.

The Biodiversity Gain Plan must include, in addition to information about steps taken or to be taken to minimise any adverse effect of the development on the habitat, information on arrangements for compensation for any impact the development has on the biodiversity of the irreplaceable habitat.

The planning authority can only approve a Biodiversity Gain Plan if satisfied that the adverse effect of the development on the biodiversity of the irreplaceable habitat is minimised and appropriate arrangements have been made for the purpose of compensating for any impact which do not include the use of biodiversity credits.

- 2 The applicant should note that under the terms of the Wildlife and Countryside Act 1981 (as amended) and the Habitats Regulations 2017 (as amended) it is an offence to disturb or harm any protected species including for example, breeding birds and reptiles. The protection offered to some species such as bats, extends beyond the individual animals to the places they use for shelter or resting. Please note that this consent does not override the statutory protection afforded to any such species. In the event that your proposals could potentially affect a protected

species you should seek the advice of a suitably qualified and experienced ecologist and consider the need for a licence from Natural England prior to commencing works. Please see Natural England's website for further information on protected species

- 3** For the avoidance of doubt, this permission does not permit a change of use of the land which shall remain in agricultural use following the implementation of the approved works. The Local Planning Authority considers that any use of the wildlife pond land by patrons of the adjacent public house (including seating, events, drinking/dining, or licensable activities) would constitute a material change of use requiring planning permission and, where relevant, advertisement consent and/or premises licence variation. A planning application should be submitted for consideration by the Local Planning Authority prior to any such works/uses occurring on the land
- 4** Under the Land Drainage Act the applicant is required to maintain the pond such that it does not increase flood risk elsewhere throughout its lifetime.
- 5** The applicant is requested to note that this permission does not affect any private property rights and therefore does not authorise the carrying out of any work on land outside their control. If such works are required it will be necessary for the applicant to obtain the landowners consent before such works commence. If you intend carrying out works in the vicinity of the site boundary, you are also advised that it may be expedient to seek your own advice with regard to the requirements of the Party Wall Act 1996.

Nic Thomas - Director of Planning, Economy and Regeneration

NOTES

- 1 **Other Necessary Consents.** This document only conveys permission for the proposed development under Part III of the Town and Country Planning Act 1990 and the applicant must also comply with all the byelaws, regulations and statutory provisions in force in the area and secure such other approvals and permissions as may be necessary under other parts of the Town and Country Planning Act 1990 or other legislation.
 - 1.1 the need in appropriate cases to obtain approval under Building Regulations. **(The Building Regulations may be applicable to this proposal. Please contact the Council's Building Control team before considering work on site);**
 - 1.2 the need to obtain an appropriate order if the proposal involves the stopping up or diversion of a public right of way or other highway (including highway verge);
 - 1.3 the need to obtain a separate "Listed Building Consent" to the demolition, alteration or extension of any listed building of architectural or historic interest;
 - 1.4 the need to make any appropriate arrangements under the Highways Act 1980, in respect of any works within the limits of a highway. The address of the Highway Authority is County Hall, Trowbridge, BA14 8JD (It is the responsibility of the applicant to ascertain whether the proposed development affects any listed building or public right of way / other highway, including highway verge).
- 2 **Appeals.** If the applicant is aggrieved by the decision of the local planning authority to grant permission subject to conditions, he may appeal to the Secretary of State for the Environment in accordance with Section 78(1) of the Town and Country Planning Act 1990 within six months of the date of this decision. (Information and forms relating to the appeals process can be found at the Planning Portal - <http://www.planningportal.gov.uk/planning/appeals>).
- 3 **Climate Change.** Wiltshire Council acknowledges the climate emergency and is seeking to make the county carbon neutral. You are encouraged to include energy efficiency that exceeds building regulations and to meet residual energy demand through renewable energy and low-carbon technologies, including high levels of electric vehicle charging points. The developer is encouraged to contact the climate team to discuss this further. climate@wiltshire.gov.uk
- 4 **CIL.** The applicant is advised that the development hereby approved may represent chargeable development under the Community Infrastructure Levy Regulations 2010 (as amended) and Wiltshire Council's CIL Charging Schedule. A separate Community Infrastructure Levy Liability Notice will be issued by the Local Planning Authority. Should you require further information with regards to CIL please refer to the Council's Website [Community Infrastructure Levy \(CIL\) - Wiltshire Council](#)