



Appeal Decision

Hearing held on 3 December 2024

Site visit made on 2 December 2024

by Laura Cuthbert BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 January 2025

Appeal Ref: APP/Y3940/W/24/3351265

Land at Stones Farm, West Mill Lane, Cricklade SN6 6JL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
 - The appeal is made by Mr Tom Sheppard of Newland Homes Limited against the decision of Wiltshire Council.
 - The application Ref is PL/2022/02452.
 - The development proposed is Outline application for the erection of up to 140 dwellings, a habitat support area and associated landscaping and works. Access not reserved.
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Decision

1. The appeal is allowed and planning permission is granted for Outline application for the erection of up to 140 dwellings, a habitat support area and associated landscaping and works. Access not reserved at Land at Stones Farm, West Mill Lane, Cricklade SN6 6JL in accordance with the terms of the application, Ref PL/2022/02452, subject to the conditions in the attached schedule.

Preliminary Matters and Main Issues

2. Outline planning permission is sought, with all matters apart from access reserved. I have therefore taken any indication of reserved matters shown on the submitted drawings to be illustrative.
3. Since the hearing took place, a revised National Planning Policy Framework (the Framework) was published on 12 December 2024. The implications of the revised Framework were briefly discussed at the hearing, albeit it was still draft at this time. Since its publication, main parties have had a further opportunity to comment on the revised Framework. I have therefore taken the revised Framework, along with any comments of the main parties, into account as part of the determination of this appeal.
4. The Council have been working on an emerging Local Plan (the eLP) and it has now been submitted for examination. However, as the eLP has yet to go through examination, it is agreed between parties that the eLP currently carries limited weight. I agree.
5. Prior to the Hearing opening, the Council advised that they were no longer defending the reasons for refusal associated with the appeal proposal. This was on the basis of an Inspector in an earlier appeal at Storridge Road, Westbury¹ concluding that the Council were only able to demonstrate a housing land supply of 3.85 years.

¹ Appeal Reference APP/Y3940/W/24/3340811

6. Nevertheless, in regard to the first reason for refusal, I will still consider the location of the proposal, having regard to the development strategy, as a main issue. The implications of the housing land supply position will then be addressed in my Decision.
7. The second reason for refusal related to the lack of appropriate arrangements for on-site and off-site infrastructure. A final, signed Section 106 Agreement (S106), dated 16 December 2024 has now secured the following on-site and off-site infrastructure:
 - the provision of 40% affordable housing;
 - a contribution towards early years education;
 - a landscaping plan, detailing the provision of an area of open space of 12,500sq m and a play area, as well as the establishment of a management company to manage and maintain the open space and play area;
 - a contribution towards community sport pitches;
 - a contribution towards the provision of waste and recycling containers to serve the proposed development;
 - the provision of a Habitat Support Area (HSA) and the relevant management of the HSA;
 - a Strategic Access Management and Monitoring (SAMM) contribution; and
 - a monitoring fee for the Council.
8. The Council's CIL Compliance Statement sets out the requirements for each of the obligations required by the S106. I am satisfied that the provisions of the submitted agreement that relate to on-site and off-site infrastructure would meet the tests set out in Regulation 122 of the CIL Regulations 2010 (the CIL Regs) and Paragraph 58 of the Framework. As the Council are no longer defending the second reason for refusal, and in view of my acceptance of the S106, the second reason for refusal is therefore not a main issue. However, my Decision will still assess and refer to the S106 in relation to the North Meadow and Clattinger Farm Special Area of Conservation (SAC).
9. Therefore, in view of the above, the main issues for this appeal are: -
 - whether the proposed development would be in a suitable location, having regard to the development strategy for the area;
 - the effect of the proposal on the integrity of the North Meadow and Clattinger Farm Special Area of Conservation (SAC); and
 - the effect of the proposal on the significance of designated heritage assets, in particular St. Sampson's Church, a Grade I Listed Building, and the Cricklade Conservation Area as designated heritage assets, through development within their setting.

Reasons

Development Strategy

10. The appeal site lies outside of, but adjacent to, the defined settlement boundary of Cricklade, which is identified as a Local Service Centre (Lower Category Village) under Core Policy 1 of the Wiltshire Core Strategy (Core Strategy) (adopted 2015). Alongside Core Policy 2 and Core Policy 19 of the Core Strategy, these policies set out the spatial strategy for new homes in Wiltshire, specifically in the Royal Wootton Bassett and Cricklade Community Area.
11. By virtue of the site lying outside of any defined settlement boundary, it is therefore classed as open countryside. It is not allocated for housing, and the parties agree, as do I, that the proposal would not fall within any of the exceptions set out by the development plan to enable new development in the open countryside. It would not be supported by any other policies.
12. Core Policy 2 sets out the delivery strategy, with a distribution strategy and indicative housing requirement figure set out for each settlement and community area. I note the appellant states in the Statement of Common Ground (SoCG) that they consider that the proposal supports the housing requirements set out in Core Policy 2. Whilst this is noted, Core Policy 2 also states that other than in circumstances as permitted by other policies within this plan, development will not be permitted outside the limits of development, as defined on the policies map. Therefore, whilst the proposal would go towards delivering the housing requirement figure in Core Policy 2, it would not be in the appropriate location to deliver the housing, by virtue of it being outside of the settlement boundary of Cricklade.
13. Consequently, by virtue of its location outside of any defined settlement limits, the proposal would be contrary to Core Policies 1, 2 and 19, which, in combination, set out the overarching settlement strategy and delivery strategy for Wiltshire, and more specifically the Royal Wootton Bassett and Cricklade Community Area.

North Meadow and Clattinger Farm Special Area of Conservation (SAC)

North Meadow SAC designation

14. The appeal site lies to the south of North Meadow SAC, which is part of the North Meadow and Clattinger Farm SAC. North Meadow is also a Site of Special Scientific Interest (SSSI), a National Nature Reserve (NNR) and part of the site is common land. North Meadow is therefore a site of national importance for nature conservation. The site is subject to statutory protection under the Conservation of Habitats and Species (Amendment) Regulations 2017 (as amended) (the Habitat Regulations). Regulation 63 (1) of the Habitat Regulations requires the competent authority to make an appropriate assessment of the implications of a particular proposal, alone or in combination with other plans or projects on any likely significant effect on a European Site designated under the Habitats Directive.
15. North Meadow is located in the Thames Valley and represents an exceptional surviving example of the traditional pattern of management of lowland hay meadows. The qualifying features for the North Meadow SAC designation are thus its lowland hay meadows (*Alopecurus pratensis*, *Sanguisorba officinalis*).

North Meadow also contains a very high proportion of the surviving UK population of snake's head fritillary (*Fritillaria meleagris*), a plant highly characteristic of damp lowland meadows in Europe and now rare throughout its range.

16. The SSSI citation for the site also states that over 250 species of higher plant occur on the meadow, including abundant grasses such as red fescue (*Festuca rubra*), perennial rye-grass (*Lolium perenne*), meadow foxtail (*Alopecurus pratensis*), crested dog's-tail (*Cynosurus cristatus*) and yellow oat-grass (*Trisetum flavescens*).
17. The conservation objectives for the North Meadow SAC are to ensure the integrity of the site is maintained or restored as appropriate and ensure that the site contributes to achieving the Favourable Conservation Status of its Qualifying Features, by maintaining or restoring the extent and distribution of qualifying natural habitats, the structure and function (including typical species) of qualifying natural habitats, and the supporting processes on which qualifying habitats rely. The management of North Meadow aims to maintain traditional hay-meadow regimes of hay cutting from midsummer, followed by grazing with livestock through the autumn and into the winter as ground conditions permit. This management allows plants to flower and set seed prior to hay cutting.

Likely Significant Effect Screening

18. North Meadow NNR is open to the public and includes designated pathways around the site to facilitate access. The Thames Path runs along the southern boundary of the SAC adjacent to the river. North Meadow is also readily accessible on foot from the settlement of Cricklade. Natural England (NE) has highlighted that growing visitor numbers in recent years have led to an increase in recreational impacts at North Meadow and considers that the increase in visitors is driven by increases in local population as well as an increased propensity to visit the countryside².
19. A visitor survey was carried out in 2022 to inform the 'Interim Recreation Mitigation Strategy 2023-2028 (the Mitigation Strategy)' (May 2023)³. Key findings of the survey include discovering that the majority of visitors travel from within a 1km radius of North Meadow, that dog walkers are the most frequent visitors to the site, with the majority visiting at least once a week throughout the year, and that walkers represent another user group who visit the site on a regular basis throughout the year. An earlier visitor survey was undertaken by Ethos Environmental Planning⁴ similarly identified that the majority of visitors to the SAC were local dog walkers living in Cricklade.
20. The Site Improvement Plan for North Meadow and Clattinger Farm (SIP) (2014) lists 'Public Access and Disturbance' as a priority issue, with the action associated with this priority being to 'seek to minimise the impact of high levels of trampling by the general public, especially during times when Snake's head fritillary is in flower'. The type of potential damage from recreational pressures on grassland habitats can include trampling, eutrophication/nutrient

² As set out in Paragraph 6.2 of the Mitigation Strategy.

³ Prepared by the Council, in partnership with NE.

⁴ Ethos (2017). DRAFT Visitor Survey. North Meadow, Cricklade National Nature Reserve.

enrichment from dog faeces, litter, interference with hay production, interference with grazing and the picking of flowers.

21. The proposal would result in up to 140 dwellings, with a consequent increase in residents living in close proximity of the SAC. This would likely result in a year round increase in recreational pressure on the SAC from the future occupants of the proposal. Therefore, the proposal taken in isolation would have a significant adverse effect on the integrity of the SAC, by virtue of the potential harm to the conservation objectives for the North Meadow SAC. As the competent authority, it is necessary for me to conduct an Appropriate Assessment (AA) in relation to the effect of the development on the integrity of the SAC. I must therefore consider whether measures could be put in place to avoid or mitigate these impacts.
22. My attention has been drawn to 2 other housing proposals around Cricklade, albeit apart from their location, I have been provided with limited information about these other schemes. Nevertheless, as I have determined that the proposal alone could have a likely significant effect on the SAC, there is no need for me to consider other plans and projects (the cumulative effect).

Mitigation

23. The adopted Mitigation Strategy sets out a strategic approach to mitigate recreational impacts, associated with new development, on the North Meadow SAC. It provides a framework under which proposals, which are likely to have a significant effect on the SAC, can be permitted and sets out measures to ensure that adverse effects on the integrity of the SAC can be ruled out. This enables development to be permitted, while ensuring sufficient protection is in place for the SAC.
24. The appeal site falls within the inner Zone of Influence (ZoI), which is set at 0 to 4.2km from the boundary of the SAC. It represents the area within which 75% of local year round users originate. Within the inner ZoI, all new relevant development will be expected to provide mitigation via Strategic Access Management and Monitoring (SAMM) measures. For developments of over 50 units within the inner ZoI, developments are also expected to provide their own 'sufficient natural recreational focussed greenspace to ensure that residents do not impact upon the SAC'⁵.
25. Therefore, in accordance with the mitigation strategy, mitigation measures are proposed in the form of a SAMM contribution and the provision of a Habitat Support Area (HSA) (including the relevant management of the HSA).
26. An update to the North Meadow Mitigation Costs⁶ sets out the expected SAMM contribution. The financial mitigation contribution cost per unit has been set at £331.62. This would be required to fund access and management works at North Meadow, including increased rangering, access works, signage, monitoring (including visitor surveys and visitor count data) and wardening during the busy flowering period etc. This financial contribution would be secured via Schedule 8 of the S106. I consider that the contribution is directly related to the appeal scheme. In addition, as it relates to a standard charge based on the scale of residential development proposed, I consider it to be

⁵ Paragraph 10.10 of the Mitigation Strategy

⁶ Interim Recreation Mitigation Strategy 2023-2028 North Meadow Mitigation Costs from 01 October 2024

fairly and reasonably related in scale and kind to the development. I am therefore satisfied that the planning obligation would meet the requirements of the Framework.

27. The proposed HSA, alongside a recreational public open space, would be located in the northern half of the site and would contain areas of meadow, woodland and ponds alongside a footpath walk. This will provide a significant 'alternative' greenspace to local residents accessing North Meadow. It would provide a realistic alternative to the SAC, reducing pressure on the SAC and providing new areas of public space for both existing and future residents in Cricklade to utilise.
28. The appellant has been in discussion with NE in regard to the proposed mitigation since 2021. The mitigation strategy suggests that this 'alternative' greenspace should be delivered via a Suitable Alternative Natural Greenspace (SANG). However, in these particular circumstances, NE expressed a preference for the mitigation to be a HSA rather than a SANG, with the aim being that this would be designed for the dual purposes of extending and buffering North Meadow's habitat, whilst also providing an alternative recreation for local people, e.g. for local dog walkers.
29. At the hearing, I heard the concerns regarding the impact and subsequent mitigation from the Hayward of Cricklade Court Leet (CCL), who own part of North Meadow SAC and have been involved in the traditional management of the site for 800 years. One of their concerns is that the proposed mitigation would be 'compensatory' as opposed to 'mitigation'. However, the proposed HSA would be a 'functional and accessible greenspace' as required by the Mitigation Strategy which is the recognised mitigation in order to 'encourage local year round users away from North Meadow'⁷. Furthermore, the delivery of the HSA would be consistent with actions of the SIP, including action 2A (to reduce the fragmentation of semi-natural grasslands in the area around the SAC), action 2B (to secure long term conservation management of buffer land adjacent to North Meadow to allow semi-natural grassland to be restored) and action 4A (to seek to minimise the impact of high levels of trampling by the general public).
30. NE have been consulted accordingly. It is content that the mitigation measures set out above are sufficient to ensure that any adverse impacts on the integrity of the North Meadow SAC and its relevant features can be avoided. NE also confirms that it is content that these measures can be secured by way of suitably worded conditions and the S106.
31. Schedule 7 of the S106 sets out the management of the HSA, with the first option being that the NNR team at NE would be responsible for the management and on-going maintenance of the HSA. However, CCL provided me with an email from NE, which states that 'the NNR team [at NE] are not in a position to take responsibility for the habitat support area'⁸. The Council has also provided me with correspondence from NE which states that due to their 'current level of resources the NNR Team, who would have been in a position to take on day to day management of the HSA, are not able to provide a confirmation that we can take on this role at this time. It should be noted that this position is as of the present time and may change in the period between

⁷ As set out in Appendix 4 of the Mitigation Strategy

⁸ Email from NE, dated 2 December 2024

any approval and the completion of construction of a development at Stones Farm⁹. The appellant advised that there is ongoing communication with the NNR team at NE and that a final decision has yet to be made, on the basis that this is due to a resourcing issue which may change in the future.

32. Nevertheless, the S106 includes 2 alternative scenarios to ensure that the HSA would be appropriately managed, either by using a Non-Government Organisation (NGO) or, as a last resort, setting up a Management Company. These provisions include enabling an alternative organisation to manage the HSA, should NE not be willing or able to do so. Furthermore, in order to ensure that the HSA would be appropriately delivered and maintained, the S106 agreement also includes backstop provisions such as default notices and step in rights, which, whilst they are not expected to be needed, have been included to provide additional certainty about the HSA management.
33. In addition, by way of a combination of conditions and the S106, two Management Plans, one for the Biodiversity Area and one for the Recreation Area, would be required. These have already been drafted and are being prepared in discussion with NE.
34. I have seen nothing, nor did I hear anything at the Hearing, which doubted the deliverability of these 2 other options. Therefore, even if the NNR team at NE are not able to manage the HSA, there are still 2 other reliable options open to the appellant. NE has also confirmed that these options in regard to the ongoing management of the HSA provides a sufficient level of certainty in regard to the concerns raised over the ongoing management¹⁰. I have no substantive evidence before me to take a different view on this matter.
35. I am aware that CCL are not satisfied with the response from NE and have made a formal complaint disagreeing with its consultation response¹¹. However, NE has subsequently confirmed to the appellant that the advice set out in NE's letter dated 21 November 2024 remains NE's statutory advice on the proposal¹².
36. CCL have referred to documents in relation to the Chilterns Beechwoods SAC and the Burnham Beeches SAC, drawing my attention to the more precise quantification of the recreational impact of housing developments within certain distances of SACs. Whilst I acknowledge that some other local authorities prevent building within 500m of a SAC, in the circumstances of the North Meadow SAC, there is an adopted mitigation strategy in place which has identified both inner and outer ZoI's. I recognise that the ZoI's do not go as far as other Council's strategies in relation to other SACs. However, the ZoI's do distinguish the difference that proximity makes to the impact of development and the consequent mitigation.
37. Whilst the Town Council raised concerns that they were not consulted as part of the preparation of the Mitigation Strategy, the mitigation strategy was prepared and agreed in partnership with NE. Therefore, in these circumstances, I attach significant weight to the mitigation strategy and the proposed development's compliance with the strategy.

⁹ Email from NE, dated 29 November 2024

¹⁰ NE letter dated 21 November 2024

¹¹ Letter from CCL to NE, dated 11 December 2024

¹² Email from NE, dated 17 December 2024

Conclusion

38. In view of the above, I am satisfied that the mitigation measures set out above can be appropriately secured by way of conditions and via the S106. These mechanisms would enable the delivery of proportionate and relevant mitigation and are capable of being enforced. I therefore find within my AA that, with the provided mitigation, the proposal would not have an adverse effect on the integrity of the North Meadow and Clattinger Farm SAC. The development would therefore comply with the Habitat Regulations.

Designated Heritage Assets

39. I have a statutory duty under the Listed Buildings and Conservation Areas Act that I need to discharge in regard to designated heritage assets. It was confirmed by the main parties at the hearing that the key designated heritage assets that I should consider in my decision are the Cricklade Conservation Area (CA) and St. Sampson's Church, a Grade I Listed Building.
40. The site lies approximately 500 metres from the edge of the CA. It was unclear from the written evidence of the Council if any harm to the setting of the CA was alleged and if so, what this harm was. The Council verbally confirmed that in the absence of being able to point to any specific evidence or harm to the setting of the CA, they agreed that the setting of the CA, and thus its significance, would be preserved. I see no reason to come to a different conclusion on the matter.
41. St. Sampson's Church is believed to have origins dating to the 10th/11th Century. The church tower, which dates from the mid-16th Century, is prominent in views when you are in the town centre, and also on the main approaches into town. The significance of the church, for the purposes of this appeal, derives from its historical, architectural and evidential values embodied by its physical form. The immediate setting of the church is informed by its position within the historic town centre of Cricklade, albeit it is situated to the rear of the buildings which front the High Street. This allows the church to have a slightly more secluded setting, despite its central location. Views from the church outwards are limited by the established trees that enclose the churchyard and the existing built form of Cricklade. There have been modern developments, including housing, in the immediate environs of the church, some of which compromise the setting of the church. Nevertheless, its position within the historic town centre contributes positively towards its setting, and thus its significance.
42. It was agreed between parties that the appeal site forms part of the wider setting in the fields around Cricklade town centre. The Council argued that the proposal, by virtue that it would change the appeal site from an open field to built development, would harm the contribution the open fields currently make towards the wider setting, and thus the significance, of the church. The Council did accept however that as the proposal is situated a significant distance from the church, approximately 650m away, any harm to its setting, and consequently to its significance, would be 'limited harm at best' veering towards 'very limited harm'.
43. Whilst the appeal site does form part of its wider setting, due to the topography and existing built form, this limits the visibility of the church from its wider setting. I observed that the top of the 16th Century church tower was

visible from certain viewpoints from the appeal site towards town. However, I note that the illustrative layout, whilst acknowledging the indicative nature of this plan, demonstrates that a suitably designed layout to incorporate views towards the church could be secured as part of the reserved matters. This would be no different to how the church tower is viewed and experienced by the existing residential development that sits immediately adjacent to the appeal site both to the south and east, which are closer to the listed church. Therefore, on the basis of the distance between the appeal site and the church, and the likelihood of any limited views of the church tower being retained, I am satisfied that any contribution that the wider setting of the church makes towards the significance of the church would be preserved.

44. I note from the evidence that there are a number of other listed buildings situated within the Cricklade CA. From the evidence before me and my observations on site, the special interest and significance of these assets largely stem from their architectural and historic interests, as well as their more immediate street-scene settings. Given the distance from these other listed buildings, I consider that the settings of these other designated heritage assets would be preserved, and their significance would not be harmed. The Council has raised no concerns in this regard either.
45. Therefore, in view of the above, I am satisfied that the significance of designated heritage assets, in particular St. Sampson's Church, a Grade I Listed Building, and the Cricklade Conservation Area, through development within their setting, would be preserved. The proposal would be in accordance with Core Policies CP57 and CP58 of the Core Strategy which requires development to protect, conserve and where possible enhance the historic environment. Development should be sympathetic to and conserve historic buildings and historic landscapes, ensuring that important views into, within and out of the site are to be retained and enhanced. It would also be in accordance with the principles set out in Section 16 of the Framework, which requires great weight to be given to heritage assets' conservation.

Other Matters

46. Foul water drainage has been raised by interested parties as a particular area of concern. At the hearing, I was provided with a spreadsheet¹³ in regard to discharge rates and the upgrade of the Cricklade Sewage Treatment Works (STW). The main parties have had the opportunity to comment on these figures.
47. I acknowledge the concerns raised in regard to sewer capacity and the general issues in relation to the actions of Thames Valley. However, there is no substantive evidence to suggest that the proposal would exacerbate existing issues, and it is not the role of new development to resolve any existing local issues. I note that the Council did not consider this to be a substantive area of concern during the planning application process and I have no technical evidence before me to come to a different conclusion on this matter. Consequently, subject to a suitably worded planning condition which would require a detailed foul water drainage scheme to be agreed with the Council prior to any development taking place, I am satisfied that foul water from the development site would be adequately dealt with.

¹³ Spreadsheet submitted by Councillor Nick Dye in relation to Foul Water Drainage

48. Interested parties have expressed a wide range of further concerns including flooding and drainage, highway safety, including an increase in vehicular movements, as well as the additional pressure the proposal would have on local services including children's classes, gym timetables, schools and nurseries. However, having considered the technical evidence before me and the views of the relevant statutory consultees and that of the Council, I consider that the majority of these matters can be controlled and maintained by either appropriately worded conditions, or by the relevant on-site and off-site infrastructure secured by the S106.

Planning Balance

49. I have found that with the proposed mitigation, the proposal would not have an adverse effect on the integrity of the North Meadow and Clattinger Farm SAC. I am also satisfied that the significance of designated heritage assets, in particular St. Sampson's Church, a Grade I Listed Building, and the Cricklade Conservation Area, through development within their setting, would be preserved. Consequently, it would be in accordance with the Habitat Regulations and Core Policies CP57 and CP58 of the Core Strategy. However, the proposal would be contrary to Core Policies 1, 2 and 19 of the Core Strategy, by virtue of its location outside of any defined settlement limits. Therefore, the proposal would conflict with the development plan as a whole.
50. Nonetheless, as mentioned above, an earlier appeal decision¹⁴ found that the Council could only demonstrate a 3.85 year supply of housing. Consequently, the Council agree it cannot currently demonstrate a five-year supply of deliverable housing sites. Furthermore, following the publication of the revised Framework in December 2024, taking in to account the relevant Local Housing Need (LHN) figure which would now be applicable, alongside the application of a 5% buffer to the 5 year housing requirement figure, both parties agree that the Council's housing land position is now reduced down to 2.03 years.
51. Paragraph 11 of the Framework states that where there are no relevant development plan policies, or the policies which are most important for determining the application are out of date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination. Footnote 8 of paragraph 11 confirms that this includes, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five-year supply of deliverable housing sites. Footnote 9 sets out the key policies of the Framework which should be given particular regard.
52. Accordingly, the weight to be afforded to the conflict with the development strategy, in light of the land supply shortfall, is reduced and I attach moderate weight to the conflict in these circumstances. Such a level of shortfall would also mean that the provision of up to 140 houses would attract significant weight in the balance, consistent with the Government's aim in paragraph 61 of the Framework of significantly boosting the supply of homes.

¹⁴ Appeal Reference APP/Y3940/W/24/3340811

53. The proposal would also deliver 40% of the dwellings as affordable homes, which would in itself attract significant weight. This is particularly given the evidence submitted by the appellant which demonstrates that there is currently a shortfall of affordable homes being delivered.
54. There would also be economic benefits contributing to building a stronger, responsive, and competitive economy, supporting growth with construction and post-construction benefits. The proposal would encourage development and associated economic growth with future occupants contributing to the local economy and continued viability of services in the local area, notably in Cricklade. There would also be some sustainability credentials associated with the proposal regarding its location and proximity to the defined development boundary. Together these benefits carry moderate weight in favour of the development.
55. The proposal would also provide biodiversity net gain above the 10% required, 68% more public open space, delivery of an additional 11.2 hectare area of green space, improved access to the Sustrans Cycleway 45, delivery of Zero Carbon homes and up to 14 bungalows (10% of the overall mix). Again, when these benefits are considered together, they would carry moderate weight in favour of the development.
56. In reference to the key policies referred to in footnote 9 of paragraph 11 of the Framework, the proposal would deliver affordable housing as noted above, including affordable housing for rent. By virtue of the sites position adjacent to the settlement boundary of Cricklade, although the proposal would be in the open countryside, in this particular instance it would be adjacent to a settlement that has a number of services and facilities, as well as access to bus services. I am satisfied therefore that there would be a genuine choice of transport modes. The future reserved matters applications would ensure that appropriate densities would be achieved, making effective use of land, and that a well-designed scheme would be secured. Paragraph 91 would not be applicable in these circumstances. Consequently, I am satisfied that the proposal would be in accordance with the key policies referred to in footnote 9.
57. My attention has been drawn to an earlier appeal decision at Farm Cottage, Farnham Common¹⁵ which related to the Burnham Beeches SAC, where, amongst other reasons, the Inspector dismissed the appeal on the basis that the proposal in this earlier appeal would adversely affect the integrity of Burnham Beeches SAC. Therefore, in these circumstances, the presumption in favour of development was not applicable. However, a notable difference is that I have found that with the provided mitigation, the proposal would not have an adverse effect on the integrity of the North Meadow and Clattinger Farm SAC. Therefore, this earlier decision would not be directly comparable to the proposal before me now. I have also seen the minutes from the Wiltshire Council Meeting in October 2024 where housing land supply was discussed¹⁶. However, this was prior to the implications of the revised Framework and the associated LHN. Therefore, neither the Farm Cottage appeal decision nor the meeting minutes would alter my findings on the housing land supply position.
58. Consequently, in the context of paragraph 11 of the Framework, the adverse impacts of the development would not significantly and demonstrably outweigh

¹⁵ APP/X0415/W/22/3305400

¹⁶ Attached to correspondence received from CCL, dated 4 January 2025

the benefits, when assessed against the policies of the Framework taken as a whole, having regard to the relevant key policies. Consequently, while the proposal would conflict with the development plan as a whole, material considerations, including the approach of the Framework, outweigh that conflict and indicate that planning permission should be granted for development which is not in accordance with it.

Conditions

59. The main parties agreed a list of conditions in the SoCG. During the discussions, it was agreed that a number of the suggested conditions needed re-wording or removing entirely. The conditions and wording set out in the attached schedule reflect those discussions. I have also assessed these in light of the advice provided in the Planning Practice Guidance (PPG).
60. Conditions relating to the submission and timing of reserved matter applications and the commencement of development are required by statute. It is necessary that there are conditions requiring the development to be carried out in accordance with the approved location plan, as well as a condition which sets out the maximum number of dwellings for certainty.
61. In the interests of highway safety, it is considered necessary to require the submission of full technical details of the new pedestrian and cycle access points. In order to encourage more sustainable ways of travel, i.e. walking and cycling, a scheme of pedestrian and cycle links connecting to the existing pedestrian/cycle ways is considered both reasonable and necessary.
62. In the interests of the living conditions of the existing occupants of the neighbouring dwellings, highway safety, the character and appearance of the area and to reduce the risks of pollution, a condition requiring a Construction Management Statement is necessary.
63. To ensure that the roads are laid out and constructed in a satisfactory manner, it is considered reasonable that further details of the estate roads, footways and footpaths are submitted. A condition to ensure an adequate means of access to the development, by requiring a consolidated and surfaced footpath and carriageway to at least base course level to each dwelling, is also considered necessary.
64. A condition requiring a Residential Travel Plan is considered necessary to reduce the amount of private car movements associated with the development. It is also necessary to attach a condition to ensure adequate car parking, in accordance with the car parking standards, is provided.
65. To enable the recording of any matters of archaeological interest, a written programme of archaeological excavation is both reasonable and necessary. To ensure the provision of a satisfactory means of surface water disposal and the incorporation of the principles of sustainable drainage, the submission of a detailed drainage scheme is necessary. As already alluded to, a condition which requires a scheme for foul water drainage to be submitted would be necessary to ensure that foul water can be adequately dealt with. I have added an implementation clause to the condition to ensure that any scheme is implemented prior to occupation.
66. A construction management plan, which would cover the measures to retain the existing vegetation across the site together with any drainage

arrangements during the construction, are considered necessary to ensure that the development is flood resilient.

67. As already alluded to above, in order to ensure the protection, mitigation and enhancement of biodiversity, it is necessary for a detailed Habitat Support Area Management Plan and an Ecological Parameters Plan to be submitted. In addition, to ensure the protection of wildlife and supporting habitat and to secure opportunities for enhancing the site's nature conservation value, the requirement for a landscape and ecological management plan to be submitted is considered reasonable and necessary.
68. To protect the living conditions of existing and future occupants, as well as controlled waters and ecological systems, it is considered necessary to ensure that both expected and unexpected land contamination is adequately dealt with.
69. A condition which requires a scheme of Ultra Low Energy Vehicle infrastructure to be submitted is necessary in order to demonstrate that measures can be taken to effectively mitigate emission levels in order to protect public health, environmental quality and amenity. A Construction and Environmental Management Plan (CEMP) is considered necessary to protect the living conditions of existing occupants.
70. In order to protect the character and appearance of the area, a condition which would control any external lighting so that it was designed and implemented in a certain way is considered reasonable. Also in the interests of the character and appearance of the area, as well as to ensure a suitable layout is provided, the requirement of a scheme which sets out the implementation of measures in regard to the interpretation of the former canal route is considered reasonable.

Conclusion

71. For the reasons set out above, having considered all other matters raised, I conclude that the appeal is allowed.

Laura Cuthbert

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: site location plan DWG No: 824-01.
- 3) No development shall commence on site until details of the following matters (in respect of which approval is expressly reserved) have been submitted to, and approved in writing by, the local planning authority:
 - a. The scale of the development;

- b. The layout of the development;
- c. The external appearance of the development;
- d. The landscaping of the site (including strategic landscaping).

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

- 4) An application for the approval of all of the reserved matters shall be made to the local planning authority before the expiration of one year from the date of this permission.
- 5) The total number of dwellings hereby permitted shall be a maximum of 140 dwellings.
- 6) No development shall commence on site until full technical details of the new site pedestrian/ cycle access points, as detailed on drawings (Proposed connections to existing footway/ cycleway network 3858/211 dated August 2022), been submitted to and approved in writing by the local planning authority. The new cycle access points shall be provided in accordance with the approved details prior to any part of the development (or timetable agreed with local planning authority), being commenced, and maintained thereafter. No part of the development shall be first occupied, until the visibility splays (2.4m x 17m) shown, have been provided with no obstruction to visibility at or above a height of 1m above the nearside carriageway level. The visibility splays shall be maintained free of obstruction at all times thereafter.
- 7) At reserved matters stage, as part of the scheme layout, a scheme of pedestrian / cycle links on the north-west to south-east boundary and West Mill Lane fully connecting with the cycle access points, shall be submitted, and approved in line with the masterplan for the site. The scheme of pedestrian / cycle links shall be implemented in accordance with a timetable agreed with the local planning authority.
- 8) No development shall commence on site (including any works of demolition), until a Construction Management Statement, together with a site plan, which shall include the following:
 - the parking of vehicles of site operatives and visitors
 - loading and unloading of plant and materials
 - storage of plant and materials used in constructing the development
 - the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
 - wheel washing facilities
 - measures to control the emission of dust and dirt during construction
 - a scheme for recycling/disposing of waste resulting from demolition and construction works
 - measures for the protection of the natural environment
 - hours of construction, including deliveries
 - pre-condition photo survey

- Vehicle Routing Plan • Traffic Management Plan (including signage drawing(s))
- number (daily / weekly) and size of delivery vehicles to ensure appropriately size vehicles are being used for the highway network.
- number of staff vehicle movements.
- details of temporary / permanent Traffic Regulation Orders
- phases plan

has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The development shall not be carried out otherwise than in accordance with the approved construction method statement.

- 9) No development shall commence on site until details of the estate roads, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, swept paths, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car parking and street furniture, including the timetable for provision of such works, have been submitted to and approved by the local planning authority. The development shall be constructed and laid out in accordance with the approved details.
- 10) The roads, including footpaths and turning spaces, shall be constructed so as to ensure that, before occupation, each dwelling has been provided with a properly consolidated and surfaced footpath and carriageway to at least base course level between the dwelling and existing highway.
- 11) No development shall commence until a Residential Travel Plan has been submitted to and approved in writing by the local planning authority. No part of the development shall be occupied prior to the implementation of the Travel Plan.
- 12) At reserved matters stage, the proposal shall come forward with car parking provision in accordance with the Wiltshire Car Parking standards.
- 13) No development shall commence within the site location plan DWG No: 824-01 until:
 - a) A written programme of Strip, Map and Record (SMR) archaeological excavation has been submitted to and approved by the local planning authority. This SMR shall related to Trench 14, the eastern end of Trench 19 and the southern end of Trench 24, all as identified in the Archaeological Investigation which forms Appendix 3 of the Land at Stones Farm, Cricklade, Wiltshire Heritage Statement dated January 2022; and
 - b) The approved archaeological excavation has been carried out in accordance with the approved details.
- 14) No development shall commence on site until a detailed drainage scheme (based on sustainable drainage principles SuDS) and the submitted Flood

Risk and Drainage Strategy (ref 824-ER-01) has been submitted to and approved in writing by the local planning authority. The design will:

- i. Restrict surface water discharge rates from the site during a 1 in 1 year rainfall event to no more than 80% of the greenfield run off rate;
- ii. show a pipe/link and manhole/node numbers that correlate to the calculations;
- iii. be informed by a sensitivity analysis on the drainage network considering surcharged outfall conditions;
- iv. show exceedance routes for flows in excess of the 1 in 100 years plus climate change event;
- v. demonstrate that the finished floor levels are above the maximum predicted 100 year flood levels or, if no flooding is predicted, at least 150mm above (or a height to be agreed with the local planning authority) the surface water drainage cover levels;
- vi. demonstrate that there will be no increased risk of flooding or loss of floodplain as a result of the pond creation and associated works in flood zones 2 and 3.

The drainage scheme shall be implemented before the first occupation and/or use of the development and be constructed in accordance with the approved details.

- 15) No development shall commence on site until a construction management plan, which shall include monitoring of, and measures to retain, the existing vegetation across the site, together with details of drainage arrangements during the construction phase, has been submitted to and approved in writing by the local planning authority in consultation with the Lead Local Flood Authority.
- 16) No part of the development hereby permitted shall be occupied until a detailed Habitat Support Area Management Plan and an Ecological Parameters Plan has been submitted to and approved in writing by the local planning authority. The approved Habitat Support Area shall be implemented prior to first occupation, and the development shall be carried out in strict accordance with the approved details for the lifetime of the development.
- 17) No development shall commence on site until a landscape and ecological management plan, including long-term design objectives, management responsibilities and maintenance schedules for all landscaped areas (except privately owned domestic gardens), shall be submitted to, and approved in writing by, the local planning authority. The landscape and ecological management plan shall be carried out as approved and any subsequent variations shall be agreed in writing by the local planning authority. The scheme shall include but not necessarily be limited to:
 - details of maintenance regimes
 - details of any new habitat created on site

- details of treatment of site boundaries and/or buffers around water bodies
- details of management responsibilities
- details of any proposed planting schemes
- a scheme for the provision and management of a 8 metre wide buffer zone alongside the River Thames including details of any proposed footpaths, fencing, lighting, etc

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

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

- A survey of the extent, nature, and scale of contamination on site;
- The collection and interpretation of relevant information to form a conceptual model of the site, and a preliminary risk assessment of all the likely pollutant linkages;
- If the preliminary risk assessment identifies any potentially significant pollutant linkages a ground investigation shall be carried out, to provide further information on the location, type and concentration of contaminants in the soil and groundwater and other characteristics that can influence the behaviour of the contaminants;
- An assessment of the potential risks to
 - human health,
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - adjoining land,
 - groundwater and surface waters,
 - ecological systems,
 - archaeological sites and ancient monuments;

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

Step (ii) Submission of Remediation Scheme: If any unacceptable risks are identified as a result of the investigation and assessment referred to in step (i) above, a detailed remediation scheme to bring the site to a condition suitable for the intended use must be prepared. This should detail the works required to remove any unacceptable risks to human health,

buildings and other property and the natural and historical environment, should be submitted to and approved in writing by the local planning authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, a timetable of works and site management procedures.

Step (iii) Implementation of Approved Remediation Scheme: The approved remediation scheme under step (ii) must be carried out in accordance with its requirements. The local planning authority must be given at least two weeks written notification of commencement of the remediation scheme works.

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

Step (v) Verification of remedial works: Following completion of measures identified in the approved remediation scheme a verification report must be produced. The report should demonstrate the effectiveness of the remedial works. The verification report should be submitted to and approved in writing of the local planning authority.

Step (vi) Long Term Monitoring and Maintenance: If a monitoring and maintenance scheme is required as part of the approved remediation scheme, reports must be prepared and submitted to the local planning authority for approval at the relevant stages in the development process as approved by the local planning authority in the scheme approved pursuant to step (ii) above, until all the remediation objectives in that scheme have been achieved.

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

- 19) No development shall commence on site until a scheme of Ultra Low Energy Vehicle infrastructure has been submitted to and approved in writing by the local planning authority. The approved scheme shall be approved prior to implementation and shall be retained for the lifetime of the development.
- 20) The development hereby approved shall not commence until a Construction and Environmental Management Plan (CEMP) has been submitted to and approved in writing by the local planning authority. The CEMP shall include details of the following relevant measures:
 - i. An introduction consisting of construction phase environmental management plan, definitions and abbreviations and project description and location;
 - ii. A description of management responsibilities;

- iii. A description of the construction programme;
- iv. Site working hours and a named person for residents to contact;
- v. Detailed Site logistics arrangements;
- vi. Details regarding parking, deliveries, and storage;
- vii. Details regarding dust and noise mitigation;
- viii. Details of the hours of works and other measures to mitigate the impact of construction on the amenity of the area and safety of the highway network; and
- ix. Communication procedures with the LPA and local community regarding key construction issues – newsletters, fliers etc.

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

- 21) Any external lighting that is installed across the site shall be designed and implemented to minimise sky glow, glare, and light trespass. It shall be designed in a downward facing position at all times and shall meet the criteria for Environmental Zone E2 as defined by the Institute of Lighting Professionals 'Guidance Notes for the Reduction of Obtrusive Light' 2012. Any external lighting installed at the site shall be retained and maintained as such thereafter for the lifetime of the development.
- 22) No development shall commence until a scheme for foul water drainage has been submitted to and approved by the local planning authority. The scheme shall be implemented before the first occupation and/or use of the development and be constructed in accordance with the approved details.
- 23) No part of the development shall be occupied until a scheme setting out the implementation of measures proposed in the Heritage Key Plan for the interpretation of the former canal have been submitted to and approved by the local planning authority. The agreed scheme shall then be adhered to.

APPEARANCES

FOR THE APPELLANT:

Stuart Miles BEng (Hons) MA MRTPI	Director, Vision Planning
Jim Phillips, Full Member of CIEEM	Managing Director, Ethos Environmental Planning
Tom Sheppard	Design Director, Newland Homes Limited

FOR THE LOCAL PLANNING AUTHORITY:

Adrian Walker MRTPI	Planning Manager (Development Management), Wiltshire Council
Joe Richardson	Senior Planning Officer (South), Wiltshire Council

INTERESTED PARTIES

Councillor Nick Dye	Wiltshire Councillor for Cricklade, Latton & Marston Meysey
Councillor Mark Clarke	Cricklade Town Council Chairman
John Barratt	Cricklade Court Leet Hayward
Cara Weston	Clerk of the Cricklade Town Council's Planning, Conservation and Transport Committee

ADDITIONAL DOCUMENTS

1. Interim Recreation Mitigation Strategy 2023-2028 North Meadow Mitigation Costs from 01 October 2024
2. Email from Natural England, dated 2 December 2024
3. Email from Natural England, dated 29 November 2024
4. Spreadsheet submitted by Councillor Nick Dye in relation to Foul Water Drainage
5. Correspondence from CCL Post Hearing, including letter from CCL to NE, dated 11 December 2024
6. Email from Natural England, dated 17 December 2024
7. Correspondence received from CCL, dated 4 January 2025