

APPLICATION FOR FULL PLANNING PERMISSION CASE OFFICER REPORT

APPLICATION REFERENCE:	PL/2025/06704
APPLICATION TYPE:	Full Planning Permission
SITE ADDRESS:	Land North of Boundary Farm, Berryfield Lane, Melksham, SN12 6RF
DEVELOPMENT DESCRIPTION:	Proposed Creation of Private Lake & Associated Landscaping
RECOMMENDATION:	Consent be GRANTED

PROPOSAL

This application is requesting permission for operational development associated with a proposal for the creation of a private lake at land north of Boundary Farm. The scheme proposes landscaping features to soften the visual impact along with the installation of a gravel path, and stock fencing. No change of use of the land is proposed.

Significant concerns were raised with the originally submitted scheme given that part of the development was proposed to be located in a way that would obstruct part of the safeguarded strategic canal route and existing footpath 'MELW117'; consequently, there have been revised plans sent and accepted which includes a change to the red line of the application site. This change to red line is tantamount to a new application and as such full re-consultation was carried out. The new position of the proposed lake and planting have been indicated on a landscape plan and section plan, both partially extracted below:



Figure 1: extract of revised proposed site plan

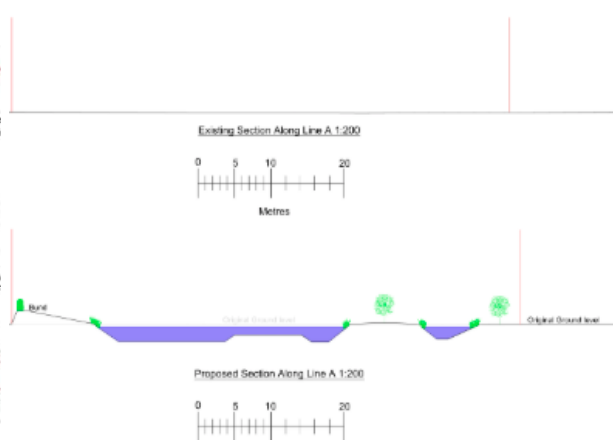


Figure 2: extract of existing and proposed sections

The landscaping scheme includes the creation of bunds and the planting of trees and hedges which include the following species:

- Holly, field maple, dogwood, hazel and geulder rose hedge mix
- Conifers, dogwood tree, weeping Yoshino tree, salix tristis trees
- Native/fruit tree mix to potentially include apple, crab apple, plum, pear or oak, beech, rowan, whitebeam or lime.

The application form suggests that the scheme would be exempt from biodiversity net gain (BNG) requirements; however, this was inconsistent with other detail submitted with the application. An updated BNG metric and updated BNG report, taking into account the revised site boundary, were provided and accepted on 17.02.2026.

SITE DESCRIPTION

The revised application site comprises approximately 1.56Acres of grassland (used as pastureland for cattle) directly north of agricultural buildings at 'Boundary Farm' in Melksham, a market town which benefits from a defined framework boundary and made neighbourhood development plan (NDP). The site is more than 300m south-west of the framework boundary, considered to be within open countryside for planning purposes.

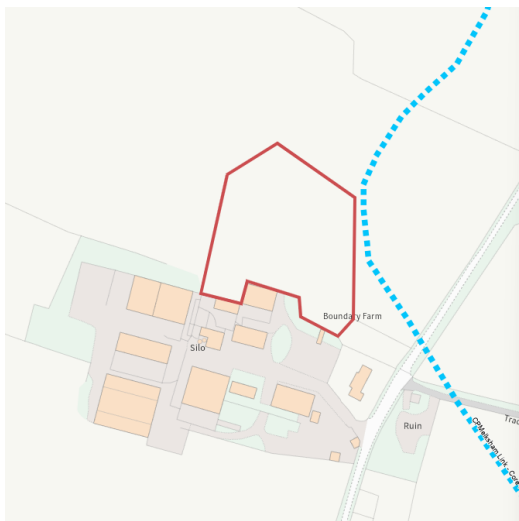


Figure 3: site (red) & proposed canal route (blue)



Figure 4: aerial view (2024)



Figure 5: street view (google 2024)

The site can be accessed via the neighbouring farm and part of the site can be viewed from unclassified 'Berryfield Lane' as well as existing public rights of way (PRoW) 'MELW117' which is directly adjacent to the revised site. At a strategic level, the land has been identified by natural England as having a likely agricultural land classification of Grade 1 which is understood to represent best most versatile (BMV) agricultural land.

At the time of writing, the site is understood to be within flood zone 1 – at the lowest risk of flooding from rivers and seas. The original application site saw part of the route associated with the 'Melksham link canal' proposal running through the north-eastern corner; however, the revised site is reduced in area and consequently no part of the strategic route goes through the application site.

RELEVANT PLANNING HISTORY

Relevant planning history relating to the full site:

None

Relevant planning history affecting part of the site:

Land north west of Semington Bridge:

- Major application W/12/01080/FUL for the *creation of a new waterway and towpath for the Wilts and Berks Canal between the Kennet and Avon Canal and the River Avon and associated footpath, cycleway and provision of ten bridges along with new access roads to Berryfield* was received on 06.06.2012 and is, at the time of writing, pending determination with an extended target date of 31.03.2026

RELEVANT LEGISLATION, POLICIES AND GUIDANCE

Though considered as a whole, applicable Development Plan policies are listed below along with relevant legislation and guidance.

Wiltshire Core Strategy (WCS)

- CP1: Settlement Strategy
- CP2: Delivery Strategy
- CP3: Infrastructure Requirements
- CP15: Spatial Strategy for the Melksham Community Area
- CP16: Melksham Link Project
- CP50: Biodiversity and Geodiversity
- CP51: Landscape
- CP57: Ensuring High Quality Design and Place Shaping
- CP58: Ensure the Conservation of the Historic Environment
- CP67: Flood Risks

Saved Policies of the West Wiltshire Local Plan (WWLP)

- C40: Tree Planting

Joint Melksham Neighbourhood Development Plan (NDP)

- Policy 3: Flood Risk and Natural Flood Management
- Policy 5: Pre-application Community Engagement
- Policy 12: Green and Blue Infrastructure
- Policy 13: Biodiversity
- Policy 17: Trees and Hedgerows
- Policy 18: Landscape Character
- Policy 20: Locally Distinctive, High Quality Design

Melksham Design Guidelines and Codes (MDG)

Wiltshire Design Guide (WDG)

ISSUES

The main issues in the consideration of this application are:

- Principle / Sustainable Development
- Archaeology, Design and Neighbouring Amenity
- Ecology / Biodiversity
- Flood Risk / Drainage
- Highways and Rights of Way

CONSULTATION

Melksham Without Parish Council: (18.12.2025) No Objection

Melksham Without Parish Council welcomed the changes that had been made to the lake to no longer impinge on the protected route for the Melksham link canal (as per Wiltshire Core Strategy Policy 16 and Policy 94 of the emerging Local Plan).

Councils Archaeology Team: (09.02.2026) No Objection subject to condition

Thank you for your consultation and for sending me a copy of the report on the results of a geophysical survey of the proposed private lake. Considering the traces of potential archaeological features recorded by this survey, together with the extensive prehistoric activity known to exist immediately to the north west of the site, I would advise that any groundworks associated with the construction of the lake be monitored by qualified archaeologists, with this monitoring to be secured via a [pre-commencement] condition to be attached to any planning permission that may be issued. [...]

The monitoring is to be carried out following the standards and guidelines for such work as set out by the Chartered Institute for Archaeologists (CIfA) as well as those set out in the document 'Standards and Guidance for Archaeological Assessment and Fieldwork in Wiltshire and Swindon Borough', issued by Wiltshire Council Archaeology Service (WCAS). The costs of this work are to be borne by the applicant.

Councils Drainage Team: No Objection subject to Conditions

(19.09.2025)

According to the SFRA mapping, the site is located within Flood Zone 1, indicating a low probability of fluvial flooding. There is no identified risk of surface water flooding at the site.

However, there is a moderate risk of groundwater flooding, with groundwater levels between 0.025 meters and 0.5 meters below the ground surface.

The application seeks permission to create a private lake of approximately 0.45 acres at Boundary Farm, Berryfield Lane, Melksham. The lake will be formed by excavation, with excavated material reused as bunds. It will be fed by captured surface water from nearby farm buildings and supplemented by a borehole. A 300 mm overflow pipe, fitted with a trash screen, will discharge to an existing ditch that ultimately connects to the Avon River. The lake water level will sit approximately 0.4 m below the surrounding ground level to provide freeboard.

It should be noted that the red line boundary for this site clashes with the proposed alignment for the Wilts and Berks Canal Scheme (W/12/01080/FUL), which is currently under consultation. There may be land ownership issues to consider as part of the wider planning process for both schemes.

The LLFA has no objections to the proposals for this planning permission, subject to [...] information being obtained via pre-commencement conditions.

(09.01.2026)

[...] We acknowledge that the applicant has submitted a revised block plan and reconsulted accordingly. However, further information is required to address drainage and flood risk considerations.

According to the SFRA mapping, the site is located within Flood Zone 1, indicating a low probability of fluvial flooding. There is no identified risk of surface water flooding at the site. However, there is a moderate risk of groundwater flooding, with groundwater levels between 0.025 meters and 0.5 meters below the ground surface.

The application seeks permission to create a private lake of approximately 0.45 acres at Boundary Farm, Berryfield Lane, Melksham. The lake will be formed by excavation, with excavated material reused as bunds. It will be fed by captured surface water from nearby farm buildings and supplemented by a borehole. A 300 mm overflow pipe, fitted with a trash screen, will discharge to an existing ditch that ultimately connects to the Avon River. The lake water level will sit approximately 0.4 m below the surrounding ground level to provide freeboard.

It should be noted that the red line boundary for this site clashes with the proposed alignment for the Wilts and Berks Canal Scheme (W/12/01080/FUL), which is currently under consultation. There may be land ownership issues to consider as part of the wider planning process for both schemes.

Councils Ecology Team: (04.03.2026) No Objection subject to conditions

[...] The ecology report confirms that the site is dominated by modified grassland currently used as pastoral land for cattle, though previously was arable land. It is considered to be

of low ecological value and unsuitable for use by, e.g., reptiles and great crested newts, given the short sward height, patchy bare ground and lack of refuge. There are no buildings or trees present with features suitable for use by roosting bats, but the grassland may be of some value to commuting or foraging bats, with records of Greater Horseshoe, Whiskered, Soprano Pipistrelle, Noctule and Serotine bats within 370m. In any case, no lighting is proposed, and the habitat changes will improve foraging opportunities for species such as bats.

Should any lighting be considered in the future, the applicant should note that an increase in artificial lux levels can deter bats which could result in roost abandonment and/or the severance of key foraging areas. As such, any new lighting at the site should be for the purposes for safe access and security and be in accordance with the appropriate Environmental Zone standards set out by the Institute of Lighting Engineers in their publication GN01:2021, 'Guidance for the Reduction of Obtrusive Light' (ILP, 2021), and Guidance note GN08-23 "Bats and artificial lighting at night", issued by the Bat Conservation Trust and Institution of Lighting Professionals.

The surrounding habitats of hedgerow, deciduous woodland (190m northeast) and Bristol Avon River County Wildlife Site (480m west), provide good opportunities for wildlife, and there are records of badger, otter and water vole near the river.

In line with NPPF and with CP50, enhancements for biodiversity, relevant to local habitats and wildlife populations, should form part of the proposed development.

As such, ecological enhancements, whether achieved via BNG or otherwise, should be secured via a condition.

The ecology report's recommendation of a bird box is welcomed.

[...] The Biodiversity Gain Plan condition will automatically apply if approval is forthcoming. Revised site plans have been submitted. [...] An updated BNG metric and report have been provided. Information in the completed on-site baseline habitat tabs is accepted as accurate based on the information submitted. [...]

Councils Highways Team: (18.12.2025) No objection

I refer to the amended plans for the above planning application for the creation of a private lake & associated landscaping.

I note that the amended plans reflect the route of the new canal and associated works, however, I do not think that this will alter my view on this application and I adhere to my previous comments:

"The lake is proposed without any parking or additional access to it as it is for private use only. I assume the existing access will be utilised for access of construction vehicles which will remain on site while the lake is being constructed and only removed once finished, so limited addition vehicle movements will be associated with construction. Removed soil is proposed to remain on site.

It is considered that the proposal will not have a negative impact on the highway network and I therefore raise no highway objection."

Councils Landscape Team: (07.01.2026) No Objection Subject to Condition

Thank you for asking for my revised comments on this application. Having reviewed the revised plans I have no concerns about the interaction between the canal and the proposed pond and therefore do not see any conflicts between CP53 and the proposed development. I would ask that a full plant schedule be provided with planting densities, species, and specification (To National Plant Specification) be provided, but this can be undertaken as a pre-commencement condition covered by standard conditions WC1 / WC2, and I therefore have no further objections to the scheme

Councils Public Protection Team: No comment

Councils Public Rights of Way Team: (14.01.2026) No Objection

With regard to the revised plan, I can confirm the proposal no longer obstructs the public footpath so I can withdraw my objection, subject to [inclusion of ...] informatives.

REPRESENTATIONS

At the time of writing one public representation of objection has been received raising general concerns relating to PRoWs.

ASSESSMENT

Principle / Sustainable development

CP1 and CP2 of the WCS relate to the spatial strategy for Wiltshire, setting the policy foundations for sustainable development within the county. CP15 of the WCS expresses that development in the Melksham Community Area should be in accordance with the Settlement Strategy set out in CP1.

CP16 relates explicitly to the 'Melksham Link Project', setting policy expectations that the proposed route will be safeguarded from inappropriate development.

The scheme is requesting permission for operational development associated with the creation of a lake to be sited on existing agricultural land, with no associated change of use of the land proposed. No significant loss of agricultural land would be resultant from the granting of planning permission.

It is noted that the suggested canal route that was put forwards (and is currently being considered under) application W/12/01080/FUL is proposed to intersect this application site; however, given that the route proposed under that separate planning application does not strictly follow the route identified under CP16 (the wording and route of which is replicated under relevant emerging plan policy), limited weight is given to the conflicting interests between this scheme and that which is being proposed under W/12/01080/FUL.

The revision to the site boundary under this planning application ensures that the proposed development of a lake will not intersect the canal route and, taking fully into account the type of development being proposed, granting planning permission for the development of a lake at the revised location will not prejudice the future use of the safeguarded route for the Wilts and Berks Canal restoration project.

On balance, the principle of the proposed development is accepted.

Archaeology, Design and Neighbouring Amenity

CP57 of the WCS requires a high standard of design in all new development, which includes a requirement for necessary consideration on matters associated with visual amenity and compatibility of adjoining buildings and uses.

CP58 aims to ensure that development protects, conserves and where possible enhances the historic environment and requires consideration to be made around matters associated with archaeological remains.

The scheme proposes the creation of a lake and landscaping. Whilst the scheme will not result in a change of use, or require significant above-ground development, the size of the proposed lake and visibility of the site from publicly accessible locations means that assessment of visual amenity impacts is, nonetheless, necessary. Consultation with the Council's landscape team has been carried out which, following revisions, resulted in no objection subject to conditions. The conditions are inline with policy aims and have been agreed to be included by the applicant.

The site is not close to any dwellings that are not associated with the farmstead; as such, there are no concerns relating to matters associated with neighbouring amenity. Comments on potential increased flood risk of land near the site and the usability of the nearby PRow, should planning permission be granted, will however be made later in this report.

There are traces of potential archaeological features identified, which together with the extensive prehistoric activity known to exist immediately to the north west of the site, requires any groundworks associated with the construction of the lake to be monitored by qualified archaeologists. Consultation with the Councils archaeology team has been carried out which, following the submission of further detail, resulted in no objection subject to conditions. The condition is inline with policy aims and has been agreed to be included by the applicant.

Ecology / Biodiversity

Biodiversity net gain (BNG) is a way of creating and improving natural habitats and ensures that development has a measurably positive impact on biodiversity, compared to what was there before development.

Policy CP50 of the WCS outlines that Wiltshire's natural environment is one of its greatest assets and identifies protection measures necessary for consideration when assessing the impact of development on biodiversity and geodiversity.

The baseline habitat value has been identified by the applicant as being 0.85 and the development proposed will see that value significantly increased.

Consultation with the Councils Ecology team has been carried out and, following resolution of issues relating to missing detail, the team has confirmed that the baseline habitat value is considered to be accurate and that *the proposed habitat creation and habitat enhancements are welcomed and will provide notable biodiversity gains equating to a 300% increase.*

Their representation confirms that a habitat management and monitoring plan and BNG monitoring contribution is not necessary and raises no objection to the scheme subject to the inclusion of conditions. The conditions are inline with policy aims and have been agreed to be included by the applicant.

Flood Risk / Drainage

Policy CP67 of the WCS relates to flood risk and provides direction for development proposed in flood zones 2 and 3 and includes the requirement for development to reduce the rate of rainwater run-off and to improve rainwater infiltration to soil and ground, unless site or environmental conditions make these measures unsuitable.

The site is on land in flood zone 1, at the lowest risk of fluvial flooding; however, there is some moderate risk of ground water flooding. Whilst the development does not include any ground-level hardstanding and the development may ultimately bring about attenuation benefits, careful consideration must be made to ensure that the development is constructed and maintained in a way that does not result in a worsening of the flood risk at, and near, the site when compared with the pre-development situation.

Consultation with the Councils Drainage team has been carried out and resulted in no objection subject to conditions. The conditions are in line with policy aims and have been agreed to be included by the applicant.

Highways and Rights of Way

Policy CP61 of the WCS requires new development to be served by safe access to the highway network. Policy CP64 of the WCS relates to demand management measures which includes car parking management and standards.

The scheme does not include any change of use of the land which would result in a change to the requirement for off-street parking and no new vehicular access from the highway is proposed or necessary to facilitate the development.

The original site location and proposed planting resulted in objection being raised by a member of the public and the Councils rights of way team on grounds that the development would negatively impact the PRoW. Following the change to the location plan, the PRoW is no longer within the site boundary and the rights of way team withdrew their objection. Their most recent representation recommends an informative, which will be included should permission be granted.

SUMMARY AND CONCLUSION

The scheme proposed the creation of a private lake and associated landscaping. Changes to the scheme, provided during the life of the application have appropriately resolved concerns; therefore, with the inclusion of necessary planning conditions, the scheme meets the aims of relevant policies contained within the Wiltshire Core Strategy, West Wiltshire Local Plan, and Melksham Neighbourhood Development Plan.

The consultee recommended pre-commencement condition, necessary in the interests of recording matters of archaeological interest, was agreed to be included by the applicant on 09.02.2026. All other consultee recommended pre-commencement conditions were agreed to be included, should planning permission be granted, by the applicant on 05.03.2026

RECOMMENDATIONS:

That planning permission be GRANTED 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 and Proposed Sections, AH2025/58, received 28.11.2025

Proposed Block Plan, AH2025/58, received 28.11.2025

BNG report, prepared by arbtech, dated 12.02.2026, received 17.02.2026

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

- 3) Prior to the commencement of any works, including vegetation removal and demolition, details of the number, design and locations of ecological enhancements – such as bat roosts and nesting opportunities for birds – shall be submitted to the local authority for approval. The approved details shall be implemented before occupation of the final works.

REASON: To provide mitigation/enhancement for biodiversity.

- 4) No development shall commence until:

a) A written programme of archaeological investigation, which should include on-site work and off-site work such as the analysis, publishing and archiving of the results, has been submitted to and approved by the Local Planning Authority; and

b) The approved programme of archaeological work has been carried out in accordance

with the approved details.

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

- 5) a) No development shall commence until a drainage strategy has been submitted to and approved in writing by the Local Planning Authority. The Plan shall include, but not necessarily be limited to, the following:
- i) In line with Standard 3 of the National Standards for SuDS, overland exceedance routes, both pre and post- development, must be identified and illustrated on the drainage plan. These routes should account for flows exceeding the 1-in-100-year rainfall event plus 40% climate change allowance, to demonstrate that there is no increased flood risk to the development or surrounding areas.
 - ii) A storage capacity within the lake and bund system must be shown to be sufficient to manage the design storm events and a full detail of the proposed outfall to the ditch, including connection location, levels, protection measures, etc, and a capacity assessment of the outfall ditch to demonstrate that flows from the proposed development can be accommodated without increasing flood risk elsewhere.
 - iii) Detailed cross-section and standard engineering drawings of the proposed lake shall be provided, clearly indicating the existing ground level, groundwater table range, lake base level, normal top water level, exceedance level during extreme events, and the designated freeboard.
 - iv) A Construction Management Plan is required to control silt, pollution, and construction runoff. Measures must prevent turbid discharges to the ditch.
 - v) A Maintenance & Management Plan must set out: inspection frequency for the inlet, bunds, overflow, and trash screen. Arrangements for sediment management and vegetation upkeep; long-term ownership.
- b) The lake shall not be brought into use under the approved details have been implemented in full and the approved measures shall thereafter be retained and maintained for the lifetime of the development

REASON: To ensure that the lake and associated infrastructure are designed and operated so as to manage surface water safely and to prevent increase in flood risk on or off the site.

- 6) a) No development shall commence on site until a scheme of hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority, the details of which shall include:
- i) a detailed planting specification showing all plant species, supply and planting sizes and planting densities;
 - ii) finished levels and contours;
 - iii) means of enclosure;
 - iv) all hard and soft surfacing materials;
 - v) proposed and existing functional services above and below ground (e.g. drainage, power, communications, cables, pipelines etc indicating lines, manholes, supports etc);
- b) All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first occupation of the building(s)

or the completion of the development whichever is the sooner; All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local planning authority. All hard landscaping shall also be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme to be agreed in writing with the Local Planning Authority

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

INFORMATIVES TO APPLICANT:

- Pollution prevention and silt control measures should be followed during construction.
- Wiltshire Council is the land drainage authority under the Land Drainage Act 1991. Land drainage consent is required if a development proposes to discharge flow into an ordinary watercourse or carry out work within 8m of an ordinary watercourse. An ordinary watercourse is a watercourse that does not form part of a main river. The term watercourse includes all rivers and streams and all ditches, drains, cuts, culverts, dikes, sluices, sewers (other than public sewers within the meaning of the Water Industry Act 1991) and passages, through which water flows. Wiltshire Council's land drainage bylaws can be downloaded [here](#). The land drainage consent application form and guidance notes can be found on our website [here](#).
- The applicant should note that it is a criminal offence to obstruct a public right of way under section 137 of the Highways Act 1980 and therefore no materials, plant, temporary structures or excavations of any kind should be deposited / undertaken which obstruct or adversely affect the public right of way MELW117 whilst development takes place, without prior consultation with, and the further permission of, the highways authority at Wiltshire council.

The applicant should note that no gates or stiles should be erected across the public right of way without prior consultation and approval from the Countryside Access Officer (contact rightsofway@wiltshire.gov.uk). Unauthorised structures across a right of way are an obstruction and gates may only be authorised for the control of stock under section 147 of the Highways Act 1980.

- 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. 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.