

AGENDA

Meeting: Strategic Planning Committee

Place: Council Chamber - County Hall, Bythesea Road, Trowbridge, BA14 8JN

Date: Tuesday 10 February 2026

Time: 10.30 am

Please direct any enquiries on this Agenda to Tara Hunt - Senior Democratic Services Officer or Matt Hitch - Democratic Services Officer, County Hall, Bythesea Road, Trowbridge, direct line 01225 718352/ 718059 or email committee@wiltshire.gov.uk

Press enquiries to Communications on direct lines 01225 713114/713115.

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Membership

Cllr Ernie Clark (Chairman)

Cllr Howard Greenman (Vice-Chairman)

Cllr Nick Baker

Cllr Sam Blackwell

Cllr Chris Brautigam

Cllr Kymee Cleasby

Cllr Nick Holder

Cllr Dominic Muns

Cllr Christopher Newbury

Cllr Stewart Palmén

Cllr Nigel White

Substitutes

Cllr Phil Alford

Cllr Alan Bayliss

Cllr Helen Belcher OBE

Cllr Clare Cape

Cllr Kevin Daley

Cllr Brian Dalton

Cllr Andrew Davis

Cllr Martin Denz

Cllr Andrew Griffin

Cllr Russell Hawker

Cllr Ross Henning

Cllr Ruth Hopkinson

Cllr Jerry Kunkler

Cllr Dr Nick Murry

Cllr Bill Parks

Cllr Mike Phillips

Cllr Ed Rimmer

Cllr Mike Sankey

Cllr James Sheppard

Cllr Martin Smith

Cllr Charlie Stokes

Cllr Elizabeth Threlfall

Cllr Augusta Urquhart-Nicholls

Cllr Chris Vaughan

Cllr Bridget Wayman

Cllr Graham Wright

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Public Participation

Please see the agenda list on following pages for details of deadlines for submission of questions and statements for this meeting.

For extended details on meeting procedure, submission and scope of questions and other matters, please consult [Part 4 of the council's constitution](#). The full constitution can be found at [this link](#).

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AGENDA

Part I

Items to be considered when the meeting is open to the public

1 **Apologies**

To receive any apologies or substitutions for the meeting.

2 **Minutes of the Previous Meeting** (*Pages 7 - 12*)

To approve and sign as a correct record the minutes of the meeting held on 16 December 2025.

3 **Declarations of Interest**

To receive any declarations of disclosable interests or dispensations granted by the Standards Committee.

4 **Chairman's Announcements**

To receive any announcements through the Chair.

5 **Public Participation**

The Council welcomes contributions from members of the public.

Statements

Members of the public who wish to speak either in favour or against an application or any other item on this agenda must register **no later than 10 minutes before the start of the meeting**. If it is on the day of the meeting registration should be done in person.

The rules on public participation in respect of planning applications are linked to in the Council's Planning Code of Good Practice. The Chairman will allow up to 3 speakers in favour and up to 3 speakers against an application, and up to 3 speakers on any other item on this agenda. Each speaker will be given up to 3 minutes and invited to speak immediately prior to the item being considered. Representatives of Parish Councils are included separately in the speaking procedure, please contact the officer listed for details.

Members of the public and others will have had the opportunity to make representations on planning applications and other items on the agenda, and to contact and lobby their local elected member and any other members of the planning committee, prior to the meeting.

Those circulating such information prior to the meeting, written or photographic, are advised to also provide a copy to the case officer for the application or item, in order to officially log the material as a representation, which will be verbally summarised at the meeting by the relevant officer, not included within any officer

slide presentation if one is made. Circulation of new information which has not been verified by planning officers or case officers is also not permitted during the meetings.

Questions

To receive any questions from members of the public or members of the Council received in accordance with the constitution which excludes, in particular, questions on non-determined planning applications.

Those wishing to ask questions are required to give notice of any such questions in writing to the officer named on the front of this agenda no later than 5pm on Tuesday 3 February 2026 in order to be guaranteed of a written response. In order to receive a verbal response questions must be submitted no later than 5pm on Thursday 5 February 2026. Please contact the officer named on the front of this agenda for further advice. Questions may be asked without notice if the Chairman decides that the matter is urgent.

Details of any questions received will be circulated to Committee members prior to the meeting and made available at the meeting and on the Council's website.

6 Planning Appeals and Updates (Pages 13 - 44)

To receive details of completed and pending appeals, and any other updates as appropriate.

Planning Applications

To consider and determine the following planning applications.

7 PL/2024/05527 - Land South of Westwells Road, Westwells Road, Neston, SN13 9GB (Pages 45 - 150)

Redevelopment of site to deliver extension to existing Spring Park data centre campus consisting of (a) free standing data centre building (b) energy, power, and water infrastructure (c) site access and internal roads (d) site security arrangements (e) diverted Public Rights of Ways (f) hard and soft, green and blue, landscaping and (g) other ancillary and auxiliary forms of development.

8 PL/2024/11661 - Emery Gate Shopping Centre, Emery Lane, Chippenham, Wilts, SN15 3JP (Pages 151 - 268)

Part-demolition of existing buildings and full planning permission for new buildings for Commercial, Business and Service (Use Class E), Local Community and Learning (Use Class F1/F2), and residential (Use Class C3) uses, along with new landscaping, public realm, retained parking, cycle parking, servicing, utilities, plant and pedestrian access routes onto Island Park.

9 PL/2023/09142 - Land at Junction 16 (M4), Swindon (Pages 269 - 342)

Outline application (with Access to be determined) for development of a new Motorway Rest Area (MRA) to provide up to 241 car parking spaces; up to 63

Heavy Goods Vehicle (HGV) parking spaces; coach and caravan parking; amenity building; fuel filling station; new roundabout access from B4005; and associated landscaping, infrastructure and ancillary works.

10

Urgent Items

Any other items of business, which in the opinion of the Chairman, should be taken as a matter of urgency.

Part II

Item during whose consideration it is recommended that the public should be excluded because of the likelihood that exempt information would be disclosed

None

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Strategic Planning Committee

MINUTES OF THE STRATEGIC PLANNING COMMITTEE MEETING HELD ON 16 DECEMBER 2025 AT COUNCIL CHAMBER - COUNTY HALL, BYTHESEA ROAD, TROWBRIDGE, BA14 8JN.

Present:

Cllr Ernie Clark (Chairman), Cllr Howard Greenman (Vice-Chairman), Cllr Nick Baker, Cllr Sam Blackwell, Cllr Chris Brautigam, Cllr Kymee Cleasby, Cllr Dominic Muns, Cllr Christopher Newbury, Cllr Nigel White, Cllr Andrew Griffin (Substitute) and Cllr Bill Parks (Substitute)

92 **Apologies**

Apologies for absence were received from:

- Cllr Nick Holder, who was substituted by Cllr Bill Parks, and
- Cllr Stewart Palmen, who was substituted by Cllr Andrew Griffin.

93 **Minutes of the Previous Meeting**

The minutes of the meeting held on 23 October 2025 were presented for consideration.

On the proposal of the Chairman, seconded by Cllr Christopher Newbury, it was:

Resolved:

To approve the minutes of the meeting, held on 23 October 2025, as a true and correct record.

94 **Declarations of Interest**

There were no declarations of interest.

95 **Chairman's Announcements**

The Chairman announced that in respect of agenda item 7, PL/2024/05527 - Land South of Westwells Road, Westwells Road, Neston, SN13 9GB:

- A site visit was undertaken by the Committee on Friday 12 December. The purpose of the site visit was to enable Members to familiarise themselves with the site and its surroundings in order to understand the planning issues related to the proposal more clearly when considering

the application at committee. The site visit was limited to factual information given by officers and questions of a factual nature from Members, as per Protocol 4 of the constitution.

- Additionally, the Chairman drew attendees' attention to agenda supplement 2, which contained an updated officer recommendation to defer the application, which officers would explain when presenting the item.

96 **Public Participation**

The Chairman stated that he would shortly explain the usual procedure for public participation. However, due to the change in officer recommendation to deferral, he suggested that those registered to speak did not speak today, unless they really wished to do so. The recommendation to defer would be explained by officers and then considered by the Committee. If the Committee did not choose to propose and then agree the deferral, then he would come back to public speaking. The reason for this was that if the application was deferred, then speakers would need to repeat their statements at a future meeting. The usual procedure for public participation was then noted.

97 **Planning Appeals and Updates**

Gary Collins, Head of Development Management gave a brief update on the appeals report in the agenda which gave details on appeals received or determined since the last meeting of the Committee.

It was noted that an appeal received for PL/2024/07097, Land South of Snarlton Farm, Melksham had been omitted from the report to the previous Committee and was therefore included in this one. Additionally, an appeal received for PL/2024/10674, Land off Woodrow Road, Melksham was listed even though that had been determined by officers, but it was very similar, so was included for information.

Two appeals had been decided related to decisions made at the Strategic Planning Committee and the full appeal decisions were included with the agenda. These two applications had been refused by the Committee and had been allowed at appeal.

Cllr Kym-Marie Cleasby arrived at 10.37am.

98 **PL/2024/05527 - Land South of Westwells Road, Westwells Road, Neston, SN13 9GB**

The Chairman reiterated his earlier comments in relation to the new recommendation to defer the application (in agenda supplement 2) and public participation. He asked if any of the registered speakers wished to speak.

Public Participation

Rob Silvester, Chief Revenue Officer, Ark, spoke in support of the application,

Tim Coxon, Design, Technology and Innovation Director, Ark, spoke in support of the application.

Allan Bosley - Director of Public Affairs, Ark, spoke in support of the application.

The three objectors registered to speak chose not to do so at this time.

All supporters noted their disappointment at the change in recommendation at such a late stage and highlighted that this would have business ramifications for the applicants (Ark Estates 4 Ltd). They felt drainage issues raised had already been rebutted. Additionally, data centres were critical national infrastructure, and the proposal would create jobs. Further reasons to support the application were detailed.

Gary Collins, Head of Development Management, acknowledged that this was a strange and regrettable situation, in terms of the officer recommendation being changed at a late stage.

He explained that significant representations in objection to the application were received following agenda publication. Officers had responded to these. However, further representations were then received over the weekend prior to the meeting, including a 17 page rebuttal of the officer report. These were picked up at the start of the day on Monday 15 December 2025, the day prior to the meeting. There was not enough time for officers to prepare responses and to get this to Members in time for them to be able to digest all the information ahead of the meeting. There were also some outstanding issues raised by the submission. Therefore, the officer recommendation was to defer the application while a response was prepared and outstanding issues resolved. Updated information could then be given to the Committee when considering the application.

Nigel Hewitson, the legal advisor to the Committee stated that he could not in good conscience advise that the Committee had all the information required to make a sound decision. Any decision made to grant or refuse the application would be at risk of a Judicial Review (JR). It was not in Wiltshire Council's or the applicant's interest for an unsound decision to be made.

The Chairman proposed the officer recommendation as per agenda supplement 2:

To defer the current application to the January or February 2026 meeting of the Committee, in order to assess additional information received to ensure that a robust and legally compliant decision can be made by the council.

This was seconded by Cllr Howard Greenman.

Members requested further advice and details on the timescales involved, how this situation had occurred and whether officers should have been able to provide a response ahead of the meeting.

The Head of Development Management explained that responses were required from Planning, Legal and Drainage and due to the very late and complex nature of the submissions, it was not achievable to provide responses in time for the Committee to properly consider them ahead of the meeting.

Furthermore, conversations were underway with Drainage, as they had changed their response to the application the day before the meeting and officers needed to clarify what further information they required, in order for them to support the application. Without that support from a key consultee, officers could not say that everything was resolved.

During debate Members also noted their disappointment at the unusual situation. Some felt that a short-term deferral would be acceptable and requested confirmation of the length of deferral. The Chairman clarified that it would be to the January or February 2026 meeting as per the proposal. If that was what the Committee resolved, officers would work to that timescale, and officers confirmed this. Other Members stated they would prefer a definite meeting date when the application would come back, of either the January or February 2026 meeting. Officers explained the intention was to bring it to the January 2026 meeting but that was dependent on the drainage issues being resolved, so the February 2026 meeting would be the fall-back position. However, the application would come to one of those meetings.

In response to questions, it was explained that the current statutory deadline to determine the application was Wednesday 17 December 2025, so a new deadline would need to be agreed with the applicant. Officers had spoken to the applicants in the afternoon on Monday 15 December 2025. It would be the applicant's decision as to whether to agree an extension, or whether to appeal for non-determination. Officers would engage further with the applicants following the meeting. It was noted that planning appeals could take many months, and the Committee would determine the application in one or two months time.

Further points raised by Members included that they felt that there were lessons to be learnt in terms of the unfortunate situation. The submissions by objectors were technical and did raise questions which needed to be answered. Any decision they made to grant or refuse the application would be vulnerable to JR and therefore deferral was the best option. Additionally, Members noted that the objectors could not be blamed for the lateness of their submissions, as the officer report was only available on Monday 8 December 2025.

The Chairman thanked the objectors for raising their concerns, however he noted that when the application came back to the Committee, if a similar situation occurred with late representations, it was unlikely that the Committee would defer again, rather a decision to approve or refuse would be made. Therefore, objectors were encouraged to engage with planning officers now with any issues they had.

Following the debate and discussion the motion to defer the application was voted on and it was:

Resolved

To defer the current application to the January or February 2026 meeting of the Committee, in order to assess additional information received to ensure that a robust and legally compliant decision can be made by the council.

The Chairman apologised to the applicant for the situation, noting that the Committee wanted to make a watertight decision when it was made.

99 **Urgent Items**

There were no urgent or part II items. The Chairman closed the meeting and wished everyone a Merry Christmas and a Happy New Year.

(Duration of meeting: 10.30 - 11.10 am)

The Officer who has produced these minutes is Tara Hunt - Senior Democratic Services Officer or Matt Hitch - Democratic Services Officer, e-mail committee@wiltshire.gov.uk

Press enquiries to Communications, direct line 01225 713114 or email communications@wiltshire.gov.uk

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**Wiltshire Council
Strategic Planning Committee
10th February 2026**

Planning Appeals Received between 05/12/2025 to 30/01/2026 relating to Decisions made at Strategic Committee.

Application No	Site Location	Parish	Proposal	Appeal Type	Officer Recommend	Appeal Start Date	Overturn at Cttee
PL/2023/10332	Land South of Potterne Park Farm, nr Potterne, Devizes, Wilts, SN10 5QT	Potterne	Installation of a solar farm comprising ground mounted solar PV panels with a generating capacity of up to 49.9 MW, including mounting system, permanent on site grid connection hub, inverters, underground cabling, stock proof fence, CCTV, internal tracks and associated infrastructure, landscaping, biodiversity net gain and environmental enhancements for a temporary period of 50 years.	Written Representations	Refuse	16/01/2026	No

Planning Appeals Decided between 05/12/2025 to 30/01/2026 relating to Decisions made at Strategic Committee.

Application No	Site Location	Parish	Proposal	Appeal Type	Officer Recommend	Appeal Decision	Decision Date	Costs Awarded?
PL/2023/10077	Land West of Lyneham Substation, West of Dauntsey Lock, Wiltshire	Christian Malford	Construction and operation of a renewable energy park comprising ground mounted solar photovoltaics (PV) together with associated infrastructure, access, landscaping and cabling.	Hearing	Approve with Condition	Allowed with Conditions	21/01/2026	None

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Appeal Decision

Hearing held on 16 December 2025

Site visit made on 15 December 2025

by B Plenty BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 January 2026

Appeal Ref: APP/Y3940/W/25/3371113

Land West of Lyneham Substation, West of Dauntsey Lock, Wiltshire

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Exagen Development Limited against the decision of Wiltshire Council.
 - The application Ref is PL/2023/10077.
 - The development proposed is the construction and operation of a renewable energy park comprising ground mounted solar photovoltaics (PV) together with associated infrastructure, access, landscaping and cabling.
-

Decision

1. The appeal is allowed, and planning permission is granted for the construction and operation of a renewable energy park comprising ground mounted solar photovoltaics (PV) together with associated infrastructure, access, landscaping and cabling at Land West of Lyneham Substation, Wiltshire, in accordance with the terms of the application, Ref PL/2023/10077, and the plans submitted with it, subject to the conditions in the attached schedule.

Preliminary Matters

2. The proposal was amended during the Council's consideration of the application. This resulted in a revised layout plan that has altered the development zones for the solar panels. This essentially excluded solar panels from parts of fields to the immediate south of Malford House and Ridgeway Farmhouse. Revised imagery has been produced at appendix 1 of the appellant's Landscape and Visual Impact Assessment [August 2025] to demonstrate this new relationship.
3. A site visit was undertaken the day before the Hearing. During my visit I walked the site and its surroundings with a representative from the Council and the appellant using a walking route agreed between main parties. I also saw the site from Malford House, Swallett Farmhouse and Great Ridgeway Farmhouse. I therefore have a good awareness of the site and its surroundings.
4. A screening opinion, undertaken by the Council in accordance with the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 concluded that the proposal was not deemed to be EIA development. Following separate review this position was also confirmed by the Secretary of State. I see no reason, within the evidence, to disagree with this position.
5. A Statement of Common Ground (SoCG) has been submitted before the hearing commenced finding key areas of dispute relating to Landscape and Visual Amenity and designated heritage assets.

6. An objection letter was received from K Forrester beyond the prescribed timeframes but has been accepted following making a reasonable adjustment due to their personal circumstances. Furthermore, an extension of time was also agreed for K Forrester to provide a written response to the SoCG. A responding objection letter was received, and the appellant has been given time to respond to points made before the hearing was closed by correspondence on 13 January. I have paid regard to this further evidence, where relevant, within the decision.
7. At the Hearing I was handed an update from the appellant which responded to the Council's Statement of Case, covering landscape and visual matters, grid connection issues and economic benefits. These clarified certain points of the appellant's evidence, matters that had been previously introduced within existing submissions. After taking views from attendees of the hearing on this document, I accepted this. I am satisfied that no party would be prejudiced by my taking it into consideration as part of the appeal evidence.
8. The Draft National Planning Policy Framework was published the day of the hearing. I have afforded limited weight to this consultation document, being in draft form. Nonetheless, main parties have been given an opportunity to comment on this, and I have taken any comments received into consideration.

Main Issues

9. It is recognised that matters of flooding and drainage are not in dispute between the Council and appellant within the SoCG. Nonetheless, upon review of interested party comments, and following discussion at the hearing, it appears that flood and drainage matters are a main issue in this decision.
10. Accordingly, the main issues are:
 - The effect of the proposed development on the landscape character and visual receptors within the surrounding area,
 - The effect of the proposal on the settings of nearby heritage assets, and
 - The effect of the proposed scheme on local flooding and drainage considerations.

Policy Background

11. This application is not an energy development which is a nationally significant infrastructure project (NSIP) under the Planning Act 2008. Nonetheless, the Overarching National Policy Statement for energy (EN-1) may be a material consideration for applications under the Town and Country Planning Act 1990 (as amended). This sets out the national policy for energy infrastructure and establishes the Government's approach to meeting its net zero objectives. It recognises that to meet the Government's objectives and targets for net zero by 2050, significant large and small-scale energy infrastructure will be required. Furthermore, the National Policy Statement for Renewable Energy Infrastructure (EN-3) sets out national policy in respect of renewable energy and identifies '*an urgent need for new electricity generating capacity to meet our energy objectives.*'
12. Whether policies in EN-1 and EN-3 are material, and to what extent, should be judged on a case-by-case basis. In this case the proposal is for a solar park creating up to 23 megawatts of energy, providing power for approximately 12,418

homes. The site benefits from a connection to the grid by way of a short underground connection to an existing Lyneham substation, running under Main Road. It therefore falls below the threshold for NSIP but due to its scale, EN-1 and EN-3 are deemed to be policy documents of substantial weight.

13. The UK Government has declared a climate emergency and set a statutory target of achieving net zero emissions by 2050, and this is also a material consideration. Since the declaration, the Sixth Assessment Report of the Intergovernmental Panel on Climate Change has indicated that there is a greater than 50% chance that global temperature increases will exceed 1.5 degrees Celsius above pre-industrial levels. The report indicates that delay in global action to address climate change will miss a rapidly narrowing window of opportunity to secure a liveable and sustainable future for all¹.
14. The UK Energy White Paper, 'Powering our Net Zero Future' [2020], describes the costs of inaction as follows:

"We can expect to see severe impacts under 3°C of warming. Globally, the chances of there being a major heatwave in any given year would increase to about 79 per cent, compared to a five per cent chance now. Many regions of the world would see what is now considered a 1-in-100-year drought happening every two to five years".
15. The National Planning Policy Framework (the Framework) explains that the planning system should support the transition to a low carbon future in a changing climate. It states that when dealing with planning applications, planning authorities should not require a developer to demonstrate a need for low carbon or renewable energy projects and should recognise that even small-scale projects can help reduce greenhouse gas emissions. This also explains that such schemes should be approved if its impacts are, or can be made, acceptable.
16. Policy 42 of the Wiltshire Core Strategy [2015] (CS), with respect to renewable energy installations, supports such facilities subject to it meeting site specific constraints. In 2019, Wiltshire District Council declared a climate emergency with its publication of a Climate Strategy and has embedded addressing climate change into its constitution.
17. To achieve the Government's ambitious targets, it is clear that considerable growth in large scale solar parks will be necessary and this cannot be achieved solely by the use of brownfield land or roof top installations. The proposed development would make a valuable contribution to achieving these local and national goals. The policy context, in supporting the delivery of a substantial level of renewable energy projects, provides compelling evidence for the need for solar schemes, such as proposed, and conveys significant weight in favour of the proposal.

Reasons

Landscape and Visual Impact

18. There is a distinction to be made between impact on landscape, which should be treated as a resource, and impact on visual amenity, which is the effect on people observing the development in places where it can be viewed, such as from roads, public rights of way and individual dwellings.

¹ IPCC Sixth Assessment Report - Summary for Policymakers, paragraph D.5.3

Landscape character

19. The appeal site consists of ten fields, the site and surrounding fields are used for a range of arable and pastoral purposes. The fields within the site are arranged in a cluster, bound by Main Road (B4069), fields to the east and Swallett Farmhouse and the Great Western Railway mainline. Purely for convenience I shall refer to the various fields using the numbering convention found in the appellant's Layout Plan².
20. The site is relatively flat and appears to gradually slope down north-wards towards the B4069. There are several power lines running through the site and overhead power lines can be seen along the railway line. Also, the M4 runs to the distant north of the site, following the shallow valley floor. Consequently, the site's largely flat landform, and its wider context, includes several man-made interventions.
21. The site is within Natural England's National Character Area 117: Avon Vale, including woodlands, mixed farming and arable land. The site is also within Wiltshire County's Local Character Area: 12B (Avon Open Clay Vale) and North Wiltshire's Area 11: Avon Valley Lowland, being formed of lowland river farmland. This area is defined as consisting of a level open area, with views to the higher ground of the Limestone ridge to the east. The area mostly includes intensively managed pastoral fields of varying sizes and notes that a force of change includes the loss of hedgerow boundaries and mature hedgerow trees. The appeal site appears to generally align with this character assessment and therefore makes a positive contribution towards the area's landscape character.
22. The local landscape includes the M4 corridor and railway lines in cuttings and embankments. The pattern and arrangement of character area 11 forms low-lying land with an elevated eastern ridge. The railway line passes through the landscape within a cutting to the south of the site, diminishing its overall presence but remaining a prominent feature due to its overhead power lines. The proposed development would locate solar arrays within the existing field pattern. It would retain and enhance hedge and tree groups within the site, thereby retaining the structure of field boundaries and keeping field patterns intact. As such, the proposal would have a largely non-invasive and restorative impact on the landscape features defined as important to the character areas.
23. The appeal site, whilst relatively extensive, represents only a small proportion of the county and district character areas. At a district level, the impact on the landscape would be greater, but as the existing natural features of the site would be largely retained and enhanced, the overall landscape effect would be limited. Furthermore, the solar arrays would be low-lying, being open sided features and the development would be temporary in nature. As such, the characteristics of the scheme would limit the overall effect of the scheme on the wider landscape. However, the proposed development would alter the landscape with the introduction of renewable energy infrastructure across a relatively broad area. Therefore, this would result in some localised landscape harm. Consequently, the scheme would result in a minor to moderate adverse impact on the area's landscape character.

² drawing number LLY01A-EXG-04-00-D-K001 rev P07

Visual Impact

24. The appellant's visual assessment was undertaken in June when deciduous trees and hedges were in leaf. However, the assessment explains that a visit also took place in February enabling the author to make comparisons between summer and winter views. Furthermore, my visit took place in the winter, and this has enabled me to compare the submitted visualisations with my own observations to understand the effects of the proposal accounting for seasonal variations. Despite some concerns raised by interested parties, as to the accuracy of the visualisations, I have found these to be useful and provide a sufficiently accurate method to understand the visual effects of the proposal.
25. The appellant's Landscape and Visual Assessment³ (LVA) and the appeal Landscape Statement of Case⁴ (LSoC) consider 12 viewpoints (VP) which assess the effect of the scheme on Visual Receptors. The viewpoints have been accepted by the Council as being the most significant in understanding the visual effects of the proposal. However, I am cognisant that these selected viewpoints provide only a snapshot of the site and would not necessarily fully reflect the experience of receptors walking through or around the site and taking sequential views. The site can be seen from a number of viewpoints including road users, cyclists, horse riders, walkers and residents. Several footpaths are close to the site and Public Right of Way (PRoW) (CMAL 12) crosses the site on a northeast/southwest axis.
26. Figure 4 of the LVA, shows the zone of theoretical visibility of the scheme. This demonstrates that the majority of views outside the site would be from an arc from the northwest through to the northeast. A high likelihood of views could also be obtained from high land to the southeast of the site, although woodland, vegetative screening and topography would obscure views of parts of the site. The LVA considers the visual effects of the proposal both at year one and at year fifteen, the second assessment taking into account the growth of proposed landscape screening as it approaches maturity.
27. The general topography of the site and its surroundings, in combination with existing vegetation, provide screening from many wider views forming a degree of enclosure to the appeal site. Furthermore, man-made features, such as housing along Main Road, also obscure some views of the site. The combination of these features would disaggregate and limit views of the site.
28. The PRoW [CMAL 12] is represented by VPs 3, 8 and 9. The layout plan provides a landscaped buffer between development zones, which narrow to a minimum distance of around 16 metres between fields 8/9 and 6/7. Walkers of the footpath, at VP3, would have a medium sensitivity to development, and the scheme would result in a major adverse effect of change in these views. Whilst walkers would experience a major adverse visual effect at year one, this would reduce to a minor to moderate adverse effect at year fifteen. When approaching VP8, the view begins to open up, taking into account the more open vista between fields 2 and 8. This would result in a 'moderate' adverse visual effect at year one, reducing to moderate/minor adverse at year fifteen. Furthermore, the view from VP9 would become relatively constrained and enclosed by the proposal. In this view, the effect at year one would be 'major' adverse, reducing to 'minor to moderate' adverse at year fifteen.

³ Landscape and Visual Assessment, by exagen, November 2023

⁴ Landscape and Visual Assessment, by Turley, August 2025

29. Views from residential properties would overlook the site from some windows. During my visit I was able to see the site from several residential plots. This provided me with a clear understanding as to the extent of the effect on outlook from affected windows and plots. The views from residential properties, deemed to be of medium to high sensitivity, would experience a major adverse effect at year one, especially in views from Malford House and Great Ridgeway Farm despite the extent of recessed panels from these properties.
30. The Council asserts that the scheme would result in an adverse effect on residential amenity. However, it has not demonstrated that a substantial effect, or harm, would occur to occupiers living conditions in consideration of the low-lying scale of the equipment associated with the proposal and the separation distances evident. Nonetheless, from a visual effect standpoint and due to the large magnitude of change, the proposed scheme would result in 'moderate' and 'moderate to major' adverse effects, reducing to a 'moderate' adverse at year fifteen once landscape mitigation has reached maturity.
31. Views from the south of the site are represented by VPs 4, 5 and 6. VP4 is from a PRoW [CMAL 13], on the northern edge of Melsome Wood, at the highest part of the footpath. This shows a wide field in the foreground with tree and hedgerow planting providing substantive screening to the proposed development. The proposed solar arrays would be seen in part between landscape screening and a thin slither of development in views. The visual effect would be 'minor to moderate' and 'moderate' at both years one and fifteen, as mitigating screening would not materially alter this view. VP5, from the public bridleway [LYNE 35] provides a view from the highest part of the bridleway. This would also result in a 'minor to moderate' and 'moderate' adverse visual effect at years one and fifteen. The view from VP6 provides a minor to 'moderate' adverse effect, at both years one and fifteen.
32. The local roads provide visual receptors from motorists and other road users that would primarily be paying due care and attention to other road users and hazards and would have a medium sensitivity to change. Motorists on Main Road (VPs 2, 10 and 13) would observe parts of the site when passing, resulting in an area that would be subject to a 'major' adverse magnitude of change and 'moderate/major' adverse and 'moderate' adverse effect in the first year. Nonetheless, these effects would be significantly reduced following the landscape screening becoming developed resulting in 'minor' adverse and 'neutral' effects at year fifteen.
33. Views of the proposal, at VP 11 and from the PRoW, would be limited. This would cause a minor to 'moderate' adverse visual effect in year one, and a 'neutral' effect by year fifteen. The VP along the minor road to Dodford Farm (VP12) would also experience a 'minor to moderate' adverse visual effect at year one, reducing to 'neutral' by year fifteen.
34. Overall, landscape screening would establish over future years, and the identified adverse effects would mostly reduce to 'minor adverse' after fifteen years. Even if parts of the solar park remained visible these would be likely to be seen as small parcels of development, interspersed by field boundaries and the established new landscaping, within distant views.
35. Whilst the visual impacts of the proposal would initially be 'major' and 'moderate major' adverse from the PRoW through the site, these effects would be diminished

to 'moderate' and 'minor to moderate' adverse once the landscape screening has become established. Consequently, due to the arrangement of local topography the most adverse visual effects would be largely confined to localised effects only. Accordingly, taking all of the above impacts into consideration the visual impact of the proposal would result in moderate harm only.

Cumulative visual and landscape effects

36. Two existing solar parks are within a 5km radius of the site. Further solar parks are noted to be within the wider area, beyond this, but these do not contribute the site's local landscape or visual context. Bradenstoke Solar Park is a 40MW facility around 1.25km to the south of the site and the 5MW Lake Farm solar scheme is around 5km to the southwest of the site. Bradenstoke Solar Park is subject to a planning application for expansion, but this proposal is at an early stage and does not inform the context of the site. The site is within an area identified in the Council's evidence base for its emerging Plan as being of medium sensitivity to receive solar development⁵, taking into account the absence of designated landscape features and other considerations.
37. Furthermore, the proposal would be a considerable distance from other similar facilities, preventing clustering. In landscape terms the site would be nestled within the local topography of low-lying ground, enclosed to some extent by the man-made features of the M4 and the railway line and overlaid by existing electrical infrastructure. Therefore, in noting existing solar development in the wider area, the proposal would not result in an adverse cumulative effect on the character of the local or wider landscape.
38. In terms of cumulative visual effects, the proposed development would not be evident in viewpoints that include the existing solar developments. It is noted that Views from the ridge, such as VP6 could take in parts of both the appeal scheme and the Bradenstoke solar park, but any such views would be filtered and require sequential views. As such, the cumulative visual effects would be 'minor' adverse.
39. Consequently, despite its overall scale, the proposal would result in only a 'moderate adverse' effect on the landscape character and moderate harm to the visual appearance of the area. In identifying harm, the proposal would conflict with Core Policy 51 and 42(i) and (vii) of the Wiltshire Core Strategy [2015](CS). These seek, among other matters, for development to not have a harmful impact upon landscape character, to conserve character through sensitive design and landscape mitigation and to satisfactorily address the impacts of solar development on the landscape and on residential amenity.

Effect on Heritage Assets

40. S66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that, when considering whether to grant planning permission for development which affects a listed building or its setting, special regard shall be had to the desirability of preserving the building or setting or any features of special architectural interest which it possesses. The Framework defines the setting of a heritage asset as the surroundings in which the asset is experienced. The proposal has the capability to affect a range of designated heritage assets found around the site. These are Great Ridgeway Farmhouse, Malford House,

⁵ Wiltshire Council's Renewable Energy Study, 2023

Swallett Farmhouse, Swallett House and Bridge near Dautsey. The extent of harm is disputed between parties with the appellant considering that the proposal would result in no harm to the significance of Swallett House.

41. The setting of a heritage asset is not fixed and may change as the asset and its surroundings evolve as explained by the Framework. Guidance from Historic England explains that the extent and importance of setting is often expressed by reference to visual considerations. Although views of or from an asset will play an important part, the way in which we experience an asset in its setting is also influenced by other environmental factors such as noise, dust and vibration from other land uses in the vicinity, and by our understanding of the historic relationship between places.⁶
42. A number of listed buildings, and other heritage assets, have been identified in evidence as being within a kilometre of the site, including a cluster around Dautsey Lock. Nonetheless, it is undisputed between main parties that the setting of many of these would remain unchanged by the proposal, I see no reason to disagree with the conclusions drawn with respect to those assets that are set some distance from the site.

Great Ridgeway Farmhouse

43. Great Ridgeway Farmhouse is a Grade II listed building. This farmhouse originates from the 17th Century. It's a roughcast building with ashlar dressings, a hipped stone slate roof and rear stacks. The building includes a raised plinth, rusticated quoins, moulded band and moulded eaves cornice. Due to its architectural interests and age the building has both historical and architectural interest. Its setting consists of its immediate domestic grounds including an arrival driveway to the side and front and rear gardens, with barns and other outbuildings to its side and rear contributing to its wider setting. Fields are located to its rear and sides, placing it within an open rural setting.
44. Although set back from the highway, it directly addresses Main Road over a front boundary hedge providing some vegetative screening. As such, it is prominent from the public realm. From views within the middle of the site, it remains a prominent feature with the site's field boundary hedging creating some, but limited, screening of the building. As a result, the site makes a positive contribution to the countryside setting of the building.
45. The proposed layout includes areas of open fields, directly in front of this building, with the reinstated hedge boundary. From within the site, such as from around VP8, views toward the building would remain open, albeit enclosed by the proposal. From public views I find that the building would be primarily appreciated from the highway, secondarily it would be perceived from the PRow [CMAL 12] from some retained open views.
46. The proposed scheme would reduce the ability to appreciate the agricultural nature of the farmhouse. The proposed layout includes mitigation consisting of the provision of a new hedgeline alongside field 2, that would screen the solar panels and create a buffer from the development. This would also reinstate a historic field boundary, reintroducing a feature that would benefit the setting of the listed building. Therefore, whilst the proposal would result in a reduction in the ability to

⁶ Historic England – The Setting of Heritage Assets 2017

appreciate the dwelling in views from the south, this would be a minor effect within its wider setting. Accordingly, the setting of Great Ridgeway Farmhouse would experience a harmful change, but such change would be at the lower end of less than substantial harm.

Malford House

47. Malford House is a Grade II listed building. It is a 17th Century timber frame building, with painted brick, concrete tiles and an off-centre ridge stack. It includes four bays with triple casements on each floor, and a timber framed single-story wing. Its rear courtyard includes a garage bay and separate converted barn, with a main garden to its side. It is not clearly orientated to the rear and more directly addresses the courtyard and private garden to its sides.
48. Its immediate setting includes its relatively extensive grounds, particularly its garden to the west. It is behind a dense tree and hedge front boundary and is only glimpsed from Main Road. Nonetheless, it is prominent in views from the rear, having only a post and wire fence marking its rear boundary. Therefore, the building's immediate setting and Main Road, make a strong contribution to its context. Nonetheless, views from the PRoW [CMAL 12] demonstrate that the fields to the southeast of the building, and part of the appeal site, also make a positive and important contribution to its wider agrarian setting.
49. The proposed scheme includes a new boundary hedge that would be set between 60m and 170m from the rear boundary of the listed building's grounds. This boundary would include hedge planting that would, in time, screen views of the solar panels beyond. This demonstrates a degree of separation between the listed building's grounds and the development envelope. Also, the separation and gap formed between fields 2 and 8 allow retained views of Malford House enabling it to continue to be appreciated from the footpath. However, the solar panels, its fencing and new hedge boundaries would intrude and enclose such views eroding the building's countryside setting. As a result, the proposal would result in an adverse effect on the setting of the listed building, at the low end of less than substantial harm, harming its significance.

Swallett Farmhouse

50. Swallett Farmhouse is to the southwest of the appeal site. This Grade II listed building is an early 18th Century building consisting of rubble stone and some painted brick, with slate roofs, coped gables and end stacks. The building includes rubble stone with flush quoins and hollow moulded recessed mullion windows. The listing description explains that the building is reported to have belonged to the Hull family for 300 years. Furthermore, the appeal site historically formed part of the landholding farmed by occupiers of Swallett Farm, forming a strong historic link between the listed building and the appeal site.
51. The house is set back from Main Road by a significant extent and set behind barns, other agricultural buildings and holiday accommodation forming a historic farmstead of various buildings. It stands within relatively extensive grounds with paddocks to its rear, side and front. Its grounds also include several round pens for horse training, a horse arena and stables. It has been reported that a modern barn on-site, that provides some screening, has consent to be demolished. Nonetheless I have made my assessment based on the buildings seen on site during my visit.

52. The immediate and wider setting of the listed building are contained by the garden and wider field surrounding the building within the farm's demise. The site has a limited relationship with Main Road, due to its recessive nature and stands within an open countryside setting. The appeal site is beyond a hedge and tree field boundary to the side of the appeal site. The site makes a limited contribution to the wider setting of the listed building in visual terms but has a clear functional link due to the historical use of the appeal site.
53. Therefore, whilst visually the effect on the setting of Swallett Farm would be minor, the overall effect on its significance would be heightened due to the historic links resulting a low-level measure of less than substantial harm.

Swallett House

54. Dating from the early 18th Century, this Grade II listed house consists of rubble stone with ashlar dressings and a hipped stone slate roof. It includes a three-window range with mullion windows, flush quoins, moulded plinth, dripcourse and covered eaves cornice. The two-storey building includes dormer windows and several tall decorative stacks and is set within extensive grounds. A long C19 northeast wing, with original ashlar rear stack on ridge, includes a brick ridge stack and end stack. Whilst largely concealed from Main Road, the house is a good example of a large rural dwelling and is significant due to its architectural and historic importance.
55. The dwelling is positioned on the opposing side of Main Road to the appeal site, with its main elevation facing largely away from the site. Its setting appears to consist of its immediate grounds, adjacent fields to its north and southwest and the highway. Nearby houses and vegetation prevent a clear or direct visual link between the building and the appeal site, with accordingly limited intervisibility. Despite this its roof can be glimpsed in some views from the site, although these are fleeting. For these reasons, the proposal would have no effect on its setting, preserving its significance.

Bridge near Dauntsey

56. The Grade II listed bridge is to the immediate south of the appeal site. It is close to VP9 and outside the appeal site. This is a footbridge that crosses the railway line and provides onward travel for users of PRow CMAL 12. This consists of handmade brick, includes a humpback profile and elegantly concave elevations, with bullnose purple engineering brick.
57. The bridge dates from around 1839-40 and is an early example of railway structure. The listing description identifies it has group value in consideration of other structures lining the railway and is has a clear relationship with the railway line which is identified as informing its setting. The footpath over the bridge provides a link to the canal beyond but is now of lesser functional importance since the canal is no longer used to move goods and people from nearby farmsteads. It therefore possesses both architectural and historic significance.
58. The bridge has a functional link to the appeal site in providing a connection between the farmland, within the site, and the canal beyond. Nonetheless, the significance of this link is modest only. Its context within the countryside setting would change through the addition of nearby solar panels and new forms of enclosure altering its perception and harming its significance. Nonetheless, its

relationship to the railway would remain unchanged and due to the extent of mitigating planting proposed, the impact on its setting would be at the low end of less than substantial harm.

Bradenstoke Priory

59. Bradenstoke Priory is a Scheduled Ancient Monument set on an elevated area of land to the southeast of the site. The view from the Monument is demonstrated through VP5, showing that only a very limited part of the appeal site would be visible in such views. This change to the view would be evident, but the effect would not be adverse, being only a small part of a wider panoramic view. Therefore, due to the separation distance and intervening woodland and other vegetative screening, the proposal would not have an adverse effect on its significance.

Group value

60. The identified heritage assets are within relatively close proximity of each other and share the same general rural context, set within an area of generally flat land where several shared views can be obtained. Intervening tree and hedge boundaries and the distance between many of these creates a dispersed pattern that diminishes and limits any sense of group value. However, interested parties have identified that Malford House, Swallett Farm and Swallett House were part of the same manorial estate with members of the Hull family living within each. This association adds an interesting historical association between these buildings but does not alter the above finding with respect to effects on setting.

Heritage Balance

61. Core Policy 58, of the CS, relates to the conservation of the historic environment. This states that development should protect, conserve and where possible enhance the historic environment and the significance and setting of heritage assets. This policy is generally consistent with the Framework but excludes the public benefit test applied in the Framework and is therefore of reduced weight. As such, the policy needs to be read alongside the Framework to correctly apply heritage considerations.
62. Paragraph 212 of the Framework states that when considering the impact of development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. For the reasons set out above, I have found that the proposal would result in harm to the significance of Great Ridgeway Farmhouse, Malford House, Swallett Farmhouse and Swallett House, each for various reasons, being subject to a low level of less than substantial harm. Although the group value of several of these is noted, it does not alter the identified level of harm. The identified harm would also be tempered by the temporary nature of the proposal, which whilst extending over half a lifetime, would cause reversible effects. Nevertheless, it must be noted that even less than substantial harm to a designated heritage asset carries great weight.
63. Under such circumstances, the Framework advises that any harm found should be weighed against the public benefits of the proposal.
64. The proposal would deliver a renewable energy project, creating around 23MW of electricity and powering around 12,418 homes. This would assist in providing a

secure and resilient supply of electricity from a low carbon source. Furthermore, the site is located close to Lyneham Substation where a viable point of connection has been identified and a grid connection offer, with the Distribution Network Operator (DNO), is in place. The benefits of the provision of renewable energy, and the existence of a viable connection offer, attract significant positive weight in favour of the proposal.

65. The appellant also identifies that the proposal would provide employment both during construction and through the operational life of the development. The construction process has been identified as creating around 50 FTE jobs and the operational phase would attract a further 0.3 FTE jobs. The employment roles created on site would be primarily temporary in nature, with respect to the construction period, with a negligible number of employees attracted to the site once operational. Furthermore, the development would require business rates to be paid, providing a modest financial benefit to the Council and would enable the landowner to diversify the existing agricultural operation into wider interests. As such, the economic benefits also attract some, albeit moderate, weight in favour of the proposal.
66. In environmental terms, the provision of new landscaping and green infrastructure would provide biodiversity enhancements. Since 12 February 2024 it has been a requirement of the Town and Country Planning Act 1990 (as amended) for major planning applications to deliver a 10% biodiversity net gain (BNG). Interested parties suggest that this requirement is now 20%. However, this appears to relate to a consultation document for NSIP projects only and is therefore not relevant to this proposal. In any event, the application was made before the statutory 10% provisions came into force and thus the proposal is not subject to these statutory BNG requirements. Nonetheless, the Framework and Core Policy 50, of the CS, require major development to demonstrate a net gain to biodiversity.
67. The provision and distribution of landscape planting enhancement is demonstrated on the indicative landscape mitigation plan (D-K001 B), showing new planting alongside Main Road, a new County Wildlife Site and new hedgerows. A Landscape and Ecological Management Plan could be secured by appropriate condition to detail how these measures would be created and maintained. The proposal would result in the removal of limited pockets of existing vegetation and would provide new landscaping of around 79.74% habitat units and 14.19% hedgerow units. Accordingly, the provision of BNG, substantially in excess of 10%, would be a benefit of significant weight in favour of the proposal.
68. Overall, the benefits of the scheme are afforded significant weight in favour of the proposal. When considered cumulatively, these public benefits would be substantial and would outweigh the harm I have identified to the heritage assets, despite applying great weight to this harm. The proposal represents temporary development, albeit over a substantial 40-year period, and would be reversible at the end of this period to open fields. As such, the proposal would comply with CS policies 57(iv), 58 and 42(v) and the Framework which, among other matters, require development to be sympathetic to and conserve historic buildings and historic landscapes and to enhance the historic environment.

Flooding and Drainage

69. Core Policy 67, of the CS, requires all new development to include measures that would reduce the rate of rainwater run-off and improve rainwater infiltration to soil and ground unless site or environmental measures make these measures unsuitable. The Framework requires development proposals to use the opportunity provided by new development to reduce the causes and impacts of flooding, making the most possible use of natural flood management techniques as part of an integrated approach to flood risk management.
70. The appeal site slopes from south to north, by around 8 metres, and drains to The Bourne around 540 metres to the north of the site using a series of unnamed watercourses. The site is largely within flood zone 1, with an extremely small northern section being within flood zone 2. The site is also reported as being at some risk of surface water flooding and I have noted photographs provided by residents showing pluvial (surface water) flooding along Main Road, opposite Dodford Lane and some local drainage ditches operating at full capacity during heavy rainfall events.
71. In fluvial flooding terms the appellant's Flood Risk Assessment [2023] (FRA) identifies that the proposed security fencing will not prevent flows during extreme flooding events and will not displace flood storage. The FRA also demonstrates that pluvial flooding effects only minor areas of northern parts of the site, taking into account filtration losses. This also records that the proposed solar panels would be set 0.8 metres above ground level, where low-level surface water flooding would not affect infrastructure, causing a low risk to the proposed development from pluvial flooding. The assessment concludes that the proposal would not be materially affected by flooding and would therefore comply with the requirements of the Framework and local policy.
72. The appellant's Outline Drainage Strategy [2023] explains that the proposal would include access tracks, of crushed aggregate, forming a permeable surface that would maintain infiltration potential. It also states that soil compaction will be avoided and that the raised nature of the panels would not prevent soil from absorbing rainwater, enabling the same area of soil/grassland for infiltration as the baseline scenario. The Strategy proposes a Rural Sustainable Drainage System (RSDS) that would employ a combination of shallow swales and retained infiltration levels, to intercept and retain surface water. This approach would have a beneficial effect on existing pluvial flooding, benefitting both on-site drainage and surrounding landholdings.
73. The owner of Swallett Farm explains that the site is within a complex and sensitive hydrological catchment. Swallett Farm and its grounds include a series of drainage features, including syphons within the railway cutting, open ditches, culverts, clay pipe sections, and a pond. These drainage pathways eventually lead to an outfall onto the B4069. During my visit I was able to see some of these features, and I find no reason to disagree with the landowner's description of the hydrological context of their site.
74. The owner of Swallett Farm asserts that the appellant's drainage details are incomplete as they do not consider downstream effects of the development, that there is an absence of baseline modelling, that the assessments fail to incorporate local knowledge, the effect of hedgerow removal and the flooding effect of

construction on the wider area. It is also suggested that the entirety of surface water from the proposed development would discharge into the Swallett Farm ditch and drainage system.

75. There is clearly a hydrological link between the appeal site, the railway line and Swallett Farm. The syphons along the railway cutting move water into the appeal site and Swallett Farm as pluvial water travels downhill from south to north. However, the Outline Drainage Strategy demonstrates that most surface water runoff crosses the appeal site from the southeast to the northwest, with only a small pocket of surface water running through the southern part of the site onto the land of Swallett Farm. Furthermore, outfall water is shown to leave the site largely along the northwest boundary onto the B4069 on Plate 8 “slope of site”.
76. During my site visit I noted the hydrological features within the site and surrounding land and understand the site, Swallett Farm, the railway line and other adjacent landholdings each have a role in moving surface water through the area, generally from south to north. Nonetheless, due to the limited extent of surface water movement between the site and the adjacent Swallett farmland, the proposed hedgerow removal on site would be unlikely to materially reduce on-site flood management. Also, the effect of the construction process on flood matters would be modest and could be appropriately mitigated through the imposition of a Construction Environmental Management Plan. Furthermore, the discrepancies identified in the drainage submission are regarded as minor and could be appropriately addressed in a sustainable drainage strategy, that could be secured by condition.
77. Interested parties also identify that the site, and its drainage system, results in surface level flooding during storm periods. It is also asserted that the FRA was undertaken in 2023, before reported flooding incidents of 2024 when the B4069 flooded and adjacent roadside ditches were at capacity. However, the Outline Drainage Strategy demonstrates that on-site water catchment would be increased. This would take place through the provision of new swales, in combination with the retention of most of the grassland areas and the implementation of the RSDS, resulting in off-site pluvial flooding being reduced. Consequently, the proposed details provide sufficient evidence to demonstrate that the proposal would not create off-site flooding and would instead provide an improved hydrological environment for local residents and landowners. This is a conclusion shared by the Council’s drainage team that raised no objection to the proposal subject to the imposition of a condition to secure a sustainable drainage scheme.
78. Accordingly, for the above reasons the proposal would comply with CS policy 67 and the Framework, the requirements of which has been set out above.

Other Matters

Highway Impacts

79. The appellant’s Transport Assessment [2023] (TA) explains that construction traffic would consist of an average of eleven two-way HGV movements and fifteen light goods vehicles a day (over a six-month build period). Traffic during the operational phase of the development would be only eight vehicles a month. The TA also identified that the recorded daily traffic using the B4069 was 2,311 movements, with 445 being HGVs. Concerned nearby residential occupiers suggest that the B4069 has been subject to collisions in the past. The Dodford Lane Nursery is also

referenced as a potentially sensitive use close to the site. It is also asserted that the use of the access for construction vehicles would cause noise disturbance, vibration damage and a hazard to highway safety.

80. Main Road is subject to the national speed limit, and a speed survey demonstrates that vehicles pass the site at 53.3mph and 53.4mph (85th percentile). The access can achieve visibility splays of 165m (northbound) and 166m (southbound), which is below the required standard of 215m. However, the appellant has established that during construction the road around the access would be subject to a reduced speed limit, this would allow the access to operate safely, and this approach has been supported by the highway authority. This can be detailed in a Construction Traffic Management Plan that could be secured by condition. Accordingly, based on the minimal proportional change to local traffic volume during the operational phase, and with the construction period being temporary, any adverse impacts would be negligible.
81. Interested parties identify that Main Road is subject to a weight restriction that would be breached by construction traffic. However, the appellant explains that the weight restriction Order includes exclusions that would enable the construction of the proposal to be undertaken. As such, the local highway network can accommodate the construction requirements of the proposal without difficulty.

Ecological interests

82. The appellant's Ecological Impact Assessment [2023](EclA) identifies that the site includes a designated County Wildlife Site (CWS), but the habitat for which it was designated is no longer present. The proposal would lead to a small loss of hedgerows, around ten metres, which was deemed to be of limited ecological importance. On site surveys found that the site provides a suitable habitat for commuting and foraging bats.
83. The survey found a broad range of bat species present on site, the majority being common and soprano pipistrelle bats, and bat roosting potential exists within some trees, all of which are proposed to be retained. Surveys for badgers, dormice, birds and reptiles were also undertaken finding the site to be of only local ecological importance. Also, Great Crested Newts (GCN) were recorded in two off-site ponds, following eDNA survey. The Assessment also notes that GCN habitat would be likely to be only found on site within hedgerow bases and ditches. As all waterbodies on site would be retained there would be no direct impact on aquatic habitats.
84. The EclA finds that the breeding birds species found on site would nest in hedgerows or trees. It also remarks that given the abundance of similar habitat in the area, the local population of skylark would not be reliant on the site as a nesting resource, this statement could also be applied to other breeding, nesting or wintering birds. The proposal includes open grassland that would support habitat for a range of ground nesting birds, such as skylarks. The proposal would also retain adequate habitat for birds such as starlings, which have been seen locally and on-site by interested parties. Furthermore, there would be sufficient gaps between the fenced areas to allow wildlife, including deer, to commute through the site without needing to divert to Main Road. The Council was content with the extent of surveys undertaken.

85. The proposal would include new tree and hedge planting, providing increased habitats on site, and a replacement CWS consisting of neutral grassland that would all provide enhance ecological benefits for the site. Accordingly, the proposal could be suitably mitigated through the imposition of conditions to secure a Construction Environmental Management Plan, details of lighting, compliance with the BNG metric, details of bird and bat boxes, a Habitat Management and Monitoring Plan and details of landscaping. Also, due to the extended implementation period a condition would also be required seeking resurvey work prior to the commencement of construction. With such measures in place the proposal would not result in an adverse effect on wildlife, a conclusion shared by the Council's ecologist.

Impact on agricultural land

86. The Framework requires development to recognise the intrinsic character and beauty of the countryside, including the benefits of the best and most versatile (BMV) agricultural land. The site consists of 'medium clay' and 'clay loam' soil, as demonstrated in the appellant's Agricultural Land Classification report following site analysis. Although evidence from interested parties suggests that the site is within an area broadly classed as being Grade 3 land, it is apparent that the classification falls within the 3b categorisation.
87. It is therefore not deemed to be BMV agricultural land as defined by the Glossary of the Framework. Furthermore, the panels would be mounted at a sufficient height to enable sheep to graze under and around the panels allowing some pastoral farming to be retained on site. Whilst this would require some rotation of livestock, as the panels would be within fenced compounds, this could be readily achieved by a farmer enabling grazing to take place. Furthermore, and as advanced by the appellant, an appropriate grazing regime could be employed to ensure that it is complementary of the implementation and management of the drainage scheme.

Connection issues

88. The proposal benefits from a connection offer to deliver electricity with the relevant DNO. However, it is reported by interested parties that the Lyneham Substation is in a 'red status', meaning that it is currently constrained and has poor asset health and is currently unable to accommodate the requirements of the proposed solar facility. It is also asserted by interested parties that the scheme lacks sufficient connection evidence as there is no confirmed connection agreement or a committed grid upgrade. However, the appellant has already noted that the substation requires upgrade to enable a connection to be made.
89. The appellant informs that all solar energy projects with a connection offer after 2027 are uncertain due to the 'Gate 2 to Whole Queue' reforms, being managed by the National Energy System Operator. The purpose of the reform process is to identify and prioritise those projects deemed to be 'ready' for a connection. 'Readiness' of the project is partly reliant on obtaining planning permission and this would improve the scheme's potential to be prioritised for an earlier grid connection. As such, the existing connection agreement predicts a connection date of 2036/2037. This is regarded by the appellant to be a worse-case scenario and is anticipated to be brought forward.
90. Even though the proposed development would be delayed due to the need to upgrade the Substation, the scheme would still make an important contribution to

renewable energy generation and to the Government's objective to be carbon neutral by 2050. The identified delay is beyond the appellant's control, driven by external factors and would not provide a compelling reason to resist the proposal.

91. Interested parties have raised concerns that the County has many solar parks and doesn't need any more such installations. However, the Framework is clear that it is not a requirement for an applicant to demonstrate the overall need for renewable energy and does not place a cap on such facilities.

Glint and Glare

92. The solar panels would face towards the southern hemisphere largely facing the railway line to the south of the site. Some panels within field 10 would face parts of Swallett farm. A glint and glare assessment [2023] has been submitted in support of the proposal. This explains that solar panels minimise reflection to increase electricity production and reflect as little as 2% of incoming sunlight. The assessment considers the effect of glint and glare from 7 observation points (OP) and from the railway. This demonstrates that the greatest effect, causing a maximum glare duration of 20 minutes, would be observed from OP6 (close to Swallett Cottages). This would accord with the guidance⁷ seeking to prevent glare durations that exceed 30 minutes per day and the effect on all receptors would further reduce as landscape mitigation matures.
93. Although the assessment does not specifically consider the effects of the proposal on canal boat users, paragliders or hot air balloonists it is adequately robust in considering the effects of glint and glare on local users. The appellant has also identified that Glint and Glare effects for rights of way users are generally not scoped into assessments as any potential reflections would be limited in area, infrequent, transient and would cause a localised effect only. I find this to be a reasonable position to take on this matter.
94. Furthermore, whilst the effect on horse riders in Swallett Farm was not specifically considered, the assessment considered the effect on receptors at OP1 (within Swallett Farm). This provides a robust assessment of that area despite the amended plan relocating the panels marginally closer to the shared boundary. Accordingly, the assessment demonstrates that the safety of road users and the convenience of nearby receptors would not be materially adversely affected by the proposal in consideration of glint and glare effects.

Noise effects

95. The site is within the open countryside, within a generally quiet and tranquil setting. However, it was not devoid of all noise. During my visit I noted the sound of cars using Main Road, occasional passing trains and that the M4 motorway could be heard as a low distant rumble. The proposal is supported by a noise impact assessment [2023] which explains the type of equipment associated with the proposal and its predicted noise outputs. The assessment demonstrates that noise levels at nearby noise sensitive receptors would be low and likely to be inaudible, due to shielding by the proposed solar panels and masked by background noise recorded in the area.

⁷ Measurement and Assessment of Light Immissions [2014]

96. It is reported that construction would be likely to take around 6 months to be completed. During this time some noise effects would be noted by local residents. However, noise and disturbance levels are regarded to be low, with activity able to be appropriately managed through the imposition of hours of construction and Construction Traffic Management Plan conditions.
97. Most equipment on site, such as the solar panels, would operate quietly. The Primary transformer and Centralised Inverter/transformer units would produce noise levels of around 85dB and 88dB respectively. However, these would be a substantial distance from the nearest residential property. As such, the anticipated noise levels, as found by the assessment, would be low. To ensure noise outputs are in accordance with the findings of the assessment maximum noise outputs could be secured by an appropriate condition. This would ensure that the living conditions of nearby residents would not be adversely affected, a conclusion shared by the Council's Public Protection officers.

Tourism effects

98. Concerns have been raised by interested parties as to the effect of the proposal on tourism, referring to supportive CS Core Policies which seek to promote tourism, rural life and protect rural services. Concerns relate to both general tourism/business effects of solar schemes across the district, and effects that would potentially affect tourists staying within accommodation close to the site and the knock-on effect to nearby businesses. It is indicated by the owner of Swallett Farm that on-site tourist accommodation is DEFRA funded and this funding is reliant on certain objectives being met with respect to occupancy levels.
99. Nonetheless, there is insufficient evidence to indicate that the proposal would affect tourism across the wider area, businesses or canal users. In terms of local effects, the scheme would result in a residual 'moderate' adverse visual effect on adjacent residential occupiers, and this effect would also be experienced by tourists staying in nearby accommodation. However, tourists would be staying on a short-term basis only and would make use of local and wider resources in the area. As such, tourists would be likely to experience only limited adverse effects, if any, due to the scheme's proximity.
100. It has been asserted by interested parties, that adverse tourism effects caused by the scheme, would result in conflict with the development plan. In this scenario, it is suggested that the Council has failed to identify policy conflict. However, I see no material conflict with the identified tourism related policies which are permissive and weigh neither for nor against development that is not directly related to the tourism industry.

Swallett Farm objections/representations

101. The owner of Swallett Farm has raised a series of concerns set out within several objection letters and many supporting documents. Within these a number relate to procedural matters including the scope of the Council's evidence, criticism of the Statement of Common Ground, points of agreement between the Council and the appellant and the accuracy of the Council's committee minutes. Although I have seen and considered these comments, they raise issues that either cause limited adverse effects, no effects or effects that can be addressed through the imposition of conditions.

102. Further comments raised in objection relate to the conduct of the Council in preparing its appeal evidence. This asserts that the Council had contrived to limit its scope of evidence to exclude many concerns of interested parties. Whilst this is predominantly a matter between interested parties and the Council, the appeal process requires the Council to primarily defend the reasons that it refused the proposal and to ensure it does not introduce new matters that did not form a reason for refusal. Furthermore, any comments of the Landscape Officer made during the planning application consideration process would have been taken into account, where deemed relevant, by the Council when it prepared its statement of Case.

Overall Planning balance

103. I have concluded that the appeal scheme would result in moderate harm to the landscape character and convey moderate visual harm to the area. The limited harm identified to the heritage assets would be outweighed by the public benefits of the proposal. Nevertheless, for the purpose of my overall planning balance this harm contributes to the adverse effects of the proposal. The surrounding landscape also includes a range of man-made interventions, such as the railway line and motorway and the overhead power lines that cross the site. These features enable the area to accommodate a degree of change.
104. The proposed scheme would not harm matters of flooding or drainage, weighing neither for nor against the proposal. Furthermore, the other matters identified raise issues that either result in no harm or raise technical matters that could be adequately addressed through the imposition of appropriate conditions to negate the harm.
105. The benefits of renewable energy raise substantial benefits in favour of the proposal. These benefits are recognised in the Council's local policies and national policy in accordance with the Climate Change Act of 2008. It is also supported, in Section 14 of the Framework, to increase the use and supply of renewable and low-cost energy and to maximise the potential for suitable such development. The delivery of suitable renewable energy projects is fundamental to facilitate the country's transition to a low carbon future in a changing climate. These benefits are further supported through the identified BNG and economic benefits of the proposal.
106. Also, a solar park requires grid capacity and a viable connection to operate. As such, this requirement places a locational restriction on site selection that limits the number of appropriate sites for such a facility. The appellant explains that the national grid suffers a lack of viable points of connection. The appellant explains that a point of connection has been offered for the proposed development and is viable from the nearby Substation. The appellant has therefore demonstrated that a rational approach was taken to site selection lending support for the selected site.
107. Accordingly, the benefits of the proposal are of sufficient magnitude to outweigh the moderate harm found to the landscape character and visual effects of the proposal and adverse heritage effects. Consequently, the identified benefits attract substantial weight in favour of the scheme that would outweigh the moderate harm found. Consequently, the proposed development would conflict with the

development plan, but material considerations indicate that a decision should be made other than in accordance with it.

Conditions

108. I have considered the use of conditions in line with the guidance set out in the PPG. I shall take the conditions within the Council's Statement of Case into consideration and impose these with some amendments and adjustments for clarity as discussed and agreed at the hearing. I have applied an implementation period of seven years to reflect the appellants position with respect to the connection agreement and the need for the Lyneham Substation to be upgraded. The need for others to improve off-site infrastructure is beyond the appellant's control and the standard three-year period would not be sufficient to allow all necessary preparations to be completed before development can start. Consequently, an extended period to commence development is warranted in this case [condition 1].
109. I have imposed the standard condition with respect to approved plans as advised by the PPG for clarity and certainty [3]. A condition is also required to limit the temporary nature of the development for a 40-year period [2]. This would cover the operational period and seek details of commissioning following the expiry of the operational phase. Also, a condition is required to agree the final position of the solar panels and associated equipment in the interests of the character and appearance of the area [4].
110. Conditions 5 and 6, for a Construction Traffic Management Plan and to provide a surfaced access, are required in the interests of the safe operation of the highway. Also, details of the recording of the highway condition adjacent to the site entrance is required to ensure that any damage caused during construction is rectified within a prescribed timeframe. These are required to ensure the road is kept in good condition to enable the safe free flow of traffic in consideration of highway safety [7 and 8].
111. Ecological details are required to secure a Construction Ecological Management Plan (CEMP), details of lighting equipment and details of bat roosts and bird nesting opportunities, would be required to ensure the proposal provides suitable protection and mitigation for wildlife. The CEMP would also include the need for updated surveys if development does not commence within two years [9, 10 and 11]. Furthermore, conditions are required to ensure that the proposal complies with the identified Biodiversity Net Gain benefits in accordance with a Habitat and Landscape Management and Monitoring Plan [12 and 13].
112. Also, condition 14 is required to secure details of a landscaping scheme, for the scheme to be provided within a set timeframe and for any failed installed planting to be replaced within five years of it failing, in the interests of the character and appearance of the area. A condition would be required for an archaeological survey and recording, of material (mostly roman pottery), found in localised areas following the initial survey work [15]. A condition to ensure that the noise levels within the Noise Assessment are achieved is required in the interests of the living conditions of neighbouring residential occupiers [16].
113. Also, a condition is required to limit the hours of construction to prevent undue disturbance to neighbour's living conditions [20]. Condition 17 is required to secure and arboricultural method statement to ensure that affected trees that are

proposed to be retained would not be damaged during construction in the interests of the character and appearance of the area. Furthermore, a condition is required for the submission of a sustainable drainage scheme to enhance and promote the infiltration and interception capacity of the site and provide a monitoring regime for assessment of vegetation cover in the interests of flood risk and water quality [18]. Condition 19, seeking the submission of a Construction Environmental Management Plan, is required to prevent pollution, manage flood risk and other environmental effects during construction.

Conclusion

114. As a result, for the above reasons the appeal should be allowed.

B Plenty

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Thea Osmund-Smith	– Barrister, No 5 Chambers
Andrew Ross	– Planning, Turley
Joanna Ede	– Landscape, Turley
Rob Bourn	– Heritage, Orion

FOR THE LOCAL PLANNING AUTHORITY:

Mark Reynolds	- Planning Consultant representing Wiltshire District Council
Charles Potterton	- Landscape
Sasha Berezina	- Heritage

INTERESTED PARTIES:

Cllr Ian Kirkpatrick – Planning, Christian Malford Parish Council

Schedule of Conditions

- 1) The development hereby permitted shall be begun before the expiration of seven years from the date of this permission.
- 2) The permission hereby granted shall be for a temporary period and shall expire 40 years from the date that electricity from the development is first exported to the electricity distribution network ('First Export Date') or no later than 50 years from the date of this decision, whichever is the sooner. Written confirmation of the First Export Date shall be provided to the Local Planning Authority no later than 1 calendar month after that First Export Date. Within 6 months of the date of expiry of this planning permission, or, if sooner, the cessation of the use of all of the solar panels for electricity generation purposes for a continuous period of 6 months, the solar panels together with any supporting/associated infrastructure including the substations, customer cabin, spare parts container, security equipment, poles and fencing shall be removed from the land and the land restored to its former agricultural condition in accordance with a scheme of work to be submitted to, and approved in writing by, the local planning authority. The scheme of work, including a restoration plan and a decommissioning scheme that takes account of a recent ecological survey to protect wildlife and habitats, as well as including the management and timing of any works and a traffic management plan to address likely traffic impact issues during the decommissioning period, shall be submitted to the local planning authority not less than six months before the removal of the installation.
- 3) The development hereby permitted shall be carried out in general accordance with the following approved plans and documents
LLY01A-EXG-00-00-D-K015: Site Location Plan,
LLY01A-EXG-04-00-D-K001-P07: Site Layout,
LLY01A-EXG-95-00-D-K001-B: Indicative Landscape Mitigation Plan,
LLY01A-EXG-05-ZZ-D-K001-P01: MV Inverter,
LLY01A-EXG-05-ZZ-D-K002-P01: Substation Building,
LLY01A-EXG-05-ZZ-D-K003-P01: 33kV Transformer,
LLY01A-EXG-05-ZZ-D-K004-P01: AUX Transformer,
LLY01A-EXG-05-ZZ-D-K005-P01: Substation Fence and Access,
LLY01A-EXG-05-ZZ-D-K006-P01: Substation CCTV and Lighting,
LLY01A-EXG-05-ZZ-D-K007-P02: Solar Panel, and
LLY01A-EXG-05-ZZ-D-K008-P02: Solar Fence and CCTV.
- 4) Prior to their installation, details of the final layout, dimensions, design, materials and colour (where appropriate) of the solar panel arrays, cable trenching, transformers, substation, CCTV and other associated works shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and retained as such for the lifetime of the use.

- 5) No development shall take place, until a construction traffic management plan ('CTMP') has been submitted to and approved in writing by the Local Planning Authority. The approved plan shall be adhered to throughout the construction period. The plan/statement shall provide for;

A construction programme including phasing of works;

24-hour emergency contact number; LHA CONTACT – highwaysdevelopment@wiltshire.gov.uk;

Hours of operation;

Expected number and type of vehicles accessing the site: Deliveries, waste, cranes, equipment, plant, works, visitors; Size of construction vehicles; The use of a consolidation operation or scheme for the delivery of materials and goods; and Phasing of works;

Routes for construction traffic, avoiding weight and size restrictions to reduce unsuitable traffic on residential roads; to include details in the CTMP that restrict deliveries during school drop off and pick up times;

Locations for loading/unloading, waiting/holding areas and means of communication for delivery vehicles if space is unavailable within or near the site;

Locations for storage of plant/waste/construction materials;

Arrangements for the turning of vehicles, to be within the site unless completely unavoidable; as demonstrated in the CTMP;

Arrangements to receive abnormal loads or unusually large vehicles;

Swept paths showing access for the largest vehicles regularly accessing the site and measures to ensure adequate space is available;

Any necessary temporary traffic management measures;

Method of preventing mud being carried onto the highway; and

Methods of communicating the CTMP to staff, visitors and neighbouring residents and businesses.

- 6) Before the development hereby approved is first brought into use: -
- (a) the first 15.00 metres of the vehicle access (as shown on site layout plan ref. LLY01A-EXG-04-00-D-K001-P07) measured from the rear edge of the highway (excluding the vehicle crossing), must be laid out and constructed of consolidated material, not loose stone or gravel.
 - (b) The widening of the existing access shall have been completed to a specification previously submitted to and approved in writing by the local planning authority.
- The said access shall thereafter be retained for the lifetime of the development.
- 7) Prior to the commencement of development, a photographic pre-condition highway survey shall be carried out on Main Road (B4069) from the junction of the B4069 with Dodford Lane to the site access. Upon completion of the

construction phase of development, a further photographic post- condition survey shall be carried out of the same road. Copies of the pre and post condition surveys shall have been submitted to the Local Planning Authority prior to the First Export Date of the solar park.

- 8) Prior to the First Export Date a scheme for rectification of any defects or damage to the public highway arising from the construction of the development, as identified by the details provided for Condition 7, shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall include the scope of rectification works to be undertaken, and the mechanism for securing the completion of any necessary remedial works. All identified defects or damage to the public highway attributable to the construction of the development shall be made good to the satisfaction of the Highway Authority within a timescale to be agreed in writing as part of the scheme to be approved.
- 9) Prior to the commencement of works, ground works/excavation, site clearance, vegetation clearance and boundary treatment works, a Construction Ecological Management Plan (CEMP) shall be submitted to the local planning authority for approval in writing. The Plan shall provide details of the avoidance, mitigation and protective measures to be implemented before and during the construction phase, including but not necessarily limited to, the following:
 - (a) Identification of ecological protection areas/buffer zones and tree root protection areas and details of physical means of protection, e.g. exclusion fencing.
 - (b) Precautionary Working Method statements for protected/priority species, such as nesting birds, badgers, dormice reptiles and amphibians.
 - (c) Mitigation strategies already agreed with the local planning authority prior to determination, such as for great crested newts, dormice or bats; this should comprise the pre- construction/construction related elements of strategies only.
 - (d) Work schedules for activities with specific timing requirements in order to avoid/reduce potential harm to ecological receptors; including details of when; a licensed ecologist and/or ecological clerk of works (ECow) shall be present on site;
 - (e) Measures for the review of prescribed ecological protection measures and mitigation strategies should the development not commence within 2 years from the date of this permission, to include updated habitat surveys to establish any changes in the condition of the site and/or likely presence or abundance of any relevant protected species;
 - (f) Key personnel, responsibilities and contact details (including Site Manager and ecologist) and
 - (g) Timeframe for provision of compliance report to the local planning authority; to be completed by the ecologist and to include photographic evidence.

The development shall thereafter be carried out in strict accordance with the approved CEMP.

- 10) No external light fixture or fitting will be installed within the application site unless details of proposed new lighting have been submitted to and approved by the Local Planning Authority in writing. The submitted details will demonstrate how the proposed lighting will impact on bat habitat compared to the existing situation. The plans will be in accordance with the appropriate Environmental Zone standards set out by the Institution of Lighting Professionals (ILP) Guidance Notes on the Avoidance of Obtrusive Light (GN 01/2021) and Guidance note GN08/23 "Bats and artificial lighting at night", issued by the Bat Conservation Trust and Institution of Lighting Professionals.
- 11) Prior to the commencement of any works, including vegetation removal, details of the number, design and locations of bat roosts and nesting opportunities for birds (e.g. bat and bird boxes) shall be submitted to the local authority for approval. The approved details shall be implemented before first electricity export from the Development.
- 12) The development hereby permitted shall be carried out in general accordance with the Biodiversity Metric 4.0 document, produced by Tyler Grange (dated June 2025), to ensure that there is a net gain in biodiversity as a result of the development.
- 13) No development shall commence on site until a Landscape and Habitat Management and Monitoring Plan (LHMMP) is submitted and approved in writing by the Local Planning Authority to include:
 - (a) the management and maintenance of all landscaped areas/habitats within the site for the lifetime of the development;
 - (b) the long term objectives and targets for biodiversity mitigation and enhancement within the site (to include the County Wildlife Site);
 - (c) the roles and responsibilities of the people or organisation(s) delivering the LHMMP;
 - (d) the planned habitat creation and enhancement works to create or improve habitat to achieve a net gain in biodiversity;
 - (e) the management measures to maintain habitat and any other landscape measures for the lifetime of the development; and
 - (f) the monitoring methodology, incorporating management prescriptions, review and adaptive management methodologies, including habitat assessment reports to be submitted to the LPA for the lifetime of the development.
- 14) No development shall take place until a scheme providing full details of the landscaping to be implemented on the site (the 'Landscaping Scheme') has been submitted to, and approved in writing by, the local planning authority. The scheme shall be in general accordance with the details illustrated on the previously submitted Indicative Landscape Mitigation Plan (LLY01A-EXG-95-00-D-K001-B). The scheme shall include:

- (a) Precise widths of all new hedges and woodland planting;
- (b) Details of Hard surfacing including pathways and driveways, fencing, other hard landscape features and materials;
- (c) Existing trees, hedges or other soft features to be retained;
- (d) A planting plan and specification (including cultivation and other operations associated with plant and grassland establishment) providing schedules for all new planting and seeding noting species, mixes, planting sizes and proposed numbers/densities where appropriate;
- (e) Details of planting or features to be provided to enhance the value of the development for biodiversity and wildlife; and
- (f) Compliance with the biodiversity net gain metric; and
- (g) A timetable for implementation.

All new planting shall be implemented in accordance with the approved details and implementation programme. If within a period of 5 years from the date of planting, any tree, shrub or hedgerow or any replacement planting is removed, uprooted or dies or becomes seriously damaged or diseased replacement planting of the same species and size shall be planted in the same location in the next planting season.

- 15) No development shall commence until: (a) A written programme of archaeological investigation, which should include on-site work (within the areas identified as A-D by the Council within the consultation response dated 17th January 2025, when considering planning application PL/2023/10077) 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.
- 16) Noise emissions attributable to the proposal shall be limited to a level not exceeding: Noise rating 25 between 07:00 and 23:00 hours daily and Noise rating 20 between 23:00 and 07:00 hours daily, within any neighbouring residential property existing or proposed at the time of the consent, with windows open.
- 17) No site clearance or development shall commence on site until an Arboricultural Method Statement (AMS) prepared by an arboricultural consultant providing comprehensive details of construction works in relation to trees has been submitted to, and approved in writing by, the Local Planning Authority. All works shall subsequently be carried out in strict accordance with the approved details. In particular, the method statement must provide the following:-
 - (a) A specification for protective fencing to trees during both demolition and construction phases which complies with BS5837:2012 and a plan indicating the alignment of the protective fencing along with the location of the access track;

- (b) A specification for scaffolding and ground protection within tree protection zones in accordance with British Standard 5837:2012;
 - (c) A schedule of tree works conforming to British Standard 3998:2010;
 - (d) Details of general arboricultural matters such as the area for storage of materials, concrete mixing and use of fires;
 - (e) Plans and particulars showing the siting of the cable route along with method to be used;
 - (f) Details of the works requiring arboricultural supervision to be carried out by the developer's arboricultural consultant, including details of the frequency of supervisory visits and procedure for notifying the Local Planning Authority of the findings of the supervisory visits; and
 - (g) Details of all other activities, which have implications for trees on or adjacent to the site.
 - (h) In order that trees to be retained on-site are not damaged during the construction works, no site clearance or development should commence on site until a pre-commencement site meeting has been held, attended by the developer's arboricultural consultant and designated site foreman to discuss details of the proposed work and working procedures.
- 18) No development hereby permitted shall become operational until details of the implementation, maintenance and management of the sustainable drainage scheme have been submitted to and approved by the local planning authority. The scheme shall include details of:
- (a) A robust soil, grass, and/or land management plan which details vegetative areas in between the solar arrays at a long length to help interrupt and prevent channelised flows, reducing erosion and also enhance and promote the infiltration and interception capacity
 - (b) Details of the regime for monitoring vegetation cover including frequency of visits, and set out remedial measures that could be implemented if problem areas are identified.
- The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details.
- 19) Prior to commencement of development, a Construction Environmental Management Plan (CEMP), incorporating pollution and other prevention measures, has been submitted to and approved in writing by the Local Planning Authority. The submitted CEMP must include safeguarding measures to deal with the following pollution risks and impacts:
- (a) details of the protection of the watercourse during construction (e.g. fencing),
 - (b) the use of plant and machinery,
 - (c) wheel washing and vehicle wash-down and disposal of resultant dirty water,
 - (d) oils/chemicals and materials,

- (e) the cutting or other processing of building materials on site;
- (f) the recycling of waste materials (if any),
- (g) the location and use of generators and temporary site accommodation,
- (h) the control and removal of spoil and wastes,
- (i) how open excavations on site will be dealt with outside of working hours and after dusk to prevent entrapment of mammals that may cross the site,
- (j) the arrangements to be made for water during the construction phase,
- (k) how surface water will be managed during the construction phase in order to prevent an increase in pollution / flood risk to local receptors, and;
- (l) how the applicant would ensure that compaction of the soil during construction does not occur / will be remediated so that there is not an increase in runoff.

The development shall subsequently be implemented in accordance with the approved details and agreed timetable.

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

End of conditions

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APPLICATION FOR FULL PLANNING PERMISSION OFFICER REPORT

Date of Meeting	10 th February 2026
Application Number	PL/2024/05527
Site Address	Land South of Westwells Road, Westwells Road, Neston, SN13 9GB
Proposal	Redevelopment of site to deliver extension to existing Spring Park data centre campus consisting of (a) free standing data centre building (b) energy, power, and water infrastructure (c) site access and internal roads (d) site security arrangements (e) diverted Public Rights of Ways (f) hard and soft, green and blue, landscaping and (g) other ancillary and auxiliary forms of development.
Applicant	Ark Estates 4 Ltd
Town/Parish Council	Corsham Town Council
Electoral Division	Corsham Without – Cllr Peter Wragg
Type of application	Full planning
Case Officer	Adam Madge
Reason for the Application being reported to Planning Committee	The application is before the Planning Committee at the request of the Local Division Member for the following reason(s) “Drainage issues for this site are unresolved. The only drainage, as far as I am aware, is via Wessex Water foul sewer or MOD private sewer. It would appear at present that road runoff uses the MOD sewer but that no other permissions have been given. MOD uses its own sewer to pump out underground workings when they fill. The capacity of this sewer has not been fully assessed. Until this issue has been resolved this application should not progress.” Members should note this was at the request of the former ward member Cllr Derek Walters

RECOMMENDATION: That planning permission be **GRANTED**, subject to delegation to the Head of Development Management for the completion of an agreement covering the matters set out in the report relating to a BNG monitoring contribution, and subject also to the planning conditions set out at the end of this report.

Background

Members will recall that at the meeting of 16th December 2025 this planning application was deferred in light of additional correspondence that had been received from objectors to this proposal who raised a number of points that they considered needed to be addressed in the officer report. Legal advice was sought on these points and it was considered that in order to give time to properly assess the points made the application should be deferred until officers had had time to consider the points made and respond to them. Since then objectors have also issued three further documents to members and officers to consider. One is a technical note on flood risk management, one is a noise report and one is a further brief to committee. All of this is considered in the report below.

Appended to this report are the following:

Appendix A: the original report to the Committee meeting of 16th December

Appendix B: Objectors' rebuttal of Committee report, dated 14th December

Appendix C: Applicants' technical note in response to updated drainage officer comments

Environmental impact Assessment

Members should note that in 2023 the local planning authority issued a screening opinion in respect of this development which concluded that the development would not result in such significant effects as to require an Environmental impact assessment. This screening opinion is available on the Council's website.

Flooding and drainage

A number of concerns were raised by objectors both in their technical note and in their previous comments and rebuttal to committee that the use of conditions in respect particularly of drainage and flooding matters was unlawful. The overall concern was that the matters required to be submitted and considered by the local planning authority as part of the recommended conditions should instead be submitted and assessed prior to the determination of the application. The concerns are provided in full as Appendix B.

In summary the concerns were :

- a) The drainage strategy is not yet finalised and no known route for off-site drainage discharge is available.
- b) Infiltration testing has not been proven
- c) A full hydrological assessment is still required
- d) 1 year of groundwater monitoring is required
- e) A 1D 2D Hydrological model is still to be produced and hasn't been.
- f) Lack of off site exceedance mapping.

Response from applicants

The applicants have responded to drainage concerns as follows, and as reported in their correspondence with the councils drainage officer dated the 18th December and provided at Appendix C –

- a) In accordance with the NPPF and NPPG, water reuse has been sought as the primary means of surface water management, secondarily to this is, the use of the proposed soakaways for surplus flows. Following a sequential approach, in order of sustainability, these are the top two options. Given historical conversations with Wessex Water, it has been identified that the no surface water sewers reside within Westwells Road, and it is not appropriate to make connection to the Wessex Water reservoir overflow. Connection to the foul sewer is also not permitted. As such, it has previously been discussed on neighbouring schemes with Wessex Water that where surface water cannot be infiltrated along Westwells Road, these can be pumped to the existing Wessex Water network to the north, within Bradford Road. This connection can be achieved through requisition, given Wessex Water as the owner and the route being located within public highway and as such is an acceptable alternative if less sustainable methods are available.

- b) Infiltration testing has been conducted in accordance with BRE 365 at locations SA01 and SA02 as close as practicable to the proposed final soakaway locations. Results are shown in section 5.5.2 of the Phase 2 Ground Investigation Report with raw test data provided in Appendix B of the same report. (ref: 24639-HYD-XX-XX-RP-GE-1002). This report was submitted when the application was submitted on 17th June 2024 The distance from locations SA01 and SA02 to the proposed soakaway are so small that there can be a very high degree of certainty that the conclusions are applicable and it is incorrect to suggest that these are proxy positions. Notwithstanding this, Condition 14 sets a requirement for further infiltration to be undertaken prior to the commencement of development and, if desirable, an additional part could be added to this condition specifically requiring that

infiltration testing takes place specifically at the proposed location of the soakaway.

c) These items have already been covered by the submitted Phase 2 Ground Investigation report in Appendix A, Conceptual Site Model (ref: 24639-HYD-XX-XX-DR-GE-1001. Please also refer to the specific technical note as issued as part of the planning application "Risk presented by underground mine workings to proposed surface water drainage strategy" (ref: 24639-HYD-XXXX-TN-GE-1003). In accordance with the report, soakaways have been located outside of their influence in accordance with drawing 24639-HYD-XX-XX-DR-G-1002. Any interim report would not provide additional data. This report and the appendices referred to above were submitted when the application was submitted on 17th June 2024.

d) Groundwater monitoring has been undertaken as per Appendix D of the Phase 2 Ground Investigation Report (ref: 24639-HYD-XX-XX-RP-GE-1002). This report was submitted when the application was submitted on 17th June 2024.

e) It is to be noted that the proposed development has limited interaction with the proportion of surface water flow route which passes within the site boundary. Surface water flows are concentrated along the northern and eastern boundary, in areas where a net balance of levels is to be achieved and any infrastructure being below ground. The small route that passes centrally currently follows a small valley; this will be diverted. It is noted that the council's previous response denoted that a 1D-2D model could be issued post determination and controlled via planning condition. It is not clear why the Council's position on this should change given that this application has been with the Council for in excess of 18 months and the Drainage Officer has confirmed on a number of occasions that there were no objections on drainage matters. Given the location of this flow path neither a 1D or 2D model alone would accurately depict its diversion. To this effect. this flow route will be managed, in the 1D-2D model as agreed

Response from Councils Drainage Officer (Lead Local Flood Authority)

The Councils Drainage Officer has been reconsulted in light of these concerns, and has considered the additional technical note in response to these issues which is attached as Appendix C, and has provided an updated response as follows:

a) The applicant's strategy is based on infiltration as the primary method of surface water disposal, with no discharge to the surrounding network. This approach is supported by site investigations and aligns with sustainable drainage principles.

A fallback discharge route is only relevant if infiltration fails. Condition 5 secures a lawful and technically viable fallback mechanism, including any off-site works, before occupation. This ensures resilience without requiring pre-determination evidence because the primary strategy does not rely on off-site discharge.

b) BRE 365-compliant testing at proposed soakaway locations and depths is essential to confirm feasibility. Condition 1 requires these tests prior to commencement, ensuring that infiltration systems are only constructed if proven viable. This is proportionate because infiltration testing is a construction-stage activity and does not affect the principle of development.

c) Objectors refer to a “hydrological assessment,” but the critical requirement is a hydrogeological risk review to address mine workings and groundwater pathways. The Phase 2 ground investigation provides baseline data, but Condition 3 ensures an updated risk register incorporating MoD/DIO advice and design constraints before works begin. This can be secured by condition because it relates to detailed design rather than the principle of development.

d) Seasonal groundwater monitoring is best practice for infiltration design. The applicant’s previous monitoring provides an initial snapshot but does not capture seasonal variability. Condition 2 requires a monitoring plan within three months of commencement, ensuring data is collected and design adjustments made before drainage infrastructure is installed. This is acceptable post-permission because monitoring does not affect the principle of development and can be enforced early in the construction phase.

e) Baseline and With Scheme flood mechanisms

The consultant argues that full catchment wide 2D hydraulic modelling should have been completed pre determination. The LLFA (lead local flood authority) acknowledges the need for a robust understanding of exceedance routing and post development flood behaviour.

This requirement is fully secured through the Hydraulic Modelling Condition, which obliges the applicant to submit a detailed 1D/2D model demonstrating no increase in flood risk elsewhere prior to occupation. This ensures that the modelling is carried out, reviewed and approved before the drainage system becomes operational, aligning with our statutory role.

f) The Note criticises the lack of off site exceedance mapping.

Our Hydraulic Modelling Condition and Exceedance Routing Requirement address this directly by requiring the applicant to define surface water pathways and demonstrate safe routing.

These must be approved prior to occupation.

The drainage officer has considered why these matters can be conditioned as below

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Why these can be conditioned and do not go to the heart of the permission

All of the above matters relate to detailed design and implementation rather than the principle of whether the site can be drained sustainably. The applicant has demonstrated a viable strategy in principle (infiltration-based, no discharge to third-party systems), and conditions provide enforceable triggers to secure residual evidence and safeguards before construction or occupation. This approach aligns with NPPF, PPG, and Core Policy 67, enabling timely determination while ensuring long-term flood resilience.

Balancing Development and Downstream Risk

LLFA's position reflects a careful balance between enabling strategic development and managing the risk of uncontrolled drainage pathways that could affect downstream areas. By securing conditions that require infiltration verification, groundwater monitoring, and hydraulic modelling, we ensure that any potential pathway for surface water is fully understood and mitigated before occupation. This approach provides robust safeguards against increased flood risk while allowing development to proceed in a controlled and sustainable manner.”

In conclusion the LLFA supports approval subject to conditions. These conditions secure residual technical matters without delaying determination and provide enforceable safeguards for long-term resilience. For clarity, conditions are presented in sequential numbering for the Committee Report.”

LLFA Recommended Conditions

Condition 1 – Infiltration Testing

No development shall commence until BRE 365-compliant infiltration tests have been undertaken at the exact proposed soakaway locations and depths. Results shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure infiltration feasibility and compliance with sustainable drainage principles, reducing flood risk in accordance with NPPF, PPG, and Core Policy 67.

Condition 2 – Groundwater Monitoring

Within three months of commencement, a groundwater monitoring plan shall be submitted and approved by the LPA. The plan shall include installation details, baseline readings, and a 12-month monitoring schedule.

Reason: To confirm groundwater conditions and safeguard against groundwater flooding, in accordance with NPPF, PPG, and Core Policy 67.

Condition 3 – Hydrogeological Risk Register

Prior to commencement, an updated hydrogeological risk register and design constraints shall be submitted to and approved by the LPA, incorporating MoD/DIO advice.

Reason: To ensure the drainage design accounts for hydrogeological risks and mine workings, in accordance with NPPF, PPG, and Core Policy 67.

Condition 4 – Hydraulic Modelling

Prior to occupation, a detailed 1D/2D hydraulic model comparing baseline and post-development scenarios shall be submitted and approved by the LPA. The model shall include exceedance flow routing, safe pathways, and calibration using recent local storm data.

Reason: To ensure the development manages exceedance flows safely and does not increase flood risk elsewhere, in accordance with NPPF, PPG, and Core Policy 67.

Condition 5 – Fallback Drainage Strategy

Within 3 months of the proposed drainage strategy becoming operational an implementation assessment shall be carried out, submitted and agreed with the local planning authority which shall set out how the drainage strategy is operating and assess its effectiveness in providing a drainage solution to the site. In the event that this identifies deficiencies in the drainage strategy a replacement surface water drainage scheme, incorporating any necessary off-site works, shall be submitted to and approved in writing to the local planning authority. The submitted details shall:

- (i) Provide design storm period and intensity, discharge control measures, and pollution prevention measures.
- (ii) Include a timetable for implementation.
- (iii) Include a management and maintenance plan for the lifetime of the development. This plan shall include a SuDS asset register, inspection and maintenance schedules, responsibilities, access arrangements, and emergency procedures for exceedance/fail-safe operation, aligned with CIRIA SuDS Manual C753 and Wiltshire guidance.

Such a scheme shall be implemented within 12 months of the approval in writing by the local planning authority.

Reason: To provide a fallback drainage solution, in the event of any identified issues with the proposed scheme and to ensure flood risk is managed throughout the lifetime of the development, in accordance with NPPF, PPG, and Core Policy 67.

Condition 6 – Downstream Connections

The development shall not connect to any private drainage systems downstream of the site. A compliance statement confirming this shall be submitted and approved by the LPA prior to commencement.

Reason: To prevent increased flood risk to third-party land and ensure lawful discharge arrangements, in accordance with NPPF, PPG, and Core Policy 67.

Condition 7 Construction Water Management Plan (CSWMP)

No development (including groundworks or site setup) shall commence until a Construction Surface Water Management Plan (CSWMP) has been submitted to and approved in writing by the Local Planning Authority, in consultation with the LLFA.

The CSWMP shall include:

1. Temporary surface water drainage and storage
 - Measures for capturing and managing runoff during construction, including indicative layouts of temporary controls and temporary attenuation/storage volume calculations for each phase.
2. Sediment and pollution control
 - Provisions for silt control, wheel wash runoff management and pollution prevention (including concrete washout and fuel/chemical containment).
3. Construction phase exceedance routing
 - Arrangements for directing overland flows safely during heavy rainfall.
4. Phasing
 - Timing for installing temporary drainage and transitioning to permanent SuDS.
5. Maintenance and responsibilities
 - Inspection and maintenance procedures for temporary drainage and the roles responsible.

The development shall be carried out in accordance with the approved CSWMP, and temporary measures shall be retained until the permanent drainage system is fully operational

Reason:

To ensure surface water is safely managed during the construction phase and to prevent increased flood risk or pollution, in accordance with the NPPF, PPG and Wiltshire Council LLFA requirements.

LLFA therefore raises no objection, subject to these conditions being applied.”

It is considered in light of both the applicants comments, the concerns raised by the objectors and the comments made by the councils drainage officer that the drainage issues can be adequately dealt with by way of condition and should not prevent development taking place at the site.

These new conditions replace conditions 13,14 and 15 as proposed in the previous officer recommendation.

Flood risk assessment

The objectors have made further comments in respect of the submitted Sequential Test for surface water flooding. As previously noted the national Planning Practice Guidance (Para 027) no longer requires the submission of a Sequential Test where it has been demonstrated that a proposal does not increase flood risk elsewhere. Officers consider that this applies to this proposal, that the proposed development will not increase the risk of flooding elsewhere and so the sequential test (which supported development of the site) is no longer a requirement.

Landscape and visual impact

Objectors: “No winter montages included which breaches best practice”

Officer response: There is no formal requirement to provide winter montages and Members are able to assess for themselves the difference in landscaping between winter and summer.

Objectors: “The Westwells action group have paid for photomontages of what the development will look like in winter”.

Officer response: The applicant has provided verified images of what the development will look like which are included in the officer presentation. There is no confirmation that the objectors' images are correct or verified.

Objectors: "Cumulative massing is ignored"

Officer response: Cumulative massing is not ignored in the officers report where it is clearly stated that the building will be seen in the context of the existing buildings further away and that this effect is acceptable to officers. It is incorrect to say that the officer report treats buildings on the Ark estate individually when the cumulative effect of the backdrop of the Ark estate has been considered by both the Council's landscape officer and the planning case officer to be acceptable.

Design

Objectors consider that the proposal conflicts with key design principles contained within the Wiltshire design guide and Corsham design guide including:

- Retaining a soft, green settlement edge; Officers consider that the land outside of the application site achieves this
- Respecting residential scale and massing at sensitive boundaries; As officers demonstrated in the original report the significant distances between the proposal and residential property achieve this.
- Avoiding large, continuous industrial forms in transitional locations. Whilst the proposal is large it is certainly not continuous broken up as it is in both height and form from other neighbouring developments.

Officers consider the proposal to comply with both the Wiltshire design guide and Corsham design guide.

Brownfield Land

The objectors considered that the land is incorrectly described as brownfield land.

Officers consider that the report is correct to describe the site as brownfield or previously developed land which is defined in the NPPF as follows:

Land which has been lawfully developed and is or was occupied by a permanent structure and any fixed surface infrastructure associated with it, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed). It also includes land comprising large areas of fixed surface infrastructure such as large areas of hardstanding which have been lawfully developed. Previously developed land excludes: land that is or was last occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill, where provision for restoration has been made through development management procedures; land in built-up areas

such as residential gardens, parks, recreation grounds and allotments; and land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape.

The inspector stated in relation to the 2021 appeal that -

“Several buildings were constructed all over the site on concrete hard standing bases during World War II (WWII). Access roads, drainage and other services were also constructed. It is no longer possible to say precisely how the buildings were constructed. Whatever the initial intention for their permanence, they were retained and occupied until at least the late 1950’s and potentially 1960. On that basis, they can be considered as permanent structures. Having had regard to the definition of previously developed land in the Framework, the associated bases and access roads, which still mostly exist, comprise associated fixed surface infrastructure. The concrete bases and access roads are clearly visible on the site, with the bases protruding above the underlying vegetation and the vegetation is also cut back from much of the access roads. Evidence has been provided that this has not always been the case and that in the past the site was more overgrown. However, as it stands today, the remains of the fixed surface infrastructure have not blended into the landscape. The site is therefore previously developed land, as defined by the Framework.”

Various points are made about whether the site was previously owned by the MOD. The previous ownership of the site is largely immaterial (other than when considering policy CP37 see below). It is clear that the site was used during the second world war and that it is the remains of those structures used during the war that are present on site.

Amenity impact

Overall, objectors consider that noise, light and overshadowing are not properly assessed. Their specific points on this and the officer responses are set out below.

Noise

The objectors have submitted a noise report (available on the Council’s website) which has queried the applicants BS4142 assessment

The councils public protection officer has commented on that as follows -

“A resident group has provided a noise report to the Council which raises concerns about the applicant’s BS4142 assessment, specifically in relation to low frequency noise.” “Our (previous) planning comments were based on an assumed worst case tonal penalty of +6 dB. Even with this maximum penalty applied, we concluded that the resulting noise impact from the proposed data centre would not be adverse or

significant. The points raised within the residents' report do not change this conclusion.

The objectors say that there have been multiple instances of noise in the form of a low hum from the existing data centres on site.

Officer response: This has been investigated by the Council's own public protection officer and is fully covered in the officer report.

No cumulative impact assessment.

The council's public protection officer is aware of the concerns raised by objectors in relation to the existing units (and has investigated this) and has also assessed the proposed development in terms of noise and raises no objection to the development proposed next to the existing units.

No modelling of emergency generator testing cycles.

As is suggested generators would only be used in an emergency and not on a day-to-day basis. There is therefore considered to be no reasonable need to model emergency generators that would be used on a temporary basis and very infrequently.

No assessment of tonal penalties under BS4142.

There is no requirement in planning to assess this.

Officers consider that the requirement under NPPF paragraph 135 to be met in that amenity for neighbours will be acceptable.

Lighting

Lighting during construction is temporary and, whilst there is no evidence of it being likely to be excessive, if it were there is adequate legislation under environmental protection legislation to contain this.

Overshadowing

The objectors feel that officers have not considered overshadowing of the Wadswick Green development and its elevated position.

Officers did consider this but because the development is approximately 270 metres away from the site it is not considered that overshadowing is likely to significantly affect those properties.

Rights of Way and highway safety

The objectors state that Rowan Lane is narrow, unlit, without pavements, and heavily used by elderly residents.

Officers consider that there is no evidence to suggest that Rowan Lane is heavily used by elderly residents. But nonetheless the use of the lane by elderly residents, if

they do use it, must be considered. The council's highways officers have fully considered the proposed scheme and consider it to be acceptable. Traffic on Rowan Lane at present is light, the traffic predictions for the development are also light and it is therefore considered the scheme proposed is adequate. Signage is shown on the submitted plans and it can be required by condition 6 to warn drivers of the possibility that they may encounter vulnerable road users. There are no reasons or grounds for carrying out any of the additional reports or modelling suggested by the objectors. There is no resulting failure to consider vulnerability of users, contrary to NPPF paras 115–117. Officers have fully considered the needs of all likely users of this lane and have found the scheme as proposed to be acceptable and to comply with paragraph 115-117 of the NPPF.

The objectors consider that the Transport Assessment dramatically underestimates construction HGV movements.

Officer response: The objectors' views are noted on this subject but officers do not agree and consider the transport assessment to be appropriate.

Public Sector Equality Duty

Objectors have raised the issue of the Public Sector Equality Duty which falls to be considered under s149 of the Equality Act 2010 and is a material planning consideration. In particular, concerns have been raised by objectors that the needs of elderly residents living at Wadswick Green may be affected.

As stated above Wadswick Green lies some 270 metres away from the development and the impact on residents with the protected characteristics of "age" and "disability" in terms of outlook and amenity has been fully considered and given the distances and landscaping proposed is considered to be acceptable. Similarly the council's highways officers have considered the proposal and the scheme proposed and consider it to be suitable and proportionate for the number and types of people with the protected characteristics of "age" and "disability" likely to use such the area.

In conclusion, it is not considered that persons with protected characteristics and covered by the Equality Act 2010 would be disadvantaged by this development in a way that those who do not share those those protected characteristics are not. The Public Sector Equality Duty is therefore met.

Economic development

The applicants have provided their summary (available on the Council's website) of the economic impact of this development. Members will note that the impact from this development both locally and further afield is substantial and as such must form an element that holds substantial material weight in the consideration of the application.

Key points to note from this are that 50 Full time equivalent jobs will be created by the development. The estimated total value of procurement in the local economy is £11.5 million and that the site will generate £4 million in business rates per annum.

The more obvious benefits further afield are that data centres such as this are vital in supporting the UK economy as it is increasingly digitised and more heavy reliance is put on centres such as this for day to day activities both locally and further afield.

Ecology

Objectors claim that the applicant cleared substantial trees and vegetation before surveys were completed, undermining the ecological baseline. The Officer report does not address this breach of best practice.

Officer response: Officers are not in a position to comment on this, however it is not an overriding reason for refusing planning permission.

The objectors state that lighting, noise and landscape impacts on Annex II bat species are treated as mitigated, despite the site lying within:

- The Bath & Bradford-on-Avon SAC buffer
- A key foraging corridor identified in the Corsham Batscape Strategy

They go on to state that the Officer places heavy reliance on consultant opinion without addressing the ecological integrity of the corridor, which is severely narrowed by the proposed perimeter security fencing and building mass, neither does the assessment consider the aggregated impact of Hawthorn Data Centre 6. Previous developers in the area including the housing application on this site were severely constrained by potential impact on bat colonies etc. None of these constraints have been placed on this proposal.

Officer response: A full Appropriate Assessment of the site under the Habitat Regulations has been carried out by the councils ecologist and Natural England both of whom recognise the potential impact on bats from the development which is fully considered and have raised no objections subject to conditions.

Principle of development

The objectors consider that officers have misapplied policy to the proposal they allege that because officers have quoted paragraphs 86 -87 of the NPPF this implies a blanket yes to development. This is not the case it is quite clear through all the other issues considered in the officer report that the policy must be considered in the context of all other material considerations as officers have done. However, the NPPF does provide support for data centres such as this at paragraph 87 where it states that planning policies and decisions should recognise and address the specific locational requirements of different sectors. This includes making provision for:

“a) clusters or networks of knowledge and data-driven, creative or high technology industries; and for new, expanded or upgraded facilities and infrastructure that are needed to support the growth of these industries (including data centres and grid connections)”

Paragraph 87 is clear this applies to decisions. It is incorrect to say that paragraph 87 would only apply if the land had been zoned for development. Paragraph 87 is explicit in stating that it applies to decisions and not just policies.

Objectors allege that policy CP37 has been incorrectly applied to this development. The applicants have provided an additional technical note on the application of CP37 (available on the Council's website) which points out the inspectors view in 2021 when considering an appeal for 81 homes that the site is a former military establishment.

‘The original buildings on the site were constructed during WWII for military purposes, either by the Ministry of Works or the Ministry of Defence (MoD). They were then most likely used in the post-war years for accommodation for displaced persons, linked to the aftermath of WWII. Since their demolition in either the late 1950's or 1960, the site has lain vacant. The origins of the site are clearly military. The most recent use, although a long time ago, was also linked to the military. Consequently, the site is a former military establishment. I am aware that the Inspector in an appeal decision in 1989/1 did not place any great weight on the former use of the site during WWII. However, this decision pre-dates the adoption of the current CS and the policies within it relating to military sites’

The applicants then go on to consider how the policy is complied with in terms of its relationship to the existing settlement, location and scale whether it will be employment led development, whether it would enhance the character of the site and how it will mitigate any adverse impacts on local infrastructure and not erode the character of the area, It also states that, All proposals must ensure that the cultural and historical significance of the military facilities located on the site are understood and inform the scope of future development of that site. In respect of this last criteria the applicants have stated that –

“Given that the previous military buildings onsite have been demolished, incorporating features in the design process is not possible. Nevertheless, the proposed development limits built development to those parts of the site which are previously developed land and were previously associated with the military operations on the site. The remainder has been landscaped or used for onsite drainage.”

Officers note it would be impractical for the very limited remains of the military establishment to be used to inform the future development of this site.

The policy relates to the reuse of redundant military establishments such as this and how the criteria in the policy are met and how the development complies with the

criteria in the policy is considered throughout the officer report in terms of location, scale, relationship to the existing settlement and employment and has therefore been considered.

Even if the view is taken that Policy CP37 does not apply, or the criteria were not met in the policy the wider benefits of the proposals are considered to outweigh the identified harms of any development, which are all satisfactorily mitigated.

The objectors have also quoted policy CNP E5 of the Corsham neighbourhood plan which is a material consideration and states that “*Rural green buffer “development that would result in the coalescence of settlements will not be permitted.”* This is noted and officers do not consider that the proposed scheme would result in a coalescence between developments on this previously developed site.

Conclusion

Whilst the views of the objectors are noted and have been fully considered, officers believe that the report, including this additional report, is sound and that the recommendation to grant planning permission for the development stands. It is recommended that the officer report is altered to remove conditions 13,14 and 15 and to add the drainage conditions set out in this report.

For clarity, a full set of conditions is set out at the end of this report.

Overall Conclusion and Planning Balance

For ease of reference, the conclusion to the previous officer report is largely repeated here as it draws together all of the material planning considerations.

There are a significant number of planning matters that have been brought up by third parties during the course of this application. As can be seen in this report and the original report all of these concerns have been addressed by the applicant to the satisfaction of Council officers and statutory consultees and it is therefore considered there are no reasonable planning grounds for the refusal of the application or any delay in making a decision.

It is appreciated that the development of this site for this building will be a significant change to the area as it exists at present and as it has existed for many years. However this in itself is not a ground for refusal. The local area is varied in its nature and contains both large industrial buildings similar to that proposed as well as much smaller residential dwellings and areas of open countryside. It is considered that the development of this building would be acceptable in principle particularly given the previous in-principle acceptance of the development of the site for housing which was

not implemented. There is also strong support for the development in principle due to paras 86 and 87 of the NPPF. The various objections on grounds of noise, drainage, lighting and others have all been addressed and would not in officers' opinion be substantive grounds for refusal of the application.

The proposal would add significantly to the high-tech investment that has already taken place on the Spring Park Campus representing another step forward in the provision of such facilities to support both Wiltshire and the wider economy as encouraged by the NPPF. As such it is considered that the proposal complies with the relevant policies of the adopted local plan and should therefore be granted planning permission.

RECOMMENDATION: That planning permission be GRANTED, subject to delegation to the Head of Development Management for the completion of an agreement covering the matters set out in this report relating to a BNG monitoring contribution, and subject also to the planning conditions listed below.

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:

Document/Report	Author/Consultant	Reference	Date	Version
Proposed Fire Suppression Plant, Layout, Elevation & Sections	Hale Architecture	HAL-SPP6-FSP-00-DR-A-100190	07 May 2024	P1
Proposed Typical Generator Layout & Elevation	Hale Architecture	HAL-SPP6-GEN-00-DR-A-100150	07 May 2024	P1
Proposed Splitter Building South Layout & Elevations	Hale Architecture	HAL-SPP6-SBS-00-DR-A-100180	07 May 2024	P1
Proposed HV/LV Switchroom Layout & Elevations	Hale Architecture	HAL-SPP6-SR-00-DR-A-100140	07 May 2024	P1
Site Location Plan	Hale Architecture	HAL-SPP6-SW-XX-DR-A-000001	07 May 2024	P1
Existing Site Plan	Hale Architecture	HAL-SPP6-SW-XX-DR-A-000002	07 May 2024	P1
Existing Site Cross Sections	Hale Architecture	HAL-SPP6-SW-XX-DR-A-000004	07 May 2024	P1
Constraints Plan	Hale Architecture	HAL-SPP6-SW-XX-DR-A-000005	07 May 2024	P1
Proposed Masterplan	Hale Architecture	HAL-SPP6-SW-XX-DR-A-000006	15 October 2024	P2
Proposed Site Plan	Hale Architecture	HAL-SPP6-SW-XX-DR-A-000007	15 October 2024	P2
Proposed Site & Landscape Cross Section	Hale Architecture	HAL-SPP6-SW-XX-DR-A-000008	15 October 2024	P2
Proposed Hard & Soft Landscaping Plan	Hale Architecture	HAL-SPP6-SW-XX-DR-A-000009	15 October 2024	P2
Proposed Boundary Treatment Plan	Hale Architecture	HAL-SPP6-SW-XX-DR-A-000010	15 October 2024	P2
Proposed VRC Ground Floor & Elevations	Hale Architecture	HAL-SPP6-VRC-XX-DR-A-100130	07 May 2024	P1
Proposed Water Treatment Plant & Splitter Building Layout & Sections	Hale Architecture	HAL-SPP6-WTP-XX-DR-A-100160	07 May 2024	P1
Proposed Water Treatment Plant & Splitter building Elevations	Hale Architecture	HAL-SPP6-WTP-ZZ-DR-A-100260	05 July 2024	P1
Proposed Data Centre Ground Floor GA Plan	Hale Architecture	HAL-SPP6-ZZ-00-DR-A-100000	07 May 2024	P1
Proposed Data Centre First Floor Plan	Hale Architecture	HAL-SPP6-ZZ-01-DR-A-100010	07 May 2024	P1
Proposed Data Centre Second Floor Plan	Hale Architecture	HAL-SPP6-ZZ-02-DR-A-100020	07 May 2024	P1
Proposed Data Centre Third Floor Plan	Hale Architecture	HAL-SPP6-ZZ-03-DR-A-100030	07 May 2024	P1
Proposed Data Centre Roof Plan	Hale Architecture	HAL-SPP6-ZZ-04-DR-A-100040	07 May 2024	P1
Proposed Data Centre PV Proposal	Hale Architecture	HAL-SPP6-ZZ-04-DR-A-100060	15 October 2024	P1
Proposed Elevations - Data Centre	Hale Architecture	HAL-SPP6-ZZ-ZZ-DR-A-100050	15 October 2024	P03

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

3) No development above ground level shall commence on site until the exact details and samples of the materials to be used for the external walls and roofs have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, in the interests of visual amenity and the character and appearance of the area.

4) Prior to the commencement of development above ground level details shall be provided of the proposed retaining wall positioned on the eastern edge of the site. Such detail shall include the materials to be used and a cross-section and elevation perspective.

Reason: In order to assess the retaining walls impact on the surrounding landscape.

Highways

5) No development shall commence until a Construction Traffic Management Plan (to include details of all development phases) has been submitted to and approved in writing by the Local Planning Authority. Thereafter the construction of the development shall only be

carried out in accordance with the approved Plan. The Construction Traffic Management Plan shall include details of:

- a) Construction vehicle numbers, type, routing;
- b) Access arrangements to the site;
- c) Traffic management requirements
- d) Construction and storage compounds (including areas designated for car parking, loading /unloading and turning areas);
- e) Siting and details of wheel washing facilities;
- f) Cleaning of site entrances, site tracks and the adjacent public highway;
- g) Timing of construction activities (including delivery times and removal of waste);
- h) Provision of sufficient on-site parking prior to commencement of construction activities;
- i) Post construction restoration/reinstatement of the working areas and temporary access to the public highway;

Reason: In the interest of highway safety

6) Prior to any approved access as shown on the approved plans being brought into operational use other than construction full details of the approved off-site works generally shown on the approved highway plan IMA-22-188-RevB shall be submitted to and agreed in writing by the Local Planning Authority and constructed in accordance with the approved details.

Reason: In the interest of highway safety

7) No development shall be brought into use until such time as a Full Travel Plan including the appointment of a Travel Plan Co-ordinator and monitoring has been submitted to and approved in writing by the Local Planning Authority.

Reason: To promote and support sustainable travel and a genuine choice of travel modes.

8) No development shall be brought into use until such time as a Delivery and Servicing Management Plan has been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety and to minimise highway impacts to adjacent premises.

9) Prior to first use of the development hereby approved, a Car Park Management Strategy for all matters related to car parking including number of spaces, layout, EV provision and

enforcement shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the Management Plan shall be implemented in accordance with the approved details.

Reason: In the interests of road safety and to prevent obstruction of the highway and access route by inappropriate overspill parking.

Informative

Please be advised that nothing in this permission shall authorise the diversion, obstruction, or stopping up of any right of way that crosses the site. You are advised to contact the PROW Team at Wiltshire Council.

Landscaping

10) No development above ground level 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:

- a detailed planting specification showing all plant species, supply and planting sizes and planting densities;
- finished levels and contours;
- means of enclosure with the exception of the perimeter security fencing and the proposed retaining wall positioned on the eastern edge of the site;
- car park layouts;
- other vehicle and pedestrian access and circulation areas;
- all hard and soft surfacing materials;
- minor artefacts and structures (e.g. furniture, play equipment, refuse and other storage units, signs, lighting etc);
- proposed and existing functional services above and below ground (e.g. drainage, power, communications, cables, pipelines etc indicating lines, manholes, supports etc);

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features.

11) All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first occupation of the building(s) or the completion of the development whichever is the sooner.

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

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

Trees

12) All works carried out on site shall comply with the Arboricultural Impact Assessment written by EDP and dated May 2024.

Reason: To ensure the protection of the existing trees on site.

Drainage

13) No development shall commence until BRE 365-compliant infiltration tests have been undertaken at the exact proposed soakaway locations and depths. Results shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure infiltration feasibility and compliance with sustainable drainage principles, reducing flood risk in accordance with NPPF, PPG, and Core Policy 67.

14) Within three months of commencement, a groundwater monitoring plan shall be submitted and approved by the LPA. The plan shall include installation details, baseline readings, and a 12-month monitoring schedule.

Reason: To confirm groundwater conditions and safeguard against groundwater flooding, in accordance with NPPF, PPG, and Core Policy 67.

15) Prior to commencement, an updated hydrogeological risk register and design constraints shall be submitted to and approved by the LPA, incorporating MoD/DIO advice.

Reason: To ensure the drainage design accounts for hydrogeological risks and mine workings, in accordance with NPPF, PPG, and Core Policy 67.

16) Prior to occupation, a detailed 1D/2D hydraulic model comparing baseline and post-development scenarios shall be submitted and approved by the LPA. The model shall include exceedance flow routing, safe pathways, and calibration using recent local storm data.

Reason: To ensure the development manages exceedance flows safely and does not increase flood risk elsewhere, in accordance with NPPF, PPG, and Core Policy 67.

17) Within 3 months of the proposed drainage strategy becoming operational an implementation assessment shall be carried out, submitted and agreed with the local planning authority which shall set out how the drainage strategy is operating and assess its effectiveness in providing a drainage solution to the site. In the event that this identifies deficiencies in the drainage strategy a replacement surface water drainage scheme, incorporating any necessary off-site works, shall be submitted to and approved in writing to the local planning authority. The submitted details shall:

(i) Provide design storm period and intensity, discharge control measures, and pollution prevention measures.

(ii) Include a timetable for implementation.

(iii) Include a management and maintenance plan for the lifetime of the development. This plan shall include a SuDS asset register, inspection and maintenance schedules, responsibilities, access arrangements, and emergency procedures for exceedance/fail-safe operation, aligned with CIRIA SuDS Manual C753 and Wiltshire guidance.

Such a scheme shall be implemented within 12 months of the approval in writing by the local planning authority.

Reason: To provide a fallback drainage solution, in the event of any identified issues with the proposed scheme and to ensure flood risk is managed throughout the lifetime of the development, in accordance with NPPF, PPG, and Core Policy 67.

18) The development shall not connect to any private drainage systems downstream of the site. A compliance statement confirming this shall be submitted and approved by the LPA prior to commencement.

Reason: To prevent increased flood risk to third-party land and ensure lawful discharge arrangements, in accordance with NPPF, PPG, and Core Policy 67.

19) No development (including groundworks or site setup) shall commence until a Construction Surface Water Management Plan (CSWMP) has been submitted to and approved in writing by the Local Planning Authority, in consultation with the LLFA.

The CSWMP shall include:

1. Temporary surface water drainage and storage

- Measures for capturing and managing runoff during construction, including indicative layouts of temporary controls and temporary attenuation/storage volume calculations for each phase.

2. Sediment and pollution control

- Provisions for silt control, wheel wash runoff management and pollution prevention (including concrete washout and fuel/chemical containment).

3. Construction phase exceedance routing

- Arrangements for directing overland flows safely during heavy rainfall.

4. Phasing

- Timing for installing temporary drainage and transitioning to permanent SuDS.

5. Maintenance and responsibilities

- Inspection and maintenance procedures for temporary drainage and the roles responsible.

The development shall be carried out in accordance with the approved CSWMP, and temporary measures shall be retained until the permanent drainage system is fully operational

Reason:

To ensure surface water is safely managed during the construction phase and to prevent increased flood risk or pollution, in accordance with the NPPF, PPG and Wiltshire Council LLFA requirements.

20) If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to, and approved in writing by, the local planning authority. The remediation strategy shall be implemented as approved.

Reason

To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site. This is in line with paragraph 180 of the National Planning Policy Framework.

Informative- Environmental Permitting

This development will require a permit under Environmental Permitting (England and Wales) Regulations (2016) from the Environment Agency. We recommend that the applicant contacts Environment Agency to discuss the issues likely to be raised.

Informative- Contaminated materials

Contaminated soil that is (or must be) disposed of is waste. Therefore, its handling, transport, treatment and disposal are subject to waste management legislation, which includes:

- Duty of Care Regulations 1991
- Hazardous Waste (England and Wales) Regulations 2005
- Environmental Permitting (England and Wales) Regulations 2016
- The Waste (England and Wales) Regulations 2011

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically in line with British Standard BS EN 14899:2005

'Characterization of Waste - Sampling of Waste Materials - Framework for the Preparation and Application of a Sampling Plan' and that the permitting status of any proposed treatment or disposal activity is clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays.

If you receive (or reject) any hazardous waste, you must send a report to the Environment Agency. These are known as 'returns'. If you dispose of hazardous waste at the premises where it's produced you may also need to send returns. You should follow the guidance provided here: [Hazardous waste: consignee returns guidance](#)

Informative- Water efficiency

Increased water efficiency for all new developments potentially enables more growth with the same water resources. Developers can highlight positive corporate social responsibility messages and the use of technology to help sell their homes. For the homeowner lower water usage also reduces water and energy bills.

We endorse the use of water efficiency measures especially in new developments. Use of technology that ensures efficient use of natural resources could support the environmental benefits of future proposals and could help attract investment to the area.

Therefore, water efficient technology, fixtures and fittings should be considered as part of new developments.

21) All lighting within the site shall accord with guidance contained within the JCA report (9123.0800.000.010.JCARD0C.001.R07), dated the 23 October 2025 which demonstrates that the lighting scheme will meet the requirements for environmental zone E2 in the ILP document "Guidance Notes for the Reduction of Obtrusive Light".

Reason: In the interests of preventing light pollution.

22) Noise levels at the site shall not exceed the predicted noise level range as set out in the acoustic report carried out By SWEEO for the site and dated the 17/5/2024.

Reason: To protect the amenity of residential properties close to the site.

Archaeology

23) No development shall commence within the area indicated by application PL/2024/05527 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.'

Informative

The work is to be carried out following the Standard and Universal guidance for archaeological field evaluation as set out by the Chartered Institute for Archaeologists (CIfA). The costs of the work are to be borne by the applicant.

It should be made clear that, in this case, the archaeological field evaluation forms the first stage of possible further archaeological mitigation. Further archaeological investigation may be required either prior to or during construction or both. This will be dependent on the results of the archaeological evaluation undertaken prior to construction. Analysis and reporting commensurate with the significance of the archaeological results of further mitigation may also be required.

24) The development shall be used as a data centre and for no other purpose including any other purpose in Class B8 of the Town and Country Planning (Use Classes) Order 1987 (as amended), or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.

Reason: The development has been assessed as a data centre and the effect of other uses could potentially impact differently on the wider environment and neighbouring amenity

Ecology conditions

25) Prior to the commencement of works, including demolition, ground works/excavation, site clearance, vegetation clearance and boundary treatment works, a Construction

Environmental Management Plan (CEMP) shall be submitted to the local planning authority for approval in writing. The Plan shall provide details of the avoidance, mitigation and protective measures to be implemented before and during the construction phase, including but not necessarily limited to, the following:

a. Identification of ecological protection areas/buffer zones and tree root protection areas and details of physical means of protection, e.g. exclusion fencing.

b. Working method statements for protected/priority species, such as nesting birds and reptiles.

c. Mitigation strategies already agreed with the local planning authority prior to determination, such as for great crested newts, dormice or bats; this should comprise the pre-construction/construction related elements of strategies only.

d. Work schedules for activities with specific timing requirements in order to avoid/reduce potential harm to ecological receptors; including details of when a licensed ecologist and/or ecological clerk of works (ECoW) shall be present on site.

e. Key personnel, responsibilities and contact details (including Site Manager and ecologist/ECoW).

f. Timeframe for provision of compliance report to the local planning authority; to be completed by the ecologist/ECoW and to include photographic evidence.

Development shall be carried out in strict accordance with the approved CEMP.

REASON: To ensure adequate protection and mitigation for ecological receptors prior to and during construction, and that works are undertaken in line with current best practice and industry standards and are supervised by a suitably licensed and competent professional ecological consultant where applicable.

26) The development will be carried out in strict accordance with the following documents:

- Statutory Biodiversity Metric. June 2024. Tyler Grange
- Proposed Site Plan HAL-SPP6-SW-XX-DR-A-000007. May 2024. Hale Architecture
- Proposed Masterplan HAL-SPP6-SW-XX-DR-A-000006. May 2024. Hale Architecture
- Detailed Soft Landscaping Plan. April 2024. EDP
- External Lighting report. October 2025. JCA
- Ecological Enhancement Plan. October 2025. Tyler Grange

REASON: For the avoidance of doubt and for the protection, mitigation and enhancement of biodiversity.

27) Prior to the start of construction, a Landscape and Ecology Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority. The LEMP will include long term objectives and targets, management responsibilities and maintenance schedules for each ecological feature within the development, together with a mechanism for monitoring success of the management prescriptions, incorporating review and necessary adaptive management in order to attain targets.

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

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

28) No development shall commence on site until a Habitat Management and Monitoring Plan (the HMMP), prepared in accordance with the statutory Biodiversity Gain Plan and including:

- a non-technical summary;
- the roles and responsibilities of the people or organisation(s) delivering the HMMP;
- the planned habitat creation and enhancement works to create or improve habitat to achieve the biodiversity net gain in accordance with the statutory Biodiversity Gain Plan and schedule for implementation;

- the management measures to maintain habitat in accordance with the statutory Biodiversity Gain Plan for a period of 30 years from the completion of development; and
- the monitoring methodology and specification of a Monitoring Pack (to include but not exclusively up to date Management Actions Logs, Habitat Condition Assessment Reports, metric calculation; and corresponding post intervention Habitat Map) which shall be submitted to the Local Planning Authority in years 2 (two) 5 (five) 10 (ten) 15 (fifteen) 20 (twenty) and 30 (thirty) of the Maintenance Period, has been submitted to, and approved in writing by, the local planning authority.

No construction shall commence until the habitat creation and enhancement works set out in the approved HMMP have been implemented in accordance with the timeframes set out in the Landscape and Ecological Management Plan required to be submitted to discharge Condition 18.

The created and/or enhanced habitat shall be managed and maintained in accordance with the statutory HMMP at all times thereafter.

REASON: To ensure the development delivers a biodiversity net gain on site in accordance with Schedule 7A of the Town and Country Planning Act 1990.

APPLICATION FOR FULL PLANNING PERMISSION OFFICER REPORT

Date of Meeting	16 th December 2025
Application Number	PL/2024/05527
Site Address	Land South of Westwells Road, Westwells Road, Neston, SN13 9GB
Proposal	Redevelopment of site to deliver extension to existing Spring Park data centre campus consisting of (a) free standing data centre building (b) energy, power, and water infrastructure (c) site access and internal roads (d) site security arrangements (e) diverted Public Rights of Ways (f) hard and soft, green and blue, landscaping and (g) other ancillary and auxiliary forms of development.
Applicant	Ark Estates 4 Ltd
Town/Parish Council	Corsham Town Council
Electoral Division	Corsham Without – Cllr Peter Wragg
Type of application	Full planning
Case Officer	Adam Madge
Reason for the Application being reported to Planning Committee	The application is before the Planning Committee at the request of the Local Division Member for the following reason(s) “Drainage issues for this site are unresolved. The only drainage, as far as I am aware, is via Wessex Water foul sewer or MOD private sewer. It would appear at present that road runoff uses the MOD sewer but that no other permissions have been given. MOD uses its own sewer to pump out underground workings when they fill. The capacity of this sewer has not been fully assessed. Until this issue has been resolved this application should not progress.” Members should note this was at the request of the former ward member Cllr Derek Walters

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RECOMMENDATION: That Planning Permission be GRANTED subject to conditions, and subject to delegation to the Head of Development Management to complete an agreement for a BNG monitoring fee.

Executive summary

Section 38(6) of the Planning and Compulsory Purchase Act 2004 and S70(2) of the Town and Country Planning Act 1990 require that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

The application site comprises land not presently allocated for development. However it is Brownfield land having previously been developed with structures associated with its former Defence use.

The proposed development would be a sustainable form of development which would accord with the NPPF and local plan policies and would be considered to deliver a high quality development increasing the capacity for Data storage in the region without detriment to surrounding amenities and uses. The NPPF (paras 86 and 87) provides strong support for Data Centres, in terms of local plan identifying sites for these uses and for planning decisions to “recognise and address the specific locational requirements... making provision for clusters or networks of knowledge and data-driven industries; and for new, expanded --- facilities and infrastructure ...(including data centres).

The proposal would be a sustainable form of development achieving one of the highest levels of BREEAM at “very good” whilst not introducing significant levels of traffic at the post construction stage.

Moreover, the development would not result in unacceptable impacts to the amenities of the occupants of the surrounding residential properties, the character and the appearance of the area, ecology and biodiversity or heritage assets.

For these reasons set out in this report it is recommended that planning permission be granted subject to the completion of a suitable planning obligation and the imposition of the conditions set out below.

Planning Obligations and conditions

Obligations

An Obligation will secure the following:

1. BNG Monitoring contribution.

Conditions

The application is acceptable, subject to the conditions included within this report, covering the following matters:

1. Time Limit
2. Approved Plans
3. Materials

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4. Retaining Wall
5. Construction Traffic Management plan
6. Off site Works
7. Travel plan
8. Delivery and servicing management plan
9. Car park management strategy
10. Scheme of Hard and soft landscaping
11. Landscaping to be carried out
12. Trees
13. Detailed drainage strategy
14. Infiltration tests
15. Construction management plan
16. Contamination
17. Lighting
18. Noise
19. Archaeology
20. Ecology

Proposed development site and surroundings

Site location



Proposal

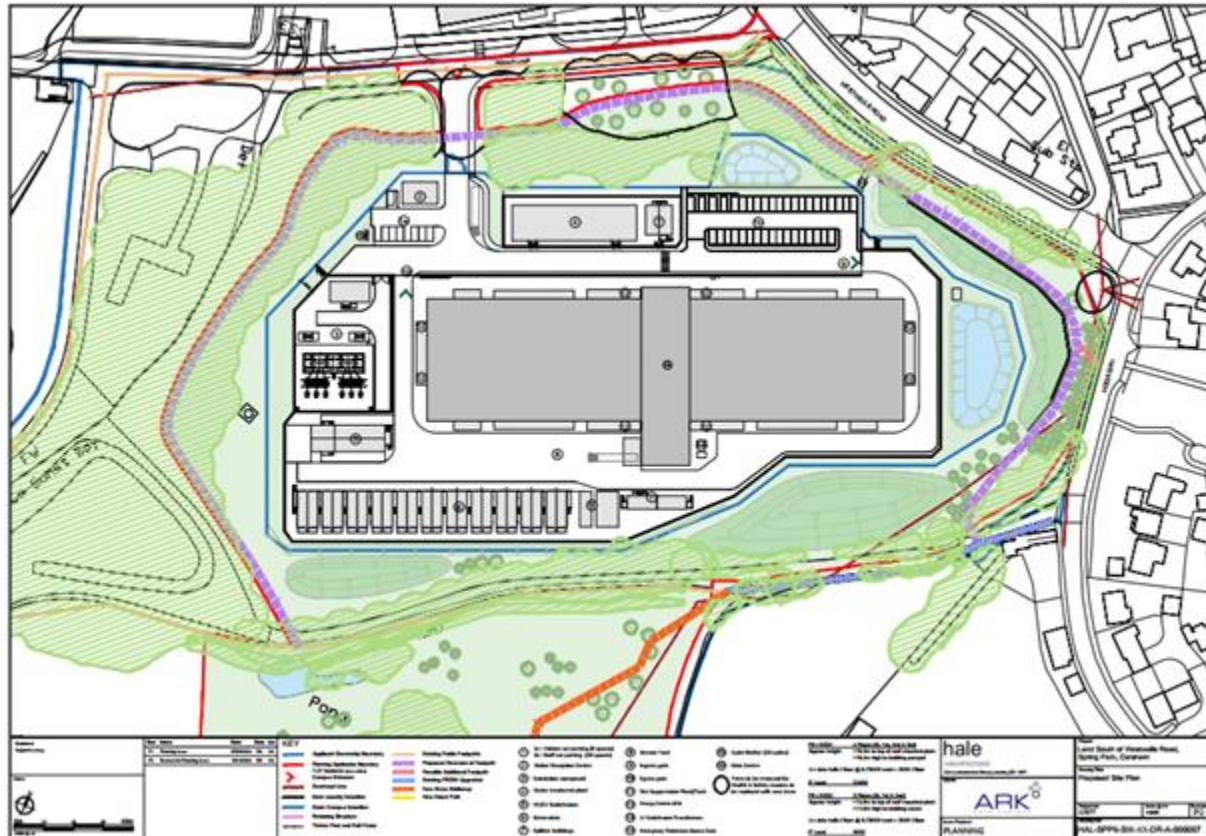
The proposal is for the development of a new Data Centre on land that is currently vacant off Westwells Road, Neston. The layout of the data centre is shown below. With one main building and a series of ancillary buildings.

The main building will consist of 27,350 square metres of floor space in a building that varies in height but at its highest is 18.7M (inclusive of rooftop plant, approximately five residential storeys). Lowering to 16.1M on the Western part of the building and the Eastern part of the data centre closest to residential properties will be 11.3M. (approximately three residential storeys).

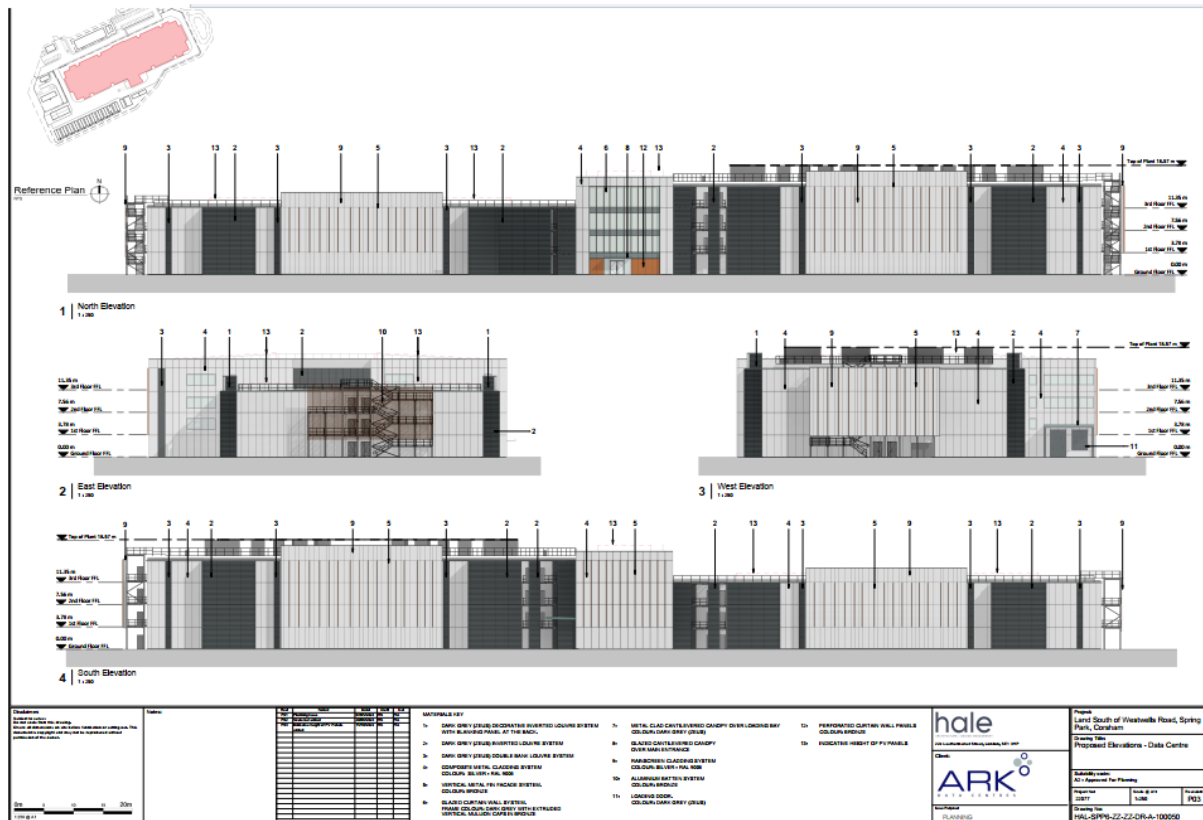
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It is proposed the building is to be constructed using a combination of a dark and light grey cladding systems with vertical coloured fins.

It is to be situated 44M away from the nearest residential property in Westwells Road and 60M away from the nearest property in Moor Green.



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Site description

The application site lies to the south-west of Westwells, which in turn is located to the south-west of Corsham. The application site has an area of approximately 7.37 hectares. The site was originally created as a wartime military camp, but it ceased use soon after the end of WWII and the temporary buildings such as huts were removed at some stage. Over the following 70 plus post-war years, the site has gradually blended back into the rural landscape, with extensive vegetation and growth, as evidenced by a dismissed planning appeal in 1989 for industrial development. There are a number of TPO'd (Tree Preservation Order) trees at the borders of the site. Hard surfaces have been exposed by site clearance at the site. There are a number of public rights of way crossing the site that would need to be diverted in order to allow this development. The site is relatively level in its nature although there is a small gradient running West to East with a very small slope South to North across the site. The site is divided into two areas with the main area being known locally as the 'Donkey field' and the other area is located to the south and southwest of the site is proposed to be maintained for biodiversity enhancement.

The surrounding areas consist of a variety of uses with residential properties to the East along Westwells road, whilst to the North are areas of commercial development including other Data Centres and to the West and South are open rural landscapes which are largely undeveloped.

Relevant planning history

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Planning Reference	Proposal / Summary	Decision
<i>N/88/03249/FUL</i>	<i>Industrial Development</i>	<i>Refused 9/1/1989</i>
<i>N/88/01337/OUT</i>	<i>OUTLINE – Industrial development with means of access and landscaping</i>	<i>Refused 27/6/1988</i>
<i>N/05/02094/OUT</i>	<i>The Development of a Retirement Care Village Comprising: 72 Bed Care Home; 80 Extra Care Apartments; 129 Supported Living Units; 95 Covered Car Parking Spaces; Associated Community Facilities Including a Community Activity Centre; Retail/Administration.</i>	<i>Refused 19/12/2005</i>
<i>N/08/00133/FUL</i>	<i>Continuing Care Retirement Community, Comprising a 75 Bed Care Home; 221 Extra Care Apartments; Health Treatment and Hydrotherapy Complex; Pavilion Housing Dining; Recreation and Supporting Retail Facilities; GP Surgery; Associated Outdoor Recreation Facilities; 283 Car Parking Spaces</i>	<i>Approved 11/11/2008</i>
<i>N/10/04093/FUL</i>	<i>Continuing Care Retirement Community, comprising 75 Bed Care Home, 221 Extra Care Apartments, Health Treatment & Hydrotherapy Complex, Pavillion, Housing, Dining, Recreation & Supporting Retain Facilities; GP Surgery; Associated Outdoor Facilities; 283 Car Parking & Spaces (Application to Extend Time Limit for Implementation of Previous Planning Permission 08/00133/FUL)</i>	<i>Approved 22/6/2011</i>
<i>N/11/01613/OUT</i>	<i>Redevelopment of Former MoD Brownfield Site for Mixed Use Development of B1, B2 and B8 and Affordable Housing with Associated Road Improvements, Landscaping and Supporting Infrastructure.</i>	<i>Approved 28/7/2011</i>
<i>N/12/01289/OUT</i>	<i>Redevelopment of a Former MOD Brownfield Site For a Development of B1 Offices & B1 Light Industrial/Incubation Units With Associated Road Improvements, Landscaping & Supporting Infrastructure (Resubmission of 11/01613/OUT)</i>	<i>Withdrawn</i>
<i>N/12/00850/OUT</i>	<i>Amendment to Existing Planning Consent 10/04093/FUL Comprising a Hybrid Application of a Detailed Submission for 36 Assisted Living Units and a Central Village Core Building made up of 22 Linked Assisted Living Units, 38 Close Care Bedrooms, 36 Care Bedrooms, Restaurant, Bar & Cafe Areas, Library, Shop, GP Surgery and</i>	<i>Withdrawn</i>

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	<i>Wellness Centre (Pool, Sauna, Treatment Rooms etc) With Associated Landscaping and Infrastructure; The Outline Application Consists of The Surrounding Remainder of the Site for a Further 216 Assisted Living Units with Associated Landscaping and Infrastructure.</i>	
<i>N/10/04093/FUL</i>	<i>to Alter Timing of Provision of Communal Facilities.</i>	<i>Approve 22/6/2011</i>
<i>13/07002/VAR</i>	<i>Variation of Condition 18 of 10/04093/FUL</i>	<i>Approve 10/6/2014</i>
<i>16/05856/FUL</i>	<i>Erection of new building (Class B1/B8 Use), creation of new parking & turning area and the relocation of existing boundary fence (Resubmission of 15/12404/FUL)</i>	<i>Approved 10/8/2016</i>
<i>18/09884/OUT</i>	<i>Residential development for up to 81 dwellings, that includes 8 Self Build dwellings, roads, footpaths, balancing areas and open space</i>	<i>Granted on appeal. 10/2/2021</i>
<i>PL/2023/10233</i>	<i>Erection of a new data centre and plant, vehicle access, parking and highway works, enclosures, landscaping, drainage and attenuation features and other associated works and infrastructure' At: Hawthorn Works and Former SQ2 Factory Building, Spring Park, Westwells Road, Corsham, SN13 9RD (to the north of this application site)</i>	<i>Approved 23/5/2024</i>

Relevant planning legislation, policies and guidance

National Planning Policy:

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- National Design Guide

Development Plan:

For the purposes of housing development, the development plan for Wiltshire comprises the Wiltshire Core Strategy (WCS) (adopted January 2015), any made neighbourhood plans, together with the Wiltshire Housing Site Allocations Plan, the Chippenham Site Allocations Plan . These remain the principal statutory planning document guiding development across the county. In line with Section 38(6) of the Planning and Compulsory Purchase Act 2004, planning decisions must be made in accordance with the development plan unless material considerations indicate otherwise. Though the development plan is considered as a whole, those parts deemed to be particularly relevant to this application are listed below:

[Type here]

The adopted **Wiltshire Core Strategy (WCS)**, with particular regard to : Core Policy 1 Settlement Strategy;

- Core Policy 2 Delivery Strategy;
- Core Policy 3 Infrastructure Requirements;
- Core Policy 11 Spatial Strategy Corsham Community Area
- Core Policy 34 Additional Employment Land
- Core Policy 37 Reuse of Military Establishments
- Core Policy 41/42 Sustainable Construction and Low-Carbon Energy;
- Core Policy 48 Supporting Rural Life
- Core Policy 50 Biodiversity and Geodiversity;
- Core Policy 51 Landscape
- Core Policy 52 Green Infrastructure
- Core Policy 55 Air Quality;
- Core Policy 56 Contaminated Land;
- Core Policy 57 Ensuring High Quality Design and Place Shaping;
- Core Policy 58 Ensuring the Conservation of the Historic Environment;
- Core Policy 60 Sustainable Transport;
- Core Policy 61 Transport & Development;
- Core Policy 62 Development Impacts on the Transport Network;
- Core Policy 63 Transport Strategies
- Core Policy 64 Demand Management
- Core Policy 67 Flood Risk;
- Core Policy 68 Water Resources

Appendix D of WCS – Relevant Saved Policies

NE12 Woodland

NE14 Trees

NE18 Noise and pollution

Wiltshire Waste Core Strategy 2009

Draft Wiltshire Local Plan policies

- Policy 1: Settlement Strategy
- Policy 2: Delivery Strategy
- Policy 3: Reserve sites and broad locations for growth
- Policy 4: Addressing climate change
- Policy 5: Securing infrastructure provision from new development
- Policy 12: Corsham strategy
- Policy 64 Employment Land
- Policy 66: Military establishments
- Policy 70 Sustainable transport
- Policy 71 Transport and New development

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- Policy 73 Transport demand management
- Policy 85 Sustainable construction
- Policy 86 Renewable energy
- Policy 87 Embodied Carbon
- Policy 88 Biodiversity and geodiversity
- Policy 89 Biodiversity Net Gain
- Policy 90 Woodland Hedgerows and trees
- Policy 91 Conserving/enhancing landscapes.
- Policy 93 Blue and Green infrastructure.
- Policy 95 Flood Risk
- Policy 97 Contaminated Land
- Policy 98 Ensuring High Quality design
- Policy 99 Historic Environment
- Policy 101 Air Quality

The above are currently the strategic policies within the emerging Local Plan. The **Wiltshire Local Plan review** is currently being examined. In accordance with the advice set out in paragraph 49 of the NPPF, the emerging Plan is capable of carrying weight in decision-making but carries limited weight.

Neighbourhood Plan:

Corsham neighbourhood plan 2016 -2026 – made November 2019
Corsham Design Guide 2016- 2026

Supplementary Planning Documents/Guidance:

- Wiltshire Design Guide (adopted April 2024)
- Wiltshire Council's Waste Storage and Collection: Guidance for Developers
Supplementary Planning Document, January 2017
- Air Quality SPD (Adopted in October 2025)

Other Relevant Policies and Documents:

- Wiltshire Local Transport Plan 2011-2026, adopted 2015 - including the Car Parking Strategy and Cycling Strategy, adopted 2015
- A Green & Blue Infrastructure Strategy for Wiltshire: Wiltshire's Natural Environment Plan 2022-2030
- Wiltshire Local Cycling and Walking Infrastructure Plan (LCWIP)

Summary of consultation responses

WC Highways: no objection subject to conditions to carry out the off-site works and other matters that relate to ensuring highway safety for all users.

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WC Rights of Way: no objection confirms that the diversion order for CORM135 CORM136 and CORM137 shows that a spur of CORM135 will remain into the site from Rowan Lane and will link on to the diverted route of CORM135 and so it will still be possible to access the diverted footpath around the edge of the site direct from Rowan Lane

WC Conservation: No objection

WC Archaeology: No objection subject to a condition requiring a trial trench evaluation

WC Public Protection: No objection to Noise, lighting or air quality from the proposals.

WC Landscape: No objection subject to a condition regarding wall details

WC Ecology: No objection subject to conditions and a BNG monitoring fee

WC Drainage: No objection subject to conditions regarding further details and reports along with a construction management plan.

Environment Agency: No objection subject to condition regarding contamination.

Natural England: No objections subject to County ecologist agreeing final enhancement scheme.

Historic England: No advice offered.

Wessex Water: No objection, comment on foul sewer diversion, and private drainage in the area.

National Grid: Comment - There are no National Grid Electricity Transmission assets affected by the proposal.

SSEN: No objection – customer has already secured capacity for connection.

Active Travel England: No objection.

Wiltshire and Dorset Fire and Rescue: No objection comment made on fire safety and building regulations.

Climate Team: Holding objection concern that the proposal does not meet BREEAM excellent, would like to see all roofs capable of housing solar. Would welcome comment on the possibility of using more waste heat in the future from the scheme

Summary of representations

Parish/Town Council: Resolved: that, whilst the Town Council had no objection to the proposal in principle, it did have objections to the amended plans as they did not address concerns raised at meetings 17.07.24 and 30.10.24, including:

- i. That the applicant be encouraged to place a covenant on the land to the south of the site to ensure it is not built on in the future.
- ii. That there is public access to the green space and it is not merely restricted to the Public Right of Way.

[Type here]

- iii. That lorry movements during the construction phase avoid the village of Neston and be limited to daytime weekdays only.
- iv. Potential impact of noise on nearby properties including those at Wadswick Green.
- v. Possible light pollution and its detrimental effect on the rare bat species in the area.
- vi. Potential increase in flood risk to properties as a result of this proposal especially when considered in combination with other existing and proposed developments in the vicinity.

Third party comments:

The local authority received 1093 responses to the proposal of which –

1046 were objecting (including 8 petitions)

13 letters were of support

34 letters containing comments or mixed views

comments as summarised below:

- Concerns about the amount of traffic the development will generate (particularly during construction) but also when running.
- Concern that the site will not be drained properly and the site will flood as there has been flooding in the area in the past.
- The way the drainage and flooding has been assessed is not correct.
- Concern that the applicants are reducing the existing vegetation on site to show the site in as poor a light as possible which may interfere with Bat foraging areas.
- The application will affect local wildlife including bats.
- The application will create noise pollution. There is a low frequency noise coming from the existing buildings. The buildings use fans and generators which make noise.
- The application will create light pollution.
- The building will be an eyesore
- The building will shade nearby residential properties.
- Considers this to be an inappropriate business venture in a small UK village.
- This is the wrong location for an ugly and industrial building.
- The proposal will not be beneficial to the town there will not be jobs. The town cannot take more development
- The application is outside the framework of the strategic local plan.
- The proposal is not infill development.
- Over 1000 objections to the application this must count for something.
- Area is already saturated with Industrial type units.
- Require more infrastructure in the area such as a shop a pharmacy etc for existing residents and employees.
- A Data centre will not benefit the residents of Corsham who require a train station and affordable shopping first.
- Data Centre would be unsustainable and would use a lot of energy and water we are in a climate crisis.
- Data centres are linked with declining air quality as ozone is emitted from these computers which is exhausted out of the building.

[Type here]

- The Data Centre should be located on the outskirts of town not within the village.
 - Rowan Lane will become a busy road that many residents of Wadswick Green use to walk down with no pavement this will be health and safety issue.
 - The scale and size of the data centre is inappropriate for the area.
 - Loss of a green open space
-
- Businesses would benefit from the additional investment and would create employment opportunities.
 - Development would be an improvement to the current disused site
 - Site represents the only opportunity to expand the Spring Park campus
 - Significant investment that will help the economy.

Planning considerations

In accordance with Section 70 (2) of the Town and Country Planning Act 1990, Section 38(6) of the Planning and Compulsory Purchase Act 2004 states:

"If regard is to be had to the development plan for the purposes of any determination to be made under the planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise."

In accordance with this statutory requirement, this application has been assessed against the relevant policies of the Development Plan, including the Wiltshire Core Strategy (2015) and, where applicable, any relevant made, or emerging, Neighbourhood Plans. Consideration has also been given to the policies of the National Planning Policy Framework (NPPF) as a material consideration in the assessment.

Key issues

The main issues that need to be addressed in this case include:

- **Principle, policy, any development history of site**
- **Design and visual impact**
- **Climate Change and sustainable design**
- **Impact on historic environment/landscape, heritage assets**
- **Landscape impact**
- **Amenity**
- **Land contamination / air quality issues/ Noise**
- **Impact on parking and highway safety**
- **Ecology**
- **Drainage and Flood risk**
- **Any other planning issues**
- **S106 planning obligations heads of terms**

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Principle of development, policy and planning history

The site is an unallocated piece of land situated outside of the current housing policy boundary in an area of Brownfield land (as confirmed in the previous planning inspector's decision).

In Wiltshire, the direction and scale of development are guided by the Settlement Strategy set out in Core Policy 1 of the Wiltshire Core Strategy. This policy establishes a clear hierarchy of settlements, prioritising **Principal Settlements** (Chippenham, Trowbridge, Salisbury), **Market Towns, Local Service Centres**, such as Pewsey and Wilton, and **Large and Small Villages**.

The current proposal is located outside Westwells and Neston, which are classified as Small Villages. The application proposal therefore relates to a development on a site that is not in the settlement boundary but is brownfield previously developed land which Core policy 2 encourages the redevelopment of instead of greenfield land.

Summary

Therefore, the proposal is considered to be in accordance with Core Policies 1 and 2 of the WCS in that it is making best use of previously developed land and is acceptable in principle, subject to compliance with other relevant policies and material considerations.

Neighbourhood Plan

Where a made Neighbourhood Plan is in force, it forms part of the statutory development plan and must be taken into account when assessing the principle of development. In this case the proposal site is not allocated for development in the Corsham Neighbourhood Plan in force for the area. It makes suggestions for development at para 24 to encourage development to the south of Westwells Road.

Objective BEKO4 - Help existing businesses meet their aspirations within Corsham.

Objective BEKO5 - Ensure that sustainable development objectives are met;

Objective BEKO6 - Encourage the expansion of green jobs, particularly in relation to renewable energy and energy efficiency technologies;

The neighbourhood plan and objectives are generally encouraging and favourable to development particularly in the Western part of Corsham

The National Planning Policy Framework

The NPPF 2024 supports the provision of data centres specifically at paragraph 86(c) it states that planning policies should pay particular regard to facilitating development to meet the needs of a modern economy including identifying suitable locations for amongst other things – Data Centres.

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Paragraph 87(a) of the NPPF states that -

Planning policies and decisions should recognise and address the specific locational requirements of different sectors. This includes making provision for:

a) clusters or networks of knowledge and data-driven, creative or high technology industries; and for new, expanded or upgraded facilities and infrastructure that are needed to support the growth of these industries (including data centres and grid connections)

Planning History

The most relevant history to the site is that of the 2021 permission for 81 houses (our ref 18/09884/OUT) This set the principle for development of the site and established through the appeal process that the site was Brownfield in nature.

Subsequent to that other applications for data centres this site have been granted consent including most recently to the North (our PL/2023/10233) as part of Spring Park which this would be an extension to.

Provision of employment

The data centre will potentially create up to 50 jobs these will not all be directly within this Data Centre but will be created as a result of the cumulative effect of this Data centre being run alongside others in the Spring Park Campus. . This does not include other employees who may visit the site for maintenance purposes. Neither does it take account of the fact that Data Centres enable further economic growth of businesses both locally and wider afield.

As such the employment at this Data Centre is considered to be a positive and will contribute to economic growth beyond that of either the existing site or the previously consented dwellings. This issue should be given significant weight in the planning balance.

Summary

The proposed Data Centre scheme is therefore considered acceptable in principle and policy terms.

Notwithstanding the above policy position and planning history the proposal must also be assessed against material planning considerations, including the National Planning Policy Framework (NPPF), and any site-specific constraints or opportunities identified through the application process. The following sections of the report assess the proposal against such matters.

Design and impact on the character and appearance of the area

Policy Context

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The National Planning Policy Framework (NPPF), particularly Chapter 12: Achieving well-designed places, stresses the importance of good design in development proposals. Paragraph 135 of the NPPF indicates that planning policies and decisions should ensure that developments are visually attractive, functionally effective, and contribute to the overall quality of the built environment, and result in healthy communities. Good design should be an integral part of the planning process and should ensure that developments complement their surroundings. The National Design Guide also builds on these aims.

Wiltshire Core Strategy Core Policy 57: Ensuring High Quality Design emphasises that all new developments must demonstrate a high standard of design that enhances the local character of Wiltshire. Major developments should include detailed design statements that reflect the local context. The adopted Wiltshire Design Guide expands on policy CP57, and provides a framework to ensure that development is sensitive to the distinctive character of Wiltshire's built and natural environment.

Corsham Neighbourhood Plan at policy ED1 states that any development should be of high-quality design, reflecting the distinctive character and features of the local area (design, scale, materials, colours and proportion respect the prevailing historic context) identified in the Corsham Design Guide and, where possible, result in improvements to existing features that are considered to be detractors

Assessment

In terms of character the site is open in its nature. The prevailing character of the existing surrounding area is partly rural and partly suburban with areas of commercial activity. There are similar buildings to the North West, with housing to the East and rural countryside to the South West. There are listed buildings across the road and to the North of the site in the form of Westwells Farmhouse (grade 2 listed) and similarly to the South at Jaggards House (grade 2* listed)

A number of third party comments have been received regards the scheme and these have been taken into account particularly with regard to the design of the proposal and the concern that it is out of keeping with the surrounding area particularly the area that is characterised by housing and the rural area to the South West.

The submitted Design and Access statement and Design Code states the following:

“The proposed Data Centre (P6) will have a low-key presence onto Westwells Road and Moor Green. P6 will be significantly screened with extensive new planting and banded landscape complementing the existing protected trees. The intention is for the visual appearance of the new P6 building to move away from the more industrial aesthetic of the existing Spring Park campus to a harmonious relationship with the local environment both natural and architectural and minimise the ‘urbanising’ effect of locating a large mass on the perimeter of the site. The mass of the P6 building responds to its context and reduces to three storeys to the east of the site where existing residences are located, its location, set back from the road will further minimise the presence of the mass of the building and eliminate sight lines to roof top plant located on the western most end of the building. The proposed material palette will be minimal

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consisting of two main colours and textures. High quality contemporary materials comprising Anthracite grey cladding panels and a vertical timber-effect slatted screens will provide a muted presence with the other façade elements such as windows and doors also being in Anthracite grey. Additionally vertical fins are introduced at the upper floors to match the timber-effect screens in colour. The mass of the building is broken up resulting in a less monolithic silhouette and a more animated presence during the winter months when there is less natural screening. This is achieved by the introduction of timber-effect screens to the external stairs and other areas of the façade and the three main elements of the building being of different heights and sitting in different planes. This results in a visually active frontage to the residences on Moor Green and Westwells Road.”

The proposal also achieves the aims of the Wiltshire Design Guide which was adopted in March 2024 and which aims to set out a high standard of design in all new developments throughout Wiltshire and is therefore a material consideration when assessing this development.

“4.5.5 To mitigate the visual impact of a large building’s mass within the fine grain and urban morphology of towns and villages, conservation areas, National Landscapes and the surrounding areas that can be seen from the National Landscapes, it will be necessary to break down the building’s main volume and roof profile into smaller elements.”

The applicants have complied with this element of the design guide in that the building has been broken up with different colours and the elements nearest Westwells Road being lower than the roof and plant set back further into the site. Whilst it is difficult to make a building which requires a significant volume and size to be subservient, the breaking up of the exterior has helped in this respect.

The design guide also states at 4.5.10 that colour should be carefully considered at all scales; how the whole development appears within the surrounding context; how colour is used to match, harmonise or contrast an individual building; and how colour might unify groups of buildings to create distinctive streets and spaces within the development.

The context of the building in this respect is important and is discussed further in the landscape section of this report how it relates to the surrounding landscape. However it is clear that the combination of the colouring, heights and design of the building have been chosen to minimise its impact on the surrounding area.

The development has to achieve the difficult task of fitting with three distinct character areas including the industrial development to the North with which it primarily relates whilst also giving due consideration to the residential area to the east of Westwells Road along with consideration of the more open landscaped area to the west and south. It is considered that given the nature of the building, the landscape proposed and the materials and colours proposed the development complies with this policy and achieves the balance required.

Summary

The proposal therefore achieves the aims of the NPPF, National Design Guide, and Development Plan design policies.

Climate change and sustainable design features

Chapter 14 of the NPPF, paragraphs 161 - 169 deals with climate change related matters. In particular, paragraph 163 indicates that proposals should take into account the full range of potential climate change impacts, and paragraph 164 stipulates that new development should avoid vulnerability to the range of impacts, and help to reduce greenhouse gas emissions. In determining applications, paragraph 169 indicates that new development should comply with any development plan policies for decentralised energy supply, and the layout of the development and the buildings should minimise energy consumption.

Adopted policies CP41 & 42 of the WCS deal with these matters,

The design of the proposed development includes measures for energy efficiency such as energy efficient lighting, controlled by automatic occupancy-based systems and materials used in construction should achieve low U values. In addition the following are proposed as part of the development -

- A commitment to be Carbon Neutral and Carbon Negative by 2030 while retrospectively removing all carbon dioxide emitted by 2030;
- The purchasing of 100% renewable energy as backed up by the Renewable Energy Guarantees of Origin (REGO);
- The use of HVO (bio diesel) within back-up generators, a fuel source that is not a fossil fuel and has less associated particulates;
- The construction of much of the data centre offsite using modular build technologies with up to 90% of building fabric to be recycled;
- The use of rainwater harvesting as a measure to cool the data centre; and
- The incorporation of solar panels on the rooftop of the eastern data centre building.

-It is proposed the Data Centre will achieve BREEAM very good standard.

The Climate Change Officer did offer a holding objection to the proposal as he considered that a higher sustainable standard should be aimed at as part of the proposal. Having considered this matter and read the documentation submitted with the proposal including the sustainable proposals outlined above it is considered that the development would be acceptable in its current form. Although a higher standard of sustainability could potentially be sought, at the proposed measures with this application are acceptable in principle and do meet the general requirements for sustainability set in council policy and more widely by the NPPF.

The proposal therefore broadly accords with the national and local planning policy aims regards sustainable development.

Impact on Heritage Assets

Policy Context

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The main statutory tests are set out within the Planning (Listed Building and Conservation Areas) Act 1990. Section 16 (Listed Building Consent)/Section 66 (Planning Permission) requires that special regard be given to the desirability of preserving listed buildings, their settings or any features of special architectural or historic interest which they possess. Section 72(1) of the Act requires the Council to pay special attention to the desirability of preserving or enhancing the character or appearance of designated Conservation Areas.

Chapter 16 of the NPPF 'Conserving and enhancing the historic environment' sets out the Government's high-level policies concerning heritage and sustainable development. In particular:

Paragraphs 212 of the NPPF requires "great weight" to be given to an asset's conservation "irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Paragraph 213 advises that harm to the significance of a designated heritage asset should require "clear and convincing justification".

Paragraphs 215 & 216 require a balanced approach with any harm which would be caused being weighed against the potential public benefits which might be achieved. In this instance and taking into account any impacts on the Listed buildings at Jaggards House to the south east and the Neston conservation area also to the south east the Conservation Officer considers that the proposal will have a neutral impact on the historic built environment given the landscape details provide a green buffer between the development and the historic features.

The Planning Practice Guidance provides guidance on interpreting the NPPF.

WCS CP 57 relates to design matters, and indicates that a proposal should respond to the value of the natural and historic environment and be sympathetic to and conserving historic buildings and landscapes. WCS CP58 indicates that the conservation of the historic environment' requires that designated and non-designated heritage assets and their settings will be conserved, and where appropriate enhanced, in a manner appropriate to their significance and encourages proposals which improve the condition of heritage assets at risk. The made Corsham neighbourhood Plan contains policies HE1 and HE2 which are aimed at protecting the historic Environment via a series of key objectives.

Assessment

The site lies in an open landscape where to the south east there are a group of listed buildings surrounding the main grade 2 star Jaggards House. Further south east from this lies the Neston Conservation Area both of which although lying a little way away from the site are situated in an area where there is no built development between the proposal site and the heritage asset. It is considered the distance to Jaggards House and the substantive landscaping proposed that the impact on this listed building is acceptable. This is supported by both the conservation officer and Historic England who have raised no objections.

Similarly Westwells Farmhouse and associated buildings is behind other built development in the area and across the opposite side of the road to the site therefore the impact on this is also considered acceptable and has been accepted by the councils conservation officer.

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The submitted Archaeological and Heritage Statement indicates that:

No effects to the significance of the identified designated heritage assets have been identified and given the low sensitivity of the archaeological features identified, any further requirement for fieldwork could be attached by condition to any future planning consent.

It further identifies that the non designated assets are not considered to be anything more than of negligible interest and that the redevelopment of the site in the form proposed will have no effect on either the special interest of the conservation area or the heritage significance of the listed buildings within it

Historic England have not offered advice but suggest that the views of the Council's specialist conservation and archaeological advisers are sought.

The Council's Conservation officer concludes that:

Given the development is limited to the northern section of the site, which has a history of previous development there would appear to be no additional impacts on the setting of the Grade II* building to the Southeast. Especially as the landscaping details provide retain a green open character to the southern section of the wider plot.

Given the presence of the existing buildings on the northern section of the site impacts on the setting Conservation Area would also appear unchanged.

On balance the scheme has a neutral impact on the historic built environment.

The Council's Archaeologist concludes that: The archaeological potential of the proposed development has been partly characterised in an Archaeological and Heritage Assessment submitted in support of this application. However, the extent of past quarrying activity and the impact on sub-surface deposits of 20th century military construction has yet to be fully assessed. I would therefore advise that an archaeological trial trench evaluation be undertaken in order to provide further information on the likely survival of any pre-modern archaeological features and/or deposits within the site. The total length of trenching should be equal to approximately 2% of the northern part of the site (depicted as '1' within section 2.7 of the planning statement) with a 1% contingency for further trenching should this be needed to clarify/elucidate the results of the trenching. This trial trenching can be secured via a condition.

It is clear from the above responses that in terms of above ground historic assets the proposed scheme would have little effect on listed buildings, conservation areas or non designated assets. Whilst there is some potential for buried archaeology to be found this can be dealt with through a scheme of trial trenching, a condition for which is attached to the recommendation in this report.

Summary

The proposal therefore accords with the aims of the NPPF and policy CP58 of the WCS.

Landscape and Visual Impact

Policy Context

Chapter 15, paragraphs 187-191 of the NPPF relates to landscape matters. In particular paragraph 189 states that “great weight” should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and National Landscapes which have the highest level of protection. Paragraph 190 indicates that permission should be refused for major development within National Parks, and National Landscapes other than in exceptional circumstance, and where it can be demonstrated that the development is in the public interest. The Cotswolds National Landscape is situated to the west on the other side of the B3109 Bradford Road.

The Planning Policy Guidance (PPG) also confirms that in exercising or performing any functions in relation to, or so as to affect land in National Parks and National Landscapes, Local Planning Authorities must seek to further the purposes for which these areas are designated as outlined in the relevant Acts, and the Countryside and Rights of Way Act 2000 as amended.

Core Policy 51 of the Wiltshire Core Strategy (WCS) requires that development protects, conserves, and where possible enhances the character and quality of Wiltshire’s landscapes. In line with the NPPF and PPG, particular weight is given to proposals that may affect National Landscapes (formerly Areas of Outstanding Natural Beauty), locally valued landscapes, and the sensitive edges of settlements. WCS Policy CP57 and the adopted Wiltshire Design Guide SPD (2024) provides further guidance on integrating development into the landscape. The Council’s Green & Blue Infrastructure Strategy (2022–2030) also supports the protection and enhancement of landscape character.

Corsham Neighbourhood Plan policy E3 states that development proposals should protect, conserve and where possible enhance the special qualities of the Cotswold AONB and the distinctive characteristics of the Landscape Setting of the Corsham Rolling Lowlands.

Development should:

- a) Maintain existing woodland cover and hedge trees wherever possible;
- b) Restore field boundaries around settlements where there is gapping or degradation wherever possible;
- c) Demonstrate how the proposal relates to Corsham in terms of landscape, setting and visual effects;
- d) Create new woodland cover where necessary to mitigate the landscape or visual impact of new development; and
- e) Protect existing Public Rights of Way and link in new routes to offer local people recreational opportunities in terms of countryside access routes and cycleways.

All proposed landscaping must be of an appropriate species mix and of local provenance

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Assessment

Third party concerns have been raised in respect of the landscape impact that the proposal is likely to have particularly from the owners and occupiers of the nearby Rainford Estates who have raised concern about the landscape assessment that has been carried out and the impact the proposed development will have on the surrounding area which the applicants have responded to. Third parties consider the impact of the development particularly on views to the south and west will be significant and detrimental such that the proposal should not be granted permission given that it is contrary in their opinion to both National and local policy.

The existing site at the northern parcel comprises an area of brownfield land, with areas of scrub set between the old concrete foundations of former military buildings. The southern site parcel comprises open scrubland with occasional trees. The site lies outside of any national/statutory or local/non-statutory landscape designations. The site does however, lie near the edge of the Cotswolds National Landscape. The site also lies outside of, but close to, the Western Wiltshire Green Belt, with the edge of the Green Belt boundary being approximately 775m to the west of the site at its closest. The site is gently undulating in nature.

A Landscape and Visual Appraisal (LVA) has been submitted with this application, and this summarises the impacts of the development as below:

This concludes that the site has the capacity for the development as proposed on the masterplan, and that there is no 'in principle' or policy, landscape or visual reason why the site should not be developed as proposed. It recognises that there will be impacts from the development but that being positioned on the edge of the existing settlement against a background of similar scale developments along with the substantive landscaping proposed will mitigate views into the surrounding landscape. The Cotswolds National Landscape lies approximately 835m to the west of the site at its closest point. The assessment concludes that given the topography and intervening vegetation the proposed development would be unlikely to result in discernible change to the character of the National Landscape

The Council's Landscape Officer concluded originally that there were concerns about the proposal. Following the submission of amended plans which showed additional tree planting on bunds to deliver additional landscape mitigation screening from the most sensitive views towards the PRoW and housing to the eastern boundary the Landscape Officer was satisfied that the proposal was acceptable. The officer noted the concerns raised by Rangeford villages to the proposal and the LVA along with the subsequent rebuttal of this by the applicants and concurs with the original LVA results given the substantive landscaping as existing and proposed and the height differences (the applicants site being lower than that of Rangeford Villages).

The proposed scheme will affect the surrounding landscape. Such a large building will inevitably be able to be seen from some distance around the building and at over 18M in height at its highest will be visible in the landscape. However the LVA and its assessment by the Council's Landscape Officer demonstrate that the effects of this development will not be such that they warrant refusal of planning permission. The substantial landscaping proposed will help screen the proposal in time such that it will avoid any significant effects on the surrounding

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landscapes and properties. Members should note that this effect will not be immediate as the effects are calculated over a 15 year period but as the landscaping establishes itself over a period of time the proposal in landscaping terms is considered acceptable.

It is not considered, given the distances involved that the proposal would have a harmful effect on the Cotswolds National Landscape or the openness of the Green Belt both of which have been assessed. Given the distances involved it is considered that the effect of this development would be acceptable. The majority of the existing TPO'd trees would be retained at the site and as such it is considered that the proposal would accord with policy at both National and Local level.

Summary

Third party concerns have been fully assessed and taken into account. It is inevitable that a building of this scale will be able to be seen particularly in the years before the proposed landscaping reaches maturity, none the less in the long term given the substantial nature of the landscaping proposed and the distances involved to nearby properties and the wider landscape it is considered that the proposal is acceptable.

The proposal therefore accords with the aims of the NPPF, other landscape related guidance, and the adopted WCS policies CP51 and policy E3 of the Corsham Neighbourhood Plan.

Impact on Amenity of nearby properties

Policy Context

The National Planning Policy Framework (NPPF), particularly Paragraph 135, stresses that planning decisions should ensure developments provide a high standard of amenity for existing and future users.

Point vii of Core Policy 57 of the Wiltshire Core Strategy requires new development to have regard to the compatibility of adjoining buildings and uses, regard to the impact on the amenities of existing occupants, and ensure that appropriate levels of amenity are achievable within the development itself, including the consideration of privacy, overshadowing, vibration, and pollution (e.g. light intrusion, noise, smoke, fumes, effluent, waste or litter).

The above policies include considering the impacts on privacy, light, outlook and noise for both existing and future occupants. These issues will be addressed in turn below.

Assessment

In terms of amenity the site is opposite existing housing on Westwells Road. The prevailing character of the existing surrounding area is a mixture of open countryside, housing and industrial/commercial uses.

The submitted Design Statement states that:

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“The visual impact of the data centre has been broken down through both articulation of surface and use of materials and colours. The physical mass of the data centre is formed in response to the demands of the existing context. The D02 data hall is set to three stories to minimise visual impact on the nearby residential areas and the D01 data hall is raised to four stories far back from the Westwells Road elevation. The presence of the P6 building is further minimised by the introduction of large bunds formed in the landscape and the introduction of extensive planting which in addition to the existing landscape will contribute to screening the new building from view.”

The applicants consider that both the main and ancillary buildings size and design results in buildings which are sympathetic in their scale and mass to surrounding buildings and sections have been provided to show the proximity of the buildings to nearest residential properties.

A significant number of third party comments have been received regards the impact of the scheme on amenity and these have been taken into account. Third party concerns relate to the scale and size of the proposed building along with its positioning. Concerns are raised about overshadowing and its generally unneighbourly nature.

The primary consideration in amenity terms is how the proposal relates to neighbouring properties particularly in Westwells Road. In that respect the applicants have provided cross sections showing how far from neighbouring properties the proposed development will be –



As can be seen the distances between the proposed new buildings and existing residential properties on Westwells Road and Moor Green are considerable. The upper of the two above cross sections being the distances at Westwells Road and the lower being the distances at Moor Green. It can be seen from these significant distances that the likelihood of any overshadowing of neighbouring residential properties is low. There are existing trees on and around the site which come between any new building and existing properties and as such are more likely to overshadow or block light than the proposal itself.

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Notwithstanding the above, neighbours' concerns are acknowledged in relation to the size of the building which is being proposed opposite residential houses as this will be seen as a tall and large development which by necessity it needs to be. None the less merely because the building is large and will be able to be seen from neighbouring properties does not in of itself mean that it should be refused permission. It is officers' opinion that the building is set back far enough and there is enough landscaping and vegetation, existing and proposed, between the development site and neighbouring properties so that the impact will be ameliorated and is therefore acceptable in planning terms.

Summary

The concerns of third parties regarding amenity impacts have been fully considered. The proposal is considered to accord with the aims of policy CP57 and the PPG.

Wider Environmental Considerations (Noise, Air Quality, Contaminated Land, etc.)

Policy Context

The National Planning Policy Framework (NPPF) and Planning Practice Guidance (PPG) reinforce the need for planning decisions to prevent new and existing development from contributing to being put at unacceptable risk from, or being adversely affected by, unacceptable levels of pollution. Core Policies 55 and 56 of the Wiltshire Core Strategy (WCS) seek to ensure that development does not result in unacceptable impacts on the environment or the health and well-being of existing or future occupants. The Council's Air Quality Supplementary Planning Document (SPD) provides detailed guidance on assessing and mitigating air quality impacts, particularly in or near Air Quality Management Areas (AQMAs). There is no Air Quality Management Area in the vicinity of Neston or Westwells Road.

Adopted policy CP57 also relates to impacts on amenity including the potential for development to generate or be exposed to pollutants such as noise, air pollution, odour, vibration, light spill, and land contamination.

Assessment

The application has been supported by various documents and these conclude as follows:

- Noise Impact Assessment
 - The outcome of the assessment shows that the 'Normal Operations' are expected to have No Adverse Impact during the daytime and a potential Low Adverse noise impact at the nearest and most exposed noise-sensitive receptors on Westwells Road and Moor Green, when assessed in accordance with BS4142:2014. The plant operation is expected to be well below and below typical background levels in the area, when assuming the reductions and mitigation measures set out.
- Additional Noise Technical Note

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- The current design includes extensive mitigations which have been developed with the design team. The mitigation measures included in the proposed site are not within any of the existing buildings.
- Air Quality assessment
 - Potential impacts during the operational phase of the proposals may occur due to combustion emissions from emergency generators at the site. Dispersion modelling was therefore undertaken in order to predict pollutant concentrations at sensitive locations as a result of emissions from the relevant sources. The results indicated that impacts were not predicted to be significant. Based on the assessment results, air quality factors are not considered a constraint to planning consent for the development.
- Ground Investigation Report
 - Subject to the mitigation measures set out in the report contamination if found on the site can be adequately dealt with.
- Lighting assessment
 - The 'Stage 2' External lighting plots demonstrate that the external lighting levels are within the requirements of the Planning Conditions. It is evident also from the external lighting calculation plots that for the areas that are outside of the P6 site boundary including a 15m buffer zone the lux levels are zero. This ensures that there is no adverse effect to the surrounding areas, which is especially important to the ecological corridor on the northern boundary.

The Council's Public Protection officer has indicated thus:

- Public Protection have received multiple complaints relating to noise since the submission of this application which relate to existing Data Centres in the area. These however relate to existing Data Centres in the area and having considered the assessments carried out and the mitigation measures proposed. The predicted internal noise levels at night are not a concern and Public Protection do not have an objection to the proposal in terms of noise.
- The lighting report demonstrates that the lighting scheme will meet the requirements for environmental zone E2 in the ILP document "Guidance Notes for the Reduction of Obtrusive Light - Guidance Note 01:20. As such there are no objections regarding proposals for exterior lighting providing all is installed as per the proposals.
- The air quality assessment Reference: 3650-5r2 considers the use of emergency generators at the site which are the concern related to air quality. It is demonstrated that there will be negligible impact from their use and therefore there is no objection to the proposal regarding impacts on air quality.

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The Environment Agency has commented thus:

- The previous use of the proposed development site as an MOD facility and quarry presents a high to medium risk of contamination that could be mobilised during construction to pollute controlled waters. Controlled waters are particularly sensitive in this location because the proposed development site is within source protection zone 2 and located upon a secondary aquifer A which is underlain by a principal aquifer. The application's "Phase 2 Ground Investigation" (Created by Hydrock, dated 09/05/2024, version PO5) demonstrates that it will be possible to manage the risks posed to controlled waters by this development. No objections subject to a suitable condition regarding contamination on site during construction.

There have been substantial third party objections to this application on the grounds of noise particularly as there are concerns that the existing Data Centres in the area emit noise in the form of a low level humming sound. Similarly, concerns have been expressed by third parties about both lighting of the existing Data Centres and therefore how this Data Centre will be lit and contamination.

As can be seen from the documents submitted by the applicants and their subsequent assessment by both the Council's Public Protection Officers and (in the case of contamination) by the Environment Agency all of these issues can be adequately mitigated by the proposals and conditions to be attached. Issues with noise at the existing Data Centres are still being investigated but it is clear from the reports submitted that the mitigation measures proposed in relation to this Data Centre will be sufficient to suppress noise as is outlined in the reports submitted

Summary

The proposal therefore accords with the aims of the NPPF, other noise related guidance, (including guidance from the institute of acoustics) and the adopted WCS policies

Highway Safety and Rights of Way

Policy Context

The NPPF covers this matter in Chapter 9. This indicates that significant development should be focussed in sustainable locations which offer a genuine choice of transport modes, and where safe and suitable access can be achieved for all users. Paragraph 117 similarly also prioritises these issues. Paragraph 116 does however confirm that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios.

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Core Policies 60 to 64 of the Wiltshire Core Strategy (WCS) set out the overarching transport and accessibility framework for development across the county. These policies require that development proposals:

- Provide safe and suitable access for all users;
- Do not result in severe residual cumulative impacts on the transport network;
- Promote sustainable transport modes and reduce the need to travel by car;
- Include appropriate levels of car and cycle parking in accordance with adopted standards;
- Safeguard and enhance public rights of way and active travel routes.

The Wiltshire Local Transport Plan (2011–2026), including the Car Parking Strategy and Cycling Strategy, provides further guidance on the design and provision of transport infrastructure. The Wiltshire Local Cycling and Walking Infrastructure Plan (LCWIP) and associated design standards (2022) set out expectations for the delivery of high-quality active travel infrastructure in new developments.

Chapter 8 of the Corsham Neighbourhood Plan sets out similar policies for transport in the Corsham area including the provision for adequate cycling and walking with policy T1 setting out a requirement to explain how transport related impacts will be dealt with in an application.

Proposals should also demonstrate compliance with national design guidance, including the National Design Guide and associated documents including LTN 1/20: Cycle Infrastructure Design (DfT, 2020), which sets out principles for safe, coherent, and inclusive cycling networks.

Assessment

The existing site has an access from Rowan Lane which then feeds out on to Westwells Road. There is also a redundant access onto Westwells Road. The proposal will result in one vehicular access via a controlled access gate. Vehicle access to the development would be via this priority junction on Rowan Lane, which would replace the existing access into the site and would be widened and moved further to the east to limit the impact on the existing trees along the site boundary.

It is proposed that a footway would be provided on the eastern side of the vehicular access. An extension of the existing marked pedestrian route would be provided on the southern side of Rowan Lane which would connect the site access to the existing footway on Westwells Road. A secondary pedestrian access will be provided from Westwells Road but this will only be used for emergency access which will connect to the staff parking area.

Various third party comments and concerns have been submitted in particular concerns centre around the amount of traffic that may be produced by the development both when the proposal is operating but also during construction, and these have been taken into account. There are also concerns about the conflict along Rowan Lane that will exist as this is a private lane although designated as a public footpath which many people use.

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A Transport Assessment/Statement has been submitted for this scheme and this concludes that: The levels of change in traffic flows are not expected to have any material impact on the operation on the highway network. The development is considered to be acceptable from a traffic and transport perspective with no off-site mitigation works being necessary.

The applicant's Transport Assessment and the proposal have been reviewed by the Council's Highways Development Management team and they have concluded as below:

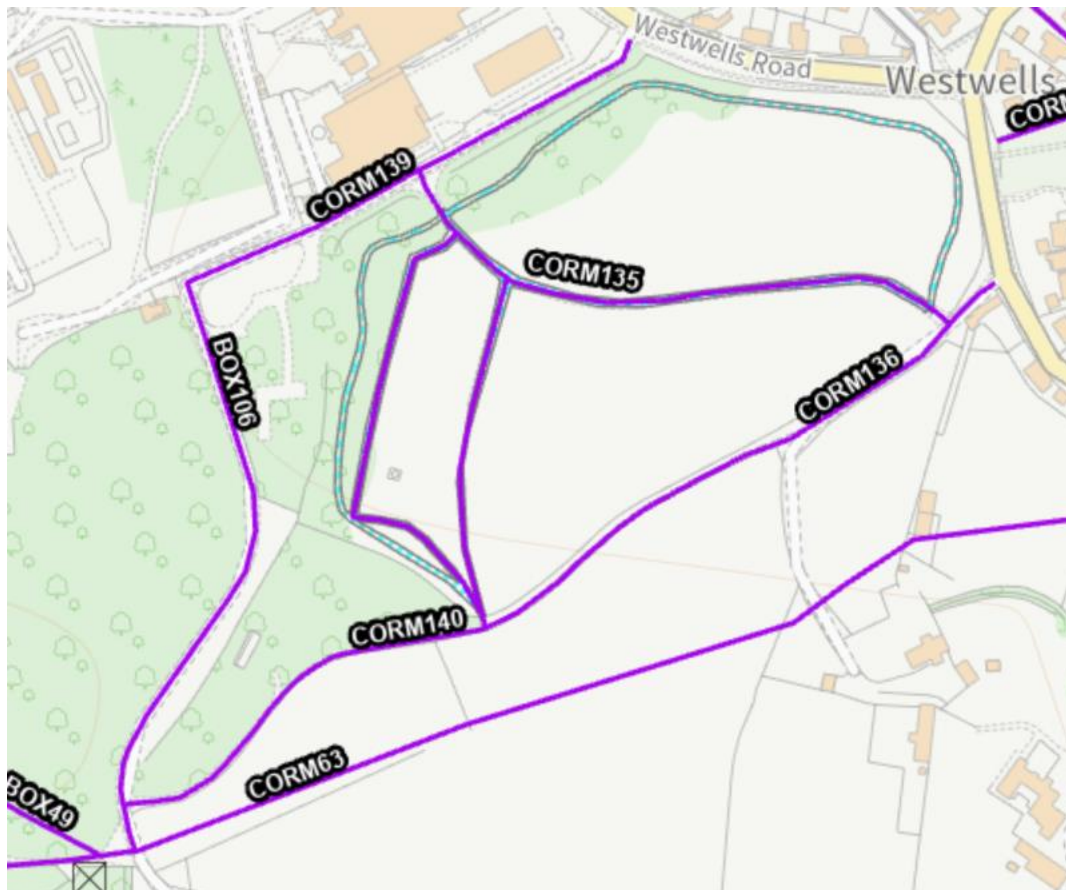
The Highways Officer originally objected to the development but following the submission of a further plan showing the resurfacing of Rowan Lane along with signage to promote the presence of vulnerable road users, the Highways Officer was satisfied that subject to conditions including implementing a travel plan and a car park management strategy that the proposal was acceptable in highway terms. The Highways Officer no longer objects to the proposals.

Having considered all of the above when the Data Centre is operational it is likely that traffic from the centre will not be substantial and will not have a significant material effect on the local highways network. Potential conflict with pedestrians using Rowan Lane is a consideration but the scheme submitted to deal with this in terms of signage is considered adequate in safety terms to protect pedestrians using the lane. Given that the previously permitted housing scheme was likely to produce significantly more traffic than the current proposal it is considered that in transport terms the proposal is acceptable.

Rights of Way

There are a number of rights of way that cross the site as shown below –

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The existing PRoWs which cross the site will be re-routed around the outer secure fence line on land which is in the ownership of the applicant and which lies within the application boundary. The proposed diversion of the PRoWs will be subject to a separate Section 257 Application which has been submitted but is awaiting the outcome of this planning application.

The Council's Rights of Way Officer has confirmed that the diversion order for CORM135, CORM136 and CORM137 has been submitted. The plan below shows how the rights of way will be diverted (shown in purple).

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Whilst the proposed diversion of the public rights of way are subject to a separate statutory process it is none the less considered that the diversion in the form shown around the site would be acceptable in principle in so far as it would facilitate better use of this otherwise vacant brownfield site.

Summary

Third party concerns regards the transport impacts of the proposal have been fully considered.

While it is acknowledged the scheme may result in some additional traffic on the highway system and general disturbance to existing amenity it is considered that the works and conditions proposed will be sufficient to ensure that any additional traffic produced can be safely accommodated and will not result in adverse impacts on the highway network.

The proposal therefore accords with the aims of the NPPF, and in particular the “key policies” 110 & 115 for transport matters, and the WCS transport policies 60-64. As well as policies T1 and T2 of the Corsham neighbourhood Plan.

Ecology and Biodiversity

Policy Context

Paragraph 11d footnote 7 highlights assets or areas of particular importance to be protected including irreplaceable habitats site, SSSI's, Green Belt, Local Green Space, a National Landscape, a National Park, and designated heritage and other archaeology assets, and areas at risk of flooding.

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In accordance with national policy and guidance, including the NPPF (Chapter 15: Conserving and Enhancing the Natural Environment, paragraph 187 indicates that developments are required to minimise impacts on, and provide net gains for biodiversity, including by establishing coherent and resilient ecological networks, and incorporate features which support priority species. Paragraphs 193 and 194 relate to principles to be used when determining applications, and paragraph 195 of the NPPF indicates that the presumption in favour of sustainable development does not apply where a plan or project is likely to have a significant effect on a habitats site, unless an Appropriate Assessment has concluded that the proposal would not adversely affect the integrity of the habitats site. The PPG indicates that all major developments submitted since 2024 are required to deliver a minimum of 10% biodiversity net gain.

Core Policy 50 of the Wiltshire Core Strategy (WCS) seeks to conserve and enhance biodiversity across the county. It requires that development avoids harm to ecological assets and delivers some biodiversity net gain (BNG) improvement, in line with the statutory requirements of the Environment Act 2021.

The Council's Green & Blue Infrastructure Strategy (2022–2030) sets out a strategic framework for protecting and enhancing Wiltshire's natural capital. It identifies priorities for habitat connectivity, ecosystem services, and nature recovery, and encourages development that contributes positively to these objectives.

The Corsham Neighbourhood Plan policy E1 supports proposals where they protect and where possible enrich the habitat of protected bat species. Proposals that enhance the biodiversity of Corsham will be supported.

Assessment

Third party concerns have been expressed regarding the impact of the scheme on existing biodiversity within the area and site and these concerns have been fully considered. In particular concern has been expressed about the destruction of wildlife on the site due to the development the impact it will specifically have on bats and feeding corridors along with concerns that existing vegetation has been removed the area.

The existing site is a mixture of scrub trees and grass which has periodically been cut back to expose the existing former MoD structures which lie in amongst the scrub and grassland. The site is covered by a TPO and contains many mature trees particularly to the boundaries.

There is an existing Bat Roost on the site that, although in close proximity, the roost is outside of the development boundary and will not be directly impacted by the proposals. However, this roost site is important as it supports Annex II bat species, features of the Bath and Bradford on Avon Bat SAC.

The application site sits within the buffer zone of the Bath and Bradford on Avon Bat SAC for Greater Horseshoe bats, Bechstein bats and Lesser Horseshoe bats and is within a direct

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mitigation route for Drews Pond Wood as outlined within Corsham Batscape Strategy.

A range of other notable and protected species including breeding birds and reptiles were also identified on site.

A detailed ecological report and additional report along with a Landscape and Ecological Management Plan have been submitted with this application. These conclude that providing that the avoidance mitigation, compensation and enhancement detailed within the reports is carried out they consider that the proposal would conform with relevant planning policy and legislation subject to the local authority carrying out a Habitats Regs assessment and suitable conditions being imposed on the development.

The Council's Ecology Officer and Natural England have been consulted and in summary, they have indicated as below:

The Council's Ecology Officer has considered the proposal and carried out a Habitats Regulations Assessment. The Council's Ecologist has concluded that due to the proximity of the Bath and Bradford on Avon Bat SAC and adjacent roosting site for Annex II bat Species (features of the SAC) coupled with the Drews Pond Wood direct mitigation route as outlined within the Corsham Batscape Strategy, which runs through the site, the HRA needs to assess that and having undertaken that using the information submitted that has concluded that the impact of the proposal with the mitigation proposed is acceptable. This was submitted to Natural England (NE) for review and Natural England have agreed with the HRA.

The proposal would introduce substantive areas of new landscaping particularly to the north and west of the site along with the retention of the majority of existing tree, shrub and hedgerow vegetation (much of which is under TPOs) on the boundaries of the land parcel which contains the site. A new native hedgerow along the eastern boundary, which would be grown to a height of 3m or more in the longer term, to enhance screening and filtering of the proposed building. There is tree and shrub planting, some on constructed overlapping bunds to provide visual screening of the proposed development from outside the site, particularly from the east, south-east and south.

There are specific landscaped ecological enhancement areas (predominantly in the southern site parcel), with tree and hedge planting designed to allow the retention of the existing trees, scrub and neutral grassland already present in this area. The proposed planting in this area would also help to reduce the visibility of the proposed development in views from the south.

Summary

Third party concerns have been fully considered and there are no objections from the Council's Ecology Officer or Natural England subject to conditions. Natural England have also signed off the HRA that has been carried out with regard to this development and the proposed mitigation. There are also some public benefits in the form of enhanced planting and a dedicated area of Biodiversity Net Gain which will need to be maintained for the lifetime of the development and therefore will not be built on.

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The proposal therefore accords with the aims of the NPPF, other biodiversity related guidance, and the adopted WCS policies CP50 & CP52 and policy E1 of the Corsham Neighbourhood Plan.

Flood Risk and Drainage

Policy Context

Chapter 14 paragraphs 170 – 182 of the NPPF refers to assets or areas of particular importance to be protected including areas at risk of flooding. In particular paragraphs 174 - 178 outline the sequential test and indicate that if it is not possible for the development to be located in areas with a lower risk of flooding (taking into account wider sustainability development objectives), then the exceptions test can be applied.

Paragraph 181 of the NPPF makes clear that when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment. Development should only be allowed in areas at risk of flooding where, in the light of this assessment (and the sequential and exception tests, as applicable) it can be demonstrated that:

- a) within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location;
- b) the development is appropriately flood resistant and resilient such that, in the event of a flood, it could be quickly brought back into use without significant refurbishment;
- c) it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;
- d) any residual risk can be safely managed; and
- e) safe access and escape routes are included where appropriate, as part of an agreed emergency plan.

Core Policy 67 of the Wiltshire Core Strategy (WCS), requires that development avoids increasing flood risk and incorporates appropriate mitigation measures. Development proposals located within Flood Zones 2 or 3 must be subject to the sequential test, and where necessary, the exception test, to ensure that more vulnerable uses are directed to areas of lowest flood risk.

Policy E2 (C) of the Corsham Neighbourhood Plan states that developments should reduce flood risk and ensure that the design and location of new development is resilient to the effects of flooding.

Assessment

The site is located in Flood Zone 1 although certain parts of the site are shown as being susceptible to surface water flooding. There was a flood event in 2014 which affected the south east end of Westwells Road.

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A flood risk assessment and subsequent sequential test have both been submitted by the applicants. The flood risk assessment concludes that –

A detailed assessment of flood risk has identified that the site is located within Flood Zone 1 therefore considered to be at 'low' risk of fluvial flooding. The site is identified as at Negligible to Low risk of flooding from all remaining sources, including surface water flooding.

The flood risk assessment report therefore demonstrates that, in respect to flood risk, the proposed development:

- » Is suitable in the location proposed if mitigation measures are considered;
- » Will be adequately flood resistant and resilient;
- » Will not place additional persons at risk of flooding, and will offer a safe means of access and egress;
- » Will not increase flood risk elsewhere as a result of the proposed development through the loss of floodplain storage or impedance of flood flows; and
- » Will put in place measures to ensure surface water is appropriately managed.

As such, the application is concluded to meet the flood risk requirements of the NPPF

The sequential test concludes by saying that –

The Sequential Test considers the suitability of all land adjacent to the existing Spring Park Campus to accommodate the proposed use. The conclusion is reached that there are no sequentially preferable sites from a surface water flood risk perspective that are considered to be reasonably available and therefore the Sequential Test is passed. Since the sequential test was requested and carried out the planning Policy Guidance in respect of this has in any case changed in respect of surface water flooding to no longer require a sequential test.

The drainage strategy concludes that –

The surface water drainage strategy has been designed in accordance with local and national planning policy, and generally follows the NPPF drainage hierarchy, with priority given to re-use of rainwater on-site. It is proposed that excess runoff would discharge to ground via a series of soakaway manhole chambers, subject to confirmation that infiltration is appropriate for the location, based on the results of any future mine survey(s), however all works undertaken to date suggest that the proposed infiltration strategy is feasible.

The Council's Drainage Team (also the Lead Local Flood Authority (LLFA)) and the Environment Agency have been consulted on this proposal and a summary of the comments/issues is provided below

For the proposed drainage strategy for the development, the applicant currently proposes a hybrid strategy comprising of significant rainwater harvesting and large soakaway features; this would comply with the control hierarchy within the National Standards for SuDS, and the Sewerage Sector Guidance. Based on the high water demand for data-centres, rainwater harvesting is expected in order to reduce demand on potable water. It is noted that the

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applicant has not currently provided detailed drainage designs or quantified the water usage on site due to the M&E design of the data centre still being in abeyance. We would expect that detailed calculations on the rainwater harvesting system can be provided as a pre-commencement planning condition and suitably controlled.

The applicant has proposed a drainage strategy currently which disposes of all surface water runoff via soakaway features; this demonstrates that regardless of the level of rainwater harvesting achieved, there is a viable drainage strategy for the site which aligns with the surface water disposal hierarchy. This has been based on initial soakaway tests and ground investigations undertaken in March 2023, and presented in document 24639-HYD-XX-XX-RP-GE1002. This gives credibility to the proposed drainage strategy, although we note the following:

- Additional soakaway tests should be undertaken at the depth and location of the proposed soakaway features.
- Based on the variability of groundwater levels generally, long-term groundwater monitoring for a period of 1 year should be undertaken to determine the seasonal variability of groundwater levels on the site.

Some local residents have raised concerns on the downstream impact of infiltrated groundwater leading to infiltration into historic MoD underground structures, and a potential for an increased pump rate to receiving watercourses which could increase downstream flood risk within Westwells. On this point officers note:

- Any pumped discharge to ordinary watercourse is an activity regulated by Land Drainage Consents; if there is a proposed increase in rates, the MoD would be required to formally apply for this variation from the Lead Local Flood Authority and demonstrate that there is no increase in flood risk elsewhere as a result of the works.
- The MoD should be consulted on this planning application if they haven't already and asked to comment on the impact on their historic assets.
- As part of the detailed design (to be secured via condition) the applicant should complete a hydrogeological assessment to demonstrate that the proposed infiltration will not increase flood risk elsewhere.

The above assessments and consultee responses demonstrate that the site can be adequately drained and from the flood risk assessment and submitted sequential test that the site is suitable in terms of flooding and will not exacerbate any existing flood issues that have in the past been experienced such as that in 2014. Housing has previously been granted planning permission on this site and is inherently a more vulnerable land use than that proposed as part of this application for a Data Centre that housing use was considered acceptable in flood risk terms at appeal.

The applicants sequential test notes that –

The 2014 flood event showed that far from being unused, this was the main surface water connection between the MoD land north of Spring Park and the surface water drainage down Westwells Road to the east of site. The flood water flowed uncontrolled across the site and down to Westwells, where flooding occurred; and

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As a result of this experience the applicant has connected the clearly active surface water drain from the adjacent MoD site to the new soakaway constructed for P2 which has successfully absorbed all subsequent rain events. As a result of this work the applicant has already reduced the flood risk to the proposed development site (and the residents of Westwells) by diverting surface water drainage from the original, constrained, surface water drainage system down Westwells Road into a new soakaway on their land.

The applicants go on to say that the surface water drainage strategy employed across the rest of the Spring Park Campus since 2008 which is to attenuate all surface water on site and dispose of it by soakaways has been so effective that the attenuation basins provided on site have not held water.

It is clear that on site attenuation of drainage in this area can be achieved.

Summary

The proposal therefore accords with the aims of the NPPF, and the adopted WCS policies and as such and having taken account of all the concerns raised with regards to flooding and drainage it is considered that the proposal subject to suitable conditions can be adequately drained and will not represent a significant risk to increasing flood risk in the area.

Monitoring Fee

Wiltshire Council has a Planning Obligations Supplementary Planning Document, which should be read in conjunction with the WCS (primarily Core Policy 3 'Infrastructure Requirements') and the Wiltshire CIL charging schedule. This SPD identifies the planning obligations that will be sought by the council for development that generates a need for new infrastructure and should be a material consideration in planning applications. It is essential to demonstrate that each obligation meets the three Regulation 122 tests under the Community Infrastructure Levy (CIL) Regulations 2010. Paragraph 58 of the National Planning Policy Framework reiterates the three tests as:

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

There is only one matter required by the Council's Ecologist which is for a commuted sum in respect of BNG Monitoring which can be secured by agreement.

Ecology/Biodiversity mitigation

The NPPF covers this matter in Chapter 15, and the PPG makes clear reference to the importance of BNG and Appropriate Assessment. Specific projects needed to ensure compliance with the Habitats Regulations is listed as essential infrastructure under priority theme 1 of Core Policy 3 of the WCS. Core Policy 50 & 52 ('Biodiversity and geodiversity') of

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the Wiltshire Core Strategy, together with the Council Blue and Green Infrastructure Strategy, requires development proposals to demonstrate how they will protect features of nature conservation and geological value as part of the design rationale.

BioDiversity Net Gain (BNG)

As of April 2024, any major planning application needs to demonstrate no net loss and a minimum of 10% net gain in biodiversity (BNG) on the site, in line with the requirements of the NPPF, PPG, WCS policy CP50 (Biodiversity and Geodiversity) and the Environment Act. The preference is for any such BNG to be provided on site, although it can also be provided off site.

The Council's Ecologist has requested that a BNG Monitoring Fee is provided for continued monitoring of the BNG and this will need to be secured by agreement.

Conclusion and Planning Balance

There are a significant number of planning matters that have been brought up by third parties during the course of this application. As can be seen in the above report all of these concerns have been addressed by the applicant to the satisfaction of Council officers and statutory consultees and it is therefore considered there are no reasonable planning grounds for the refusal of the application or any delay in making a decision.

It is appreciated that the development of this site for this building will be a significant change to the area as it exists at present and as it has existed for many years. However this in itself is not a ground for refusal. The local area is varied in its nature and contains both large industrial buildings similar to that proposed as well as much smaller residential dwellings and areas of open countryside. It is considered that the development of this building would be acceptable in principle particularly given the in principle acceptance by the previous acceptance of the development of the site for housing which was not implemented. There is also strong support for the development in principle due to paras 86 and 87 of the NPPF. The various objections on grounds of noise, drainage, lighting and others have all been addressed and would not in officers' opinion be substantive grounds for refusal of the application.

The proposal would add significantly to the high tech investment that has already taken place on the Spring Park Campus representing another step forward in the provision of such facilities to support both Wiltshire and the wider economy as encouraged by the NPPF. As such it is considered that the proposal complies with the relevant policies of the adopted local plan and should therefore be granted planning permission.

RECOMMENDATION: That planning permission be GRANTED, subject to delegation to the Head of Development Management for the completion of an agreement covering the matters set out in this report relating to a BNG monitoring contribution, and subject also to the planning conditions listed below.

CONDITIONS

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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:

Air Quality Assessment	Redmore Environmental	3650-5r2	17 May 2024	2
Design and Access Statement	Hale Architecture	-	May 2024	-
Proposed Fire Suppression Plant, Layout, Elevation & Sections	Hale Architecture	HAL-SPP6-FSP-00-DR-A-100190	07 May 2024	P1
Proposed Typical Generator Layout & Elevation	Hale Architecture	HAL-SPP6-GEN-00-DR-A-100150	07 May 2024	P1
Proposed Splitter Building South Layout & Elevations	Hale Architecture	HAL-SPP6-SBS-00-DR-A-100180	07 May 2024	P1
Proposed HV/LV Switchroom Layout & Elevations	Hale Architecture	HAL-SPP6-SR-00-DR-A-100140	07 May 2024	P1
Site Location Plan	Hale Architecture	HAL-SPP6-SW-XX-DR-A-000001	07 May 2024	P1
Existing Site Plan	Hale Architecture	HAL-SPP6-SW-XX-DR-A-000002	07 May 2024	P1
Existing Site Cross Sections	Hale Architecture	HAL-SPP6-SW-XX-DR-A-000004	07 May 2024	P1
Constraints Plan	Hale Architecture	HAL-SPP6-SW-XX-DR-A-000005	07 May 2024	P1
Proposed Masterplan	Hale Architecture	HAL-SPP6-SW-XX-DR-A-000006	15 October 2024	P2

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Proposed Site Plan	Hale Architecture	HAL-SPP6-SW-XX-DR-A-000007	15 October 2024	P2
Proposed Site & Landscape Cross Section	Hale Architecture	HAL-SPP6-SW-XX-DR-A-000008	15 October 2024	P2
Proposed Hard & Soft Landscaping Plan	Hale Architecture	HAL-SPP6-SW-XX-DR-A-000009	15 October 2024	P2
Proposed Boundary Treatment Plan	Hale Architecture	HAL-SPP6-SW-XX-DR-A-000010	15 October 2024	P2
Proposed VRC Ground Floor & Elevations	Hale Architecture	HAL-SPP6-VRC-XX-DR-A-100130	07 May 2024	P1
Proposed Water Treatment Plant & Splitter Building Layout & Sections	Hale Architecture	HAL-SPP6-WTP-XX-DR-A-100160	07 May 2024	P1
Proposed Water Treatment Plant & Splitter building Elevations	Hale Architecture	HAL-SPP6-WTP-ZZ-DR-A-100260	05 July 2024	P1
Proposed Data Centre Ground Floor GA Plan	Hale Architecture	HAL-SPP6-ZZ-00-DR-A-100000	07 May 2024	P1
Proposed Data Centre First Floor Plan	Hale Architecture	HAL-SPP6-ZZ-01-DR-A-100010	07 May 2024	P1
Proposed Data Centre Second Floor Plan	Hale Architecture	HAL-SPP6-ZZ-02-DR-A-100020	07 May 2024	P1
Proposed Data Centre Third Floor Plan	Hale Architecture	HAL-SPP6-ZZ-03-DR-A-100030	07 May 2024	P1
Proposed Data Centre Roof Plan	Hale Architecture	HAL-SPP6-ZZ-04-DR-A-100040	07 May 2024	P1
Proposed Data Centre PV Proposal	Hale Architecture	HAL-SPP6-ZZ-04-DR-A-100060	15 October 2024	P1
Proposed Elevations - Data Centre	Hale Architecture	HAL-SPP6-ZZ-ZZ-DR-A-100050	15 October 2024	P03

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Embodied Carbon Assessment	Focus ED	2023-B01-P6-ECA-01	October 2024	-
BREEAM Pre-assessment Report	Focus ED	2023-B01-PR-PAR-02	April 2024	-
BREEAM Cover Letter	Focus ED		April 2024	-
BRREAM Scope Cover Letter	Focus ED	2024-10-04--Letter-FocusED-SPExt	4 October 2024	
Energy & Sustainability Statement	JCA Engineering	9192-JCA-ZZ-ZZ-RP-ME-00001	11 April 2024	P03
Waste Audit & Management Strategy	Ark Data Centres	14049-S-Waste Strategy	30 January 2023	1.2
Phase 2 Ground Investigation Report	Hydrock	24639-HYD-XX-XX-RP-GE-1002	09 May 2024	P05
Technical Design Note – Response to Drainage and Flood Risk Concerns of the Community	Hydrock	24639	11 September 2024	P02
Technical Design Note – Drainage Strategy	Hydrock	24639-HYD-XX-XX-TN-C-0001	13 May 2024	P05
Flood Risk Assessment	Hydrock	24639-HYD-XX-XX-RP-WENV-0001	10 May 2024	P05
Sequential Test	Savills	-	April 2025	-
Supplementary Ecological Information Report	Tyler Grange	15116_R10_VKC	13 December 2024	-
Arboricultural Impact Assessment	Environmental Dimension Partnership	edp7897_r008d	02 May 2024	-
Ecological Impact Assessment	Tyler Grange	15116_R08a_AM_JA	10 June 2024	B

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Shadow Habitats Regulations Assessment	Tyler Grange	15116_R011_LH	10 June 2024	A
Biodiversity Net Gain Assessment	Tyler Grange	15116_R08c_AM_JA	03 October 2024	-
Archaeological and Heritage Assessment	Environmental Dimension Partnership	edp7897_r004c	May 2024	-
Detailed Soft Landscape Plan (10 sheets total)	Environmental Dimension Partnership	edp7897_d021j	04 December 2024	J
Cross Section Through Wall (2 sheets total)	Environmental Dimension Partnership	edp7897_d023a	21 January 2025	A
Landscape Rebuttal Technical Note	Environmental Dimension Partnership	edp7897_r010a	December 2024	-
Landscape and Visual Appraisal	Environmental Dimension Partnership	edp7897_r007c	May 2024	-
Accurate Visual Representation (AVR) Method Statement	Construct Media	13013391	-	-
Noise Technical Note	Sweco UK	65204515-007-SWE-ZZ-XX-T-U-0002	03 October 2024	C01
Sound Surveys Summary	Sweco UK	65204515-007-SWE-ZZ-XX-T-U-0003	13 February 2025	C02
Acoustic Assessment	Sweco UK	65204515-007-SWE-ZZ-XX-T-U-0001	17 May 2024	C02
Economic Impact Assessment	Savills	-	-	-
Planning Statement	Savills	-	June 2024	-
Statement of Community Involvement	Savills	-	May 2024	-
Rangeford Villages Response Note	Ark Data Centres	-	May 2025	-

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Technical Note – Response to LHA Comments	IMA Transport Planning	22-188_TN01_2-0.docx	August 2024	-
Transport Assessment (Part 1 and 2)	IMA Transport Planning	22-188_TA_v3-0.docx	April 2024	-
External Lighting Report	JCA Engineering	9123.0800.000.010.JCARD0C.001.R07	23 October 2025	P07
Landscape and Ecological Management Plan	Tyler Grange	15116_R14 _VKC	29 October 2025	-
Construction Environmental Management Plan	Tyler Grange	15116_R15a _SC	28 October 2025	-

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

3) No development above ground level shall commence on site until the exact details and samples of the materials to be used for the external walls and roofs have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, in the interests of visual amenity and the character and appearance of the area.

4) Prior to the commencement of development above ground level details shall be provided of the proposed retaining wall positioned on the eastern edge of the site. Such detail shall include the materials to be used and a cross-section and elevation perspective.

Reason: In order to assess the retaining walls impact on the surrounding landscape.

Highways

5) No development shall commence until a Construction Traffic Management Plan (to include details of all development phases) has been submitted to and approved in writing by the Local Planning Authority. Thereafter the construction of the development shall only be carried out in accordance with the approved Plan. The Construction Traffic Management Plan shall include details of:

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- a) Construction vehicle numbers, type, routing;
- b) Access arrangements to the site;
- c) Traffic management requirements
- d) Construction and storage compounds (including areas designated for car parking, loading /unloading and turning areas);
- e) Siting and details of wheel washing facilities;
- f) Cleaning of site entrances, site tracks and the adjacent public highway;
- g) Timing of construction activities (including delivery times and removal of waste);
- h) Provision of sufficient on-site parking prior to commencement of construction activities;
- i) Post construction restoration/reinstatement of the working areas and temporary access to the public highway;

Reason: In the interest of highway safety

6) Prior to any approved access as shown on the approved plans being brought into operational use other than constructions full details of the approved off-site works generally shown on the approved highway plan IMA-22-188-RevB shall be submitted to and agreed in writing by the Local Planning Authority and constructed in accordance with the approved details.

Reason: In the interest of highway safety

7) No development shall be brought into use until such time as a Full Travel Plan including the appointment of a Travel Plan Co-ordinator and monitoring has been submitted to and approved in writing by the Local Planning Authority.

Reason: To promote and support sustainable travel and a genuine choice of travel modes.

8) No development shall be brought into use until such time as a Delivery and Servicing Management Plan has been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety and to minimise highway impacts to adjacent premises.

9) Prior to first use of the development hereby approved, a Car Park Management Strategy for all matters related to car parking including number of spaces, layout, EV provision and enforcement shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the Management Plan shall be implemented in accordance with the approved details.

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Reason: In the interests of road safety and to prevent obstruction of the highway and access route by inappropriate overspill parking.

Informative

Please be advised that nothing in this permission shall authorise the diversion, obstruction, or stopping up of any right of way that crosses the site. You are advised to contact the PROW Team at Wiltshire Council.

Landscaping

10) No development above ground level 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 :-

- a detailed planting specification showing all plant species, supply and planting sizes and planting densities;
- finished levels and contours;
- means of enclosure with the exception of the perimeter security fencing and the proposed retaining wall positioned on the eastern edge of the site;
- car park layouts;
- other vehicle and pedestrian access and circulation areas;
- all hard and soft surfacing materials;
- minor artefacts and structures (e.g. furniture, play equipment, refuse and other storage units, signs, lighting etc);
- proposed and existing functional services above and below ground (e.g. drainage, power, communications, cables, pipelines etc indicating lines, manholes, supports etc);

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features.

11) All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first occupation of the building(s) or the completion of the development whichever is the sooner;

All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in

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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.

Trees

12) All works carried out on site shall comply with the Arboricultural Impact Assessment written by EDP and dated May 2024.

Reason: To ensure the protection of the existing trees on site.

Drainage

13) The applicant shall provide prior to commencement of development a detailed drainage strategy for approval by the Lead Local Flood Authority. This shall include (but shall not be limited to):

a. Details of the proposed rainwater harvesting system, including details of attenuation storage, water

use, and response to both the design storm (1 in 100yr + cc), and long-term time-series rainfall

across a year.

b. A detailed 1d-2d hydraulic model, considering the detailed drainage design and demonstrating that

there will not be an increase in flood risk elsewhere as a result of the development.

c. Supplementary long-term ground investigations and supporting hydrogeological assessments.

d. Detailed cross and long section drawings, in addition to detailed calculation for each drainage

feature, including the ground attenuation tank and detention basins.

e. The applicant must provide the raw infiltration test data for review by the LLFA and justify why the value 2 is an appropriate factor of safety for this application. The applicant is referred to the

informatives for further guidance. The LLFA notes that the drainage strategy is largely reliant on

infiltration, we require an explanation as to why a FoS of 2 is adequate when considering the size

[Type here]

of the site & potential flood risk in the event of infiltration failure/issues.

f. The applicant shall submit a plan showing overland exceedance routes for in excess of the 1 in

100 year plus climate change (40%) rainfall event, that minimise the risk to people and property.

This shall include natural overland flow routes which originate off-site and enter within the red-line

boundary of the development.

g. We note the applicant has provided a table outlining an approximate maintenance plan. At this

stage of an application, the applicant is required to outline who will be responsible for undertaking maintenance, and a time frame to represent the frequency of maintenance (e.g. every 3 months) for each feature of the draining system, (including SuDS features). The current timescale provided does not provide the required detail and could lead to an insufficient maintenance regime.

The development shall be built in accordance with the strategy as approved.

Reason: In order to ensure adequate drainage of the development.

14) Prior to commencement of development the applicant must undertake geotechnical factual and interpretive reports, including infiltration tests in accordance with British Research Establishment (BRE) Digest 365 – Soakaway Design. The applicant must use these results to develop the detailed drainage strategy.

Reason: In order to ensure adequate drainage of the development.

15) Prior to commencement of development the applicant shall submit to and have approved in writing a construction management plan which demonstrates how flood risk to people and property will be mitigated during construction stage, and how pollution to groundwater and existing watercourses will be prevented during construction stage. The development shall be carried out in accordance with the construction management plan as approved.

Reason: to prevent future flooding of the site and surrounding area.

Informative

Within the calculations, the MADD factor must be set to zero and the margin for “flood risk” warning in

hydraulic models been set to $\geq 300\text{mm}$.

- Table 25.2 from the SuDS Manual, criteria for applying an appropriate factor of safety:

[Type here]

- Wiltshire Council Soakaway Guidance: <https://www.wiltshire.gov.uk/media/208/Developers-Guidance-NotesSurface-water-soakaways/pdf/Developers-guidance-note-surface-water-soakaways2.pdf?m=637082203851900000>
- The detailed drainage design must comply with the National SuDS Standards published on 19 June 2025

16) If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to, and approved in writing by, the local planning authority. The remediation strategy shall be implemented as approved.

Reason

To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site. This is in line with paragraph 180 of the National Planning Policy Framework.

Informative- Environmental Permitting

This development will require a permit under Environmental Permitting (England and Wales) Regulations (2016) from the Environment Agency. We recommend that the applicant contacts Environment Agency to discuss the issues likely to be raised.

Informative- Contaminated materials

Contaminated soil that is (or must be) disposed of is waste. Therefore, its handling, transport, treatment and disposal are subject to waste management legislation, which includes:

- Duty of Care Regulations 1991
- Hazardous Waste (England and Wales) Regulations 2005
- Environmental Permitting (England and Wales) Regulations 2016

[Type here]

- The Waste (England and Wales) Regulations 2011

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically in line with British Standard BS EN 14899:2005

'Characterization of Waste - Sampling of Waste Materials - Framework for the Preparation and Application of a Sampling Plan' and that the permitting status of any proposed treatment or disposal activity is clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays.

If you receive (or reject) any hazardous waste, you must send a report to the Environment Agency. These are known as 'returns'. If you dispose of hazardous waste at the premises where it's produced you may also need to send returns. You should follow the guidance provided here: [Hazardous waste: consignee returns guidance](#)

Informative- Water efficiency

Increased water efficiency for all new developments potentially enables more growth with the same water resources. Developers can highlight positive corporate social responsibility messages and the use of technology to help sell their homes. For the homeowner lower water usage also reduces water and energy bills.

We endorse the use of water efficiency measures especially in new developments. Use of technology that ensures efficient use of natural resources could support the environmental benefits of future proposals and could help attract investment to the area. Therefore, water efficient technology, fixtures and fittings should be considered as part of new developments.

17) All lighting within the site shall accord with guidance contained within the JCA report (9123.0800.000.010.JCARD0C.001.R07), dated the 23 October 2025 which demonstrates that the lighting scheme will meet the requirements for environmental zone E2 in the ILP document "Guidance Notes for the Reduction of Obtrusive Light".

Reason: In the interests of preventing light pollution.

18) Noise levels at the site shall not exceed the predicted noise level range as set out in the acoustic report carried out By SWECO for the site and dated the 17/5/2024.

Reason: To protect the amenity of residential properties close to the site.

[Type here]

Archaeology

18) No development shall commence within the area indicated by application PL/2024/05527 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.'

Informative

The work is to be carried out following the Standard and Universal guidance for archaeological field evaluation as set out by the Chartered Institute for Archaeologists (CIfA). The costs of the work are to be borne by the applicant.

It should be made clear that, in this case, the archaeological field evaluation forms the first stage of possible further archaeological mitigation. Further archaeological investigation may be required either prior to or during construction or both. This will be dependent on the results of the archaeological evaluation undertaken prior to construction. Analysis and reporting commensurate with the significance of the archaeological results of further mitigation may also be required.

19) The development shall be used as a data centre and for no other purpose including any other purpose in Class B8 of the Town and Country Planning (Use Classes) Order 1987 (as amended), or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.

Reason: The development has been assessed as a data centre and the effect of other uses could potentially impact differently on the wider environment and neighbouring amenity.

Ecology conditions

16) Prior to the commencement of works, including demolition, ground works/excavation, site clearance, vegetation clearance and boundary treatment works, a Construction

Environmental Management Plan (CEMP) shall be submitted to the local planning authority for approval in writing. The Plan shall provide details of the avoidance, mitigation

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and protective measures to be implemented before and during the construction phase, including but not necessarily limited to, the following:

- a. Identification of ecological protection areas/buffer zones and tree root protection areas and details of physical means of protection, e.g. exclusion fencing.
- b. Working method statements for protected/priority species, such as nesting birds and reptiles.
- c. Mitigation strategies already agreed with the local planning authority prior to determination, such as for great crested newts, dormice or bats; this should comprise the pre-construction/construction related elements of strategies only.
- d. Work schedules for activities with specific timing requirements in order to avoid/reduce potential harm to ecological receptors; including details of when a licensed ecologist and/or ecological clerk of works (ECoW) shall be present on site.
- e. Key personnel, responsibilities and contact details (including Site Manager and ecologist/ECoW).
- f. Timeframe for provision of compliance report to the local planning authority; to be completed by the ecologist/ECoW and to include photographic evidence.

Development shall be carried out in strict accordance with the approved CEMP.

REASON: To ensure adequate protection and mitigation for ecological receptors prior to and during construction, and that works are undertaken in line with current best practice and industry standards and are supervised by a suitably licensed and competent professional ecological consultant where applicable.

17. The development will be carried out in strict accordance with the following documents:

- Statutory Biodiversity Metric. June 2024. Tyler Grange
- Proposed Site Plan HAL-SPP6-SW-XX-DR-A-000007. May 2024. Hale Architecture
- Proposed Masterplan HAL-SPP6-SW-XX-DR-A-000006. May 2024. Hale Architecture
- Detailed Soft Landscaping Plan. April 2024. EDP
- External Lighting report. October 2025. JCA
- Ecological Enhancement Plan. October 2025. Tyler Grange

[Type here]

REASON: For the avoidance of doubt and for the protection, mitigation and enhancement of biodiversity.

18. Prior to the start of construction, a Landscape and Ecology Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority. The LEMP will include long term objectives and targets, management responsibilities and maintenance schedules for each ecological feature within the development, together with a mechanism for monitoring success of the management prescriptions, incorporating review and necessary adaptive management in order to attain targets.

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

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

19. No development shall commence on site until a Habitat Management and Monitoring Plan (the HMMP), prepared in accordance with the statutory Biodiversity Gain Plan and including:

- a non-technical summary;
 - the roles and responsibilities of the people or organisation(s) delivering the HMMP;
 - the planned habitat creation and enhancement works to create or improve habitat to achieve the biodiversity net gain in accordance with the statutory Biodiversity Gain Plan and schedule for implementation;
 - the management measures to maintain habitat in accordance with the statutory Biodiversity Gain Plan for a period of 30 years from the completion of development;
- and
- the monitoring methodology and specification of a Monitoring Pack (to include but not exclusively up to date Management Actions Logs, Habitat Condition Assessment Reports, metric calculation; and corresponding post intervention Habitat Map) which shall be submitted to the Local Planning Authority in years 2 (two) 5 (five) 10 (ten) 15

[Type here]

(fifteen) 20 (twenty) and 30 (thirty) of the Maintenance Period,
has been submitted to, and approved in writing by, the local planning authority.

No construction shall commence until the habitat creation and enhancement works set out in the approved HMMP have been implemented in accordance with the timeframes set out in the Landscape and Ecological Management Plan required to be submitted to discharge Condition 18.

The created and/or enhanced habitat shall be managed and maintained in accordance with the statutory HMMP at all times thereafter.

REASON: To ensure the development delivers a biodiversity net gain on site in accordance with Schedule 7A of the Town and Country Planning Act 1990.

FORMAL REBUTTAL OF THE OFFICER'S REPORT

Planning Application: PL/2024/05527

Site: Land South of Westwells Road ("Donkey Field"), Neston

Proposal: 27,350 m² data centre and associated infrastructure

Document: Presented to Strategic Committee 16th December 2025

Date: Report prepared and emailed to all recipients 14TH December 2025

Table of Contents:

1. Introduction
2. Drainage, Flood Risk and Groundwater
3. The Sequential Test
4. Landscape and Visual Impact
5. Amenity Impacts (Noise, Light, Overshadowing)
6. Rights of Way and Highway Safety
7. Ecology
8. Principle of Development
9. Over Reliance of Conditions
10. Conclusion

1. INTRODUCTION

This rebuttal identifies material errors, omissions, unsupported assertions, and misapplications of planning policy in the Officer's Report recommending approval of the above development. It demonstrates that:

1. Critical technical evidence is missing, yet approval is recommended regardless. See table below.
2. Key risks are deferred to conditions, contrary to NPPF requirements that risks must be understood before permission is granted.
3. The Sequential Test is fundamentally flawed but accepted without scrutiny.
4. Amenity, landscape, ecological and transport impacts are understated, often ignoring contrary evidence from residents and consultees.
5. The Lead Local Flood Authority states that a summary of findings from new information for Wiltshire Council's Planning Enforcement team and the Strategic Planning Committee should be undertaken prior to further consideration of related development proposals.
6. The Officer's reasoning does not follow from the evidence presented and is therefore unsound.

For these reasons, the Committee cannot safely determine that the proposal is acceptable or compliant with the Development Plan.

METRICS	NUMBER	PERCENTAGE
Total statutory/ Technical Consultees	17	100%
Consultees wanting more information	5	29%
Consultees requiring information before determination	2	12%

*Two Consultees requiring information before determination are responsible for the most critical aspects of this application - flooding, and environment.

2. DRAINAGE, FLOOD RISK & GROUNDWATER – FUNDAMENTAL EVIDENCE MISSING

(Officer Report, pp. 33–37)

The Officer recommends approval despite acknowledging that:

- The drainage strategy is not yet finalised, but it is certain that there is no known viable off-site route for water discharge if infiltration does not work. This was established at a previous planning appeal for the site. There is no Plan 'B'.
- Infiltration feasibility has not been proven and requires new tests to BRE 365. Previous site studies undertaken in support of a housing planning application appeal indicated that infiltration would not work, and an off-site drainage route was required. The absence of such a route resulted in a Grampian Order being issued with the developer being required to establish how offsite drainage was to be achieved in the absence of any public drainage.
- A full hydrogeological assessment is still required. It has failed to recognise this site is the only remaining land in the area that can be used for flood mitigation, prevention and development. Without a proper understanding of flood risk this will cause a hazard to local residents and leave no credible future solution for flood prevention.
- One year of groundwater monitoring is required but has not begun. There is no evidence whatsoever of groundwater monitoring, but it is known that the water-table is close to the surface in many areas and historical surface flooding on the site has been a significant problem.
- A 1D/2D hydraulic model of exceedance routes is still to be produced. The LLFA noted that, "the applicant has not provided a rainfall-on-mesh 2D flood model to compare the baseline and post development scenarios". Given the historical flood issues within the Westwells this would be a proportionally appropriate request for the applicant to provide to help relieve concerns of the residents downstream of the development site. We would recommend that this analysis is provided prior to determination of planning and then updated (to a 1d-2d model) once the detailed drainage design has been completed". In the planning officers report the Drainage / Lead Local Flood Authority clearly states that they are – "Unable to assess the proposal".
 - LLFA – Page 44. "At present the LLFA is unable to make an informed assessment of flood risk because key drainage modelling and strategy information is missing."
 - LLFA – Page 45. "We have insufficient information to understand the surface water exceedance pathways or the downstream network capacity."
 - LLFA – Page 46. "A number of further assessments are required before the LLFA can determine whether the proposals are acceptable."

Yet the Planning Officer states these can be "secured by condition", contrary to national guidance. These omissions are not minor. They are paramount to the feasibility of the development.

2.1 NPPF para 181 is breached

NPPF para 181 requires that, before permission is granted, an applicant must demonstrate:

- No increased flood risk elsewhere
- Site can be safely accessed
- Risks can be safely managed
- SuDS strategy is appropriate

Data demonstrating compliance has not been provided and approval has been made on speculative interpretation of future results e.g. ARK site infiltration tests are highly questionable and not BRE compliant. ARK Ltd have refused to do further infiltration testing for this site whereas they have done so for other sites. There is hard evidence from previous planning applications on this site by RSK Ltd with BRE compliant testing that infiltration is unlikely to work on this site. The current ARK application does not meet these BRE standards, and their own tests indicate infiltration is unlikely to work therefore compliance has not been demonstrated as a fact, yet the Officer asserts compliance.

2.2 Evidence of historic and recent flooding is not assessed

The report briefly notes the 2014 flood (p. 34) but does not analyse:

- Routes of surface water that track directly across the Donkey Field, as far back as records go (c.1750) the Donkey Field site has absorbed the surface water run-off from the catchment area. The MoD owned underground stone quarry on the site was known as the 'Waterhole' because it flooded so regularly and after only 12 years operation it shut down in 1907. It still floods and is unusable for that reason.
- The fact that surface and underground water from Ex-MoD land flows through the site despite previous planning assumptions to the contrary.
- Flooding in 2023/2024/2025 on Westwells Road and Rowan Lane. The cause has never been investigated or established. In the devastating 2014 flood, residents were able to use kayaks on the site.
- It fails to recognise that in the absence of any surface water drainage the land has historically absorbed most of the surface water run-off in the area and is the only land area left to manage future flood resilience and in accordance with NPPF 182 (b) this should be a specific consideration.
- It does not recognise that infiltration schemes in most Westwells local planning applications have been proven not to work and the SUDS schemes must discharge exceedance to the foul sewer.
- It does not recognise the unresolved failure of the Wadswick Green surface drainage planning assumptions resulting in significant surface water flow downhill into the site.
- It does not recognise that ARK and other developers have broken into the Wessex Water Reservoir overflow drain to discharge unquantified volumes water into the Westwells Flood area without either planning permission, approval from Wessex Water or from the owners of the private drain the reservoir pipe empties into. This is information that the LLFA did not have during the planning process.

This information is essential and was submitted, after detailed research by residents.

2.3 Infiltration above former mine workings is accepted without evidence

The site overlies the Sands Quarry cavern system with water entering fissures and contributes to MOD pumping needs. The report acknowledges local concerns but dismisses them by suggesting the MOD can later seek a drainage consent if pumping increases (p. 35). This:

- Fails the precautionary principle,
- Transfers risk entirely to third parties,
- Contradicts NPPF 181(d): residual risk must be understood before approval.

It fails to recognise that the technical assessment from bore holes was wholly incomplete for fear of drilling into the underground mine area.

2.4 Over-reliance on pre-commencement conditions

Conditions 13–15 require the submission of significant, currently missing evidence at a later stage. However, this evidence is fundamental to determining whether the proposed flood-management strategy is acceptable in principle. If the outstanding information were to demonstrate that the development cannot adequately manage surface-water runoff, then the proposal would be wholly unacceptable. For that reason, these matters cannot lawfully be deferred to planning conditions.

Furthermore, the previous approval for this site was expressly dependent on demonstrating a viable off-site route for water discharge. Such a route has never been proven to exist, and the Planning Appeals Officer explicitly expressed doubt that it would ever be deliverable. This reinforces that the issue is not one that can be left to conditions; it goes to the heart of whether the development is acceptable at all.

Government guidance is unequivocal:

Conditions cannot make unacceptable development acceptable.

PPG, Use of Planning Conditions; NPPF para 55 clearly states where there is uncertainty about whether the site can be drained, permission cannot be granted.

3. THE SEQUENTIAL TEST – FUNDAMENTALLY FLAWED AND MISAPPLIED

(Officer Report, p. 36)

The Sequential Test submitted by the applicant:

- Only included directly contiguous sites and excluded available land to the north, some of which has already been considered for development.
- Considered only parcels adjacent to the existing data campus, not all reasonably available land.
- Applied a highly restrictive “site size” filter to rule out alternatives.

The Officer acknowledges the test was prepared under old guidance, and that guidance has now changed, yet inexplicably still accepts the Sequential Test as passing.

Material error

The NPPF sequential test requires that development should not be permitted where there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding. A sequential assessment that fails to demonstrate that there are no such reasonably available sites is not compliant with the NPPF

4. LANDSCAPE & VISUAL IMPACT – HARM UNDERESTIMATED

(Officer Report, pp. 21–23)

The proposed building:

- Up to 18.7 m high, roughly 5 residential storeys in height.
- Visible across open landscape and from elevated positions such as Wadswick Green.
- Adjacent to small-scale village housing.

The Officer accepts the building will be “visible” and “large” but concludes that landscaping over 10–15 years will mitigate harm.

Material errors

4.1 No winter photo montages were assessed

- This breaches best practice and materially misrepresents visibility.
- NWAG members personally paid for photos to show WC and residents a winter montage, and they are attached at the end of this document.

4.2 Cumulative massing is ignored

- Four adjoining data halls now form a cluster of industrial scale. The report treats each individually, contrary to landscape assessment guidance.
- Total Ark site size with the Donkey Field will be 62 acres (25 hectares) equivalent to 41 International football fields.

4.3 Misinterpretation of “brownfield” character and Ex MoD Land

- The Officer incorrectly describes the Donkey Field as brownfield, but the Appeal Inspector for the 81-home scheme determined the site had re-naturalised over 75 years with significant vegetation and local landscape value.
- Newly discovered archive correspondence between Ministry of Works, WC and the landowner, Bath and Portland Stone reveals that in 1958, the site was officially returned to greenfield status.
- The correspondence includes letters confirming a government payment was made to the landowner to return the land to agricultural use.
- On 30th July 1956, the Director of Lands and Accommodation, Ministry of Works agreed to demolish all structures on the site “to ground level”, meaning no buildings would remain above the surface.
- Despite this, WC repeatedly failed to enforce this action, even after receiving complaints from residents.
- WC denied all previous planning applications for development on the land, citing its agricultural/greenfield status.

4.4 The design does not “respond to context”

A five-storey industrial mass adjacent to two-storey dwellings cannot reasonably be described as context-responsive.

5. AMENITY IMPACTS (NOISE, LIGHT, OVERSHADOWING) ARE NOT PROPERLY ASSESSED

(Officer Report, pp. 24–26)

5.1 Noise

A low-frequency hum is already widely reported from the existing Spring Park facilities.

The Officer report acknowledges multiple complaints, but then entirely discounts their relevance.

- No independent verification of noise modelling.
- No cumulative impact assessment.
- No modelling of emergency generator testing cycles.
- No assessment of tonal penalties under BS4142.

This contradicts the requirement under NPPF 135 to ensure protection of amenity for existing users.

Low frequency hum noise is widely reported in USA and easily available on internet searches.

5.2 Lighting

The Officer relies on an E2 lighting classification, but construction lighting (cranes, security towers, floodlighting) is not assessed.

5.3 Overshadowing

The report states overshadowing is unlikely due to distance and trees.

This ignores the elevated position of Wadswick Green and the stepped topography, which materially changes the viewing geometry.

6. RIGHTS OF WAY AND HIGHWAY SAFETY – RISKS DISMISSED WITHOUT EVIDENCE

(Officer Report, pp. 27–30)

6.1 Rowan Lane pedestrian hazard

Rowan Lane is narrow, unlit, without pavements, and heavily used by elderly residents.

The Officer accepts the applicant’s mitigation of “resurfacing and signage” with no:

- Safety audit
- Pedestrian/vehicle conflict modelling
- Construction traffic quantification

Given the demographic profile of Wadswick Green, this is a failure to consider vulnerability of users, contrary to NPPF paras 115–117.

6.2 Transport impacts during construction

The Transport Assessment dramatically underestimates construction HGV movements when compared with empirical data from equivalent Ark developments.

The Officer nevertheless concludes “traffic will not be substantial”, without evidential basis.

7. ECOLOGY – BASELINE DATA COMPROMISED AND IGNORED

(Officer Report, pp. 31–33)

7.1 Premature clearance of vegetation

The applicant cleared substantial trees and vegetation before surveys were completed, undermining the ecological baseline. The Officer does not address this breach of best practice.

The previous planning appeal on the site recognised other developers including Ark have systematically cleared the land before environment surveys.

7.2 SAC bat species

Lighting, noise and landscape impacts on Annex II bat species are treated as mitigated, despite the site lying within:

- The Bath & Bradford-on-Avon SAC buffer
- A key foraging corridor identified in the Corsham Batscape Strategy

The Officer places heavy reliance on consultant opinion without addressing the ecological integrity of the corridor, which is severely narrowed by the proposed perimeter security fencing and building mass, neither does the assessment consider the aggregated impact of Hawthorn Data Centre 6. Previous developers in the area including the housing application on this site were severely constrained by potential impact on bat colonies etc. None of these constraints have been placed on this proposal.

8. PRINCIPLE OF DEVELOPMENT – MISAPPLICATION OF POLICY

(Officer Report, pp. 13–14)

The Planning Officer claims strong support for the development based on NPPF paras 86–87 and makes a selective quote from that section. Paras 86–87 are plan-making and decision-making guidance, not a blanket “yes” to development:

- They require planning policies to identify suitable locations for modern economic uses (including data centres).
- They require planning decisions to recognise locational needs - not override other policies.

They are explicitly subject to the development plan as a whole and the Planning Officer misrepresents this:

The Planning Officer’s report treats paras 86–87 as if they create a positive presumption in favour of data centres, regardless of:

- landscape harm,
- proximity to residential communities,
- flood risk uncertainty,
- transport harm,
- or conflict with local policies.

Paras 86–87 enable provision where suitable. They do not override other policies, and they would only be relevant if the Wiltshire strategic plan had “zoned” this land for such use. The land has not been allocated for housing or employment use.

The defining policies in this case are CP1m 2, and 11 which require development to:

- Be appropriately located
- Respect the scale and character of its surroundings
- Protect the amenity of nearby communities
- Deliver good design and landscape compatibility

This proposal introduces a large, industrial-scale data centre immediately adjacent to established residential areas at Westwells and Neston. By its massing, height, infrastructure and operational character, it conflicts directly with these policies.

The Planning Officer continues to misuse Core Policy 37 which was called upon by the Planning Inspector when considering the housing development on this site. Putting aside the incorrect assumption that the land is ex MoD, the planning inspector interpreted CP37 to override CP1, 2 and 11. He decided a development of low-rise, low-density housing would form an acceptable soft transition. This development would extend the high rise harsh industrial form of the data centres straight up to the low-rise traditional housing settlements of Westwells and Neston.

We also draw your attention to Corsham Neighbourhood Plan Policy CNP E5 - Rural green buffer “development that would result in the coalescence of settlements will not be permitted. This policy forms part of the statutory development plan and should be given full weight in the assessment of proposals that may reduce the separation between Corsham, Westwells and surrounding villages.” The officer’s assertion that development is acceptable in principle is therefore unsound.

9. OVER-RELIANCE ON CONDITIONS – CONTRARY TO LAW AND GUIDANCE

The Officer repeatedly uses conditions to defer essential technical evidence:

- Drainage feasibility
- Groundwater safety
- Hydrogeological modelling
- Noise verification
- Soft landscape detail
- Construction environmental management

However, Government guidance requires that:

- Conditions cannot be used to “fill gaps” where fundamental uncertainty exists.
- A condition cannot validate a scheme if its acceptability depends on unknown future evidence.

Almost all major risks associated with this development fall into this prohibited category.

10. CONCLUSION – RECOMMENDATION UNSOUND, PERMISSION UNSAFE

The Officer's recommendation does not follow logically from the evidence presented.

Material risks remain unidentified, unquantified, or unassessed.

The proposed development cannot be shown to comply with the Development Plan.

For the Committee to grant permission in these circumstances would be:

Contrary to the National Planning Policy Framework, in particular:

- Paragraph 55, which requires development to be genuinely plan-led and supported by adequate evidence at the decision stage.
- Paragraph 181, which provides that when determining planning applications local planning authorities must be satisfied, on the basis of an appropriate site-specific flood risk assessment and the application of the sequential and exception tests where required, that flood risk will not be increased elsewhere and that the development can demonstrate safe location, appropriate mitigation, sustainable drainage, management of residual risk and safe access — such that development should only be allowed where these matters are demonstrated at the point of determination;
- Paragraph 135, which requires developments to be visually attractive and sympathetic to local character, including landscape setting; and
- Paragraphs 187–195, which requires decisions to be based on proportionate, up-to-date and adequate information, and make clear that unresolved impacts should not be deferred by condition.

Contrary to the Wiltshire Core Strategy, including:

- CP50 and CP51, which require development to be supported by appropriate infrastructure and transport evidence.
- CP57, which requires high-quality design responding positively to its context.
- CP60–64, which protect landscape character, biodiversity and ecological networks; and
- CP67, which requires that flood risk is not increased elsewhere and that appropriate mitigation is incorporated, where the Lead Local Flood Authority has confirmed it cannot assess flood risk due to missing information, and where the acceptability of the development is dependent on future assessments and mitigation yet to be defined, contrary to national policy and guidance which require such matters to be resolved before permission is granted.

Contrary to the Corsham Neighbourhood Plan, notably:

- Policy E1, which seeks to protect landscape setting and local distinctiveness.
- Policy E3, which resists development that would erode settlement separation or rural character.
- Policy T1, which requires transport impacts to be properly assessed and acceptable; and
- Policy BEKO5, which safeguards the open countryside and green buffers that prevent coalescence of settlements contrary to principles of sound decision-making and natural justice.

The Committee is therefore respectfully urged to REFUSE the application

Or

Defer it until missing evidence—particularly drainage, sequential test, hydrogeology, noise and visual impact—has been independently verified.

PHOTOGRAPHS AND VISUALS



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VIEW

PANTRAM
ANIMATION STUDIO

Studio 603 - 604
Samedhi Tower b/s
HSC Bank
C.G. Road Ahmedabad
380091
India

Project: External rendering of proposed data centre
Location: Sandi Quarry, Westwells
View: View 2
Image No: 17645/2
Date: May 25



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VIEW POINT

PANTRAM
ANIMATION STUDIO

Studio 603 - 604
Samedhi Tower b/s
HSC Bank
C.G. Road Ahmedabad
380091
India

Project: External rendering of proposed data centre
Location: Sandi Quarry, Westwells
View: View 1
Image No: 17645/1
Date: May 25



VIEW POINT



Studio 603 - 604
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HSBC Bank
C.G. Road Ahmedabad
380009
India

Project: External rendering of proposed data centre
Address: Sandi Quarry, Westwells
View: View 4
Dwg. No: 17645/4
Revision: Date: May 25



VIEW POINT



Studio 603 - 604
Somedh Tower b/s
HSBC Bank
C.G. Road Ahmedabad
380009
India

Project: External rendering of proposed data centre
Address: Sandi Quarry, Westwells
View: View 3
Dwg. No: 17645/3
Revision: Date: May 25

Scale:

Drawn:

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1. VIEW DOWN HILL FROM WESTWELLS ROAD
2. VIEW FROM MOOR GREEN HOUSING ESTATE
3. VIEW FROM WESTWELLS VILLAGE
4. VIEW FROM WESTWELLS EVEN NUMBERS CUL DE SAC
5. VIEW FROM WADSWICK GREEN RETIREMENT VILLAGE
6. DIAGRAM OF MASSING – TWO BOEING 747 AIRPLANES NOSE TO NOSE
7. ONE EXAMPLE OF RECENT FLOODING IN WESTWELLS ROAD BY JUNCTION OF ROWAN LANE.

SPRING PARK	HECTARES	ACRES	EQUVALENT FOOTBALL PITCHES (INT)
SQ17, P1, P2, P3, P4	15.4	38	25
P6 HAWTHORN	2.286	5.65	4
P7 DONKEY FIELD	7.37	18.21	12
TOTAL WITHOUT P7	17.686	43.70	29
TOTAL WITH P7	25.056	61.914	41



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To: Ark Data Centres

From: John Charlesworth

Bristol

Project/File: Spring Park P6 Data Centre

Date: 18 December 2025

Reference: 24639-HYD-XX-XX-TN-C-0005

The following Technical Note has been prepared to summarise and respond to the most recent comments received from the Wiltshire Council's Drainage Officer, in relation to the planning PL/2024/05527 dated 16/12/2025.

These have been broken down into six main points with extracts from the Drainage Officer (in italics) followed by a response from the Civils Drainage Design Engineer working on the project. The designers' responses have been indented to provide further clarity to the document.

Drainage Officer Comment 1.

BRE 365-compliant infiltration tests must be completed at the proposed soakaway locations and depths, not proxy positions.

Designers Response.

Infiltration testing has been conducted in accordance with BRE 365 at locations SA01 and SA02 as close as practicable to the proposed final soakaway locations. Results are shown in section 5.5.2 of the Phase 2 Ground Investigation Report with raw test data provided in Appendix B of the same report. (ref: 24639-HYD-XX-XX-RP-GE-1002). This report was submitted when the application was submitted on 17th June 2024. The distance from locations SA01 and SA02 to the proposed soakaway are so small that there can be a very high degree of certainty that the conclusions are applicable and it is incorrect to suggest that these are proxy positions. Notwithstanding this, Condition 14 sets a requirement for further infiltration to be undertaken prior to the commencement of development and, if desirable, an additional part could be added to this condition specifically requiring that infiltration testing takes place specifically at the proposed location of the soakaway.

Drainage Officer Comment 2.

Groundwater monitoring should be initiated immediately, with monitoring wells installed and baseline readings provided, alongside a 12-month monitoring plan (acknowledging that full duration will continue beyond this two-week period).

Designers Response.

Groundwater monitoring has been undertaken as per Appendix D of the Phase 2 Ground Investigation Report (ref: 24639-HYD-XX-XX-RP-GE-1002). This report was submitted when the application was submitted on 17th June 2024.

Reference: 24639-HYD-XX-XX-TN-C-0005

Drainage Officer Comment 3.

An interim hydrogeological constraints report is required, including a desk study and site walkover to identify mine-workings influence zones and precautionary stand-offs, and to outline the scope and timeline for the full hydrogeological assessment.

Designers Response.

These items have already been covered by the submitted Phase 2 Ground Investigation report in Appendix A, Conceptual Site Model (ref: 24639-HYD-XX-XX-DR-GE-1001. Please also refer to the specific technical note as issued as part of the planning application "Risk presented by underground mine workings to proposed surface water drainage strategy" (ref: 24639-HYD-XX-XX-TN-GE-1003). In accordance with the report, soakaways have been located outside of their influence in accordance with drawing 24639-HYD-XX-XX-DR-G-1002. Any interim report would not provide additional data. This report and the appendices referred to above were submitted when the application was submitted on 17th June 2024.

Drainage Officer Comment 4.

A 1D/2D hydraulic model should be produced to compare baseline and post-development scenarios using rainfall-on-mesh or other appropriate methodology, including exceedance flow routing and safe pathways. This should incorporate recent local storm data for calibration.

Designers Response.

It is to be noted that the proposed development has limited interaction with the proportion of surface water flow route which passes within the site boundary. Surface water flows are concentrated along the northern and eastern boundary, in areas where a net balance of levels is to be achieved and any infrastructure being below ground. The small route that passes centrally currently follows a small valley; this will be diverted. It is noted that the council's previous response denoted that a 1D-2D model could be issued post determination and controlled via planning condition. It is not clear why the Council's position on this should change given that this application has been with the Council for in excess of 18 months and the Drainage Officer has confirmed on a number of occasions that there were no objections on drainage matters. Given the location of this flow path neither a 1D or 2D model alone would accurately depict its diversion. To this effect. this flow route will be managed, in the 1D-2D model as agreed.

Reference: 24639-HYD-XX-XX-TN-C-0005

Drainage Officer Comment 5.

Confirmation of a fallback discharge route is essential: either provide evidence of a lawful, technically viable discharge route (including ownership, capacity, and consents) or issue a formal Non-Availability Statement if no route exists.

Designers Response.

In accordance with the NPPF and NPPG, water reuse has been sought as the primary means of surface water management, secondarily to this is, the use of the proposed soakaways for surplus flows. Following a sequential approach, in order of sustainability, these are the top two options. Given historical conversations with Wessex Water, it has been identified that the no surface water sewers reside within Westwells Road, and it is not appropriate to make connection to the Wessex Water reservoir overflow. Connection to the foul sewer is also not permitted. As such, it has previously been discussed on neighbouring schemes with Wessex Water that where surface water cannot be infiltrated along Westwells Road, these can be pumped to the existing Wessex Water network to the north, within Bradford Road. This connection can be achieved through requisition, given Wessex Water as the owner and the route being located within public highway and as such is an acceptable alternative if less sustainable methods are available.

Drainage Officer Comment 6.

Please provide written confirmation or an interim position from MoD/DIO regarding mine-workings risk, and update the risk register and design constraints accordingly.

Designers Response.

The Ministry of Defence Infrastructure Organisation (DIO) Safeguarding Team provided a consultation response on 27th November 2025. This stated that:

'I can confirm that, following review of the application documents, the proposed development would be considered to have no detrimental impact on the operation or capability of a defence site or asset. The MOD has no objection to the development proposed.'

Other Drainage Officer Comments.

In parallel, please note that LLFA is investigating off-site drainage concerns raised by residents and local action groups, including issues associated with the Wessex Water reservoir overflow line, legacy MoD drainage infrastructure, and highway drainage systems along Westwells Hill and Rowan Lane.

Evidence suggests that these systems may have been altered or connected without formal approval, and that significant volumes of surface water could be entering compromised private drains downstream of your site.

While these off-site matters should not directly determine the planning outcome for your application, they may influence our understanding of cumulative flood risk and downstream capacity.

We ask that you review the attached information summarising these off-site issues and confirm whether any of your site drainage arrangements interact with these systems. Please also explain how your

Reference: 24639-HYD-XX-XX-TN-C-0005

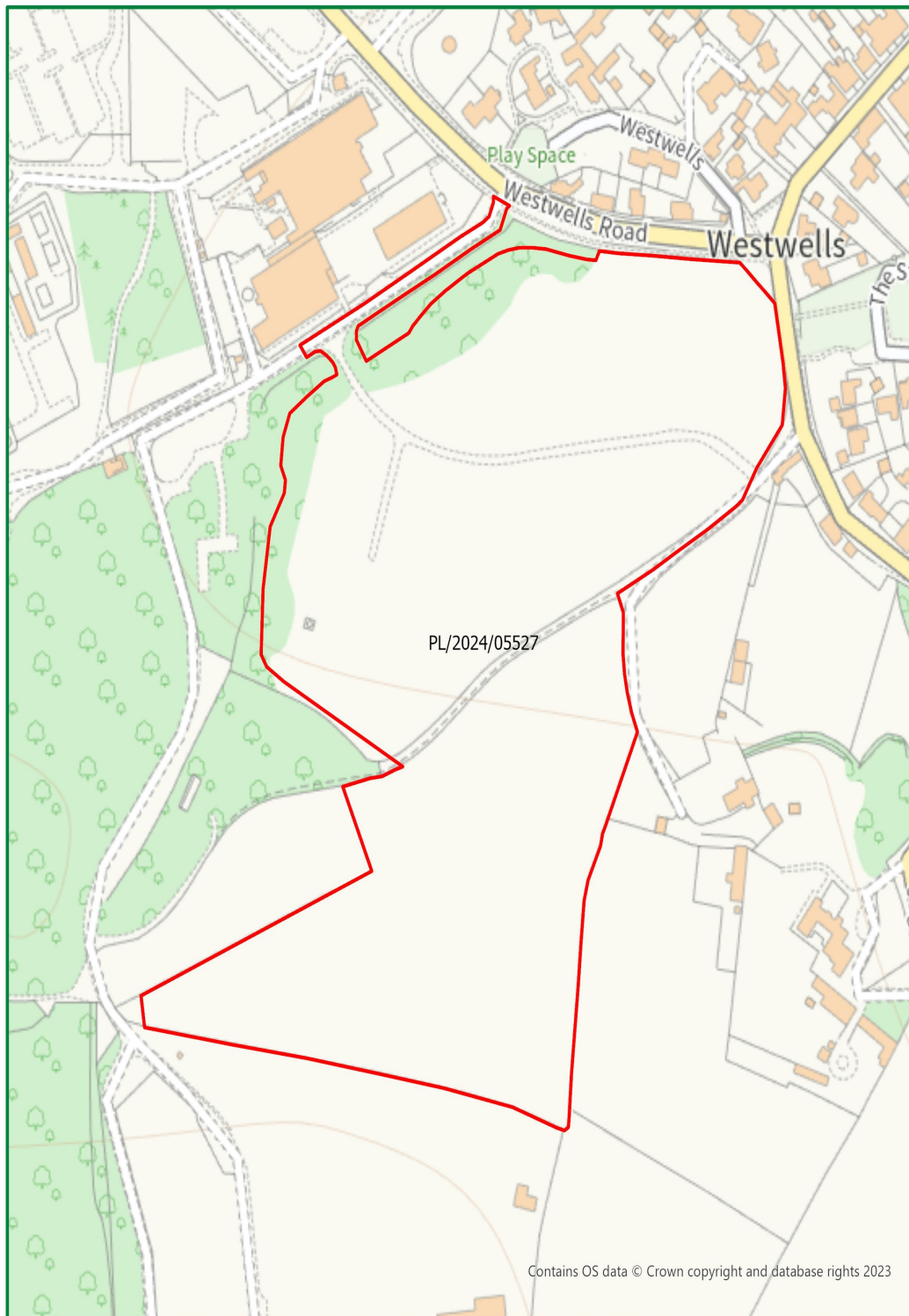
proposed drainage strategy will ensure that flood risk downstream is not increased, taking into account the potential implications of these off-site connections.

Designers Response.

Whilst the off-site drainage concerns should not hold bearing on the determination, all concerns and the general flood risk of the area are seen as important. All of the existing and proposed drainage as implemented by Ark have been done so under lawful and approved methods, offering betterments to the surrounding area.

As identified by the drainage officer, evidence would suggest that the connections and alterations made have been done by other developments unrelated to Ark without approval and the council should investigate the matter further.

As denoted previously and within this document, it must be stressed that under no circumstances is the proposed development seeking to discharge into the existing private drains and will only offer to remove surface water which is currently poorly managed by the surrounding infrastructure.



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APPLICATION FOR FULL PLANNING PERMISSION OFFICER REPORT

Date of Meeting	10 February 2026
Application Number	PL/2024/11661
Site Address	Emery Gate Shopping Centre, Emery Lane, Chippenham, Wilts, SN15 3JP
Proposal	Part-demolition of existing buildings and full planning permission for new buildings for Commercial, Business and Service (Use Class E), Local Community and Learning (Use Class F1/F2), and residential (Use Class C3) uses, along with new landscaping, public realm, retained parking, cycle parking, servicing, utilities, plant and pedestrian access routes onto Island Park.
Applicant	Chippenham Riverside Limited
Town/Parish Council	Chippenham Town Council
Electoral Division	Chippenham Hardens & Central ED
Type of application	Full planning permission
Case Officer	James Taylor
Reason for the Application being reported to Planning Committee	Final and updated call-in from Cllr Liz Alstrom (Chippenham Hardens & Central - 13/01/2026) <i>Other – “The proposed number of retail and leisure units is below what our community needs. In fact, it is less than the current provision, which would force several existing businesses to close. This would not only harm the vitality of our high street but also result in a loss of local jobs and economic activity. For a town that is growing in both size and population, reducing commercial floorspace is counterproductive. The development must provide a greater amount of retail and leisure space to support local businesses, protect employment, and meet the needs of our expanding community.”</i>

RECOMMENDATION: That Planning Permission be **GRANTED** subject to conditions, and subject to delegation to the Head of Development Management to complete a S106 legal agreement based on the Heads of Terms and details outlined in this report

Executive summary

Section 38(6) of the Planning and Compulsory Purchase Act 2004 and S70(2) of the Town and Country Planning Act 1990 require that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

The proposals would deliver a brownfield redevelopment within Chippenham town centre through providing a mix of residential and commercial uses and a densification of the built form. The proposals retain the existing park level built-form, but involve the demolition above. The replacement built-form includes a series of 7 new buildings with landscaped outdoor parades, squares, mews, and terraces over the existing refurbished subterranean car park.

The proposals would provide 225 open market dwellings, new Class E/F1/F2 commercial/retail/community provision over circa 3,742m² of tradable floor area, a new retail café unit at Island Park level; enhanced site permeability and accessibility; Biodiversity Net Gain, enhanced levels of sustainable construction, full Community Infrastructure Levy contributions and a limited range of additional planning obligations.

The proposals have been submitted with a viability appraisal which has been subject to independent 3rd party assessment by Dixon Searle in partnership with Currie & Brown on behalf of Wiltshire Council. This has revealed that the development cannot provide a policy compliant set of planning obligations in related to matters such as Affordable Housing, education, public open space / leisure and most highway matters.

The proposals have conflict with specific policies of the development plan. However, your officers have taken a full and robust assessment of the overall planning merits of the application and consider that when reading local and national policies as a whole, and in applying a planning balance, the proposals would represent an acceptable form of sustainable development within a Wiltshire context. They represent a positive development having regard to the social, environmental and economic dimensions of the proposal.

On balance, it is considered that the adverse impacts of granting planning permission, in the particular circumstances of this case, would not demonstrably outweigh the range of benefits. The proposals would redevelop a brownfield site, provide additional housing that would help to meet housing land supply requirements and generate additional vitality within the commercial area. The proposal would provide a new flexible shopping area that would be a positive addition to the town centre to support enhanced vitality and viability.

The application is recommended for approval subject to all parties entering into an agreement under s106 as well as the conditions and informatives set out at the bottom of this report.

Proposed development site and surroundings

Site location

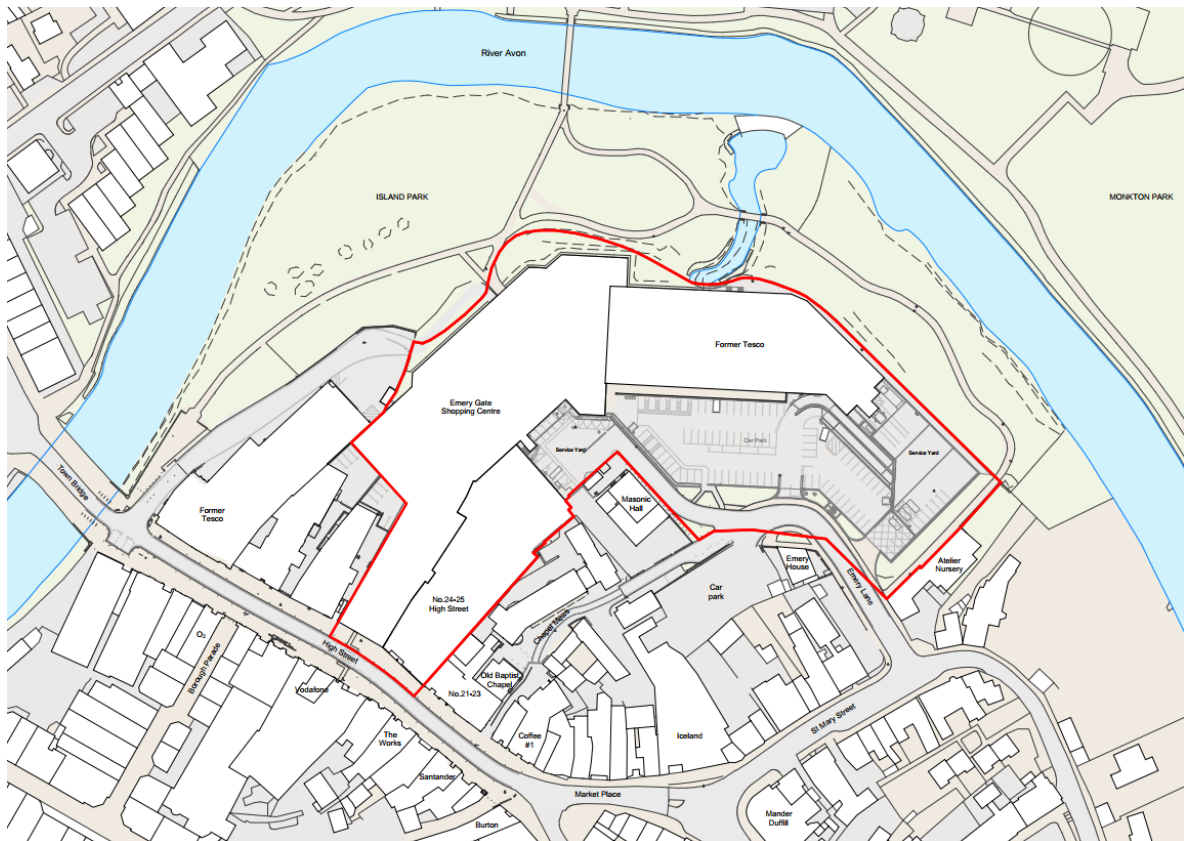


Figure 1: Site location plan also showing existing layout at 'podium level'.

Proposal



Figure 2: Proposed site plan showing the new built form at 'podium level' and relationship to High Street, Emery Lane and Island Park.

The proposals would deliver a brownfield redevelopment within Chippenham town centre through providing a variety of uses and densification of the built form. The proposals retain

the existing park level built-form, but involve the demolition above. The replacement built-form includes a series of 7 new buildings with landscaped outdoor parades, squares, mews, and terraces at what is referenced as 'podium level' raised above Island Park. This provides seating and informal play areas integrated within a hard and soft landscaping strategy.

The proposals would provide 225 open market dwellings including 102x 1-bedroom dwellings, 115x 2-bedroom dwellings and 8x 3-bedroom dwellings. Buildings A, E and F would have residential accommodation at 1st, 2nd and 3rd floor levels. Building B1 includes a mix of uses at ground floor with the upper floors being residential. Buildings B2, C and D are entirely apartments. Each building includes services and facilities to meet the needs of the development and its future users and occupiers including bin storage, cycle storage, lifts and stairs. Units have access to private outdoor amenity space through terraces, and balconies and the development includes informal play and gardens at podium level too. The proposed shop fronts show a level of flexibility to allow a greater number of units to be created within the proposed floorspace.

The proposals involve the provision of new Class E/F1/F2 commercial/retail/community provision over circa 3,742m² of tradable floor area. This has been sited within Buildings A, B1 (western end only), E and F. The units range from 91m² to 362m² over 16 units at podium level and an additional retail café unit at park level (259m²). The proposals include 2 units fronting the High Street and then the remaining units line the new Riverside Parade, Riverside Square and Riverside Street terminating with the largest unit with Building B1 on the new Riverside Terrace.

The proposals also include back of house retail areas, space for a management office and a gated service yard via an access ramp enclosed by the development and the existing Masonic Hall to the south of the application site. This is in the same location as the existing service yard but would be slightly reconfigured.

At Island Park level, as set out there is a proposed new retail café; otherwise the proposal is for vehicular parking spaces with further cycle storage, bin storage and access cores to the podium level for the public and the residential spaces for future occupiers. These include lifts and stairs to access the upper levels. A total of 11 cores are planned with several of these offering links up from the car park to the shopping area for the general public. The car parking provision includes a number of active electric vehicle chargers (EVC) and passive EVC provision, disabled parking and the potential for 2x car club parking spaces at podium level. The subterranean parking area has been divided for 14 parking bays for an existing lease with the bank on the High Street; 274 spaces for commercial and residential elements. This is accessed via Emery Lane and a new access ramp adjacent to the footpath on the eastern end of the site adjacent to Atelier Nursery.

In total the proposals would provide circa 89 commercial parking spaces, 14 further spaces for bank parking, 185 residential spaces at low ground floor level, 2 car pool spaces and an additional 7 disabled spaces at podium level.

The proposals include enhanced site permeability and accessibility through a range of outdoor spaces which have seating areas and soft landscaping leading people through the retail area beyond the new terrace into Island Park.

The proposals also include Biodiversity Net Gain, enhanced levels of sustainable construction and full Community Infrastructure Levy contributions supported by a limited range of additional planning obligations to mitigate the impacts of the development (such as obligation to secure waste and recycling receptacles, and £20,000 towards funding masterplan and enhancements to Island Park as part of the LCWIPs ambition).

The proposed built form has a largely contemporary form ranging in scale and massing but generally up to 4-storeys above podium level. To the high street the proposal would be 4-storeys with accommodation within the roof provided by dormers windows on a mansard-style roof. Materials palette includes use of traditional stone using combinations of ashlar and rubble stone on the High Street frontage, the prominent gables at Buildings A and B1 where they relate to Island Park and the ends of Buildings B2, C and D as they front Emery Lane. Otherwise, the development includes the use of render with brick used to accentuate the elevation treatments and provide a range of variety in the scheme. The proposal also detail the use of balconies extensively to the upper floor levels and hanging slate tiles to the top storey of the development to match the roof pitches.

Site description

The application site is located within the commercial town centre of Chippenham, allocated as a Principal Settlement within the development plan. This is the top tier placing Chippenham alongside only Trowbridge and Salisbury within Wiltshire. Wiltshire's Principal Settlements are strategically important centres and the primary focus for development.

The commercial boundaries of Chippenham Town Centre are set out by the 'saved' policies of the North Wiltshire Local Plan. The commercial area is severed by the River Avon and the area to the south of the river includes the whole of the application site and extends south to include the Chippenham Bus Station. Emery Gate indoor shopping centre is within the primary retail frontage; but the currently vacant former Tesco supermarket and 'podium' level car parking is within the secondary frontage area.

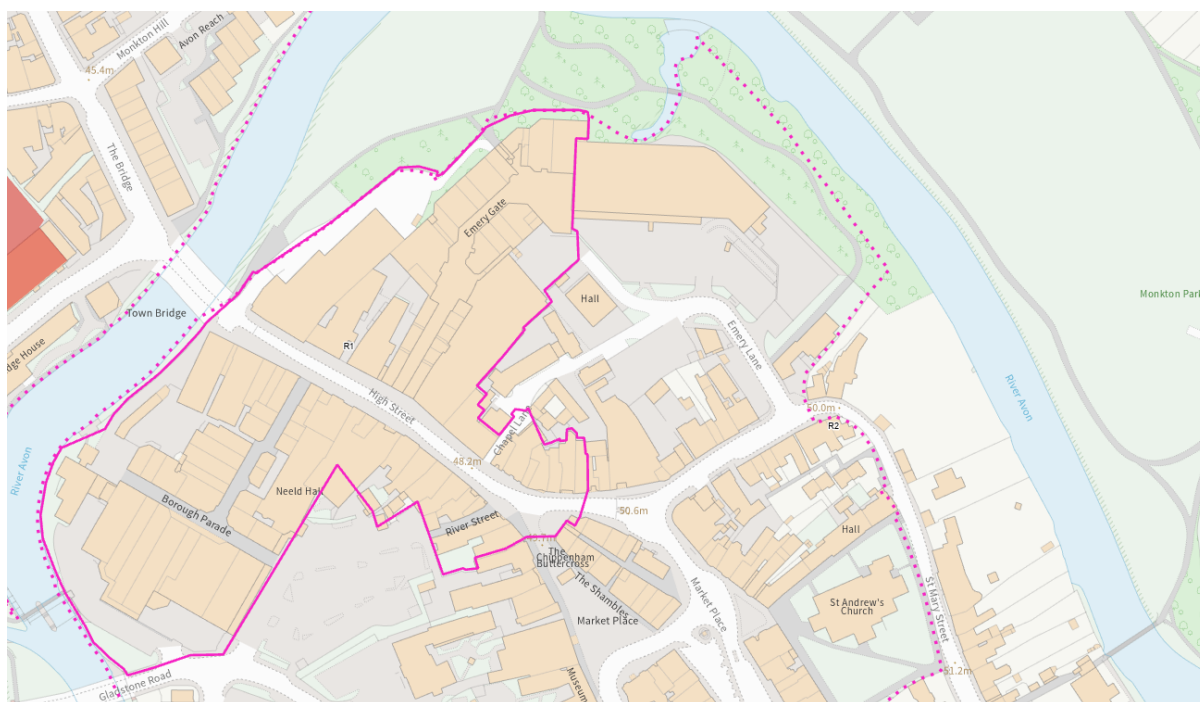


Figure 3: Plan showing the extent of the commercial town centre with dotted line and the Primary Frontage within the solid pink line.

The site forms part of a wider area that has been subject to a River-Green Corridor Masterplan which establishes a series of Design Principles for development along the River Avon through central Chippenham. This is a Strategic Green Corridor. Furthermore, the application area so far as it includes Island Park to the north is subject to a Local Green Space designation. Built development on Local Green Spaces must be consistent with policy for Green Belt.

The application site lies partially within fluvial flood zones 2 and 3 and has some patches of elevated surface water flood risk. This is based on information from the Environment Agency. Based on the Council's Strategic Flood Risk Assessment the application site does not have risk of ground water emergence. Nonetheless, collectively this means that the application site is susceptible to elevated levels of flood risk taking into account all sources of flooding.

Whilst there are no specific ecology designations relevant to the application site, nor any specific records of protected species there are records held with the Wiltshire and Swindon Biological Records Centre showing extensive use of the River Avon corridor by various bat species including Common Pipistrelle, Soprano Pipistrelle and Noctule. There is also a record of Barbastelle and Brown Long-eared Bat on the High Street. Other species are also considered likely to use this blue/green corridor.

The site is located within the designated Chippenham Conservation Area and the setting of a number of Listed Buildings broadly to the south of the application area. These include the grade II listed 'National Westminster Bank and Attached Walls'; 'Lloyds Bank', 'New Town Hall and Neeld Hall', '7 High Street', '10 and 11 High Street', '21 High Street' and '22 and 23 High Street'. These are all located on the High Street. To the rear of the High Street there is the grade II* listed 'Old Baptist Chapel' and the grade II listed 'Former Coach House' and 'Former Mill Building'. Further to the east around Emery Lane designated listed buildings include the grade II listed 'United Reform Church and Former Ministers House' and the grade II* listed

‘Number 61 and attached rear garden walls’. Further to the south and of significance to the town’s roofscape is the grade II * listed ‘St Andrew’s Church’.

Emery Lane is an unclassified highway subject to a 30mph speed restriction which connects to the wider highway network via St Mary’s Street and the Market Place. There is a footpath and cycle route to the east boundary of the site which connects Emery Lane and Island Park.

The application site has been associated with contaminated land risks that are identified as ‘medium’ from unknown filled ground (pond, marsh, river, stream, dock etc). This is likely to include historic changes to the River Avon and its tributaries and leats.

The shopping centre has a 3-storey symmetrical frontage providing shop windows to the High Street and is constructed from dressed Ashlar with architecturally arched windows, banding detail and a 3rd storey bay below a 1985 dating stone. To the north of this the site is currently occupied by 2 shopfronts occupied by Poundland and Costa Coffee with a plain utilitarian additional two floors above. The whole development, despite occupying a significant space within a designated conservation area clearly dates from the mid- to late-twentieth century.



Figure 4: Site visit image taken on the High Street in April 2025 showing Grade II listed buildings flanking the High Street frontage.

Below the shopping centre is a lower ground level car park accessed from the Town Bridge (although it is currently gated off) and Emery Lane. Above this the indoor shopping centre flows from the High Street to the rear of the site providing a number of modest retail units and café seating area to the rear of the ‘mall’. There are a number of areas for seating and this area has a high level of occupancy including national and regional chains along with

independent retailers. Some units have very small floor areas. Beyond this is a vacant supermarket unit with further surface level car parking from Emery Lane.



Figure 5: Site visit image from April 2025 of the indoor shopping centre

The island Park area has a sylvan context and the built form presents generally blank frontages to the park with the lower-ground floor parking behind steel bars save for a section which has largely blind doors and windows to 'back of house' services connected to the operation of the shopping centre. The upper floors at Island Park are characterised with reconstructed stone with varied patterned plain clay tiles to the roofs. Island Park extends up to the River Avon and includes a former tributary (ditch) that is separated from the River Avon by a concrete weir. It is understood from the Chippenham Conservation Area Statement that the ditch is the remains of a former channel that separated the island prior to the development of Emery Gate Shopping Centre. The sylvan context provided by a largely deciduous mix of species can provide a strong visual screen when in leaf.



Figure 6: View from Island Park of the existing built form. Existing pedestrian access to Emery Gate Shopping Centre via stairs to the left, pedestrian access to the car park in the centre and vehicular access to the right of the image.

Viewed from the south at Emery Lane the proposals present an additional area of surface level public car parking, 2 service yards, utilitarian security fencing and a single storey elongated building that has been a vacant supermarket for a number of years. It is also possible to view the large pyramidal roof lantern that provides light to the café seating area within the indoor shopping centre.



Figure 7: View from Emery Lane of the former Tesco supermarket building and car park.

This area is characterised by a range of building ages, styles, materials and proportions ranging from the traditional buildings of ashlar and rubble stone to the rendered box that forms the Masonic Hall immediately to the south of the application site. Adjacent to this is an early 21st century 3½ storey townhouse development with render and brick elevations and stone cills and headers. These have metal railings fronting the mews at ground floor, more ornate metal Juliette balconies to the first floors, and dormer windows to the roofs.



Figure 8: Latest aerial images showing the extensive areas of flat roofs and surface car parking that make up the extensive built form of the application site; the contrast of the historic core to the south and the sylvan context to the north.

Relevant planning history

Proposal / Summary
PL/2024/06265 – EIA Screening Opinion for proposed redevelopment of Emery Gate Shopping Centre – EIA Not Required.

Relevant planning legislation, policies and guidance

Development Plan:

For the purposes of this application the development plan for Wiltshire comprises the Wiltshire Core Strategy (WCS) (adopted January 2015); the Chippenham Neighbourhood Plan 2023-2038 'Made' May 2024; the Wiltshire and Swindon Waste Core Strategy 2006-2026 (DPD) adopted July 2009; and the 'saved' policies of the North Wiltshire Local Plan 2011 adopted June 2006.

In line with Section 38(6) of the Planning and Compulsory Purchase Act 2004, planning decisions must be made in accordance with the development plan unless material considerations indicate otherwise. Though the development plan is considered as a whole, those parts deemed to be particularly relevant to this application are listed below:

The adopted **Wiltshire Core Strategy (WCS)**, with particular regard to:

- Core Policy 1: Settlement Strategy;
- Core Policy 2: Delivery Strategy;
- Core Policy 3: Infrastructure Requirements;
- Core Policy 9: Chippenham Central Areas of Opportunity
- Core Policy 10: Spatial Strategy Chippenham Community Area
- Core Policy 36: Economic Regeneration
- Core Policy 41: Sustainable Construction and Low-Carbon Energy
- Core Policy 43: Providing Affordable Homes
- Core Policy 45: Meeting Wiltshire's Housing Needs;
- Core Policy 50: Biodiversity and Geodiversity;
- Core Policy 51: Landscape
- Core Policy 52: Green Infrastructure
- Core Policy 55: Air Quality;
- Core Policy 56: Contaminated Land;
- Core Policy 57: Ensuring High Quality Design and Place Shaping;
- Core Policy 58: Ensuring the Conservation of the Historic Environment;
- Core Policy 60: Sustainable Transport;
- Core Policy 61: Transport & New Development;
- Core Policy 62: Development Impacts on the Transport Network;
- Core Policy 63: Transport Strategies
- Core Policy 64: Demand Management
- Core Policy 67: Flood Risk;
- Core Policy 68: Water Resources

The made **Chippenham Neighbourhood Plan (CNP)**, with particular regard to:

- Policy SCC1 – Net Zero Carbon Development;
- Policy SCC2 – Sustainable Design and Construction;
- Policy GI1 – Protecting and Enhancing Biodiversity;
- Policy GI2 – Local Green Spaces;
- Policy GI4 – Green Corridors;
- Policy GI5 – Trees, Woodland and Hedgerows;
- Policy H2 – Housing Design;
- Policy TC2 – River-Green Corridor Masterplan
- Policy TC4 – Development with Chippenham Conservation Area
- Policy TC5 – Buildings of Local Merit
- Policy TC6 – Design of Shopfronts
- Policy T1 – Provision and Enhancement of Cycle Paths
- Policy T2 – Access to the Bus Network
- Policy T3 – Electric Vehicle Charging Infrastructure

- Policy CI1 – Community Infrastructure

The adopted **Wiltshire and Swindon Waste Core Strategy**, with particular regard to:

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

The adopted **North Wiltshire Local Plan 2011 ‘saved’ policies**, with particular regard to:

- NE12: Woodland
- NE14: Trees, Site Features and Control of New Development
- NE18: Noise and Pollution
- T5: Safeguarding
- R1: Town Centre Primary Frontage Areas
- R2: Town Centre Secondary Frontage Areas
- R7: Upper Floors in Town Centres
- CF2: Leisure Facilities and Open Space
- CF3: Provision of Open Space

Other material considerations:

National Planning Policy Framework (NPPF)

Planning Practice Guidance (PPG)

National Design Guide

Wiltshire Design Guide (adopted April 2024)

Wiltshire Local Transport Plan 2025-2038 (LTP4) (endorsed March 2025)

Wiltshire Local Transport Plan 2011-2026 Car Parking Strategy (LTP4) (approved March 2015)

LTN 1/20 – Cycle Infrastructure (July 2020)

Wiltshire Local Cycling and Walking Infrastructure Plan (LCWIP)

Wiltshire Climate Strategy (adopted February 2022)

Wiltshire Council’s Waste Storage and Collection: Guidance for Developers Supplementary Planning Document (January 2017)

Air Quality Supplementary Planning Document (adopted October 2025)

Art and Design in the Public Realm in Wiltshire – 2024 Guidance – adopted May 2024

Wiltshire Local Transport Plan 2011-2026, adopted 2015 - including the Car Parking Strategy and Cycling Strategy, adopted 2015

A Green & Blue Infrastructure Strategy for Wiltshire: Wiltshire's Natural Environment Plan 2022-2030

Wiltshire Council's Playing Pitch Strategy December 2024

Housing Land Supply Statement Base date: April 2024 (Published: June 2025)

Wiltshire Council Local Development Scheme (LDS) (September 2025)

The LDS sets out a timetable for the adoption of the Draft **Wiltshire Local Plan Review** and needs to be read in conjunction with the latest position in the examination process including letters of the examining inspectors. The below are currently the strategic policies within the emerging Local Plan. In accordance with the advice set out in paragraph 49 of the NPPF, the emerging Plan is capable of carrying weight in decision-making.

- Policy 1: Settlement Strategy
- Policy 2: Delivery Strategy
- Policy 3: Reserve sites and broad locations for growth
- Policy 4: Addressing climate change
- Policy 5: Securing infrastructure provision from new development
- Policies 6-20: Chippenham Area Strategy
- Policies 21- 43: Salisbury Area Strategy
- Policies 44- 51: Swindon Area Strategy
- Policies 52 – 63: Trowbridge Area Strategy
- Policies 64 – 75: Economic, tourism, retail and transport
- Policies 76 – 84: Social, housing, community, public open space and wellbeing
- Policies 85 – 101: Sustainability, ecology, water and landscape, heritage, air quality

Summary of consultation responses

Active Travel England: Comment – “Not currently in a position to support this application”.

Dorset and Wiltshire Fire and Rescue Service: Comments regarding building regulations. No planning comment.

Environment Agency: No objection subject to conditions

Historic England: “Broadly speaking, Historic England welcomes the proposed redevelopment”.

Natural England: No objection

Wessex Water: Support in principle

WC Arboriculture: No objection subject to conditions

WC Archaeology: No objection subject to conditions

WC Conservation: Comments

WC Drainage: No objection subject to conditions

WC Ecology: No objection subject to conditions and BNG monitoring sum.

WC Economic Development: Support

WC Education: No objection subject to Early Years and Secondary Education contributions.

WC Highways: No objection subject to conditions and commuted sum.

WC Housing Enabling: Demonstrable need for commuted sum based on 40% Affordable Housing.

WC Landscape: Defers to colleagues in urban design, conservation and arboriculture.

WC Public Open Space / Leisure: No objection subject to Public Open Space, Equipped Play, and Leisure contributions.

WC Public Protection: No objection subject to conditions

WC Rights of Way: No objection.

Wiltshire Council Urban Design: Comments

Wiltshire Council Waste: No principle objection. Requests contributions to bin infrastructure.

Wiltshire Police Planning Liaison: Comments.

Summary of representations

Chippenham Town Council: No objection subject to conditions, legal agreement or amended plans.

Summary of some of the key most recent comments:

- Seeks final assurances that vehicular access from Town Bridge will be restricted to emergency and maintenance purposes.

- Agree that there is a flood risk rationale for not having further active frontages at River Island level. But seek further assurance on the final appearance of proposed landscaping meshes.
- On balance the scheme complies with relevant parts of CNP policy TC2.
- Welcomes greater emphasis on stone – but concerned over render application and so further requests from stone, brick or details of window and balcony details to mitigate render use.
- Requests ringfencing of CIL monies to mitigate the development impacts given acknowledged viability issues.
- Welcomes securing a shared path between Emery Lane and Island Park.
- Welcomes £20k towards Island Park masterplanning
- Welcomes various amendments to address CTC's initial observations
- On-going concerns include:
 - Number and size of retail units unsuitable for smaller retailers
 - Reduced amount of car parking
 - Shelter needed within the public realm
 - Relocation of PV panels on north face of Building A
 - Further detailing of upper floor fenestration on the High Street required
 - Want an updated Energy Statement to assess compliance with net zero
 - Secure community uses as per CNP Policy CI1
 - Compliance with LTN 1/20 as per CNP Policy T1
 - Interim strategy for managing the transition for existing businesses

Third party comments: Initial consultation (January / February 2025) resulted in circa 25 letters of support / objection / 'mixed' / comment raising, in summary, the following matters:

- Support redevelopment in principle
- Reimagines a modern viable town centre and uses in face of on-line habits
- Enhancement over the existing
- Size of retail units better
- Appropriate density of residential development
- Unaffordable flats not required and will exacerbate out commuting
- Need more shops for the Chippenham catchment, not flats and coffee shops
- Design is not characteristic
- Alternative car parking, by virtue of distance and conditions is too far from the town centre
- Traffic issues from displaced town centre parking in areas suffering from parking and congestion issues
- Loss of parking is unlikely to attract visitors / users to the town centre
- Retail offer is not going to attract people – no anchor store
- More food retail is not required
- Residential housing will not support town centre rejuvenation
- Rat run through the site needs to be addressed.
- Local people will not cycle to the site – need to be realistic.
- Access and parking have been scantily addressed.
- Overdevelopment with an excess of flat within 4 storey buildings in a historical residential area.

- Encourages people to use the out of centre retail offer within Chippenham more.
- Disruption from the construction phase and loss of footfall within the town over that period.
- Over emphasis on residential over commercial elements
- Pleased to see redevelopment but retaining access over town bridge and lack of active travel facilities.
- The town bridge being closed over as per TC2 of the NP – homes will increase flows over town bridge
- Vague around how existing inadequate active travel options will be improved and a focus on non-vehicular modes as part of scheme.
- More provision for nesting birds required to support Swift populations.
- Number and size of residential units appear counterintuitive
- Overlooking / privacy issues
- Inadequate parking and alternative accesses need reassessing
- Smaller units desired to meet the USP of independent / small commercial traders
- Tree coverage needs to be maintained.
- Sadlers Mead parking needs to be integrated to mitigate parking loss and spread traffic flows.
- Construction Management Plan measures required including impact on Island Park and its public use.
- Concerns over access using St Mary's Street
- Need a plan to manage open space areas and deter anti-social behaviour
- Height, massing and materials out of keeping
- Financial obligations are required to mitigate the development proposal and if Wiltshire Council can influence that through any private land rights that ought to occur through the sale price.
- Harm to heritage assets including the designated conservation area

Revised submission consultation (October / November 2025) resulted in circa 5 letters of no objection / objection / 'mixed' / comment raising, in summary, the following matters:

- Vehicular access to the flats and parking arrangements are woefully inadequate
- Car parking spaces and circulation inadequate for modern vehicles
- Lack of motorcycle parking
- Height and scale of the proposal disproportionate to Chippenham
- Harm to historic environment
- Inappropriate amount and mix of housing
- Fails to solve existing site failure to integrate with Monkton Park and the River Avon
- Parking levels too high and promotes car dependency
- Water supply needed for Chippenham Folk Festival in Island Park
- Lack of support to existing retailers / disruption to town centre during lengthy construction / commercial units not supportive of independent retailers
- Prefer refurbishment of existing communal areas in Emery Gate
- Impact to Atelier nursery's staff and children from demolition / construction

Planning considerations

In accordance with Section 70 (2) of the Town and Country Planning Act 1990, Section 38(6) of the Planning and Compulsory Purchase Act 2004 states:

"If regard is to be had to the development plan for the purposes of any determination to be made under the planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise."

In accordance with this statutory requirement, this application has been assessed against the relevant policies of the Development Plan, including the Wiltshire Core Strategy (2015) and, where applicable, any relevant made, or emerging, Neighbourhood Plans. Consideration has also been given to the policies of the National Planning Policy Framework (NPPF) as a material consideration in the assessment.

Key issues

The main issues that need to be addressed in this case include:

- Principle of development
- Vitality and Viability of the Town Centre
- Viability, infrastructure and planning obligations
- Design and impact on the character and appearance of the area
- Impact on heritage assets
- Climate Change and Sustainable Construction
- Landscape and Visual Impact including Local Green Spaces and Arboriculture
- Impact on adjoining land uses and the impact on the residential amenity of existing and future occupiers including those at the proposed development itself.
- Wider Environmental Considerations
- Ecology and Biodiversity
- Drainage and Flood risk
- Accessibility and highway safety, including parking provision
- Any other planning issues
- S106 heads of terms
- Planning / tilted balance

Principle of development:

The application proposal relates to a mixed-use development within the defined Limits of Development, and the Town Centre of Chippenham, a Principal Settlement in Wiltshire. This is set out within CP1, CP2 and CP10 of the Wiltshire Core Strategy, and the 'saved' policies R1 and R2 of the North Wiltshire Local Plan.

CP1 and CP2 detail a Settlement Strategy and Delivery Strategy where sustainable development will take place to improve the lives of those that live and work in Wiltshire. Principal Settlements are strategically important centres and the primary focus for development and their roles as employment and service centres shall be safeguarded. Chippenham shall provide significant levels of jobs and homes together with supporting community facilities and infrastructure to meet economic potential in the most sustainable way

to support better self-containment. It is clearly stated that within the limits of development there is a presumption in favour of sustainable development.

CP10 sets out within its supporting text at paragraph 5.48 that a number of specific issues shall be addressed in planning for the Chippenham Community Area including enhancement of the service centre offer within the town centre to reduce the outflow of shopping and leisure trips.

Furthermore, CP9 establishes the Chippenham Central Areas of Opportunity which includes 'The High Street' and 'River Corridor'. The site is largely located within 'The High Street' area and generally adjoins the 'River Corridor'. The policy states that development will be delivered on opportunity sites in accordance with the key principles listed at paragraph 5.54. These include that "proposals should be for mixed use schemes and incorporate high quality design standards"; proposals should demonstrate how they will enhance the river as an attractive feature and provide improved active travel routes, public open spaces and active riverside frontages; retail is supported where it does not fragment or weaken the existing offer; and provides a high quality public realm and active travel routes.

R1 and R2 define the town centre boundary through establishing the primary and secondary retail areas. It is acknowledged that although 'saved' these policies are aged having been adopted circa 15 years ago and considering the significant changes that have occurred within town centres and retail behaviour over this time. R1 sets out that proposals for town centre type uses will be permitted at ground floor level within the primary retail frontage and consideration should be given to ensuring proposals allow access for residential or alternative uses to the upper floors. R2 relates to the secondary retail frontages away from the core and allows a broader range of town centre type uses again factoring in upper floor uses that may include residential. R7 sets out the policy for upper floor uses including for residential use so long as it does not jeopardise the retail use on the ground floor.

As such, the principle of a redevelopment of this brownfield site is established and supported by the Wiltshire Core Strategy and broadly by the relevant policies 'saved' by the Strategy.

Summary

Therefore, in principle the proposal is considered to be in accordance with Core Policies 1, 2, 9 and 10 of the Wiltshire Core Strategy and broadly with 'saved' policies R1, R2 and R7 of the North Wiltshire Local Plan subject to compliance with other relevant policies and material considerations around the detail.

Neighbourhood Plan

[Neighbourhood planning - Wiltshire Council](#)

[Neighbourhood planning - GOV.UK](#)

Where a made Neighbourhood Plan is in force, it forms part of the statutory development plan and must be taken into account when assessing the principle of development. This plan is made and has full weight as part of the adopted development plan.

The site is within the River Green Corridor Masterplan for Chippenham. This is detailed in policy TC2 of the Chippenham Neighbourhood Plan. Policy TC2 sets out that *“Development Proposals in the River-Green Corridor Area will be supported where they accord with the Masterplan shown on Figure 8.3 and demonstrate regard, subject to overall viability assessments, to the following Design Principles”*. Those principles include 4 detailed criteria specifically in relation to *“Proposals to redevelop Emery Gate Shopping Centre”*.

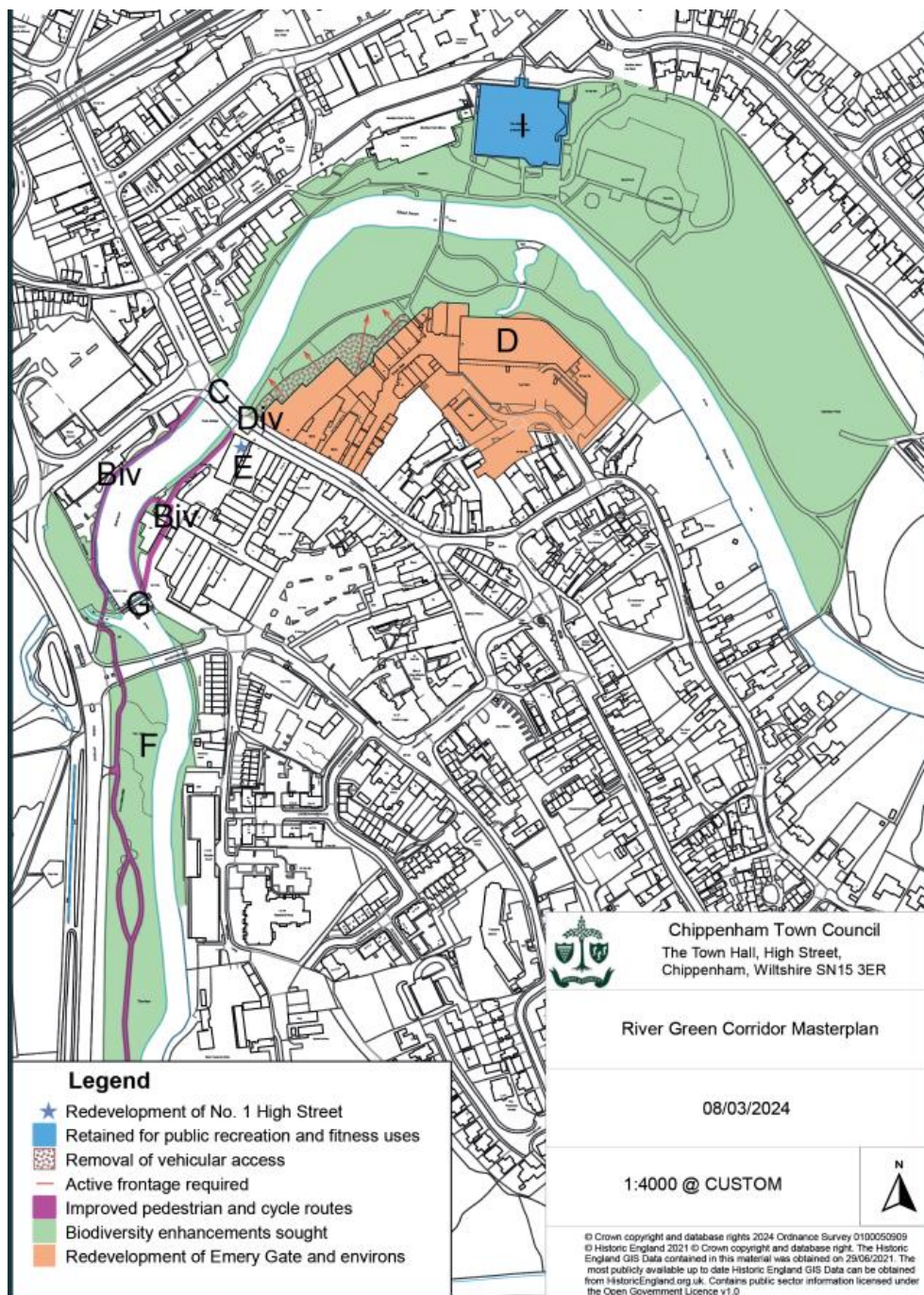


Figure 8.3: River-Green Corridor Masterplan (modified from the Chippenham Central Area Masterplan)

Figure 9: Extract from the Chippenham Neighbourhood Plan of the plan referenced above.

It is noted that paragraph 14 of the NPPF states that in situations where the presumption (at paragraph 11(d)) applies to applications involving the provision of housing, the adverse impact of allowing development that conflicts with a neighbourhood plan is likely to significantly and demonstrably outweigh the benefits should be refused. Whilst the Chippenham Neighbourhood Plan is under 5 years old (Made in May 2024) and includes policy TC2; it does not specifically include a housing allocation related to the application site. Therefore, the protections that exist with paragraph 14 do not apply to this application. In any event, this is a location within the Limits of Development and housing is acceptable in principle here subject to detailed matters.

Summary

Therefore, in principle the proposal is considered to be in accordance with TC2 of the Chippenham Neighbourhood Plan subject to compliance with detailed criteria, other relevant policies and material considerations.

The National Planning Policy Framework

The NPPF sets out that the purpose of the planning system is to contribute to the achievement of sustainable development, including the provision of homes, commercial development and supporting infrastructure in a sustainable manner. It sets out the three overarching objectives, namely economic, social and environmental. So that sustainable development is pursued in a positive way, at the heart of the NPPF is a presumption in favour of sustainable development.

The presumption means that for decision-taking that development that accords with an up-to-date development plan is approved without delay; or where there are no relevant development plan policies, or the policies that are most important for determining the application are out-of-date, granting permission unless:

11 i) the application of policies in the NPPF that protect areas or assets of particular importance (e.g.) provides a strong reason for refusal; or

11 ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessing against the policies in the NPPF 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.

Paragraph 61 sets out the Government's objective of significantly boosting the supply of homes.

Paragraph 85 sets out the need to give significant weight on the need to support economic growth and productivity.

Paragraph 90 sets out that planning decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation.

Paragraph 110 sets out that significant development should be focused on locations which are or can be made more sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This would help to reduce congestion, emissions and improve air quality and public health.

Paragraph 124 sets out that decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.

Paragraph 125 (c) sets out that decisions should give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs. (d) and (e) go on to set out support for 'upward extension' to make efficient use of land.

Paragraph 128 states the need for a positive approach to applications for alternative uses of land which is currently developed but not allocated for a specific purpose such as using retail land for homes where it would not impact the vitality and viability of the town centre.

[National Planning Policy Framework - GOV.UK](#)

5 Year Housing Land Supply

The Wiltshire Housing Land Supply Statement (published June 2025) provides the latest position on the Council's ability to demonstrate a five-year supply of deliverable housing land, which is a material consideration in the determination of planning applications for residential development.

[Monitoring and evidence - Wiltshire Council](#)

[Housing supply and delivery - GOV.UK](#)

The NPPF requires a five-year housing land supply to be met in all circumstances. The accompanying Planning Practice Guidance on Housing Needs Assessment which sets out the housing requirement to be used in the calculation was revised at the same date and this has resulted in a substantial increase in the five-year housing requirement to be met from the previous calculation. As a result of this change of approach, the Council can currently demonstrate a 2.42 year housing land supply which represents a shortfall.

The absence of a five-year housing land supply is a material consideration in the determination of this application. In accordance with Paragraphs 78 and 11(d) of the NPPF, for applications involving the provision of housing, where there is a shortfall in the supply of deliverable housing sites, the most important policies for determining the application should be considered out of date. The current housing land supply shortfall is a factor that must be considered in the planning balance and in this case, as a five-year housing land supply cannot be demonstrated, the weight that can be applied to the most important policies for determining this application should be assessed and altered in the light of the shortage in housing land supply.

Overall conclusions on the principle of development:

In summary, it is considered that the proposals are acceptable in principle when assessed against the relevant development plan policies; the NPPF and other material considerations. However, it is important to have full and robust assessment of the detailed considerations and impacts of the proposed development as these are important material considerations in an overall balanced judgement of the proposal's merits.

Vitality and Viability of Chippenham Town Centre

Policy Context

CP38 of the Wiltshire Core Strategy relates to retail and leisure development in Wiltshire. However, the policy is focused on proposals, unlike this site, not within a town centre. Nonetheless, the supporting text is clear that the WCS seeks to enhance the vitality and viability of town centres in Wiltshire through policies promoting the regeneration of central areas. Furthermore, it acknowledges the challenge at Principal Settlements of competition from larger competing centres such as Bath and Swindon. It sets out that 'saved' policies R1, R2 and R7 of the North Wiltshire Local Plan continue to be relevant in planning within Chippenham along with specific challenges and priorities identified in CP9 and CP10.

CP9 and CP10 considerations have been set out previously and set out a policy approach where it is necessary for a judgement to be exercised as to whether proposals will support the vitality and viability of the town centre. Most relevantly they highlight the importance of redevelopment here not fragmenting or weakening the existing offer which needs to be assessed in the context of the challenge faced from larger nearby centres. These offer high quality modern spaces in seeking to attract custom.

Similarly, policy considerations under R1, R2 and R7 have been set out, however in short they support development that provides ground floor town centre uses and alternative uses, including residential to the upper floors where it does not prejudice the ground floor operation. Albeit the loss of retail to residential within the secondary retail frontage area may be perceived as a conflict.

TC2 seeks to ensure uses at the site continue to underpin the vitality and viability of the Town Centre, and include predominantly Class E uses on the ground floor facing the River Avon.

The NPPF sets out a need to give significant weight to supporting economic growth and productivity; and supporting the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation. Furthermore, it sets out the need for planning decisions to reflect changes in the demand for land.

Assessment

The existing Emery Shopping Centre offers a wide range of unit sizes providing a reported quantum of tradable floor area of circa 5048m² all within an indoor shopping environment. Concern has been raised through the consultation process that the proposals will not provide either the same quantum of floorspace or the same type of floorspace (i.e. larger shop unit sizes and outdoors).



Figure 10: Plan showing the existing arrangements at ground floor level including the extent of Sports Direct, Poundland, Costa and Vacant former Tesco units.

From a number of site visits during the course of the application it has been observed that occupancy within the existing shopping centre is good, although the largest unit at the rear of the site which is within the secondary retail frontage has been vacant since Tesco relocated to the High Street. There are a range of uses including a café and associated indoor seating area for its customers within the shopping centres circulation space. It has been observed that independent retailers through to national chains are occupying the units. However, it is also clear that the general condition of the shopping centre has a ‘tired’ appearance and needs investment to avoid further deterioration. Deterioration may in turn impact the ability to retain tenants especially with the anchor store at the back of the site being long-term vacant. The existing shopping centre layout provides blank frontages to Island Park.

The proposals would reduce the amount of tradable floor area (proposal for 3742m² - a circa 25% reduction) through a redevelopment and would create an outdoor shopping experience with ancillary spaces for back of house functions including a replacement service yard.

The comments of the council’s Economic Development team have been sought, and they have offered their support stating that *“this application provides a transformational opportunity for the regeneration of Chippenham, securing its long-term vitality and viability, supporting future economic growth, and wider town centre regeneration, which is essential for its ongoing prosperity. The proposal will help revitalise the town centre, creating a high-quality public realm, with a flexible commercial provision and dynamic frontages that can adapt to future demand. The proposal is supported by all relevant adopted policy guidance, and as such is fully supported by the Economy and Regeneration service.”*

Weight is given to their comments given their relevant technical knowledge and experience and work with the business community. Furthermore, whilst some objection to the proposals has been received the overall level of public comment has been modest for a development

that impacts everyone's town centre. Indeed, the comments received have been mixed with a notable sentiment from many being that they support development in principle.

That the proposals would result in the reduction in tradable floor area by circa 25% reflects the loss of the former Tesco unit in the secondary retail frontage. Within the primary retail frontage the proposal would provide a new shopping centre with continuity in shop fronts and fascias that adheres to design guidance. However, there would be the loss of occupied units in the primary retail frontage because of a redevelopment. However, it has to be acknowledged that the Emery Gate Shopping Centre overall is a modest proportion of Chippenham town centre and within the secondary retail areas in particular vacancy at ground floor level exists. This has to be considered within the known trends which have impacted in the retail sector and town centres in recent decades including the shift to on-line shopping, larger out of centre supermarkets and smaller convenience stores.

The proposals would create a reported 3742m² of tradable floor area and this has been shown as 17 commercial units spread around buildings A, B1, E and F giving a continued shop frontage across High Street and then into the new outdoor public realm of the development and also introducing a new active frontage at Island Park level.



Figure 11: Proposed commercial ground floor layout

From a comparison of the plans broadly, it appears to be a similar area to that currently occupied, losing the floorspace of the former Tesco, but gaining a new unit at Island Park level. It is acknowledged that the 17 new units are larger than the current offer. But this is a shell only proposal and the structure and plans have come forward with a high degree of flexibility evident. This should allow many of the spaces to be further subdivided and the market may dictate the need for this. Two smaller units are retained within the High Street frontage and one of them could be subdivided further based on the plans providing 2 shopfronts. Indeed, all the other units have the potential for subdivision based on the position of columns and the drawings showing multiple entry doors. Such flexibility should support

business through offering a range of choice which can only support future occupation and in turn a vibrant town centre.

Furthermore, whilst outdoors, the proposals detail a positive public realm and would facilitate increased landscaping which can support the attractiveness of the shopping area and encourage people to use the town centre. The provision of residential upper floor uses provides a level of natural surveillance. The introduction of an additional population to the town centre can only be positive in terms of the vitality and viability of the centre with the potential for additional spend locally. This will not only be to the benefit of future commercial occupiers in the development but also the wider town centre.

Concern has reasonably been raised, given the current high levels of occupation, about how the redevelopment would impact those existing tenants and the vitality and viability of the town centre in the short-term. This is reasonable, but any development results inevitably in disruption. The applicant has been asked to consider this and provide support to existing tenants in finding alternative premises during any construction in light of the comments received in the public consultation. To this end the applicant has provided a 'Decanting Framework' which outlines how the applicant will, so far as possible, maintain business continuity for existing tenants and support potential returns through an appointed decant manager. This follows the principles of early engagement, collaboration, equity and transparency to manage a difficult process and minimise impact on the vitality and viability of the commercial area. This outline structure is considered to be a positive response to the issues raised.

Furthermore, appropriate phasing of the development to balance the economic realities of carrying out a development and the desire to minimise disruption can be controlled through details of phasing. The applicant has also responded positively here agreeing to a phasing condition. Furthermore, they have suggested a clause within the legal agreement to not occupy any more than 75% of residential units within any phase until the commercial floorspace in that phase has been completed to a lettable condition.

Finally, the application has been submitted as a full planning application, but the applicant seeks a strong degree of flexibility around the commercial uses. Within their Planning Statement the applicant has indicated that the High Street would generally have retail uses and within the Riverside Parade and the Riverside Street retail would predominate with the potential for community type uses as well. The larger units in this area have been designed to attract an anchor retail tenant or have flexibility to be subdivided if so desired. Units around the Riverside Terrace are envisaged for food and beverage operations that might contribute positively to the night-time economy.

Summary

In summary the proposals are considered to provide a significant commercial investment into the town centre of Chippenham that would be beneficial to the vitality and viability of the centre. The provision of a new and enhanced public realm, around which a range of flexible commercial units (including potential community uses) would link the High Street and Island Park would be positive and enhance the existing space that is clearly in need of investment. The proposals would also provide a destination and active frontage at Island Park level.

The provision of upper floor residential uses in the western section of the site and at all levels to the east would provide an increased population to the town centre. This would provide natural surveillance of the public realm and additional activity. This is likely to support the vitality and viability of the whole of the town centre and also provide for an enhanced and accessible public realm. It would significantly enhance the quality of the area compared to the surface level car park and vacant former Tesco store in the eastern portion of the site without fragmenting the town centre.

Whilst the reduction in retail space is a slight disappointment, this is reflective of a changing context for town centres which are being reimagined in light of evolving shopping habits. The plans indicate a proposed tradable area comparable to what is currently occupied. The disruption to existing business is a challenge that the applicant will help to minimise through their outline decanting framework, phasing of the development and limiting residential occupation until commercial units are available to let.

The proposals would accord with the relevant local and national policies in relation to the town centre and this considerable investment is considered to overall have positive weight in favour of granting planning permission even though it is acknowledged that there would be transitory, short-term harm due to the need for businesses to vacate their premises, and there being a temporary loss while the redevelopment takes place.

Viability, infrastructure and planning obligations:

Policy Context

The Wiltshire Core Strategy sets out at CP3 that all new developments will be required to provide for the necessary on-site and, where appropriate, off-site infrastructure requirements from the proposal. The policy sets out a priority for Essential Infrastructure over Place-shaping Infrastructure in the event of competing demands.

The policy CP3 though does allow for exemptions to this on the basis of a viability assessment, undertaken by an independent third party but on terms agreed by the council and funded by the developer, being provided where concerns are raised that infrastructure requirements may render the development unviable. Where the 'open book' exercise adequately demonstrates an inability for the development to fund the full range of infrastructure the council will prioritise any requests and use an appropriate mechanism for deferred contributions as agreed by all parties.

CP9 and CP10 set the area strategy for Chippenham and refers to the specific issues for the community in Chippenham (paragraph 5.48) and the Area of Opportunity (paragraph 5.54). These include providing enhanced active travel routes; enhanced health and emergency services provision (subject to viability and timing); secondary school provision; and facilities for the young including a possible skate park.

The Chippenham Neighbourhood Plan sets out at TC2 the support for development proposals in the River-Green Corridor area as set out previously. This is clear that the masterplanning will be subject to overall viability assessment. Furthermore, Policy T1 sets out that major development proposals which generate increased use of the existing cycle network to access

the site will be expected to make financial contributions to high priority improvements schemes.

The NPPF states at paragraph 59 that where up to date policies have set out the contributions expected from the development, planning applications that comply with them should be assumed to be viable. It is up to the applicant to demonstrate the need for a viability assessment at application stage and up to the decision-maker to determine the weight given to a viability assessment.

Assessment

Whilst planning policy establishes the principle of development on the site through a form of allocation, the relevant policies do not set out specific planning obligations that would be sought from a mixed use redevelopment of the Emery Gate shopping centre. Nonetheless, this is a form of development that would ordinarily be subject to planning obligation requests in relation to the normal range of infrastructure needs to mitigate the development including affordable housing, education, public open space, and leisure. These requests are detailed below. Furthermore, relevant policies point to further issues around consideration of for example highway enhancements (with a strong emphasis to active travel).

The range of requests that have been received on this proposal are set out further below, including open space leisure requests (relevant to the referenced skate park). This has not included any request for enhanced health and emergency service provision which, in any event policy sets out needs to be subject to viability and timing. Both viability and timing are relevant here given that the applicant is claiming viability issues and there is no known delivery project regarding health and emergency service provision for the area.

It is in this context and considering relevant policy such as paragraph 59 of the NPPF that the applicant's viability position needs to be considered. Wiltshire Council has commissioned an independent 3rd party review of the applicant's viability position, and the cost has been borne by the applicant. This review has been made publicly available on the application file and significant weight is attached to the conclusions in light of the technical nature of the assessments made and professional expertise of the authors. The review is dated August 2025 and based on the information provided by the applicant dated October 2024. This is reasonable and up to date taking account of the complex nature of the mixed use proposals and the negotiation that has taken place during the course of the application.

The expert technical professional advice is that *“based on present day costs and values, the scheme as proposed (and without the inclusion of affordable housing) is unlikely to be deliverable with a reasonable level of developer profit (marked against market norms) whilst also supporting an appropriate benchmark land value unless cost can be reduced vis ‘value engineering’ processes, and/or increased values will uplift the viability through improvements in the market. Therefore, following review in accordance with viability in planning principles, we agree... that the scheme finances are not able to support a contribution to affordable housing.”*

It is noted that with full policy compliant contributions the proposal would make a significant and demonstrable loss (£3,729,229) based on the applicant's evidence. Even without planning obligations such as affordable housing the advice is that the proposal would be likely to result

in a profit of circa 9.6% of the Gross Development Value (GDV). The profit within a scheme needs to be reflective of the risk associated with carrying out development and a reasonable market return to incentive the substantial investment. The circa £7,456,366 profit, as the percentage of 9.6% GDV is less than reasonable (usual market development expectations are 15-20% of GDV).

The 3rd party consultants have advised the council that a fair view of the overall viability position has been taken. They go on to highlight that the build costs within the submission have been reviewed by another 3rd party independent party on behalf of the council and they advise that the build costs will be circa £8 million higher than estimated by the applicant's cost consultant. This would significantly worsen the viability position. Furthermore, during the course of the application additional stone has been incorporated into the scheme to address materiality concerns expressed in the consultation responses including from the urban design and heritage officers. This is likely to have increased costs. Additionally, the Community Infrastructure Levy requirements from the project may be circa £400,000 greater than considered by the independent assessor, again worsening the outlook. Finally, some limited planning obligations have been secured considering the clear policy emphasis around active travel and Island Park public realm improvements. Again, this can only make viability of the proposal worse. The council is also being advised that the applicant has presented a fairly positive view of the development's sale values. These matters support the conclusion that planning obligations cannot reasonably be sought from a pure viability perspective.

Officers have sought clarification on whether the viability assessment only considered affordable housing or took a wider look at planning obligations. The assessment did not include any amounts for other matters such as education or indeed any other requests that have been received during the application. As such, if these were to be included into the assessment they would again, only worsen the viability position of the development.

As part of discussions officers have been mindful that the scheme quality must not be eroded if planning permission is granted by the council. As such, all requests have been based on sound evidence and planning judgement; and proportionate so that they may be reasonably secured through conditions and legal agreement. The intention here is to manage the potential for an inferior quality scheme being proposed later on.

Within the consultation exercise Wiltshire Council's interest in the land has been raised and this is noted. This is without the planning assessment other than to be clear that the viability process necessarily is based on Benchmark Land Value and the PPG establishes that this should include *"allow(ing) for a premium to landowners"*. As such, whilst this premium will impact the viability assessment that is an expectation within the process. How the council as a party with a land interest chooses to use any commercial transactional benefit is out with the planning system and assessment. However, it is noted that the council is obliged to seek best value in its transactions.

The PPG sets out that review mechanisms (clawback) are a tool to strengthen local authorities' ability to seek compliance with relevant policies over the lifetime of the project. As such, the potential for a claw-back mechanism has been discussed with the applicant. However, in this instance the applicant has not been agreeable to this highlighting the lack of local policy support or context. There is no existing development plan policy or national policy to require

a clawback mechanism. Emerging LPR Policy 5 can only be afforded limited weight and this provides some support for seeking a clawback. However, it states that claw-back mechanisms can be *considered* where appropriate. In this case it seems unlikely that development costs would reduce (this would be contrary to inflationary trends) and the value of the development is already considered to be optimistic. Given the context, the lack of agreement with the applicant and that the policy cannot be afforded full weight then no clawback mechanism is included here. This is a disappointment but does not conflict with adopted policy.

Even where there is a clear case for viability there remains the potential for the council to seek planning obligations if they remain reasonably necessary in the planning balance to mitigate the development. This will be discussed further below, but the applicant has agreed in principle to the provision of a reasonable sum towards waste and recycling and masterplanning of the public realm at Island Park.

Furthermore, and to be clear, the Community Infrastructure Levy is a non-negotiable sum. As such, it is a cost of development allowed for in the viability assessment. Some of this sum will be payable to Chippenham Town Council and the majority available to Wiltshire Council. The sum will likely be far more than £1 million pounds and as discussed further below will support infrastructure related to the development.

Summary

In summary, the evidence provided by the applicant is considered to reach conclusions that are objective, reasonable and realistic. The technical expert views provided by the independent 3rd party viability consultants are given significant weight because they are considered to be impartial and have been provided by suitably qualified and professional persons. In this context there is no reasonable evidence to reach a contrary conclusion here.

The council is being advised that in pure viability terms the proposals cannot support planning contributions for this project. Even without planning obligations the proposals indicate a level of profit significantly below normal market expectations. Furthermore, there is potential underestimate of build costs which may significantly worsen the viability of the scheme and several other variables which are all indicating that viability is a genuine and significant constraint. For a development to be realised, there needs to be reasonable level of profit in return for the risk and investment by any developer.

To seek reductions on the development returns (by for example reducing the quantum of development) or to seek further changes to the materiality of development (by for example seeking to improve the quality of the development) would only worsen the scheme viability. It is therefore on this basis that the proposals need to be assessed. Your officers have sought to negotiate the best possible scheme in full knowledge of the viability position. This has included enhanced materiality and the provision of some of the most priority infrastructure matters, such as an enhanced active travel link, waste facilities and a sum to help deliver enhancements to Island Park.

To conclude significant weight is placed on the technical expert and impartial 3rd party assessor which concludes that the proposal cannot afford the usual policy compliant planning obligations.

Design and impact on the character and appearance of the area

Policy Context

The National Planning Policy Framework (NPPF), particularly Chapter 12: Achieving well-designed places, stresses the importance of good design in development proposals. Paragraph 135 of the NPPF indicates that planning policies and decisions should ensure that developments are visually attractive, functionally effective, and contribute to the overall quality of the built environment, and result in healthy communities. Good design should be an integral part of the planning process and should ensure that developments complement their surroundings. The National Design Guide also builds on these aims.

Wiltshire Core Strategy Core Policy 57: Ensuring High Quality Design emphasises that all new developments, must demonstrate a high standard of design that enhances the local character of Wiltshire. Major developments should include detailed design statements that reflect the local context. The adopted Wiltshire Design Guide expands on policy CP57, and provides a framework to ensure that development is sensitive to the distinctive character of Wiltshire's built and natural environment.

The Chippenham Neighbourhood Plan sets out at Policy H1 sets out a generic dwelling size mix subject to development viability. Policy H2 goes on to set out that all residential development will be sustainably designed in accordance with the Chippenham Design Guide and that major residential development shall demonstrate achievement of at least nine out of twelve green lights, and no red lights, under the Building for a Healthy Life design tool.

Policy TC2 sets out all development proposals along the River Avon frontage shall have active frontages and the frontages, including that balconies and terraces are of the highest quality design such as to provide a pleasing backdrop when viewed from the opposite bank. Especially regarding redevelopment of Emery Gate, the existing High Street facades shall be retained. Policy TC6 sets out a requirement for new or altered shopfronts within Chippenham Town Centre to have full regard to the Shopfront Design Guide.

It is clear from the policy that the appendices of the neighbourhood plan, most particularly in relation to the Chippenham Design Guide and Shop Front Design guide are of relevance. This establishes a number of design principles including engendering a sense of place that complements the local character; apartment blocks that do not exceed 4-storeys above ground level; and architecture and materials shall contribute to local distinctiveness. It sets out that shop fronts are the most conspicuous part of a commercial building and so are important.

Assessment

In terms of character the site is of a town centre commercial nature. The High Street frontage at this point exhibits a mixed quality appearance. The existing High Street frontage is not historic, but the Emery Gate entrance and above uses good quality complimentary materials and form. However, the frontages to the units currently occupied by Poundland and Costa are very limited in quality both architecturally and materially. Turning to the River Avon corridor the development has a 2/3 storey presence presenting blank frontages to this public realm. The walls are of reconstructed stone and the roof is pitched with pattern tile details. Views of

this area are strongly filtered from the opposite bank of the River Avon by the sylvan context of Island Park. From the south views of the application site at Emery Lane present a surface level car park and service yard areas to the foreground with associated accesses. Beyond this is a typical town centre supermarket façade from the late twentieth century with a very utilitarian appearance.



Figure 12: Existing High Street elevations including the application site of 'Emery Gate' and 'No. 24-25'.

A number of third party comments have been received regards the scheme and these have been considered and generally they acknowledge the opportunity that a site redevelopment presents to make a betterment in terms of the character and appearance of the area in design terms. However, reservations are expressed by some parties including concern over the scale and materiality of the proposed development when viewed from Emery Lane and/or the River Avon corridor. Particular concern has been raised by the council's urban designer in relation to the retention of the Island Park level built form and how this will then relate to the proposed rebuild above.

The application has been submitted with a Design and Access Statement and a Building for a Healthy Life Assessment. The Building for a Health Life Assessment is a tool required under the development plan to support assessment of the residential elements of the scheme. It takes a holistic view of design considerations and does not simply focus on architectural matters considering also natural connections, accessibility, mix of tenures, as well as character creation. The assessment opinions that 11 of the 12 criteria are 'green' rated and no 'red' ratings exist. The only 'amber' is within the 'Homes for Everyone' where a significant issue is the lack of affordable housing due to viability issues. Nonetheless, it is noted that Chippenham Town Council have viewed this information and in this regard Policy H2 has been satisfied.

The submitted Design and Access statement indicates the following:

- Chronology of work since the Project Team were first appointed in February 2023;
- Documentation that has informed the design including the Wiltshire and Chippenham design guides.
- A site evaluation including heritage matters;

- Establishment of the guiding design principles including; vibrant town centre, town centre living, green-blue infrastructure, heritage and community, connectivity and sustainable design;
- Creation of an attractive High Street entrance;
- Provision of new active frontages to the River Avon through new seating and commercial unit at park level; then above this commercial terraces, residential balconies; articulated elevations, and communal gardens;
- Vision to create a new vibrant commercial street to connect the High Street and Island Park;
- Delivery of a Low Carbon Development on a brownfield site;
- Sets out the consultation and community engagement work and how this has informed the final design proposals;
- New buildings typically between 3-4 storeys above the parking level plinth;
- Proposals designed to meet Nationally Described Space Standards;
- Generous timber framed shop fronts to the High Street designed to meet Chippenham guidance with a contemporary interpretation within the new commercial streets;
- Highly visible and legible connectivity between the car park area and upper floors with canopies, lighting and materials used to articulate entrance points; and
- Balcony detailing to include railings or perforated panels and privacy screen between shared linear balcony structures.

The Council's Urban Design officer has commented on the scheme and based on the original submission raised objection with regards to the façade materials across the scheme, the large singular mass of Building A and the façade to the retained Island Park level and relationship to the stories above. In light of officer negotiation some changes have been secured, however the urban design officer whilst satisfied in terms of issues of materiality remains concerned with the mass of Building A and the car park façade. They consider this to be an important façade as an essentially unbroken and eye level backdrop which they opinion is crude and inelegant.

It is important to consider the proposals as a whole and in the context of the opportunity to provide enhancements over the existing built form. The existing built form has a clear negative impact on the street scene at the High Street, at Emery Lane, Island Park and indeed internally within the quasi-public realm of the indoor shopping centre. The development represents a once in a generation opportunity to change the environment and in the simplest terms this proposal represent improvement and progress that will substantially strive to meet the ambitions of the development plan. Furthermore, conditions may be used to help further continuous improvement of the scheme which can only realistically be investigated and committed to post Technical Design stages.

Connectivity:

The proposal would enhance connectivity within the town centre, particularly for pedestrians, compare to the existing Emery Gate shopping centre which when closed is a significant source of severance in the town. The proposal opens up the 'podium level' to feature a number of building blocks within a highly legible street scene that links from the High Street through a shopping parade and square to the Riverside Terrace. At Riverside Terrace the proposal pivots to a change of levels down into the Island Park (including seating area and café) or leads people into the residential area (linking into the largely residential area of Emery Lane).



Figure 13: Extract from the Design and Access Statement establishing the Vision for the site.

Furthermore, as illustrated within the simplified site layout in the Design and Access Statement (Figure 13) the proposals provide visual connection to the river corridor from terraces, balconies and gardens that all generate active frontages and natural surveillance which do not exist currently. Moreover, at park level a new commercial unit is created which gives direct connectivity between the natural and built environments as well as a destination point within Island Park.

Connectivity in a blue green infrastructure context is also being provided through the new built environment which can be delivered whilst maintaining the River Island sylvan context and providing up to 60 new trees within the new streets, informal landscaped play areas and also provision of green roofs and planters.

High Street:

To the High Street the proposal would make a positive contribution to the character and appearance of the area as the proposal would replace the bland twentieth century design of 24-25 High Street. The existing built form pays no regard to the wider architectural quality, building scales or the rising topography to the south as the High Street gently slopes.

However, this and the existing Emery Gate frontage would be replaced. This is technically contrary to the aims of TC2 of the development plan – which indicates retention of the Emery Gate Shopping Centre frontage. However, the replacement would utilise a high quality palette of ashlar stone and have a strong sense of symmetry around an open arched entrance to the near Chippenham Riverside. This approach is considered to be strong architecturally and

provides a good response to the quality of the surrounding buildings in terms of architecture, scale and materials.



Figure 14: Extract from the Design and Access Statement detailing the proposed new High Street frontage over 3/4 storeys with existing 3-storey listed Lloyds Bank downhill and the 4-storey listed 22-23 up the hill.

More is set out below regarding shop fronts, which are rightly of key importance given that they would be at pedestrian level. However, at the upper floors the development will have well-articulated fenestration and column details to provide a contemporary interpretation of the surrounding listed architecture. The 3½-storey scale would step up appropriately from the 3-storey development to the north, without dominating, given the gently raising levels at this point and that the top storey would be recessed within the pitched roof. To the north the development would have subservience to the more imposing building at 22-23 High Street which is 4-storeys in height and architecturally striking.

Shopfronts:

Within the High Street the proposal would deliver 2 units flanking the central arched entrance. However, as can be seen from Figure 14, these have been designed to read as several shopfronts so as to generate the impression of a more traditional shopfront scale and provide flexibility into the future. The detail of the shop front which has been designed with compliance to the neighbourhood plan guidance.

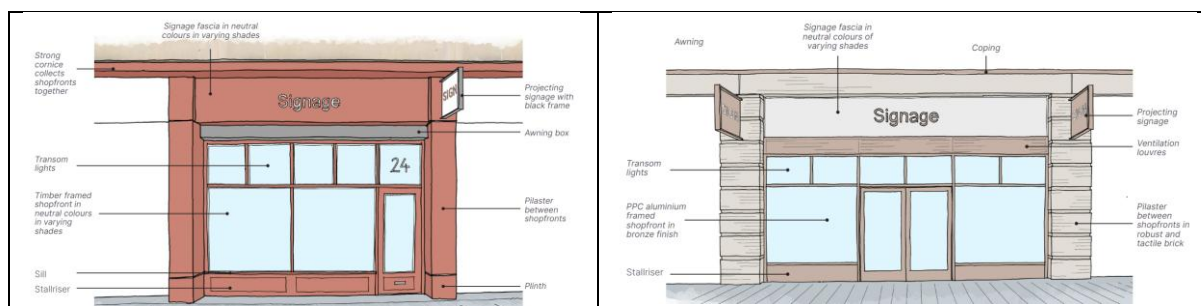


Figure 15: Proposed traditional shopfronts to High Street and proposed contemporary interpretations within the new streets (extracts from the Design and Access Statement)

Moving through the proposed Chippenham Riverside entrance the character area would evolve through traditionally proportioned shop front design at ground floor level that has a more contemporary feel using modern materials but traditional proportions. This includes

traditional features such as store risers and transom lights. Well-proportioned fascia boards ensure consistency in quality and future advertisement consent applications will be critical to maintaining the planned quality.

New Streets:

Within the new streets at ground floor levels the proposal would have a high level of enclosure in the Riverside Parade. This is the area beyond the High Street entrance which would have a narrow-landscaped street flanked by high buildings. The commercial activity at ground floor would dominate with the main masonry frontage of the upper floors being set back beyond balconies and access decks serving the flats above. This leads through to the Riverside Square.



Figure 16: Cross section through building F showing the rear of the High Street frontage and relationship of the upper floor flats to the commercial ground floor. The sense of place will be defined by a sense of enclosure and the ground floor shopfronts.



Figure 17: Cross section through the Interior North East Elevation along Riverside Parade illustrating the potential for units to be subdivided conveniently with existing shopfront proposals. This provides flexibility.

At the Riverside Square the street dog-legs around into the more open Riverside Street and given the increased space and terminal views to the buildings beyond the Riverside Terrace will have a more appreciable mix of use and activity with upper floors residential. Materials in these areas are consistent. The commercial contemporary shop front designs include

rusticated brick, with render and tile hanging to recessive upper floors and brick to the gables which help define stairwell access points at street level.

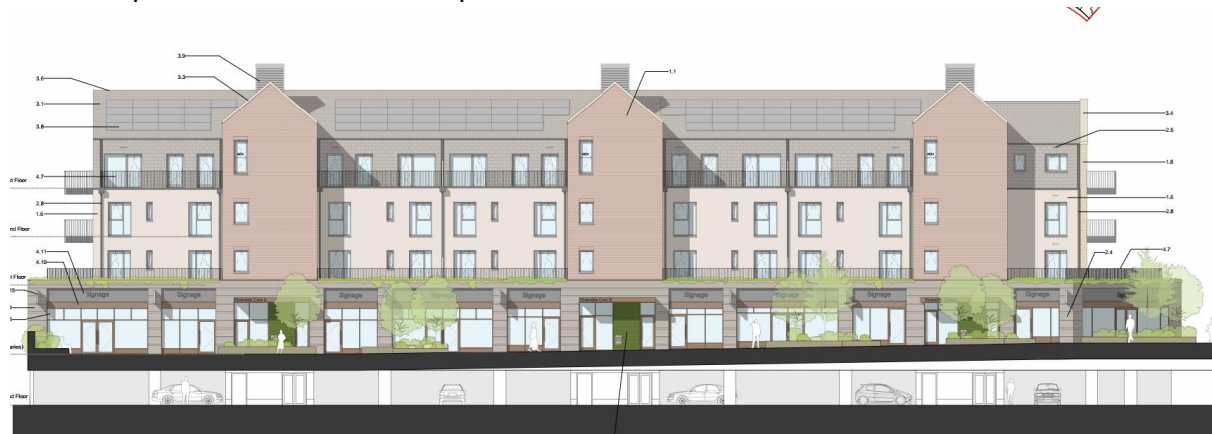


Figure 18: Interior South East Elevation along Riverside Street (Building A) illustrating the mix of materials within the new streets and how the building would be progressively set back from ground to first/second floor and then the top floor creating garden terraces.



Figure 19: Extract from the design and access statement illustrating the view along Riverside Street to the rubble stone gables at the Riverside Terrace.

Terminal views within the street will be fixed with rubble stone gables which are a strong reflection of the local vernacular. The Riverside Terrace terminus view is a clear pivot point between the commercial activity to the west of the site, Island Park to the north, and the residential area to the east. There is an increased sense of openness generated at this point through the terrace itself but also a notable reduction in building height to single storey green roof to the south. This provides an opportunity for outdoor congregation at the Riverside Terrace and also the Courtyard within the residential area.

The upper storeys of the development would utilise hanging slate tiles to break up the built form and provide additional interest. The balconies, which are a significant element of the

development will also break up the mass of the buildings. These present an opportunity to elevate the quality of the built form, particularly where render is utilised. The applicant has indicated the use of a variety of balcony details with railings and perforated metal where appropriate such as where higher levels of screening may be suitable. A conditional approach to the balconies and railings would allow more detail to follow where, subject to financial viability, an element of local context and interest can be added to some of the balcony designs.

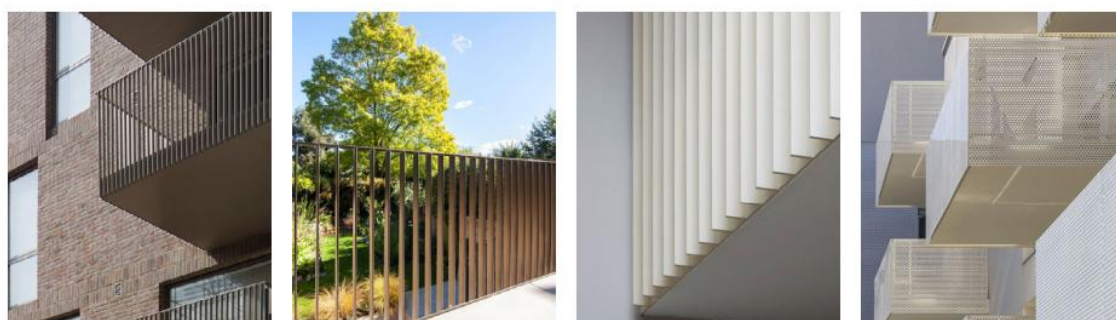
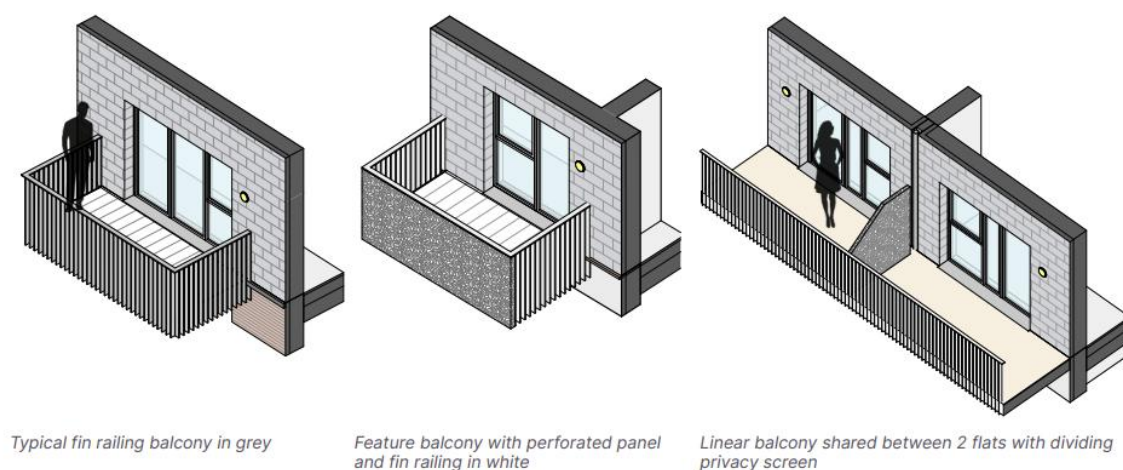


Figure 20: Illustrative details of balconies taken from the Design and Access Statement, further detail to be secured by condition.

Island Park:

A key design principle of the development plan is to provide active frontages to Monkton Park compared to the existing building which turns its back to the park. A significant constraint to achieving this at park level is the significant flood risks to the site. It is simply not possible to provide development here that is not at risk of flooding and if any proposal were to enclose or raise the existing built form then development would present an unacceptable risk of downstream flooding.

Nonetheless, the applicant has sought to make use of the existing back of house area at this point. This currently has a small office window onto the park. The proposal replaces this with a commercial unit that will have opportunity for outside seating in Island Park, an informal play area and then a landscaped area of seats and steps returning people onto the podium level of the development. It provides an active frontage and a public use. The park level will also be enhanced through soft landscaping that will climb up and down the proposed grid meshes that

replace the existing railings of the subterranean car park. Conditions are suggested in the hope of incorporating elevated finishes to any grid mesh where appropriate. This will be subject to viability and functionality and a detail which may be addressed better as the project progresses.

Removal of the existing general vehicular access point at Island Park, downgrading it to being for emergency and maintenance vehicles only, is positive. This has presented the opportunity to prioritise active transport at this point through updated hard landscaping within the application site.

It is also important to recognise that the commercial uses within Building A and all the residential development present upper floor activity to Island Park significantly increasing natural surveillance and providing connectivity between the built and natural environments.



Figure 21: Illustrative view of the Riverside Terrace indicating active frontages to Island Park, new connectivity to Island Park, community congregation spaces, maintenance and emergency vehicles only access and locally distinctive materiality.

Whilst the proposals would present 5-storeys to Island Park, it would be 4 storeys from podium level. Moreover, on the opposite bank of the River Avon directly opposite the Riverside Terrace Wiltshire Council's Monkton Park offices have 6-storeys including the subterranean parking area. So, whilst there may be some technical conflict with the Chippenham Design Guide here this must be seen in the context of the established built environment around the River Avon and noting that the proposals provide views of landmark buildings in the existing Chippenham townscape such as the spire of St Andrew's Church.

Furthermore, both within the site and from Island Park Building A is considered to have a suitable scale and mass reflective of the development on the opposite bank of the River Avon and within the internal streets providing recessive upper floors.

Emery Lane

Within the residential areas to the east of the site the proposal would continue the palette of materials with key outward facing elevations using tumbled rubble stone. A greater degree of separation between the building blocks generates a lower density character than to the west of the site. This provides spaces for gardens and courtyards that generate a residential sense of place. The proposals wrap materials around the corner of buildings as a transition which is characteristic of the Emery Lane and St Mary Street built form.

A more residential character is generated through the ground level landscaping approach and looser streets, but also through subtle alterations to window surrounds and the introduction of occasional dormer windows to pitched roof areas.

The proposals are largely 4-storey development but this reduces to 3-storeys in places to allow a transition into the existing built environment. This is achieved with the use of flat roofed terraces to the upper floors around the Masonic Hall; and to the far east of the site with more traditional pitched roof designs. This all provides a degree of transition to the existing built environment. The palette of materials, forms, window surrounds and use of balconies as originally proposed reflect the newer existing development including the large flat roofed Masonic Hall and the terraced 3 storey Chapel Mews. However, with some negotiation changes to the materiality of the scheme has produced gabled tumbled stone elevations that provide a better reflection of the traditional local vernacular also evident at this point raising this to a high-quality design.



Figure 22: Building D presenting stone gabled elevations to Emery Lane and reducing in height to the eastern boundary.

Service Yard and Car Parking Access

The service yard has been retained broadly in its existing location and the former Tesco's service yard become obsolete. The service yard would be located discretely to the rear of the built environment and the existing Masonic Hall and would be positioned at a lower level where there are existing high retaining walls to provide visual and acoustic screening.

In terms of vehicular access this would be located at Emery Lane at the first available point to the east of the site. This is not far from the existing ramped vehicular access but it has been turned 90 degrees and is more convenient and efficient in land use terms. Service yard access remains as existing.

Housing Mix

The proposals would provide 225 open market dwellings including 102x 1-bedroom dwellings, 115x 2-bedroom dwellings and 8x 3-bedroom dwellings. This includes dwellings that need technical minimum space standards for 1 and 2 person 1-bedroom units, 2 or 3 person 2-bedroom units and a 5-person 3-bedroom unit with large terrace overlooking the Riverside Terrace and Island Park.

Evidence that has been produced to support the emerging Local Plan Review demonstrates that the greatest housing need in Wiltshire is for 3-bedroom dwellings. Within Chippenham the neighbourhood plan evidence also indicates the strongest need for 3-bedroom accommodation. The proposal would not be according with this most up to date evidence.

However, providing a higher density of development commensurate with the highly accessible location of the development is important. This can help to support the vitality and viability of town centres as we reimagine them considering the modern on-line world. Providing density also supports the viability of public transport by providing more people to utilise services. Furthermore, the provision of larger units would not be likely to meet a demonstrable market need given the lack of space for private gardens. A bias to family sized accommodation with balconies and terraces is not considered to be appropriate here; nor is it considered reasonable to entertain a low-density housing scheme here. Furthermore, and crucially, when the commercial realities are considered then the proposed mix is reasonable

[Wiltshire Core Strategy - Wiltshire Council](#)

[Wiltshire Design Guide - Wiltshire Council](#)

[National design guide - GOV.UK](#)

[Design: process and tools - GOV.UK](#)

[Healthy and safe communities - GOV.UK](#)

Summary

In summary, the proposal achieves the aims of the NPPF, National Design Guide, the Development Plan design policies and the guidance within the Wiltshire and Chippenham Design Guides through providing a substantial enhancement to the existing built form at all key vantage points. Whilst there remains some concern over the overall height of the development it has general compliance with the neighbourhood plan guidance which states "apartment blocks should be provided in higher density locations but shall not exceed 4 storeys in height above ground level. They may have subterranean parking and bin storage." The

Island Park frontage would be 4-storeys above the car parking and the height of the development would be less than the height of Wiltshire Council's Monkton Park offices on the opposite bank of the River Avon.

After negotiations with the applicant the materiality of the scheme has been addressed by the inclusion of a greater proportion of natural stone into the development on key gabled frontages such as to generate a suitable reflection of local distinctiveness and the local vernacular. At key points the proposals take cues from the surrounding quality architecture but with a contemporary approach. The scheme is considered to represent good design in a Wiltshire context so that the proposal would be visually attractive, functionally effective and provides opportunities for healthy communities.

The proposal provides connectivity of movement for people and connectivity between the built and natural environment through active frontages to Island Park. The proposed development would rate highly against the Building for a Healthy Life design tool. The proposals would provide a pleasing backdrop when viewed from the opposite bank of the River Avon, reflecting the scale of Monkton Park council offices, breaking up the mass of buildings with clear visual separation, stepped elevations and use of balconies and varied materials to add interest and variety. Within the development's streets the proposal would have clear legibility and shopfronts that are of a high quality and offer flexibility for the future. The upper floors provide additional vitality and provide natural surveillance of a landscaped public realm below. For these reasons the proposal is considered to accord with the development plan policies and provide an enhanced, albeit much denser, built environment.

Impact on Heritage Assets

Policy Context

The main statutory tests are set out within the Planning (Listed Building and Conservation Areas) Act 1990. Section 66 Planning Permission requires that special regard be given to the desirability of preserving listed buildings, their settings or any features of special architectural or historic interest which they possess. Section 72(1) of the Act requires the Council to pay special attention to the desirability of preserving or enhancing the character or appearance of designated Conservation Areas.

Chapter 16 of the NPPF 'Conserving and enhancing the historic environment' sets out the Government's high-level policies concerning heritage and sustainable development. In particular:

Paragraphs 212 of the NPPF requires "great weight" to be given to an asset's conservation "irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Paragraph 213 advises that harm to the significance of a designated heritage asset should require "clear and convincing justification". Paragraphs 215 & 216 require a balanced approach with any harm which would be caused being weighed against the potential public benefits which might be achieved.

Paragraph 219 advises that Local planning authorities should look for opportunities for new development within Conservation Areas, and within the setting of heritage assets, to enhance

or better reveal their significance. Paragraph 220 advises that not all elements of a Conservation Area will necessarily contribute to its significance.

The Planning Practice Guidance provides guidance on interpreting the NPPF.

WCS CP 57 relates to design matters, and indicates that a proposal should respond to the value of the natural and historic environment and be sympathetic to and conserving historic buildings and landscapes. WCS CP58 indicates that the conservation of the historic environment requires that designated and non-designated heritage assets and their settings will be conserved, and where appropriate enhanced, in a manner appropriate to their significance and encourages proposals which improve the condition of heritage assets at risk.

Policy TC4 of the Chippenham Neighbourhood Plan sets out that development within the Chippenham Conservation Area must have full regard to the character area analysis. Development shall be approved where, for example, it preserves or enhances the special character or appearance; is high quality design that makes a positive contribution to local character and distinctiveness; and addresses relevant views.

The Chippenham Conservation Area Character Appraisal identifies several character areas including 'Monkton Park' and 'High Street and Emery Gate'. Emery Gate is identified as a negative building and views towards it from Monkton Park and from Emery Lane are identified as negative views. It highlights the need to consider enhancing Emery Gate building elevations to the park, giving shops entrances or providing additional screening. Only the existing High Street entrance to Emery Gate is spared negative evaluation.

Assessment

The site is located within the designated Chippenham Conservation Area and the setting of Listed Buildings broadly to the south of the application area.

The submitted Heritage Statement provides a general overview of the site and its immediate surroundings, which heritage assets are likely to be impacted, an assessment of their significance and their sensitivity to impact from the proposed development. The statement indicates that the heritage baseline condition of the site is "poor" except for the Emery Gate frontage to the High Street that pinioned to be of "reasonable quality". This has general conformity with the conservation area character appraisal.

The statement asserts that the proposals are *"considered to improve the quality of the townscape on the site and provide enhanced relationships between the site and Island Park to the north and Emery Lane to the south. The proposed new High Street façade is considered to be a notable enhancement to the Conservation Area and the settings of a group of Listed Buildings on the High Street."* The report draws particular attention to the height of the develop as a concern given that the proposal, through the height of building, does not maintain the existing hierarchy of the tallest buildings being on the principal streets and then generally dropping down at the rear. However, the statement asserts that the *"additional scale is justified by the need to achieve significant wider townscape benefits and to optimise the use of land in a sustainable location which is a key tenet of the NPPF."*

Furthermore, the application has been submitted with an Archaeological desk-based assessment. This sets out that for areas not impacted by the existing lower ground floor car park (such as plots around the High Street frontage) that further work is carried out in that area to establish conditions and determine whether any further monitoring or mitigation is required.

Historic England has commented on the proposal and broadly welcomes the proposed redevelopment but expressed concern around materiality and the continued car parking frontage to Island Park in the context of the impact on the conservation area which they acknowledge to be a matter for the local authority. They offered no comment regarding the setting of listed buildings including those grade II* listed buildings in the vicinity.

The Council's Conservation officer commented on the proposals when they were first made and then again considering revised plans. They have concluded that they have remaining concerns over the scale, form and massing of the development. However, they welcome the significant amendment to improve materiality of the scheme which will *"go a long way towards mitigating the impact of the development and allowing it to be assimilated within its context, reinforcing the overwhelming use of stone which is so characteristic of the town"*. They opinion that taking into account the baseline the proposals offer a neutral or minor positive overall impact on the historic environment; and it is for others to assess whether their perceived failure of the scheme to take the opportunities available for real enhancement would be justified by matters of viability and public benefits.

The Council's Archaeologist raised no objection subject to conditions.



Figure 23: 1889 map of the locality with the site outlined in red.

In this case the site itself is of limited intrinsic significance to the built historic environment noting the modern nature of most of the development. However, the expert technical advice

on archaeology is that whilst the rear of the site has subterranean car parking and is not likely to hold archaeology interest, further clarity is required around the plots nearer the High Street frontage. All parties agree that this can be secured through conditions as a post determination matter. There is no reason to reach a contrary conclusion to the technical advice.

Turning to the built environment, the site does not itself include any listed buildings and was, historically, largely undeveloped, having potentially been used for horticulture. However, it does lie within a town centre location within the designated conservation area and, at its interface with the wider town, its redevelopment has the potential to impact on the settings of nearby listed buildings and on the character and appearance and experience of the area as a whole.

The Chippenham Conservation Area Character Assessment states that:

“The main view into the Emery Gate area is to be had from the top of Emery Lane. Moving down the street, one is presented with a wide panorama of parked cars, servicing areas and backs of buildings and the shopping centre. The whole area is a discordant, uncoordinated and unattractive space. Emery Lane is reduced to an access road, with no building frontage. This is the entrance to one of the main town centre car parks and presents a particularly poor image of the town.” Chippenham Conservation Area Character Appraisal p119.



Figure 24: Image from Emery Lane looking to the application site and the former Tesco building, service yard and car park.

As set out above the proposals would significantly change this view replacing the poor-quality surface level car park and former Tesco store building with a new character area. Buildings and landscaped streets that, although significant in height, provide variety and interest, generate a sense of enclosure and place and a contemporaneous reflection of local distinctiveness. All buildings present rubble stone facades here with transitions around the corner which echoes the more historic buildings. The proposed scale and mass of the buildings do not lend themselves well to the traditional layout of streets with continuous

frontages. The conservation officer has suggested a more domestic scale at the eastern end of the site with terraced housing facing the street. Such an approach would substantially reduce the quantum of development. What the proposal does provide though is an enhancement over the existing with stone faced elevations addressing the street and the generation of a sense of enclosure and legibility for connectivity and permeability. It provides a new character area because the proposal does not continue the smaller residential scale and continuous frontages typical of the St Mary's Street area, but it does repair the discordant, uncoordinated and unattractive space.



Figure 25; Illustrative view of the proposal from St Mary's Street and Emery Lane.

The proposal provides a transition to the existing built form through stepping down of the building heights and utilising green flat roofs to assimilate not just the proposal but the twentieth century development into a more coherent street scene. Service areas and access points would have to remain but they would be far more sensitively integrated into an enhanced character area. The main features of the street scene at this point would continue to be the heritage assets to the foreground.

As such the proposal would in many ways enhance the conservation area's character and appearance at this point helping to redress the conservation area's appraisal of the existing: *"The entrance to the street is from St. Mary Street, arguably the finest street in the town, and the contrast between this and the bleak and open prospect of service yards, car parking and the undefined and uncoordinated townscape of Emery Lane could not be more startling."* Chippenham Conservation Area Character Appraisal p124. However, the scale and mass of the development does not respond to the significance of the conservation area and the listed buildings at this point as well as it could have done and does not reflect the urban grain in this part of the townscape as well as it could.

In conclusion for this part of the development the proposal would have some less than substantial harm to the heritage assets at this point. This is because of the scale and mass of the built form and it not reflecting the existing urban grain around the junction of Emery Lane and St Mary's Street. However, it is assessed as being at the lower end of less than substantial harm due to mitigating context and including the repair of the street scene and use of materials.

The application site itself and the shopping centre makes no positive contribution to the heritage significance of the conservation area. Arguably only the frontage to the shopping centre on the High Street avoids a negative impact through its use of materials and attempt to reflect the building quality on the opposite side of the street. The conservation area appraisal states:

“Nos. 24-25 is the former Woolworths building (Costa Coffee and Poundland). This is probably the most banal frontage to any building in the town centre...” “An additional storey and redesigned frontage to the Nos. 24-25 building could bring about a considerable improvement to the townscape character of this part of the street.” Chippenham Conservation Area Character Appraisal p120.

The proposals generate a whole new frontage to the High Street replacing the *“most banal frontage”* in Chippenham and the existing entrance to Emery Gate with a high-quality modern interpretation of the surrounding high-quality architecture. The proposal would be of a suitable scale and massing; provide high quality traditional shop fronts and be constructed from Ashlar stone. This is a significant enhancement to the betterment of the conservation area. Some concerns have been raised over the introduction of accommodation in the roof areas and the hierarchy of the fenestration. However, this hierarchy of fenestration is not universal along the High Street and there are some examples of accommodation within the roof spaces.

Furthermore, the relationship to the 2 adjoining buildings is appropriate in the context of a sloping street scene. Views from the north to the site along the High Street will not be dominated by the proposed building which will assimilate well and provide enhancement over the existing. Conditions to control the final details of the fenestration are nonetheless considered reasonable to ensure that they are well proportioned and have suitable depth of reveals.



Figure 26: Example of accommodation provision within the roofs of development on the opposite side of High Street and the 'most banal frontage in the town centre' at the site viewed from the south.



Figure 27: Proposed High Street illustration as viewed from the north.

The mitigating feature of the existing development at the site when viewed from Island Park for example, especially from longer views, is that the buildings are low profile and of colour and materials that assimilate into the wider context. The proposals materiality as negotiated would retain a sense of the colour and materials blending into the overall townscape with slate tiles and buff-coloured elevations. The red brick is also reflective of the backland nature of the site and has been employed within the new streets as a feature material. It is reasonable to conclude that the scale of the built environment and its low profile is being significantly changed though; albeit reflective of the scale and mass of development at the civic buildings on the opposite bank of the River Avon when appreciated from Island Park.

The application site is not subject to any listings, however a number of listed building are within the locality. These include the Grade II listed 'National Westminster Bank and Attached Walls'; 'Lloyds Bank', 'New Town Hall and Neeld Hall', '7 High Street', '10 and 11 High Street', '21 High Street' and '22 and 23 High Street'. All located on the High Street. The setting of these listed buildings would be at least preserved and arguably enhanced with the replacement of the existing High Street frontage. The quality of these buildings to the rear is of less importance to their heritage significance than the contribution of the High Street frontages.

To the south side of the site there are the Grade II* listed 'Old Baptist Chapel' and the Grade II listed 'Former Coach House' and 'Former Mill Building'. These would be more physically remote from the proposed development and be largely unaffected by the proposed development given this separation and the intervening built forms.

Returning to the east, around Emery Lane designated listed buildings include the grade II listed 'United Reform Church and Former Ministers House' and the Grade II* listed 'Number 61 and attached rear garden walls'. The proposals would be physically removed from these listed buildings and, as set out previously, provide an enhancement to the general character and appearance at this point such as to provide a largely neutral impact in terms of the development affecting their settings. The removal of the surface level parking, former Tesco service yard and associated fencing etc would be beneficial to the setting of the adjacent United Reform Church and Former Ministers House. The provision of a building that steps down to meet this neighbour and the retention of a generous separation through the proposed building footprints results in the north elevation of the grade II listed building still being appreciable such as to generate a suitable setting compared to the existing situation.



Figure 28: View of 'United Reform Church and Former Ministers House' whose north elevation would continue to be clearly expressed; and an indication of the existing mixed materials palette around Emery Lane.

Finally, there is the setting of St Andrews Church – a Grade II* asset – where the proposal generates framed views of the spire of the church where currently views through the site to the church will have been largely restricted by the continuous mass of Emery Gate. However, the height of the development will likely, as the conservation officer states, tend to further diminish the visual primacy of the church which reflects and reinforce its understanding as a key focus within the community through history. As a result, there is likely to be some harm, at the lower end of less than substantial harm, to significance of St Andrew's Church.

Officers give significant weight to the technical expert views of Historic England, and the council's conservation and archaeology officers. They do not raise objection to the proposals, and it is clear from the conservation area appraisal that the development presents a significant opportunity to enhance the heritage assets at this point. The development is considered to achieve this, certainly with the new High Street frontage, views from Island Park and indeed views from the Emery Lane junction with St Mary's Street.

Summary

In summary, the proposal is assessed to offer an opportunity to enhance the built environment heritage of the site, and this is a view consistent with the technical expert consultee advice, and the conservation area character appraisal. The extensive demolition poses no concerns. The replacement frontage to the High Street overall is a clear enhancement that should be

afforded positive weight mindful of the role of this site to the conservation area and a number of listed buildings.

The proposal's relationship to Island Park, with the inclusion of active frontages and framed views through the built form, generates a strong sense of connection and relationship compared to the existing built form's severance. The scale and mass of the buildings cannot be disputed, but it is mitigated by the variety in the elevations, some reduction in mass as the eye moves away from the High Street and notable breaks in the built form over the subterranean car park. Furthermore, views will be broken by the sylvan landscape of Monkton Park and balanced by the scale and mass on the opposite bank of the River Avon at this point. As such, these proposals are considered to offer an enhancement that should be afforded positive weight.

The proposals generation of a sense of place with stone frontages onto Emery Lane which repairs the existing bleak openness to service yards and car parking that currently defines this area. This is positive in terms of the character and appearance of the conservation area and the setting of listed buildings in this area. Whilst this proposal, by virtue of the scale and mass of the building blocks may not be the best heritage led solution to development, and this can be harmful to the heritage assets at the St Mary's Street and Emery Lane junction area, the proposal overall here represents a broadly neutral impact.

The scale and mass of the built form though is a notable feature of the proposal and in longer views it is considered that this height and mass will have a negative impact on the general hierarchy of the built form in the conservation area and indeed appreciation and the setting of St Andrew's Church. The latter is tempered given the lack of concern raised on this point by Historic England. In any event it is considered that the heritage enhancements offered by the scheme clearly outweigh the less than substantial harm here to heritage assets without further assessment of the wider public benefits.

In terms of archaeology the proposal is not of significant concern and likely to result in a neutral impact. Precautionary approach conditions are proposed nonetheless to allow for further investigation and, as necessary monitoring and mitigation post determination, given that the site is already developed.

[Wiltshire Core Strategy - Wiltshire Council](#)

[National Planning Policy Framework - GOV.UK](#)

[Historic environment - GOV.UK](#)

[Tree Preservation Orders and trees in conservation areas - GOV.UK](#)

[Home page of Stonehenge & Avebury WHS](#)

[Conservation areas - Wiltshire Council](#)

[Planning - Conservation Area Statements - All Documents](#)

Climate change and sustainable construction

Policy Context

Chapter 14 of the NPPF, paragraphs 161 - 169 deals with climate change related matters. In particular, paragraph 161 details that the planning system should support the transition to net zero by 2050 and take full account of all climate change impacts including overheating, water scarcity, and storm and flood risks. It should help to shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience, encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.

One of the key spatial objectives of the development plan is to address climate change whilst acknowledging that circa 80% of the built environment that will likely exist in 2050 is already built. Adopted policies CP41 of the WCS sets out that major development proposals should be accompanied by Sustainable Energy Strategies that set out a low carbon approach to the development. Furthermore, CP41 requires all non-residential development to achieve the relevant BREEAM 'Excellent' standards since 2019.

The Chippenham Neighbourhood Plan policy SCC1 similarly requires major development to include an Energy Statement. This should demonstrate whether a development will achieve an annual operational net zero carbon emission balance (based on regulated energy) and makes reference to the well-established building regulations metric of SAP (Standard Assessment Procedure). SCC1 establishes a priority for a fabric first approach under the Energy Hierarchy. Where fabric energy efficiency alone is not enough the policy seeks information to demonstrate how communal or building integrated measures; or off-site allowable solutions will be used to achieve net zero subject to economic viability or technical feasibility.

Policy SCC2 repeats the requirement for schemes such as this to meet BREEAM 'Excellent' for the non-residential elements. Furthermore, proposals will demonstrate optimised sustainability credentials in terms of design, construction materials and methods of construction.

Assessment

The application has been submitted with a 'Sustainable Energy Strategy' which acknowledges the sustainability targets set out by the development plan policies. The Strategy states that the intention is to exceed these requirements and seek to align with more ambitious targets set out within the emerging Local Plan Review.

In relation to BREEAM it is important to consider that this only applies to the non-residential floorspace. The applicant has set out that the proposal in this regard is to carry out a shell only and so it is stated that 'Excellent' will not be achieved because of the limitations of this approach. In particular this means 'credits' in relation to some Energy criteria are not available according to the report and this alone makes the achievement of 'Excellent' out of project scope. Nonetheless, the proposal seeks to achieve sufficient BREEAM 'credits' to achieve the next tier of 'Very Good' which was the council's policy target up to 2019. Based on the BREEAM pre-assessment work the project is set to deliver the mandatory BREEAM credits and achieve a score of 67.7% which is at the upper end of the 'Very Good' threshold (55-70%). This represents a modest shortfall compared to the policy requirement for Excellent. The proposals will be subject to Technical Design post the grant of any planning approval and

at this RIBA Stage 4 further work can be carried out to seek additionality and ambition to more closely align with policy requirements. At this stage, the appropriate use of conditions can secure a rating at the upper end of BREEAM 'Very Good' and additionality in other sustainability approaches which is not necessarily going to score well under a BREEAM assessment, but would nonetheless contribute to the climate change aims of the council. The developer can also influence future tenants without the planning system to employ an energy efficient approach to fitting out the commercial units.

BREEAM is not an assessment of how well the proposals will support net zero objectives, rather it is a holistic and industry accepted scheme to assess the wider sustainable construction credentials of a non-residential development project. It looks at matters beyond energy and waste and also considers matters such as transport, quality of the working environment, noise, water and the level of innovation within the scheme. The pre-assessment indicates that the development will score particularly well in relation to management systems, transport, materials, land use and ecology and pollution.

A final Sustainable Energy Strategy can secure additionality that more closely aligns with the council's target of supporting the county to be carbon neutral (as set out in the adopted Climate Change Strategy of 2022). This can mitigate the inability of the developer to score well in relation to energy under the BREEAM frameworks.

In relation to BREEAM it is concluded that there is a policy conflict but given that the level of shortfall is modest, and that this is a consequence of the proposal being a shell only proposal (where the Energy Credits necessary are not available) then this only has very limited negative weight in the balance.

The Strategy also details matters in relation to operational energy and low carbon technologies. It is set out that the approach here – including for the residential element of the project – is to follow the principles of the Energy Hierarchy. This accords with the principles of CP41 and the approach advocated within SCC1. Furthermore, the Strategy indicates the use of electrified solutions for space and water heating in the development. This is significant because it means that even if the development cannot achieve net zero in operation, then it will be net zero 'ready'. That is to say that the proposal will achieve net zero when the UK electricity grid is fully decarbonised (e.g. nuclear, wind, solar etc and no reliance on fossil fuels such as coal and gas). Whilst details of the electrified solutions are to be finalised the developer is committed to considering a centralised energy loop subject to technical and financial considerations and has stated that mechanical ventilation heat recovery and heat pumps will be employed in any scenario.

The Strategy sets out an assessment of the regulated operational energy use as required by the CNP which indicates that through fabric first measures and then the application of renewable and low carbon technologies (such as roof mounted solar and heat pumps) that the development is aiming to achieve a 79% enhancement compared to building regulations. This represents a shortfall on net zero by around 21%, but still a substantial enhancement compared to current building regulation requirements. It is also important to note that the development would remain net zero ready under the planned approach. The roof-mounted solar PV makes a significant contribution to energy generation at the site and provides enhancement over building regulations.

provision as the market for EV's demands (passive). This will have benefits in terms of improved air quality locally and reduced carbon emissions as the grid decarbonises. Given its highly accessible location then this should support more sustainable travel options by means other than private vehicle.

Climate resilience is being addressed through consideration of issues such as overheating in the development through the building regulations. This provides an industry recognised approach to ensuring thermal comfort within the development. Flood risks are considered elsewhere within the report, but in conclusion a balance is being had between realising ambitions for active frontages at Island Park (expressed in the neighbourhood plan) and clear flood risks.

Summary

Against the NPPF requirements of the planning system it is clear that the proposal would make a positive contribution to new development transitioning towards net zero goals and reducing greenhouse gas emissions because the proposals adopts an all-electric energy solution and enhancements over current building regulations of circa 79%. The proposal would be approaching net zero and be net zero ready with the decarbonisation of the electricity grid in the coming decades. Furthermore, whilst less well quantified the proposal includes the partial reuse of the existing substructure and superstructure which reduces embodied carbon in the demolition / construction phase. Additionally, the proposal has taken into account the risks of a changing climate and built in suitable resilience and adaptation through soft landscaping, managing flood risks and using building regulations to address overheating risks.

The proposal therefore broadly accords with the national and local planning policy aims regards sustainable construction. However, it is acknowledged that information at this stage is not finalised and as such conditions need to be used to secure the general outline that has been provided here and ensure that this is transferred into an ambitious approach at Technical Design stage. Furthermore, it is acknowledged that there is some technical policy conflict, for example the BREEAM rating of the non-residential development.

[Climate change - GOV.UK](#)

[Renewable and low carbon energy - GOV.UK](#)

Landscape and Visual Impact, including Local Green Space and Arboriculture

Policy Context

Core Policy 51 of the Wiltshire Core Strategy (WCS) requires that development protects, conserves, and where possible enhances the character and quality of Wiltshire's landscapes. WCS Policy CP57 and the adopted Wiltshire Design Guide SPD (2024) provides further guidance on integrating development into the landscape. The Council's Green & Blue Infrastructure Strategy (2022–2030) also supports the protection and enhancement of landscape character.

'Saved' policy NE14 seeks to protect trees as appropriate from development proposals.

Policy GI2 of the Chippenham Neighbourhood Plan sets allocated Monkton Park, including Island Park as a Local Green Space. A small part of the overall site area is subject to this designation, although its largely adjacent to it. This reiterates the current NPPF status of dealing with such land consistent with Green Belt development.

Policy GI4 also identifies Strategic Green Corridors which include Island Park as part of the River Avon Corridor.

Policy GI5 sets out that proposals should seek to protect existing trees and avoid removal wherever possible and that protection should be in accordance with relevant arboricultural British Standards.

Policy TC2 sets a Masterplan for the River-Green Corridor and includes a relevant design principle to enhance the River Avon corridor recognising the environmental sensitivity and achieving Biodiversity Net Gain whilst still providing active frontages.

Paragraph 11d footnote 7 highlights assets or areas of particular importance to be protected including irreplaceable habitats site, SSSI's, Green Belt, Local Green Space, a National Landscape, a National Park, and designated heritage and other archaeology assets, and areas at risk of flooding.

Paragraph 108 sets out that decisions for managing development within a Local Green Space should be consistent with national policy for Green Belts set out in chapter 13. Chapter 13, paragraphs 142 -160 of the NPPF refers to Green Belt land. In particular, paragraph 153 specifies that "substantial weight" is given to any harm to the Green Belt. Chapter 15, paragraphs 187-191 of the NPPF relates to landscape and natural environment matters.

Assessment

The proposed built form is located within the existing footprint of development and based on the best available plotting of the Monkton Park Local Green Space outside of the designation. The application site has minor incursions into the designation however the extent of works proposed or likely to be addressed within any conditions (e.g. final details of landscaping and final details of surfacing) are minor in nature and would not impact on the 'openness' of the area.

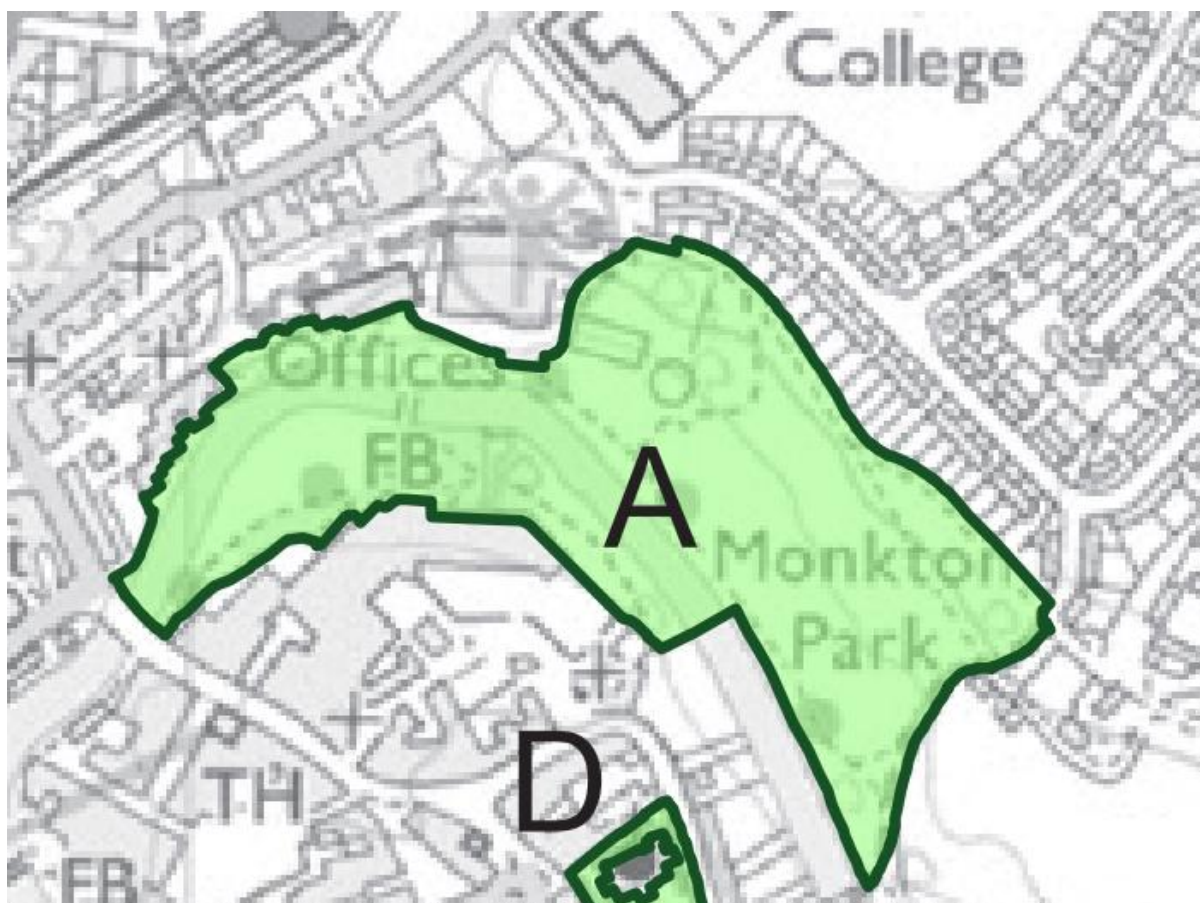


Figure 30: Extract from the Chippenham Neighbourhood Plan Fig 6.2 that identifies Monkton Park as a Local Green Space

The NPPF is clear that development in Green Belts / Local Green Spaces is inappropriate unless set exemptions apply. This includes engineering operations that preserve the openness and do not conflict with the purposes of including land within the designation. The most relevant of the 5 purposes of the Green Belt relates to preserving the setting and special character of historic towns.

As set out previously a defining element of the townscape at this point is the sylvan nature of Island Park that in the summer provides a dense foliage that significantly screens Emery Gate Shopping Centre and in the winter filters views of it. The application has been subject to consultation with the council's landscape officer, and they have determined to make no comment.

The application has been submitted with an Arboricultural Development Statement which identifies 16 individual trees and four groups. Three trees are noted to be 'A' category T6, T7 and T11 Horse Chestnut. The majority of trees on site are a mixture of 'B' and 'C' category with the majority being 'C'. There are a number of trees within G3 which have been given 'U' category and should not be considered for retention due to their condition and limited life expectancy.

The council's arboricultural officer has commented on the proposals in light of this information and emphasised the importance of particular care around the A-category Horse Chestnuts but

acknowledges that the proposals are to utilise the existing footprint and consider that the existing built form may have impacted on the 'theoretical polygons' used at this stage to assess the location of the root areas. On this basis the technical expert advice is that a conditional approval may be granted in arboricultural terms to deliver a final Arboricultural Method Statement to protect this sylvan townscape.

The proposal includes the planting of additional trees and provision of additional landscaping. However, whilst final details will be subject to conditional control it is anticipated that this will be of a different scale to what exists in Island Park.

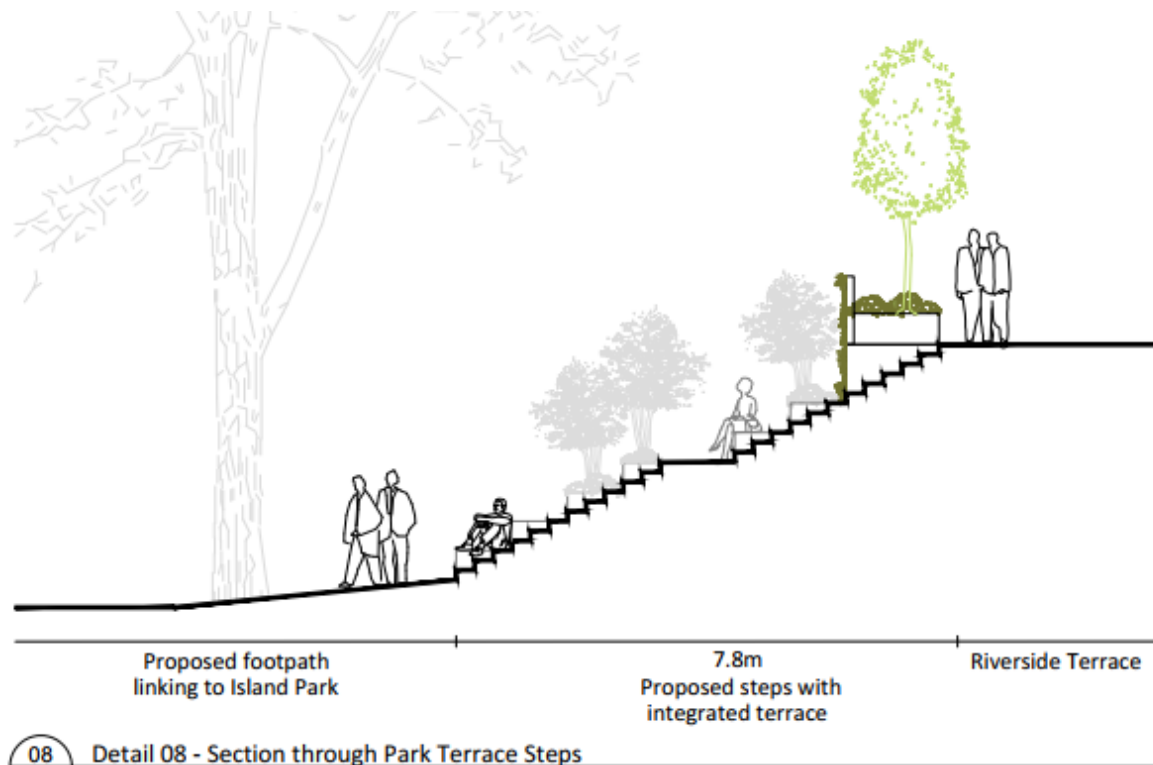


Figure 31: Landscape cross section showing the scale of landscaping to the stepped Riverside Terrace and that existing within Island Park.

The proposed scheme would have a limited impact on the sylvan townscape at this point subject to appropriate arboricultural controls because the proposal is to utilise the existing footprint of development and works beyond this would be limited and minor in nature. Whilst there is some concern that the provision of the active frontages on the upper floors of the development could create pressure for works to the trees within Island Park, future occupiers of the dwellings would be aware of the trees ahead of making any purchase and can reasonably expect this treed context.

The submitted Landscape Design Report highlights that the scheme will strengthen links and permeability between the High Street and Island Park for people and green infrastructure; provide high quality public open spaces, communal gardens, private gardens and balconies; green roofs and informal play areas with the introduction of landscaping to include 60 new trees.

Summary

The proposal is located partially within a Local Green Space which has the same level of protection as Green Belts. However, the proposal does not include any inappropriate development within this area.

Furthermore, the proposals are utilising the established built form's footprint and as such would be less likely to impact on the various trees in very close proximity to the north elevation of the application site. The arboricultural expert advice is that the proposal is acceptable subject to a final Arboricultural Method Statement that can be secured by condition.

The proposal therefore accords with the aims of the NPPF, and the adopted policies of the development plan which seek the protection of the existing trees at the site as appropriate. This is fundamental to protecting the sylvan townscape at this point within central Chippenham.

[Wiltshire Core Strategy - Wiltshire Council](#)

[National Planning Policy Framework - GOV.UK](#)

[Green Belt - GOV.UK](#)

[Light pollution - GOV.UK](#)

Impact on adjoining land uses and the impact on the residential amenity of existing and future occupiers including those at the proposed development itself.

Policy Context

The National Planning Policy Framework (NPPF), particularly Paragraph 135, stresses that planning decisions should ensure developments provide a high standard of amenity for existing and future users.

Point vii of Core Policy 57 of the Wiltshire Core Strategy requires new development to have regard to the compatibility of adjoining buildings and uses, regard to the impact on the amenities of existing occupants, and ensure that appropriate levels of amenity are achievable within the development itself, including the consideration of privacy, overshadowing, vibration, and pollution (e.g. light intrusion, noise, smoke, fumes, effluent, waste or litter).

The above policies include considering the impacts on privacy, light, and outlook for both existing and future occupants. These issues will be addressed in turn below and matters of noise are addressed separately below.

Assessment

In terms of amenity the site is of a commercial nature with a mixture of activity at upper floor levels on the High Street and a largely residential nature to the rear of the High Street save for occasional commercial uses like offices and children's nurseries.

The submitted Planning Statement sets out that a Daylight and Sunlight report to meet BRE standards has been provided specific to the impact on Chapel Mews properties and within the

development itself. This sets out that the main living rooms within Chapel Mews will be unaffected by the proposals with a slight reduction in light to kitchen and bedrooms. It concludes that the internal arrangements overall would provide “excellent” levels of daylight and sunlight availability.

A number of third party comments have been received regards the impact of the scheme on amenity and these have been taken into account. Overlooking and privacy issues have been raised for example. Furthermore, concern has been raised about the impacts from demolition and construction.

Existing property and impact on the occupiers’ living conditions:

This is a town centre location with an eclectic range of building forms and periods and as such the usual parameters of acceptable living conditions for occupiers needs to be adjusted compared to what might be expected within a suburban location / greenfield development.

The application has been subject to full statutory consultation and has been published on the council’s website for a year. As such, there has been time for interested parties to review the submissions and make comments. Site visits have been made, and aerial and street view imagery have been carefully reviewed.

Some of the most notable areas where there is the potential for existing occupiers’ privacy, outlook and light to be impacted are to the rear of the High Street such as the Old Baptist Chapel, the townhouse at Chapel Mews; and property along Emery Lane including number 31-35 and the United Reformed Church.

The proposed upper storeys of the development along the Riverside Parade immediately to the rear of the High Street have been set back substantially from the site boundary to the south with the provision of a large green roof area above the commercial units below. Furthermore, this is also at an oblique angle, as indeed is most of the Chapel Mews townhouses which means that as the built form progresses away from the High Street the intervening distances generally increase.

The proposals would introduce 3 residential storeys with habitable room windows/balconies and a communal roof terrace in this area. Furthermore, the existing built form has windows facing to the application site. However, the intervening distances of no less than circa 13m to balconies with perforated privacy screens and circa 15m to habitable room windows are to be noted. The Chapel Mews building has windows facing the application site that serve kitchens, bathrooms and bedrooms only. In a dense town centre location this is considered to be an acceptable arrangement. The conclusions of the Daylight and Sunlight analysis are noted and on that basis, this presents some negative impact but not a strong reason to object.



Figure 32: Proposed upper storey relationship to the existing built environment to the rear of the High Street

To the northwest of the site the proposal provides limited separation to the rear but would generally overlook a private vehicular access and the town's roofscape. Moreover, to the northwest elevation of the Riverside Parade units the flats have their access platforms where people will be transient and unlikely to linger. The proposed windows here are generally of secondary order to the apartments which have been designed to focus on the opposite side of the units. The proposed commercial units have windows proposed at the rear. Due to the secondary nature of these windows and the relationship to the existing built form at the rear these are required to be obscured glazed as set out within the recommended conditions.



Figure 33: Extract from the Design and Access Statement illustrating the relationship to the existing property, the massing at upper floor levels compared to the commercial areas, and the relationship between proposed residential units around the proposed Parade Street

To the east of the site the proposed built form at Building D is generally set notably back from the existing built form on the eastern boundary at the United Reformed Church. This has windows facing the proposed development but there would be a separation of circa 25 metres which would facilitate a reasonable outlook, access to light and avoid significant intervisibility. Furthermore, it is understood that the building is occupied as a children's nursery. Whilst the lower 3 storey section in the northeast corner of the site would have windows in the gables facing over the rear garden, a gap of 10 metres would still be retained and landscaping exists.

The intervening distance to 31-35 Emery Lane is around 12 metres which given that these are buildings fronting a street is not unreasonable. Furthermore, the buildings are at a slight angle to one another so this poses no significant concerns.



Figure 34: The proposed relationship of the built form to the existing urban grain at Emery Lane.

Proposed property and the impact on future occupiers' living conditions

Within the development itself the area immediately to the rear of the High Street along Riverside Parade is one of the densest areas with the units having separation distances of around 12.5 metres. Considering that these are street facing elevations then this does not pose an issue in terms of intervisibility. There will be a limited level of outlook, especially to those at first floor level given the scale of development and these modest separation distances. However, this is considered to be commensurate with a high-density development within a town centre location. Distances across the Riverside Street between Build A and Building E increase to a separation of 14 metres at first floor level. As before, whilst this does not facilitate a 25-degree outlook it is not reasonable to impose such standards to a brownfield town centre development. Furthermore, future occupiers will be aware of the level of outlook prior to considering moving into the development.



Figure 35: Proposed section through the Riverside Street.

Elsewhere within the new streets generally the built form loosens up to reveal greater levels of separation with consequent improvements in terms of outlook and light. This will result in enhanced levels of amenity for the future occupiers of these units compared to the denser development closer to the High Street. For example, around the Riverside Courtyard area the separation distances open up to more suburban standards with over 20 meters between buildings. Whilst the height means that the lower storeys will not pass the 25-degree guidelines the level of amenity experienced here will be reasonable in a town centre location.



Figure 36: Extract from the Design and Access Statement illustrating the relationship between proposed residential units around the proposed Courtyard and the subtle variety in heights between 3 and 4 storeys above the parking. The Courtyard is the transition between the commercial and residential quarters.

The application has been submitted with Daylight and Sunlight reports. These make it clear that such assessment are not a pass/fail approach and the BRE target values used within the assessments need to be balanced with a range of other material planning considerations. The report also indicates that the extensive use of balconies in the project presents a challenge. Whilst balconies provide a source of outdoor private amenity space – and are positive for future occupiers - they can reduce access to light internally within the apartments below. Taking a sample of units across the development (all at lower floors where the access to light and outlook will be most constrained) 88% of the rooms achieved illuminance to accord with BRE standards. Except for 2 bedrooms of the 330 assessed, those that fall short of the

standards are located under balconies or access platforms. Those untested spaces are on upper floors where there will likely be better access to light. As such, the reports submitted by the applicant consider that the scheme can be deemed to have a very high compliance rate into the mid 90% region. Similar conclusions were reached in relation to sunlight. The studies therefore confirm the qualitative officer assessment that there are likely to be some poorer levels of living conditions to some apartments on the lower floors. Overall, the report concludes that “excellent” levels of both daylight availability and sunlight availability for future occupants of the development will be achieved. A contributory factor for this conclusion is that over $\frac{3}{4}$ of the residential units have a dual aspect according to the Building for a Healthy Life Assessment.

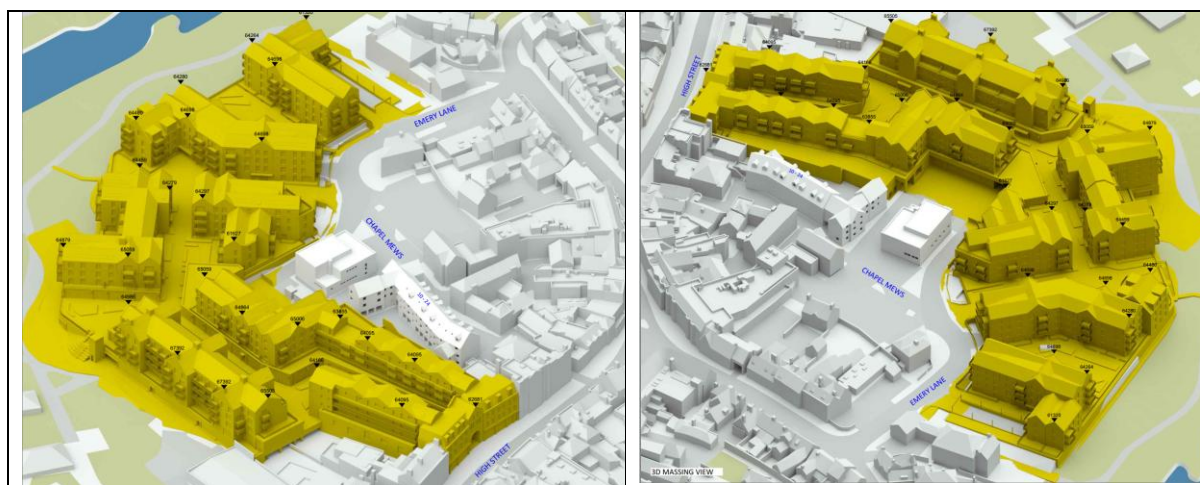


Figure 37: 3-D modelling of the development used to make BRE assessment of daylight and sunlight availability which illustrates the massing of the development.

Conditions

It has been considered that conditions can be utilised to in part improve the development and the relationship between residential units in particular. Whilst not fully mitigating impacts it is considered that requiring final details of landscaping and balconies including privacy screens and perforated barriers is reasonable and necessary in pursuit of high-quality design.

Summary

The concerns of third parties regarding amenity impacts have been fully considered. The proposal is considered to have some limited conflict with the aims of policy CP57 and the NPPF which seeks to create high quality living spaces for existing and future occupiers of development and indeed the existing built environment. However, the concerns are tempered by consideration that the proposal is in a commercial town centre, and it is not reasonable to apply the same standards in terms of privacy, overlooking, light etc as would be applied to a suburban greenfield housing development.

[Wiltshire Core Strategy - Wiltshire Council](#)
[National Planning Policy Framework - GOV.UK](#)

Wider Environmental Considerations (including Noise, Air Quality, and Contaminated Land, etc.)

Policy Context

The National Planning Policy Framework (NPPF) and Planning Practice Guidance (PPG) reinforce the need for planning decisions to prevent new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by unacceptable levels of pollution.

Core Policies 55 and 56 of the Wiltshire Core Strategy (WCS) seek to ensure that development does not result in unacceptable impacts on the environment or the health and well-being of existing or future occupants. The Council's Air Quality Supplementary Planning Document (SPD) provides detailed guidance on assessing and mitigating air quality impacts, particularly in or near Air Quality Management Areas (AQMAs).

Adopted policy CP57 also relates to impacts on amenity including the potential for development to generate or be exposed to pollutants such as noise, air pollution, odour, vibration, light spill, and land contamination.

Assessment

The application has been supported by various relevant documents here, the conclusions of which have been summarised within the Planning Statement, and include as relevant:

- Noise Impact Assessment
- Air Quality Impact Assessment
- Phase 1 Contaminated Land Report
- External Lighting Strategy
- Building for a Healthy Life Assessment
- Sustainable Energy Strategy

The Environment Agency advises that they have no objection to the proposals and whilst they have suggested that there may have been past industrial activity that poses a medium risk of pollution to controlled waters they have deferred to the local environmental health/protection officers. They have recommended a construction environmental management plan condition be part of any approval – which is standard on a development of this scale.

The Council's Public Protection officer advises that the vast majority of the site would have acceptable living conditions in relation to noise based on the submitted Noise Impact Assessment. Some of the units (8) within the building immediately to the rear of the High Street would be acceptable if the windows are closed at night time but not if open. Further evidence of good acoustic design for this area or justification for the proposed approach is requested. They have suggested the use of condition in relation to the commercial units not impacting on the amenities of residential property. They recommend restrictions on the hours of operation, until more is known about the specific user; and also tighter limitations on the hours of delivery. Similar conclusions are reached in relation to matters of odour noting the proposal intends to allow food and beverage activity.

Turning to matters of air quality and land contamination the Council's Public Protection officer advises that the information submitted is agreed and the mitigation measures therein should be secured. The only contaminated land matter relates to asbestos in the existing built form.

It is noted that the proposal includes a service yard in broadly the same position as the existing service yard for Emery Gate; furthermore, the proposals remove the former Tesco store service yard to the east of the site. From a review of the planning history there are no restrictions on the hours of deliveries associated with the existing development. As such, based on the impact on the existing properties there is little evidence to justify any concerns or conditions to control the service yard activities or hours. However, the proposals involve the provision of additional residential accommodation in very close proximity above the service yard area; a matter not specifically addressed within the Noise Impact Assessment. As such, it is considered reasonable and a betterment for existing dwellings in the locality to place reasonable restrictions on the hours for deliveries. These have been negotiated to ensure that they do not have conflict with commercial operation of the area. Furthermore, a service yard management plan can be utilised to promote positive neighbour behaviour between the commercial and residential uses in what must be acknowledged as a town centre location.

This is likely to be an enhancement compared to the existing and the Noise Impact Assessment indicates that all external spaces are likely to comply with World Health Organisation standards for avoidance of serious annoyance and the upper limits of the British Standards. It is noted that several balconies are located within proximity of the service yard within Building E and this has not been raised as a concern within the technical reports or expert consultation responses.

The Noise Impact Assessment takes into account building services but with some assumptions in relation to commercial activity given that the end users are not known. This indicates that the dwellings should experience acceptable levels of noise even with windows left open save for a minority of 8 units within proposed Building F at the High Street frontage based on the public protection officer's comments. On balance this is not a significant concern given that the proposals will employ mechanical ventilation heat recovery as part of the Sustainability Energy Strategy that ought to allow the windows to remain closed if desired. They can be opened if the occupants prefer still.

Overall, in terms of noise it is considered that the proposed development would likely provide a slight betterment for existing residential amenities with reasonable controls on the hours of deliveries, operations and control over the plant and equipment and a service yard management plan.

Turning to matters of air quality it is noted that the Sustainable Energy Strategy sets out an electrified approach to heating at the site and a proportion of the car parking spaces will have electric vehicle charging. These measures will support improved local air quality in the operational phase. The Air Quality Strategy makes a number of recommendations which can be supported.

In terms of the construction period the proposals do have the potential to have an impact on local air quality albeit this is transitory. This identifies a number of sensitive receptors to issues such as dust including Chapel Mews residential properties and the children's nurseries around

Emery Lane and St Marys Street. In light of the potential impacts mitigation measures have been proposed. These include a stakeholder communications plan, establish a dust management plan, taking suppression measures and careful storage of materials – all to be included as part of a construction environmental management plan. This can be conditioned.

Overall, in terms of air quality the proposal has the potential to result in issues during the demolition/construction period; but this would be transitory and can be appropriately mitigated through appropriate conditions. It is still likely that the construction period will result in some disturbance to the nearest and most sensitive neighbours as would be the case with most any operational development project of this scale.

Turning to matters of contaminated land this is not considered to be a significant issue at this site. The Environment Agency did not make any technical observations in this regard and public protect are satisfied with the submitted Phase 1 Contaminated Land Assessment. The Assessment concludes that there is a Low to Moderate risk of the site representing a significant risk to the site users in a redevelopment scenario.; and they acknowledge that a conditional control would be proportionate. This approach is recommended by your officers.

Finally, the application has been submitted with an External Lighting Strategy. This has primarily been written with ecological constraints in mind rather than the lighting and its impacts on humans. Nonetheless it indicates that light spill beyond the site will be minimal and within the site will be greatest around the service yard area. Whilst this may be downlit to minimise upward light spill or glare this is still a matter that ought to be afforded additional conditional controls.

Summary

In summary, the proposals are considered to protect the amenities of adjoining land users that exist around the development area. There is likely to be some transitory impacts from the demolition and construction activity but once the development is at operational phase these will pass. It is acknowledged on a large project like this that this can be mitigated to some degree, but the duration of the impact is likely to be relatively prolonged.

The development itself is considered to afford reasonable levels of living conditions for future occupiers in terms of noise and odours subject to conditions to control the commercial activity within the site. In most cases there will be no issues at all when the town centre context is considered. However, there is some identified concern in terms of noise at the High Street frontage at nighttime and around the service yard there is considered to be a likelihood of noise, odours and light spill without reasonable conditional controls over these matters and an overarching service yard management plan.

Furthermore, given the history of uses then it is considered necessary to impose conditions in relation to land contamination.

Nonetheless, subject to appropriate conditions the proposal accords with the aims of the development plan and the NPPF.

[Wiltshire Core Strategy - Wiltshire Council](#)
[National Planning Policy Framework - GOV.UK](#)
[Air quality - GOV.UK](#)
[Land affected by contamination - GOV.UK](#)
[Land stability - GOV.UK](#)
[Light pollution - GOV.UK](#)
[Noise - GOV.UK](#)

Ecology and Biodiversity

Policy Context

In accordance with national policy and guidance, including the NPPF (Chapter 15: Conserving and Enhancing the Natural Environment, paragraph 187 indicates that developments are required to minimise impacts on, and provide net gains for biodiversity, including by establishing coherent and resilient ecological networks, and incorporate features which support priority species. Paragraphs 193 and 194 relate to principles to be used when determining applications, and paragraph 195 of the NPPF indicates that the presumption in favour of sustainable development does not apply where a plan or project is likely to have a significant effect on a habitats site, unless an appropriate assessment has concluded that the proposal would not adversely affect the integrity of the habitats site. Legislation requires that all major developments submitted since February 2024 deliver a minimum of 10% biodiversity net gain.

Core Policy 50 of the Wiltshire Core Strategy (WCS) seeks to conserve and enhance biodiversity across the county. It requires that development avoids harm to ecological assets and delivers some biodiversity improvement.

The Council's Green & Blue Infrastructure Strategy (2022–2030) sets out a strategic framework for protecting and enhancing Wiltshire's natural capital. It identifies priorities for habitat connectivity, ecosystem services, and nature recovery, and encourages development that contributes positively to these objectives.

GI1 relates to protecting and enhancing biodiversity within the Chippenham Neighbourhood Plan area. In accordance with the NPPF the policy requires 10% BNG; furthermore, the incorporation of green/brown roofs, bird and bat boxes, swift bricks and bee bricks and small mammal routes, whilst providing an appropriate and sensitive interface to existing habitat. GI4 requires that green corridors such as the adjacent River Avon shall not be compromised in terms of their function for wildlife and biodiversity; that new open space connects to them and where necessary new lighting shall comply with recognised standards. TC2 which masterplans this area places a focus on achieving biodiversity net gain.

Assessment

The existing site is of a brownfield nature, and the buildings and areas of hard standing make up a significant proportion of the application site. Nonetheless, the site is adjacent to the River

Avon corridor, and this is a valuable ecological asset which needs to be protected and enhanced through the planning of the site redevelopment.

The Council's ecology officer and Natural England have been consulted on the proposals. Natural England have raised no objection to the proposed development. Ecology colleagues raised a holding objection to the original proposals unsatisfied with the level of information and how additional lighting will be managed. Furthermore, they raised technical questions in relation to the BNG baseline information. However, in light of negotiation and discussed a suitable level of information has been provided and the ecology officer has resolved to raise no further objection subject to conditions and securing BNG.

The applicant has provided an Ecological Assessment that sets out that the site has a low ecological potential but will result in the loss of a common pipistrelle roost which along with bird nesting opportunities will need to be appropriately managed. The Assessment sets out the numerous asserted ecological benefits including the provision of circa 60 new trees and circa 50m of hedgerow and landscape enhancement along the Island Park frontage. The recommendations also include the provision of bat, bird and insect features within the application site.

The applicant has also produced an External Lighting Strategy which addresses the impact of lighting from the development's street lighting. The approach set out is to ensure boundary lighting is low level and directional to avoid spillage; use warmer colour temperatures such as to minimise ecological impacts and where appropriate have lighting columns fitted with louvres or shields and lower height columns to reduce spill. Based on these findings the external light from the project within the park area would be altered somewhat around the Riverside Terrace and the Terrace to the east which is also a public connection point into Island Park that does not currently exist.

Furthermore, the proposal is likely to lead to lighting impacts to the park from the proposed additional fenestration that generates the policy required active frontages to Island Park. This is mitigated to some extent by the existing sylvan context and the ecological assessment revealing that features of interest do not face the application site. Furthermore, the current impact of existing street lighting through Island Park has not been quantified, nor the spill from the existing built environment. It is considered that if the landscaping around the subterranean parking provision is successful then this (along with use of motion sensors for the lights) could provide some unquantified betterment over the existing situation with the car park. The existing street lighting will also provide some existing baseline context for allowing some lighting immediately around the proposed built form so long as the main river channel and its banks remain dark.

The applicant's ecology advice has been that the bat surveys have shown some more light sensitive species of bats do use the habitats along the river, but in much lower numbers than the common pipistrelles which are closer to the site. Furthermore, the applicant asserts that even in the absence of any avoidance or mitigation the proposed development is not considered to likely create light spill such as to make the area unsuitable for commuting or foraging.

The lighting information available at this stage does not allow a full assessment. It is important to consider the in-combination affects from internal light spill created through the significant increase in glazing from shop fronts and residential accommodation. Moreover, the lux plot provided does not include details of the adjacent habitats and it is therefore difficult to determine the extent to which light spill will occur into the ecologically sensitive areas. On this basis it is a matter that needs further information on how it will be managed, but on balance it is considered that a condition can be used in the circumstances because it is clear that the policies around redeveloping the site require active frontages and a consequence of this is that light spill will occur and is a matter to be managed rather than avoided. Furthermore, it is likely that any mitigation, such as special glass or careful positioning of internal light fittings in the buildings would be positive.

In terms of the known roosting activity this can be addressed through the use of relevant conditions and informatives. The council's ecologist has highlighted that a European Protected Species (EPS) Bat Mitigation Licence will need to be obtained for the lawful construction of this development and conditions can secure appropriate mitigating roosting features. The construction environmental management plan can provide measures to protect the known roost within the mature trees of Island Park.

More positively, the proposals will provide landscaping within the site including policy compliant green roofs and biodiversity net gain significantly in excess of statutory 10% provisions. The proposal has the opportunity to make significant enhancements from a biodiversity perspective. For example, from what may be considered a low baseline the proposal will produce a significant percentage increase against statutory Biodiversity Net Gain (10%). The proposal also makes provision for bird, bat and insect boxes which addresses the main issues raised around ecology in the public consultation process. While it may be unlikely that small mammals such as hedgehogs are currently using the site (and given the levels of the development steps up to 'podium level' from Island Park) there is no reason not to secure appropriate boundary treatments to ensure that they support ecological commuting opportunities for as wide a species list as possible. These matters are also sufficient to ensure a policy compliant approach to the site development. This can all be addressed through condition.

Finally, it is noted that the applicant has committed to making a financial contribution to support masterplanning of Island Park. This process, carried out with relevant stakeholders ought to reveal opportunities to make positive enhancements to the River Avon corridor which is recognised as an environmentally sensitive location. This would support the enhancements offered through the proposed landscaping features in the development and the fingers of connectivity that this generates for biodiversity between Island Park and the wider townscape.

Summary

The proposal is considered to address the aims of the development plan including TC2 which masterplans the redevelopment of the River Avon corridor. Comments of no objection from the Council's ecology officer subject to conditions; and no objections from Natural England have been received. The application will provide far in excess of statutory 10% BNG; the proposals shall incorporate green roofs, bird, bat and insect features, additional trees and

connectivity between Island Park and the wider townscape giving the potential for biodiversity to spread into what is currently a site dominated by the built environment.

The existing built environment has revealed, through general deterioration rather than design, an opportunity for a common pipistrelle bat roost, which will need to be mitigated, and this can be controlled through condition. The lighting of the proposal is an area that needs to be controlled by condition as a precautionary measure given that in-combination impacts from external and internal lighting; and indeed existing lighting is not yet fully clear such as to design appropriate mitigation. The proposals would provide some additional landscaping around the built form edge with Island Park.

The proposal therefore accords with the aims of the NPPF, other biodiversity related guidance, and the adopted development plan.

[Wiltshire Core Strategy - Wiltshire Council](#)

[National Planning Policy Framework - GOV.UK](#)

[Natural environment - GOV.UK](#)

[Light pollution - GOV.UK](#)

[Biodiversity net gain - GOV.UK](#)

[Appropriate assessment - GOV.UK](#)

[Open space, sports and recreation facilities, public rights of way and local green space - GOV.UK](#)

Flood Risk and Drainage

Policy Context

Paragraph 11d footnote 7 highlights assets or areas of particular importance to be protected including areas at risk of flooding. Chapter 14 paragraphs 170 – 182 refers to this matter. In particular paragraphs 174 - 178 outline the sequential test and indicate that if it is not possible for the development to be located in areas with a lower risk of flooding (taking into account wider sustainability development objectives), then the exceptions test can be applied. Paragraph 180 indicates that where applications come forward on allocated sites through the sequential test, then applicants need not apply the sequential test again. However, the exception test may need to be reapplied if relevant aspects of the proposal had not been considered when the test was applied at the plan making stage, or if more recent information about existing or potential flood risk should be taken into account.

Paragraph 181 of the NPPF makes clear that when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment. Development should only be allowed in areas at risk of flooding where, in the light of this assessment (and the sequential and exception tests, as applicable) it can be demonstrated that:

- a) within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location;
- b) the development is appropriately flood resistant and resilient such that, in the event of a flood, it could be quickly brought back into use without significant refurbishment;
- c) it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;
- d) any residual risk can be safely managed; and
- e) safe access and escape routes are included where appropriate, as part of an agreed emergency plan.

Core Policy 67 of the Wiltshire Core Strategy (WCS), requires that development avoids increasing flood risk and incorporates appropriate mitigation measures. Development proposals located within Flood Zones 2 or 3 must be subject to the sequential test, and where necessary, the exception test, to ensure that more vulnerable uses are directed to areas of lowest flood risk.

Policy TC2 of the Chippenham Neighbourhood Plan relates to the River-Green Corridor Masterplan for the River Avon and all developments in this area should demonstrate that flood resistance and resilience measures are integrated within the construction.

Assessment

The site is located close to the River Avon and in Flood Zones 1, 2 and 3. The fluvial flood risk does not impact the whole of the site with the proposed 'podium' levels being located within flood zone 1 which is the lowest probability of fluvial flood risk. However, the Island Park level / subterranean elements of the site are at elevated fluvial flood risk. Furthermore, there are known pockets of surface water flood risk too. The site is generally considered to have a low level of risk from groundwater sources.

The application has been submitted with a Flood Risk Assessment and Sustainable Drainage Strategy, along with a Sequential Assessment and a Flood Risk Assessment and Flood Warning and Evacuation Plan (plus addendum) (FWEP).

The Council's Drainage Team (also the Lead Local Flood Authority (LLFA)) and the Environment Agency have been consulted on this proposal and both conclude to raise no objection subject to conditions.

The site-specific Flood Risk Assessment (FRA) has been written in parallel with the wider BREEAM ambitions of the development. The proposal is targeting a BREEAM credit here as it is planned to improve surface water management. It acknowledges the risks of flooding from various sources and provides a detailed drainage strategy that demonstrates how the risks will be minimised and managed. Furthermore, the Assessment acknowledges recent events including the widespread flooding within Chippenham caused by the River Avon breaching its banks during Storm Bert in November 2024. This affected the application site.

The Storm Bert event resulted in a reported flood level of circa 700mm depth within the subterranean car park of Emery Gate. The event had widespread impacts in Chippenham causing significant disruption through road closures, businesses being affected and schools

being closed. The flood warning systems provided over 4 hours of warning ahead of the River Avon topping its banks in this case and provided an opportunity for emergency planners to learn how best to address such incidents in the future.

In terms of surface water the proposed redevelopment seeks to make use of the changes at podium level and above to increase infiltration rates at the site over the existing and provide attenuation storage within the green spaces and unadopted roads. This is achieved through the green roofs, areas of soft planting, below ground crates and the use of permeable surfaces. This results in a storage volume of circa 264m³ being created. Water from these areas will flow to an attenuation tank system within the lower ground floor area. This is planned as a network of tanks making use of areas such as the space under the access ramp to provide circa 560m³ of attenuation capacity. It has been indicated that greywater harvesting will be pursued and that discharge rates from the site will be reduced from this outlined approach. This will support addressing flood risks at the site from surface water sources but also support modest reductions in fluvial flood risks too.

In terms of fluvial flood risks the Assessment discusses, but does not rely on, anticipated changes to the River Avon through the planned removal of the 'Radical Gate' by the Environment Agency which would reduce the River Avon levels within the vicinity of the site, with consequent reductions to anticipated flood levels. However, ultimately it explains that the status quo would persist through the development because it would generally retain the existing built form with only minor alterations and this proposal cannot rely on the anticipated Environment Agency projects on the River Avon. The area will continue to offer the same flood storage capacity and will still be allowed to flood in a flood event. The provision of a new commercial unit in place of existing back of office space associated with Emery Gate will be designed with resistance and resilience in the event of flooding. Furthermore, the proposals would have a flood warning and evacuation plan to manage flood risks and impacts. These all offer enhancements over the existing situation and can be finalised and secured by condition.

The Sequential Assessment for the site has been submitted and looks at the potential for alternative sites for the development in a location at a lower risk of flooding. It concludes that there are no reasonably available alternative sites with lower flood risk than the site. As such, in accordance with policy and guidance it applies the Exception Test and concludes that the wider sustainability benefits and the measures taken to manage flood risks ensure that the development would be acceptable in this regard.

The results of the Sequential Assessment have been studied, and it is agreed that there are no preferable alternatives in the specific circumstances presented here for a redevelopment of a brownfield site. Furthermore, it is considered that the proposals will reveal sustainability benefits considering the economic investment that is being proposed as well as the delivery of 225 homes in an area of acknowledged need that can support goals around accessibility and bringing vitality to the commercial centre. Furthermore, through the proposed drainage strategy the development offers a betterment to surface water flood risks and through the flood warning and evacuation plan the proposal helps to manage the risks associated with the development.

The existing lower ground floor car park is located below the predicted 1-in-100- year flood level, including climate change allowance, and is understood to experience flood risks up to

approximately 1.25 m in depth. The applicant proposes to retain this car park in its current form to avoid the need for floodplain compensation elsewhere. In response, the Lead Local Flood Authority (LLFA) requested a separate Emergency Flood Evacuation Plan for the entire site. This plan has now been prepared and submitted alongside a revised Flood Risk Assessment (FRA). This was produced in consultation with the council's emergency planners.

The ground floor commercial unit remains subject to a significant flood risk. The level of potential inundation presents a clear hazard to occupants. As such, the applicants sets out that they will sign up to flood warnings. In the recent Storm Bert the warnings were issued 4 hours prior to the River Avon topping its banks. It is likely that similar would occur with future events. Given this timing and the resilience designed into the new commercial unit it is considered that the non-habitable space would have sufficient resilience with the proximity of escape routes up to podium level well clear of flood risks. Whilst an internal staircase to podium level within the commercial unit would have been preferable, it is not considered necessary given the proximity of safe routes and the likely warning times. Furthermore, the floor area would have restricted opening hours and uses within Class E, F1 and F2, so it would not have humans present through the night. Any residual concern in this regard is outweighed by the wider benefit of providing an active frontage and commercial offer within Island Park.

During the application discussions have taken place with the council's emergency planners as recommended by the Environment Agency – who have no objection - and a condition can control compliance with the FWEF. Conditions are recommended in relation to securing the final drainage strategies for the site, to address the aims of the Environment Agency and drainage officers set out within their no objection consultation responses.

Summary

In summary, the application site is acknowledged to be at risk from fluvial flood sources. However, these are limited to the existing subterranean car parking areas and limited back of house areas associated with Emery Gate Shopping Centre. The proposals retain the subterranean car parking and would replace the back of house area with a new park level commercial unit in order to address neighbourhood planning objectives for the area including active frontages onto Island Park.

The application has been submitted with an appropriate site-specific flood risk assessment, drainage strategy, sequential assessment and flood warning and evacuation plan. The application has been subject to consultation with technical experts in the lead local flood authority, and the Environment Agency and discussions have taken place with the council's emergency planners. They have raised no objections subject to conditions in light of extensive discussions and negotiations.

A Sequential Assessment has been provided, and the conclusions are that there are no preferable sites and the Exception Test has been passed. These conclusions are accepted and agreed. The flood risk assessment seeks to balance the known fluvial flood risks with aspirations for the redevelopment of the site set out in the neighbourhood plan; and a suitable balance has been found. The drainage strategy has outlined an approach that ought to result in a betterment at the site over the existing through increased infiltration and storage and the

final detail needs to be controlled through condition. The residual flood risks are satisfactorily minimised through the flood warning and evacuation plan.

The proposal therefore accords with the aims of the development plan and the NPPF to direct development to the lowest flood risk areas, provide a drainage betterment on a brownfield town centre site and mitigate known flood risks so far as practically possible. Any residual concerns need to be considered in the context of the site where flood risks do not extend to habitable over-night accommodation, betterment is being provided to drainage and wider development plan objectives and sustainability goals are being realised through the redevelopment of a brownfield town centre site.

[Wiltshire Core Strategy - Wiltshire Council](#)
[National Planning Policy Framework - GOV.UK](#)
[Flood risk and coastal change - GOV.UK](#)

Accessibility and highway safety, including parking provision

Policy Context

The NPPF covers this matter in Chapter 9. In particular, paragraph 110 and 115 are “key policy” for the purposes on paragraph 11d footnote 9, and indicate that significant development should be focussed in sustainable locations which offer a genuine choice of transport modes, and where safe and suitable access can be achieved for all users. Paragraph 117 also prioritises these issues. Paragraph 116 does however confirm that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios.

Core Policies 60 to 64 of the Wiltshire Core Strategy (WCS) set out the overarching transport and accessibility framework for development across the county. These policies require that development proposals:

- Provide safe and suitable access for all users;
- Do not result in severe residual cumulative impacts on the transport network;
- Promote sustainable transport modes and reduce the need to travel by car;
- Include appropriate levels of car and cycle parking in accordance with adopted standards;
- Safeguard and enhance public rights of way and active travel routes.

The Wiltshire Local Transport Plan (2011–2026), including the Car Parking Strategy and Cycling Strategy, provides further guidance on the design and provision of transport infrastructure. The Wiltshire Local Cycling and Walking Infrastructure Plan (LCWIP) and associated design standards (2022) set out expectations for the delivery of high-quality active travel infrastructure in new developments.

Policy T1-T3 of the Chippenham Neighbourhood Plan sets out that major schemes need to support modal shift from private vehicles and compliance with LTN 1/20; and financial

contributions will be expected where proposals would generate an increased use of the existing cycle network to the site. There is general support for enhancement to public transport infrastructure and the transition to electric vehicles through provision of appropriate charging infrastructure.

Proposals should also demonstrate compliance with national design guidance, including the National Design Guide and associated documents including LTN 1/20: Cycle Infrastructure Design (DfT, 2020), which sets out principles for safe, coherent, and inclusive cycling networks.

Assessment

The existing site has vehicular access from Emery Lane and Island Park (via Town Bridge) with active travel connections at Emery Lane, Island Park and the High Street. The proposal would downgrade the Island Park vehicular access to make it a maintenance and emergency vehicle point only; effectively resulting in all vehicular flows being from Emery Lane. Active travel connections at the High Street, Island Park and Emery Lane would be retained, enhanced and added to. This includes the provision of a new pedestrian option to Island Park, enhancements to the existing dual use route to the eastern end of the site and enhancements to the existing pedestrian route into the Emery Gate Shopping Centre at Island Park to make it suitable for pedestrians and cyclists (use of wheeling ramp/runnels and lift). The application has been subject to revisions and the provision of additional justification during the application including downgrading the existing Island Park access.

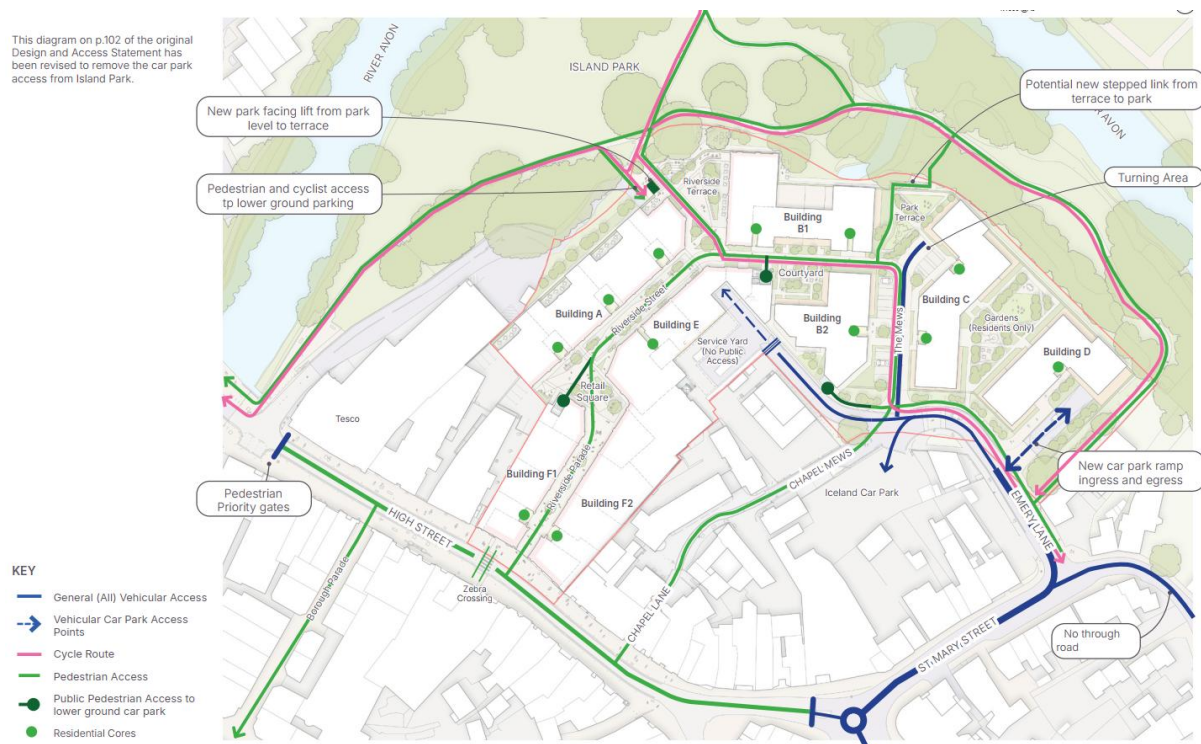


Figure 38: A plan indicating the connectivity and permeability being proposed here including connection dots to lower ground level and new cycle route through the site using a runnel/lift at Riverside Terrace.

Various third-party comments and concerns have been submitted, and these have been considered. These provide contrasting views around some highway matters, for example

some parties concerned that parking provision is inadequate and conversely other parties concerned that parking levels are too high. Opinion includes that access over the town bridge should be addressed to prevent the existing 'rat run'/meet neighbourhood plan objectives/enhance active travel. Nonetheless, others are concerned that the proposals would increase traffic at Emery Lane, displace town centre car parking onto the area's streets and result in congestion and traffic issues. Whilst some may want more parking, and others may want more active travel the agreement is that the town centre needs to remain accessible and serviced to attract people. Concern has been raised over the adequacy of the car parking spaces in terms of dimensions and manoeuvring. Concerns have been raised over the adequacy of the cycle provision within the development and the lack of clarity over the provision of active travel improvements to mitigate the impact of the development and meet development plan objectives. In short, the responses illustrate some polarised opinion within the community and some areas of concern.

The application has been subject to consultation with technical experts at the local highway authority and Active Travel England.

Active Travel England have stated that they are not in a position to support this application and requests further assessment, evidence, revisions and /or dialogue. However, they do not object or suggest any reasons for refusal. Their concerns relate to:

- a perceived over reliance on 2011 census data and peak hour data;
- lack of analysis of active and public transport related trips;
- travel plans that lack either ambition or supporting infrastructure;
- lack of financial contribution to the LCWIP plans to encourage a modal shift;
- various on-site facility concerns;
- disproportionate focus on vehicular matters over active travel; and
- overprovision of vehicular parking.

Wiltshire Council's highway officers as the local highway authority conclude that they have no objection subject to conditions and the provision planning obligations. They recognise the viability issue and as such have tailored their requests accordingly and should not be considered to set a precedent for town centre development in general. In terms of vehicular access and impacts they do not fully agree with the applicant's approach and why the applicant places weight on the full back potential of the existing site. Rather they have acknowledged that approach and made further assessment of the observed data against forecast data. On that basis the council's highway officer concludes there may be a *de minimus* impact or certainly one that is not severe. Otherwise, the highway officer has provided a focus on the detail of cycling provision within the proposal including the suitability of existing infrastructure and the provisions within the development including cycle storage areas, and routes to the wheeling storage. They indicate that the quantum of cycle parking is policy compliant.

The application has been submitted with a Transport Assessment, a Traffic Note and Travel Plans for the residential and commercial elements of the development. Furthermore, the applicant has provided bespoke responses to some of the comments received from the local highway authority and Active Travel England through the application process.

A major concern raised in the public consultation responses and indeed with Chippenham Town Council related to the original proposal to maintain vehicular access from Town Bridge.

It is a clear aspiration within the neighbourhood plan to remove vehicular use at this point. Positively during the application this has been downgraded to a maintenance and emergency vehicle access on the plans. This can be controlled by condition.

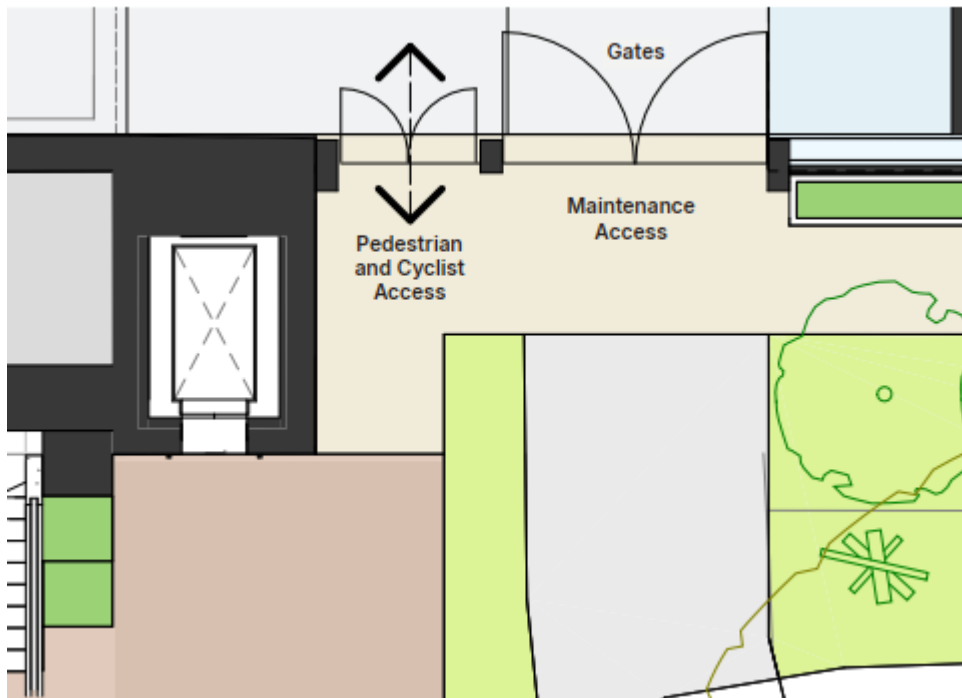


Figure 39: Extract of revised proposals for downgrade of Island Park access which uses Town Bridge. Shows gated entrance and surfacing treatment to prioritise pedestrian movements here.

In terms of the pedestrian movements around the scheme the proposal is considered to offer positive enhancement over the existing situation with the production of an attractive public realm and additional connectivity and permeability. The location of 225 dwellings within an area where there are strong walking links to services, facilities, employment and education commensurate with the type of accommodation proposed is positive and would facilitate active travel by future residents; and provide better pedestrian options for the existing population in the vicinity. The highway officer highlights some technical design issues with the Riverside Terrace steps against Inclusive Mobility. This is noted, but there is no planning policy to require compliance with this national best practice guidance, and it is noted that a lift offers an alternative means of access for all users at this point.

In terms of cycling based on the expert highway officer opinion it is considered that the prohibition to cycling along the High Street presents a significant barrier to accessing the development site, which thus relies heavily upon Island Park. The existing routes through Island Park are not technically wide enough to support dual use and there is no cycling through the existing Shopping Centre. As such, any enhancement to cycling at this point may be considered a betterment. It is important to also consider necessary mitigation with the introduction of new uses as part of the proposal. National and local policy is clearly aimed at trying to seek a modal shift through a vision-led approach to transport planning. In short, it is considered that the proposal would not best support cycling provision and this is a disappointment.

Highway officer views are that the additional cycle and pedestrian movement associated with the development site may be problematic at peak times through Island Park. Masterplanning of Island Park to plan improved active travel infrastructure consistent with the LCWIP should reveal suitable mitigation though and the developer is willing to fund this. They have not agreed to pay the commuted sum for delivery though and there is an acknowledged viability reason for this. Without guarantee of a timely delivery of enhancements (through a legal agreement) then this is considered to represent a harmful impact in transport terms based on the technical expert views received. No LTN 1/20 compliant route would be provided contrary to neighbourhood plan policy.

The proposals provide a high volume of cycle parking facilities for future residents. However, the location of these within the development is one of the matters raised by technical experts. It is considered that the subterranean provision is not going to maximise the opportunity this scheme presents to encourage cycling. Nonetheless, not all future occupiers of the development will wish to be a cyclist and those that do will be provided with secure cycling parking that is accessible, if not as convenient as would be ideal. Its location, including a corner of a subterranean car park may also have perceived safety issues. The use of lifts and runnels is also not ideal, but there is no clear alternative to address the levels of the site. A balance has to be struck with other design objectives. As such, some highway recommendations including widening of the route to Riverside Terrace for the benefit of cyclists are not supported because it would likely be prejudicial to the delivery of landscaping. The width is adequate and wider than a standard shared use route.

The provision of visitor cycle facilities within the development is a matter that should be controlled by condition to support modal shift for visitors to the centre. Currently provision is pepper potted through the scheme but only amounts to 15 Sheffield stands. Similar, issues with the existing proposals for cycle storage can be addressed through a condition. A final travel plan can be secured through a legal agreement to secure promotion of active travel and provide some level of monitoring and review consistent with the highway officer recommendation. However, this obligation has been revised in recognition that viability is an issue with the development. It nonetheless provides opportunity to secure assess the need to have shower facilities in the development, which may potentially be achieved in the back of house area.

In summary on matters of active travel it is assessed that the proposal would facilitate some betterment over the existing situation. However, the proposal does not maximise opportunities to plan the development such as to promote cycling as well as it could. Furthermore, the proposal would not secure delivery of cycle infrastructure enhancements to mitigate the development. The suggested conditions from highway officers have been noted and some are considered to not meet the statutory tests in terms of being necessary to make the development acceptable, especially considering the applied planning balance. Nonetheless, conditions have been suggested to best mitigate the concerns raised in relation to cycling balancing all planning matters. The residual concern though must weigh against the proposal.

In terms of vehicular matters, the proposals would have a new general access relocating the existing ramp within the site to gain entry to the subterranean parking. This would be in the broad location of the existing service yard for the former Tesco site. The existing main shopping centre service yard access would remain broadly the same as it is. In discussions

concern has been raised by highway officers that the gradient of the new access ramp is steeper than guidance. This has been explored with the applicant, and a substantial scheme redesign would be required to address this. On balance the access ramp, which would not be adopted, would be satisfactory and not result in any demonstrable planning harm subject to reasonable driver behaviour. Similarly shortcomings with the service yard access ramp are noted, but do not present insurmountable issues. It has to be recognised that this is a brownfield site and utilises the existing lower ground floor levels.

The proposal retains the subterranean car parking facilities which would be refurbished as part of the development. A small number of spaces would also be provided at podium level. The proposals have been presented to provide a total of around 297 parking spaces (subterranean area with 14 car parking spaces for high street banking premises, 185 residential parking spaces and 89 commercial parking spaces; and a further 9 at podium level including 2 potential car club spaces and 7 disabled spaces). It is understood that the 14 spaces for the banks is an existing and ongoing arrangement. The information provided estimates the need for 89 commercial parking spaces based on a peak demand for 85 spaces. This provides some additionality given that this is an estimate. A management system can be adopted through signage and use of materials to allow users of the commercial spaces to navigate to those and avoid conflict with the residents only parking. This leaves less than 1 parking space per apartment proposed. This is below minimum residential parking standards but given the town centre location it is acceptable. Some parties consider it should be less in order to promote a modal shift to active travel, but there is little policy or evidence to require this non-policy compliant approach.

In a vision led approach to transport planning it is appropriate to consider the Avoid, Shift and Improve mantra. In this case the proposals would 'avoid' the need to travel through having 225 dwellings located very conveniently to services and facilities. Equally this supports a 'shift' approach through the convenience. In this case this is primarily the convenience of walking to local services and facilities including the train and bus stations. Finally, there is the 'improve' element of the proposal.

The proposal would provide active and passive EV charging facilities within the development which would help 'improve' transport having regard to carbon emissions and local air quality. The level of proposed 'active' electric vehicle charging (circa 13% of spaces) is reflective of the current transition and the 'passive' element future proofs the scheme so that as take up rates increase, appropriate facilities can most conveniently be retrofitted into the development to meet increasing demand. As such, it is considered that the proposals represent a sustainable approach to transport planning at the site and conditions can control the final details and secure a suitable degree of flexibility ahead of Technical Design.

The Technical Design stage of this project will include considering the engineering of the superstructure and the final requirements for columns and beams. The plans presented at planning stage are based on the best information available at this time, not the final information. Final information requires more detailed work and expense that can only be committed to when there is certainty around delivery i.e. planning permission. Concern has been expressed that the parking spaces are below standard, that some space and the layout are not ideal in terms of manoeuvring and that the location of columns may present some obstruction to visibility compared to guidance. However, the plans have been submitted to

demonstrate acceptable sizing of spaces, and suitable swept path analysis of the car park spaces. A small minority of spaces have columns that may slightly inhibit visibility / usability; and this is why further details can be required by condition for further refinement. Whilst it is acknowledged that modern cars are larger than they have been historically the established dimensions of 4.8m x 2.4m remain suitable and the proposals generally exceed this anyway.

Whilst the proposal retains a limited maintenance and emergency vehicular access over Town Bridge and Island Park the vehicular trips would now be almost exclusively associated with the Emery Lane and St Mary's Street to the south of the site. Existing movements in this area are anecdotally below the potential level of movement and historic level of movements given the evolving shopping habits of society. These evolving habits have left the former Tesco store vacant for some time. If the existing lawful car parking spaces were better used, then the levels of vehicular movements would likely be greater than currently experienced by the community. This is a fall-back position.

The proposed development would likely reflect a comparable level of vehicular movements that could occur lawfully at the site. This is reflected by the existing provision of 317 spaces compared to the circa 297 proposed. It is assessed that this level of provision ought to strike a balance between supporting modal shift and avoiding parking being displaced into the surrounding streets. Furthermore, it is considered that the level of vehicular movements would not be likely to generate a highway safety impact or harm to the amenities of the area. These conclusions are supported by the evidence submitted by the applicant within their Transport Statement and Traffic Note. Highway officers have made a further assessment and conclude that the proposed vehicular movements each day are likely to be increased by around 353 vehicles over the currently observed movements. Their expert technical opinion is that this may be considered *de minimus* and would not result in a severe highway impact. This is because the movements would be likely to be dispersed more evenly throughout the day.

The applicant has asserted that the proposals would result in a net reduction in trips from the development compared to the theoretical potential of the existing site. But they expect an increase in evening movements consistent with the residential development and the food and beverage proposals associated with the development. This has general accordance with the highway officer advise. As such, it is assessed that the proposals would not cause any harm to highway safety. Even if additional movements were to occur this is not likely to result in a severe highway impact.

The highway officer has suggested a number of conditions to address the proposed enhancement to the existing cycle link between Emery Lane and Island Park, the internal cyclable links, cycle stands, secure cycle details, provision of shower facilities, and the stepped access at the Riverside Terrace. These requests have been incorporated into conditions that meet the tests of a condition set out in the NPPF and PPG, especially regarding necessity where conflicting design priorities exist. Taking a balanced and holistic approach, conditions are recommended to secure final details of EVCs, cycle storage, parking layouts, and vehicular access limitations. Through the discharge of these conditions and the travel plan obligation, officers will seek to secure best practice including for example, where practically possible, shower facilities for staff in the illustrated back of house areas.

Finally, in terms of town centre parking provision the proposals do not pose any concerns as there remains suitable capacity overall. A condition to control the final car parking details is suggested.

Summary

Third party concerns regarding the impacts of the proposal have been fully considered and present a range of views and opinions on highway matters illustrating some polarisation of opinion on this matter within the community.

It is acknowledged that the scheme may result in additional vehicular traffic on the highway system around Emery Lane compared to the existing experience; and should better support active travel through enhanced cycling offer. However, the proposals would address the neighbourhood plan objective of a transition towards closing the town bridge to vehicular traffic, and can provide an enhancement to the on-site dual use path between Emery Lane and Island Park. These measures would support active travel for the wider benefit of Chippenham beyond the application site. Furthermore, the proposals can provide high levels of cycle storage to support future occupiers in a modal shift commensurate with the town centre location. Additionally, the proposals realise a new public realm and greater levels of permeability and connectivity between Emery Lane, Island Park and the High Street, especially for pedestrians. Walking is a more convenient active travel option for shorter trips, and many facilities are within a convenient distance by foot.

The lack of committed sum to support delivery of LWCIP aims is a matter of concern, but the applicant's provision of a sum to support masterplanning of Island Park offsets this to some degree as it would help to realise balanced enhancements to active travel links within a sensitive location. The timing of delivery remains a concern, but the viability challenges of the proposals set out earlier in this report have to be acknowledged though.

In terms of vehicular traffic, the proposal would provide a high level of vehicular parking for a highly accessible location such as this which has connections to the bus and train stations in comfortable walking distance. As such, it is not considered likely that parking displacement in the locality would occur such as to cause harm. Furthermore, the evidence presented indicates that movements from the development can be accommodated by the existing highway network given the assertion that the net trips will be reduced compared to the current potential of the underused site. Nonetheless, the proposal would increase vehicular movements over the currently observed conditions. There are no substantive issues in terms of the technical design work of the project such as to consider that the impact on highway safety would be severe. Residual concerns within the development itself are noted, but they are minor overall and would not be adoptable highway.

The proposal therefore has areas of conflict with the highway policies of the development plan, especially around matters of supporting a modal shift and active travel use. However, the proposal would not lead to any demonstrable severe impacts on highway safety. It would provide safe and convenient access for all users and enhancements for pedestrians and to a lesser degree cyclists. As such, whilst the development may not realise all opportunities to maximise a vision-led approach to highway planning (given the viability constraints), nor is it the antithesis of sustainable development.

[Wiltshire Core Strategy - Wiltshire Council](#)

[National Planning Policy Framework - GOV.UK](#)

[Travel Plans, Transport Assessments and Statements - GOV.UK](#)

[Local Cycling and Walking Infrastructure Plans \(LCWIPs\) - Wiltshire Council](#)

[Wiltshire Local Transport Plan - Wiltshire Council](#)

Any other planning issues

Waste - The applicant has stated that they have designed each residential core to have dedicated communal bin stores sized to the standards set out within the council's supplementary planning document. These have been located at car park level and/or podium level. The council's waste officer states that they have no specific objections to the proposals but raised some detailed concerns over the long-term suitability of the bin stores in light of legislative changes for collections from 2027 (food waste collections).

It is acknowledged that there are some very minor infringements on carry distances around the High Street but these are not significant such as to merit a substantial redesign of this block. Within the residential areas bin stores are located at the podium level in close proximity to the highway. Furthermore, the applicant has provided vehicle tracking details which are acceptable and illustrate the ability for the site to be serviced. A service yard management plan can address the potential for conflicting vehicle movements in this area noting that the swept path analysis shows that the service yard is designed to allow a waste vehicle to turn.

There remain some residual concerns in regards to the detail around waste management at the site including whether roads will be adopted and, if not whether appropriate indemnity is available for service vehicles to enter the site. Furthermore, the accessibility illustrated in the swept path analysis is technically feasible, but bin stores in the eastern area of the site are located at lower ground floor level. These matters have been discussed with the applicant, and they have indicated that bins will be brought from the cores in the eastern part of the site to the service yard for collection. On balance, based on the information available it is considered a condition can be used to require a final waste management strategy to resolve these matters which is likely to include reliance on the site management team to support waste collections from the site including at the service yard.

Waste colleagues have been advised on the number of apartments within each block and in light of this calculated a commuted sum to provide appropriate receptacles to serve the development.

customers, especially in the vicinity of Riverside Terrace. Further the plans show canopies over the core entrance areas which provide some limited shelter.

Fire Risk – This has not been formally raised during the course of the application and there is no explicit planning policy to direct an approach. However, it is noted that a Fire Safety Repot has been submitted based on the RIBA Stage 2 stage to meet the requirements of building regulations. This includes the provision of a sprinkler system throughout the car park area, and demonstrable ability for emergency vehicles to access the site. This is a matter to be addressed in full through building regulations.

S106 Heads of Terms

Wiltshire Council has a Planning Obligations Supplementary Planning Document, which should be read in conjunctions with the WCS (primarily Core Policy 3 'Infrastructure Requirements') and the Wiltshire CIL charging schedule. This SPD identifies the planning obligations that will be sought by the council for development that generates a need for new infrastructure and should be a material consideration in planning applications. It is essential to demonstrate that each obligation meets the three Regulation 122 tests under the Community Infrastructure Levy (CIL) Regulations 2010. Paragraph 58 of the National Planning Policy Framework reiterates the three tests as:

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

The infrastructure items listed below are those that are relevant to the application site and have been raised by consultees as necessary in order to mitigate the impact of the proposed scheme.

Affordable Housing

The NPPF Chapter 5 supports the provision of affordable housing, particularly paragraphs 64-66. The PPG gives further guidance regards provision of housing for different groups. Core Policy 43 of the Wiltshire Core Strategy supports the provision of affordable homes as part of large housing developments. This policy requires affordable housing to be secured via a legal agreement.

WC Housing officer has requested the following:

Whilst acknowledging that viability is raised as a material consideration they request the provision of a policy compliant 40% affordable housing provision. They indicate that this could be negotiated as a commuted sum given the residential development would be provided within apartment blocks including some accommodation above the commercial ground floor units.

The obligations have been discussed with the developer but given the viability position this cannot be agreed.

Education contributions

The obligation is necessary to ensure the proposed development complies with Core Policy 3 of the WCS and supported by the NPPF, and PPG (paragraphs 007 and 008). Failure to provide the contributions would result in insufficient education places in the locality of the development. Without the proposed contribution, the proposed development would have an unacceptable impact on the community and potentially lead to the need for parents to travel further to access these facilities.

The Council's Education officer has commented and advised the following:

Early Years Education Contributions

The provision of 225 dwellings will result in extra demands being placed on the local early years facilities which are currently operating at high capacity. This is mitigated by the provision of 98 1-bedroom units which are excluded from any further assessment. Wiltshire Council has a duty to provide sufficient childcare for working parents under Section 6 of the Childcare Act 2006.

Based on the qualifying properties the development is assessed by education colleagues to result in a demand for 16 pre-school places generating a total requirement for a commuted sum of £280,352.

Primary / Secondary Education Contributions

The provision of 225 dwellings will result in extra demands being placed on the local education facilities. Wiltshire Council has the responsibility of accommodating residents of the proposed development in their schools.

In terms of Primary Education there is assessed to be existing capacity within the area schools to accommodate the children that would be likely to occupy the development as such no planning obligation is sought in this regard.

However, in Secondary Education terms the proposal would be likely to exacerbate the existing significant shortfall in secondary places in the Chippenham Area. The proposal would generate a need for 28 places which could be serviced through expansion of the existing school sites. This therefore results in a request for £642,320 for Secondary Education.

The obligations have been discussed with the developer but given the viability position this cannot be agreed.

Public Open Space And Leisure Contributions and provision

The principle of obtaining quality open spaces and opportunities for sport and recreation is stated in paragraph 103 of the NPPF, and within the PPG (paragraphs 001-003), which indicate that open space provision should be taken into account in planning for new developments, as it can provide health and recreation benefits, have ecological value and contribute to green infrastructure, as well as being an important part of the landscape and setting of built development, and is a component in achieving sustainable development.

Core Policy 52 of the adopted WCS supports this, and open space is listed as place shaping infrastructure under priority theme 2 of Core Policy 3 of the WCS.

WC Open space officer has requested the following mitigation:

- Public Open Space (£16,737.00),
- Equipped Play (£33,426.00), and
- Leisure (£62,100.00) contributions.

The obligations have been discussed with the developer but given the viability position this cannot be agreed.

Highways works/mitigation/contributions

NPPF paragraph 109 (f) supports the provision of suitable infrastructure. Sustainable transport measures are also listed at infrastructure priority theme 1 under Core Policy 3 of the adopted WCS. Core Policy 60 and 61 of the WCS encourage the sustainable, safe and efficient movement of people and goods. The Wiltshire Local Transport Plan contains a number of policies to support active travel, including:

- Policy SO2 (to provide, support and promote a choice of sustainable transport alternatives);
- SO13 (to reduce the need to travel, particularly by private car) and,
- SO14 (to promote travel modes that are beneficial to health) of the Wiltshire Local Transport Plan 3.

The Council's Highways officer has requested the following to mitigate the impacts of the development:

- *"Prior to commencement of development, the applicant shall deliver or provide funding for a masterplan to be developed for Island Park. The masterplan shall consider cycle accessibility through the park, connecting the developments active travel access points to Town Bridge, to Emery Lane and the bridge to the Olympiad Leisure Centre. Cycle accessibility shall be assessed against the principles and specifications held within LTN 1/20 and shall deliver wherever possible segregated routes to accommodate commuting and recreational use between the development, the railway station/Monkton Park and the Town Centre. Prior to occupation, the applicant shall either enter into a contract with the Town Council for the delivery of the cycle routes, numbered CC05.3 in the Chippenham LCWIP, against the provisions in a phasing plan, or shall provide Wiltshire Council a cycle contribution of £302,500 Index Linked to 2020 (ROCOS), or other such figure as identified through the masterplan to deliver the cycle routes in their entirety."*
- *Prior to first occupation of the of the development, a revised Framework Travel Plan shall be submitted and approved by the Local Planning Authority. The Travel Plan shall accord will the requirements laid out in Wiltshire's Travel Plan Guidance. The travel Plan will set timelines for securing residential baseline travel surveys and a programme for carrying out further subsequent surveys annually for 5 years following the first occupation of the 169th dwelling unit, representing 75% full occupation. Commercial*

and employment related surveys will be similarly carried out following occupation of 75% of units or 75% of floor space whichever is the earliest. The framework travel plan shall commit to target setting over the survey period, with the baseline survey providing the comparison upon which all targets are measured. The travel plan shall set out the measures by which targets shall be achieved and these shall include but not be exclusive to:

- Parking reviews and management to shift supply to more sustainable modes.*
- Cycle Parking supply and promotion.*
- EV charging promotion and implementation.*
- Real time public transport boards.*
- A six-month bus voucher/pass provided by the developer to the householder.*
- A £300 Green Travel Voucher towards sustainable travel – bike deposit, rail fare etc; and*
- Personalised Travel Planning.*
- Travel Information Packs.*

The travel plan shall provide for the employment of a Travel Plan Coordinator, who will liaise with the Council and provide annual monitoring reports. The travel plan will suggest and promote additional mitigation measures upon the missing of annual targets. The applicant shall provide the council with a £7000.00 Travel Plan Monitoring Fee to undertake the council's obligations on this matter and £1000.00 cycle map fee for printing up to date cycle maps of the locality taking into considerations the latest delivery schedule of the Chippenham LCWIP.

The obligations have been discussed with the developer but given the viability position the delivery of enhancements Island Park cannot be agreed. The delivery of a final travel plan can be agreed in part with revisions to the terms due principally to viability. For example, no bus vouchers can be secured, or printing of maps, but a £150 per household Green Travel Voucher has been offered. This will support cyclists and/or those using public transport.

Waste And Recycling

The importance of the handling and treatment of waste is covered by the PPG in general terms. The Wiltshire Core Strategy at paragraph 4.41 (Core Policy 3) identifies sustainable waste management facilities as essential components of daily life and therefore critical to delivering our strategic goal of building more resilient communities. Waste management is listed as place shaping infrastructure under priority theme 1 of Core Policy 3 of the WCS. The Council's Waste Core Strategy policy WCS6 and SPG also outlines that large housing developments should contribute towards recycling provision.

The WC Waste and Recycling officer has requested the following mitigation: Commuted sum of £35,801

Ecology/Biodiversity mitigation

The NPPF covers this matter in Chapter 15, and the PPG makes clear reference to the importance of BNG and Appropriate Assessment. Specific projects needed to ensure compliance with the Habitats Regulations is listed as essential infrastructure under priority theme 1 of Core Policy 3 of the WCS. Core Policy 50 & 52 ('Biodiversity and geodiversity') of

the Wiltshire Core Strategy, together with the Council Blue and Green Infrastructure Strategy, requires development proposals to demonstrate how they will protect features of nature conservation and geological value as part of the design rationale.

Biodiversity Net Gain (BNG)

As of April 2024, any major planning application needs to demonstrate no net loss and a minimum of 10% net gain in biodiversity (BNG) on the site, in line with the requirements of the NPPF, PPG, WCS policy CP50 (Biodiversity and Geodiversity) and the Environment Act. The preference is for any such BNG to be provided on site, although it can also be provided off site.

The Council's ecologist has requested that a monitoring fee of £5,815 be required for this development.

S106 Monitoring Fee

To ensure proper and effective management of planning obligations the Council will monitor development sites to ensure obligations are met as and when 'triggers' set are reached. A monitoring fee is thus necessary to cover the admin costs of monitoring which otherwise would not be required were no development to take place. The fee is directly related to the costs of monitoring the s106 that would be attached to this planning permission and is calculated at 1% of the total sum of contributions.

In this case the monitor fee will be 1% based and finalised subject to indexation.

Community Infrastructure Levy

The Community Infrastructure Levy (CIL) is a charge that local authorities in England and Wales can put on new development in their area to raise funds to help deliver the infrastructure necessary to support development. The development will represent chargeable development under the Community Infrastructure Levy Regulations 2010 (as amended) and Wiltshire Council's CIL Charging Schedule.

The final CIL contribution of the development will be a more complex calculation given that this is a brownfield development and parts of the existing building will be utilised in the redevelopment. However, the applicant has estimated in October 2024 that including indexation their contribution is likely to be circa £1.75 million.

[Planning obligations - GOV.UK](#)

[Open space, sports and recreation facilities, public rights of way and local green space - GOV.UK](#)

[Healthy and safe communities - GOV.UK](#)

[Housing needs of different groups - GOV.UK](#)

[Housing for older and disabled people - GOV.UK](#)

[Section 106 Agreements - Wiltshire Council](#)

[Transport - Wiltshire Council](#)

[Leisure strategy - Wiltshire Council](#)

[Public art and design - Wiltshire Council](#)

[Local Cycling and Walking Infrastructure Plans \(LCWIPs\) - Wiltshire Council](#)

[Air quality - Wiltshire Council](#)

[Biodiversity, landscape and design - Wiltshire Council](#)

Obligations Considering Viability Conclusions

As set out previously your officers have concluded that the evidence provided by the applicant on the issue of viability is objective, reasonable and realistic. The technical expert views provided by the independent 3rd party consultants that have reviewed the viability position is given significant weight because the comments are impartial and provided by suitably qualified and professional persons. In this context there is no reasonable evidence to reach a contrary conclusion here. In the simplest terms the development cannot afford to pay the normal policy compliant planning obligations set out within the development plan because of the site-specific costs of redeveloping this town centre brownfield site.

Even without planning obligations the proposals indicate a level of profit significantly below normal market expectations. Furthermore, there is potential underestimate of build costs which may significantly worsen the viability of the scheme and a number of other variables which are all indicating that viability is a genuine issue for redevelopment of the site. It has not been possible to secure a clawback mechanism here and this has not been pursued further given the current policy position and the specific circumstances of this case where a clawback provision is likely to be a moot point anyway.

Negative weight is still afforded to the proposals inability to meet the requested affordable housing, education, open space, leisure, and highway contributions. It is acknowledged that CIL is non-negotiable and is a resource that the council can utilise (subject to balancing other CIL priorities) to help deliver Essential Infrastructure and Place-shaping Infrastructure in connection with this development.

In light of the viability issue other contributions such as Public Art and access to health services, which have not come up in the consultation exercise, have not been actively pursued here. Even if they had of been requested it is clear that the proposal cannot realise them. Matters such as public art though can be supported by enhancements to the project such as masterplanning of Island Park or enhanced treatments to balconies or car park meshes.

However, some planning obligations are critical to mitigating the development impacts and as such all the requests have been discussed with the applicant and the best possible terms negotiated by your officers considering the viability position. The applicant has agreed to pay in full commuted sums for waste and recycling given that receptacles are necessary for the

waste from the site to be managed. Even though they did not envisage it within their viability work they acknowledge the statutory nature of BNG and the need to monitor compliance and so they agree to this obligation too. Furthermore, they agree to the monitoring fee associated with the legal agreement itself.

The applicant has agreed to make a contribution of £20,000 towards masterplanning of Island Park which is considered to positively respond to the River Corridor policy TC2 of the development plan and can be carried out with stakeholders such as Chippenham Town Council, the local community, and those with specific interests around matters such as active travel, ecology, arboriculture, public art and flood risk. Any sum would be paid to Wiltshire Council to lead on this with stakeholder involvement. This masterplanning sum mitigates the impact of the development to a limited extent. Moreover, the proposal will provide a new public realm that will be accessible to residents and visitors of Chippenham and this includes landscaped areas, areas for congregation and more activity within Island Park. The enhancements cannot be realised unless the development takes place.

Summary

The proposal cannot support the provision of 40% affordable housing; education commuted sums of over £920k; leisure and open space commuted sums of over £110k; and a highways commuted sum of over £300k.

However, the proposal will be subject to non-negotiable Community Infrastructure Levy contribution of circa £1.75 million (subject to final calculations). The applicant is also paying the compulsory requests for monitoring and monitoring of the legal agreement itself. Furthermore, the applicant has agreed to pay the waste and recycling commuted sum request of £35,801. Finally, the applicant has offered to pay a £20,000 commuted sum towards the masterplanning of Island Park to realise the development plan objective of enhancements to the River Avon corridor. This relates to planning interests including matters of active travel, open space, ecology, public art and arboriculture.

[Viability - GOV.UK](#)

Overall S106 mitigation summary

With regards to the above, including the viability issues raised, it is therefore considered that the following contributions, provisions and mitigation is needed in relation to this proposal:

Head of Term

Contribution details/mix

- Waste commuted sum of circa £35,801 to Wiltshire Council.
- Ecology monitoring fee in relation to statutory BNG provision of £5,815 to Wiltshire Council.
- £20,000 commuted sum towards masterplanning of Island Park to Wiltshire Council.
- A 1% monitoring fee of the planning obligation itself.

- No more than 75% of the residential units within any individual phase shall be occupied until the commercial floorspace within that same phase has been completed and made available for final fit out.
- Prior to first occupation of the of the development, a revised Framework Travel Plan shall be submitted and approved by the Local Planning Authority. The Travel Plan shall accord will the requirements laid out in Wiltshire's Travel Plan Guidance. The travel Plan will set timelines for securing residential baseline travel surveys and a programme for carrying out further subsequent surveys annually for 5 years following the first occupation of the 169th dwelling unit, representing 75% full occupation. Commercial and employment related surveys will be similarly carried out following occupation of 75% of units or 75% of floor space whichever is the earliest. The framework travel plan shall commit to target setting over the survey period, with the baseline survey providing the comparison upon which all targets are measured. The travel plan shall set out the measures by which targets shall be achieved and these shall include but not be exclusive to:
 - For the first three years post-occupation, an annual report will be submitted reviewing car parking demand, occupancy and subsequent management.
 - Cycle Parking supply and promotion.
 - EV charging promotion and implementation.
 - A £150 Green Travel Voucher towards sustainable travel – bike deposit, rail fare etc; and
 - Personalised Travel Planning.
 - Travel Information Packs.

The travel plan shall provide for the employment of a Travel Plan Coordinator, who will liaise with the Council and provide annual monitoring reports. The travel plan will suggest and promote additional mitigation measures upon the missing of annual targets. The applicant shall provide the council with a £7000.00 Travel Plan Monitoring Fee to undertake the council's obligations on this matter.

All financial contributions set out in this report are subject to indexation. Should there be any changes in inflation rates between the date of this report and the completion of the Section 106 Agreement and subsequent determination of the application, the contribution figures will be adjusted accordingly. The final amounts will reflect the applicable indexation at the time of signing the agreement, in line with the Council's standard practice and relevant policy requirements.

Planning/tilted balance

[Wiltshire Core Strategy - Wiltshire Council](#)

[National Planning Policy Framework - GOV.UK](#)

At the heart of the NPPF, there is a presumption in favour of sustainable development requiring local planning authorities to approve development proposals that accord with an up-to-date development plan without delay; and 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 (taken from paragraph 11d of the NPPF):

- i. the application of policies in this Framework that protect **areas or assets of particular importance (footnote 7)** provides a strong reason for refusing the development proposed; or
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to **key policies (footnote 9)** for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.

This section of the report considers the overall planning balance, weighing the identified benefits of the proposal against any harm, in order to assess whether the development complies with the development plan when read as a whole, or whether other material considerations justify a departure.

Benefits of the Proposal

Provision of Market Housing

Paragraph 66 of the NPPF is a key housing policy and relates to the provision of a mix of housing. The delivery of 225 new homes in an accessible location with a mix of 1-bed, 2-bed and 3-bed apartments is a significant benefit, particularly in the context of Wiltshire's current housing land supply position. As of the latest Housing Land Supply Statement (June 2025), the Council is unable to demonstrate a five-year supply of deliverable housing land, with a shortfall that is considered substantial.

- **Benefit:** Provision of 225 market apartments.
- **Weight:** Very substantial weight.

Socio-Economic Benefits

The proposal will generate economic benefits during both the construction and operational phases representing a significant private investment into the local economy of circa £50 million. This includes employment in the construction sector, associated spending, and increased local spending by future residents. Furthermore, the proposal would regenerate the existing circa 1980s indoor shopping centre with new flexible commercial floorspace aiming to enhance the town centre offering for the changing economic climate. The applicants indicate this will generate a significant increase in FTEs over the existing Emery Gate Shopping Centre

- **Benefit:** Economic uplift through construction jobs, local expenditure at all stages, and operational stage employment and offer to the viability and vitality of the wider commercial centre.
- **Weight:** Significant weight

Regeneration or Brownfield Redevelopment/Improvement of existing site and area

Paragraph 129 of the NPPF is a key policy under footnote 9. It supports the efficient use of land and achieving appropriate densities for housing development through good sustainable design. Paragraphs 135 and 139 are also a key policy, and support the good visual attractive design of schemes which add to the overall quality of the area. The reuse of previously developed (brownfield) land is a key objective of the Wiltshire Core Strategy, as is this specific site in the Chippenham Neighbourhood Plan.

The proposal involves the regeneration of an underutilised site that currently detracts from the character and appearance of the area, and will deliver substantial environmental, visual, and community benefits. The planning system has long supported and indicated a preference for prioritising the development of brownfield land in preference for greenfield sites. This is acknowledged to have greater costs and risks. Furthermore, densification where appropriate is positive because it supports services and facilities including public transport and active travel.

- **Benefit:** Public realm enhancements from brownfield development and support for alternatives to the private car through densification in an accessible location.
- **Weight:** Significant weight

Green Infrastructure and Open Space

The provision of new public open space, green corridors, or enhancements to existing green infrastructure/BNG contributes to health, well-being, and ecological connectivity, in line with NPPF and local, planning policy aims.

- **Benefit:** Provision of a new public realm including human and natural connectivity enhancements between Island Park and the town centre; the provision of a substantial BNG enhancement from a low baseline and the provision of additional landscaping, green roofs and bird/bat/insect provision.
- **Weight:** Moderate weight.

Sustainable Location and Connectivity

Paragraphs 110 & 115 of the NPPF are considered key policies under footnote 9. They encourage sustainable patterns of growth and transport modes, as does local planning policy, including the Wiltshire Local Transport Plan and LCWIP.

- **Benefit:** Enhanced connectivity between the town centre and Island Park including delivery of upgraded active travel link to the east of the site and 2 publicly accessible links to Island Park/town centre. Particular benefits for pedestrians.
- **Weight:** Moderate weight.

Identified Harms

Pressure on Local Infrastructure

The scale of development would place additional pressure on local services and infrastructure, including affordable housing needs and schools because mitigation is not secured based on the independently verified viability circumstances. Those circumstances and that policy makes allowance for considering matters of viability tempers the negative weight.

- **Harm:** Increased demand on public services and infrastructure not mitigated.
- **Weight:** Moderate weight.

Highways and Traffic Impact

The proposal would not take all the opportunities to secure maximum modal shift towards cycling and would not deliver necessary enhancements to the cycling infrastructure in Island Park. Furthermore, some increase in vehicular movements in the vicinity of Emery Lane over

the existing is also a concern. However, such concern is very limited given that even if highway safety harm were to be found the requirement of para 116 which requires any impacts to be severe to merit refusal. Nonetheless, the proposal has some harmful effects.

Paragraphs 110 & 115 of the NPPF are considered key policies under footnote 9. They encourage sustainable patterns of growth and transport modes, as do adopted transport policies of the WCS.

- **Harm:** Opportunities for cycle modal shift not maximised and likely increase in vehicular movements.
- **Weight:** Limited weight.

Adverse amenity impacts:

NPPF Paragraphs 135 and 139 are a key policy, and support the good visual attractive design of schemes which add to the overall quality of the area, as do the National Design Guide, and the adopted Wiltshire Design Guide and policy CP57. Based on the information provided an objective assessment it is considered that a small minority of the development is likely to result in lower levels of living standards having regards to noise, light, and privacy. Such outcomes conflict with the NPPF's emphasis on creating high-quality, inclusive, and healthy places.

- **Harm:** Provision of small minority of accommodation with limited access to daylight and sunlight, outlook and/or impacted from noise.
- **Weight:** Limited weight.

Demolition and Construction, including town centre vitality and pollution.

The proposed demolition and deconstruction periods would not only cause local pollution and disruption – which can only be minimised through mitigation – but would also result in a transitory impact to the vitality of the town centre through the displacement / loss of existing commercial operations within the Emery Gate Shopping Centre.

- **Harm:** Disruption from construction to businesses and residents in the area.
- **Weight:** Moderate weight

Heritage:

Overall, the impact of the development in heritage terms is considered to have a largely neutral impact with the scheme clearly having pros and cons in relation to the significance of heritage assets in its vicinity. However, because of the scale and mass of the development it is assessed that there would be less than substantial harm to the setting of the Grade II* listed St Andrew's Church. Furthermore, there would be some less than substantial harm to the significance of the conservation area and a number of listed buildings in the vicinity of the Emery Lane / St Mary's Street junction by virtue of the scale and mass of the built form not reflecting the urban grain at this point. This conclusion is tempered by the lack of objection from Historic England and the generally positive overall conclusion of the Council's conservation officer who felt that a different response to the redevelopment would have revealed greater enhancements.

- **Harm:** Less than substantial harm to the heritage interests including the Grade II* listed St Andrew's Church.

- **Weight:** Great weight

Sustainable construction:

Overall, the impact of the development in sustainable construction is largely neutral. The proposals though would not attain net zero in operation as the neighbourhood plan aspires to. Moreover, the proposal would fall short of BREEAM 'Excellent' standards. However, the proposals would be net zero ready and produce a significant uplift on building regulation in regard to energy. Furthermore, the reuse of the lower ground floor represents an embodied carbon saving.

- **Harm:** Technical conflict with development plan policy on BREEAM standards.
- **Weight:** Limited weight

Neutral Impacts

In assessing the overall planning balance, it is also important to identify those aspects of the development that are considered to be policy-compliant and acceptable, but which do not result in either a net benefit or harm. The following elements are afforded neutral weight in the planning balance, as they represent the baseline expectation for sustainable development in accordance with the development plan and national policy:

- The proposals would result in generally neutral impacts in terms of the impact on Arboriculture, Contaminated Land, Flood Risk, Air Quality, and Local Green Space.
- In all these areas there is an element of positive and negative within these specific areas, but given the level of consideration afforded to these areas by policy they are simply considered neutral.

Conclusion

The proposals would deliver a brownfield redevelopment within Chippenham town centre through providing a variety of uses and densification of the built form. This includes the provision of 225 apartments of different scales that meet Nationally Described Space Standards; and a new array of flexible commercial units designed to meet modern requirements. The proposals would address the objectives of the Chippenham Neighbourhood Plan to provide active frontages to Island Park and connectivity between Island Park and the commercial centre of Chippenham. Furthermore, the proposals would produce an enhanced public realm and in doing so realise opportunities for improving the heritage context overall. The proposals would provide BNG and meet policy aims in relation to the planting of new trees, provision of green roofs and providing opportunities for wildlife.

Through the construction and demolition of the existing development there would be transitory harms to existing businesses at the site and within the vicinity, as well as to neighbouring residents. However, this redevelopment would bring a significant private investment into Chippenham generating construction related employment and spend in the short term. Then, providing significant opportunity for the town centre and job provision through the new shops and the additional population within the vicinity in the medium and long terms.

The additional population would generate demands on the local infrastructure and services which cannot reasonably be met here considering the accepted conclusions of the applicant's viability appraisal. The development plan makes provision, in accordance with national policy, for providing allowance for viability to be a consideration here and this tempers the policy conflict and the resultant harm through inadequate mitigation of infrastructure needs generated by the development.

The proposals would overall represent an enhancement to heritage considerations at the site and in its vicinity. However, given the scale and mass of development it is concluded that the setting of St Andrew's Church and other heritage assets would be negatively impacted. This is considered to result in less than substantial harm. Whilst that is given great weight it is outweighed by the other heritage benefits of developing the site.

In terms of highway matters including safety, it is considered that the proposal is generally acceptable. There remain some residential concerns most particularly around the cycling provision and it is also considered that the proposal would be likely to increase vehicular movements in the locality over currently observed levels. Whilst there is some harm and conflict with policy this is considered to carry limited weight in any balance.

In terms of a sustainable construction, it is noted that there is some policy conflict including the development's inability to meet relevant BREEAM 'Excellent' standards and that the proposal will not go as far as meeting operational net zero goals in the neighbourhood plan. But the proposal will achieve high levels of sustainable construction through energy efficiency and low carbon technologies including a high level of roof mounted solar PV and electrified solutions for space and water heating. This is a proposal that is 'net zero ready' and ensures it far exceeds minimum building regulation requirements. As such, matters like this and similarly flood risks, and contaminated land are considered to be broadly neutral matters.

Overall, whilst the proposals have conflict with specific policies of the development plan your officers have taken a full and robust assessment of the wider planning merits of the application. Your officers conclude that the proposals would accord broadly with the development plan when read as a whole.

Nonetheless applying a planning balance, the proposals would represent a form of Sustainable Development within a Wiltshire context and represent a positive development having regard to the social, environmental and economic dimensions of the proposal. The harms are not considered to significantly and demonstrably outweigh the benefits. Far from it. In the context of paragraph 11d(ii), the presumption in favour of sustainable development therefore applies.

Accordingly, it is recommended that planning permission be granted, subject to the completion of a Section 106 agreement and the imposition of appropriate planning conditions and informatives.

RECOMMENDATION: That planning permission be GRANTED, subject to delegation to the Head of Development Management for the completion of a Section 106 legal

agreement covering the matters set out in this report, and subject also to the planning conditions listed below.

CONDITIONS:

1.

Three Year commencement

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.

Approved plans

The development shall be carried out in accordance with the following details:

Schedule of Submission Documents, December 2025 (Chippenham Riverside ref: PL/2024/11661) by Lambert Smith Hampton

REASON: For the avoidance of doubt

3.

Phasing plan:

Prior to the commencement of the development (including any demolition) a phasing plan shall be submitted to and approved in writing by the Local Planning Authority. This shall include details of the delivery of the non-residential development and works to the High Street in a timely manner following demolition of the existing shopping centre and High Street frontage.

REASON: In the interests of the vitality and viability of Chippenham town centre.

4.

Demolition:

Demolition works shall be carried out in accordance with the approved Phasing Plan. No phase will be brought into use and no dwelling shall be occupied until the proposed demolition of the relevant phase has taken place, and all demolition materials and debris resulting there from has been managed in accordance with the Construction Method Statement.

REASON: In the interests of the character and appearance of the area and residential amenity.

5.

Construction Method Statement:

No development shall commence on site (including any works of demolition), until a Construction Method Statement, which shall include the following:

- a) the parking of vehicles of site operatives and visitors;
- b) loading and unloading of plant and materials;
- c) storage of plant and materials used in constructing the development;
- d) the erection and maintenance of security hoarding including decorative displays (to the High Street as a minimum) and facilities for public viewing (where appropriate);
- e) wheel washing facilities;
- f) measures to control the emission of dust and dirt during construction;
- g) a scheme for recycling/disposing of waste resulting from demolition and construction works;
- h) measures for the protection of the natural environment; and
- i) hours of construction, including deliveries.

has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be complied with in full throughout the demolition/construction period. The development shall not be carried out otherwise than in accordance with the approved construction method statement.

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to minimise detrimental effects to the neighbouring amenities, the amenities of the area in general, detriment to the natural environment through the risks of pollution and dangers to highway safety, during the implementation of the development.

6.

External materials to roofs and walls

Notwithstanding the hereby approved details no construction shall commence until details of the materials to be used for the external walls and roofing of the buildings has been submitted to and agreed in writing by the Local Planning Authority (including a final schedule of materials and as appropriate annotated plans). The details shall be in general compliance with the hereby approved plans. The Development shall be carried out in accordance with the agreed details.

REASON: In the interests of the visual appearance and amenity of the development and area.

7.

Balconies, railings and car park screens

Notwithstanding the hereby approved plans, no construction shall commence until final details of the balconies, railings, car park mesh screens, and privacy screens has been submitted to and agreed in writing by the Local Planning Authority. The details shall include the final materials, elevations and a schedule of locations for each approved design with architectural plans at no less than scale 1:50. The Development shall be carried out in accordance with the agreed details.

REASON: In the interests of the visual appearance and amenity of the development and area.

8.

High Street frontage details

No development shall commence on the High Street frontage until details of all eaves, verges, windows (including head, sill and window reveal details at a scale of no less than 1:20), doors, rainwater goods, chimneys, dormers and canopies have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

REASON: The matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, in the interests of visual amenity and the character and appearance of the area.

9.

Water efficiency

The dwellings shall be constructed to meet, as a minimum, the higher Building Regulations standard Part G for water consumption limited to 110 litres per person per day using the fittings approach [as per the commitment in the Sustainable Energy Strategy].

REASON: The site is in an area of serious water stress requiring water efficiency opportunities to be maximised, to mitigate the impacts of climate change, in the interests of sustainability and to use natural resources prudently in accordance with the National Planning Policy Framework.

10.

Sustainable Energy Strategy

No construction shall commence until a final Sustainable Energy Strategy, explaining the low-carbon approach of the scheme taken in the Technical Design stages, including details of energy efficiency, low-carbon technologies and integrated renewable energy generation

benchmarked against the relevant Building Regulations, shall have been submitted to and approved in writing by the Local Planning Authority. The Strategy shall align with the principles established in the submitted Sustainable Energy Strategy. The development shall be carried out in accordance with the agreed details.

REASON: To ensure that the objectives of sustainable development set out in CP41, CP57, SCC1 and SCC2 of the development plans are achieved.

11.

BREEAM

Within 6 months of the non-residential development being first brought into use a final Certificate shall have been submitted to and approved in writing by the Local Planning Authority certifying that the relevant BREEAM "Very Good" standard (or any such equivalent national measure of sustainable building which replaces that scheme) has been achieved by the development with a final score of no less than 65%.

REASON: To ensure that the objectives of sustainable development set out in policy CP41 and CP57 of the Wiltshire Core Strategy are achieved.

12.

Low-carbon technologies

No construction shall commence until final details of the low-carbon and renewable energy technologies (such as individual and/or communal heat pump systems and roof-mounted solar PV) has been submitted to and approved in writing by the local planning authority. Details shall include, but not necessarily be limited to a schedule of works, location, number, dimensions and manufacturer's details. The development shall be carried out in accordance with the approved details.

REASON: In order to define the terms of the permission and in order to support and encourage sustainable construction in accordance with policies CP41, CP57, SCC1 and SCC2 of the development plan.

13.

Electric Vehicle Charging

Notwithstanding the hereby approved plans, prior to the first occupation of the development a final plan of all active and passive electric vehicle charging points (EVC) and manufacturers details of the EVCs (including as relevant any details of phasing or a timetable for delivery) shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

REASON: To ensure that the objectives of sustainable development set out in policies CP41, CP55, CP57 and T3 of the development plan.

14.

Cycle provision:

Notwithstanding the hereby approved plans prior to first occupation, details of a provision of cycle parking facilities within the site (for both the occupants of and visitors to the site), including the quantum, location and detailed design and specification of the cycle parking facilities (including as relevant any details of phasing or a timetable for delivery), shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

REASON: In order to support a modal shift from private vehicle use and support active travel.

15.

Final parking details:

Notwithstanding the hereby approved plans prior to the occupation of the development final details of the vehicular parking shall be submitted to and approved in writing by the Local Planning Authority. The submission should include as a minimum:

- The final quantum and layout of parking spaces and the split between residential and commercial;
- Details of the locations of accessible parking spaces and EV charging stations.
- Details of signage and how this will be managed to provide a one way system.
- Access and egress arrangements for vehicles, cycles and pedestrians.
- The method of charging / payment (if required) and enforcement arrangements.
- How parking for residents will be controlled.
- The final location of structural features (e.g. columns) with, as appropriate, visibility splays and swept path analysis provided.

The approved details shall be implemented prior to occupation.

REASON: Because the application contained insufficient details and in order to define the terms of the permission.

16.

Landscaping submitted

Prior to relevant works a final scheme of hard and soft landscaping shall be submitted to and approved in writing by the Local Planning Authority, the details of which shall include:-

- location and current canopy spread of all existing trees and hedgerows on or adjacent to the site;
- full details of any to be retained, together with measures for their protection in the course of development;

- a detailed planting specification showing all plant species, supply and planting sizes and planting densities;
- finished levels and contours;
- means of enclosure including boundary treatments including any walls, railings and fences (with hedgehog accesses as appropriate);
- all hard and soft surfacing materials;
- minor artefacts and structures (e.g. furniture, shelters, play equipment, refuse and other storage units, signs, lighting etc);
- proposed and existing functional services above and below ground (e.g. drainage, power, communications, cables, pipelines etc indicating lines, manholes, supports etc);
- retained historic landscape features and proposed restoration, where relevant.

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and/or [DELETE as appropriate] the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features.

17.

Landscaping implemented and phasing

Prior to relevant works a scheme of phasing of landscaping shall be submitted to and approved in writing by the Local Planning Authority. The landscaping shall be carried out in the first planting and seeding season following occupation of the building(s) or the completion of the development, whichever is the sooner within that particular phase.

All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local planning authority.

All hard landscaping shall also be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme to be agreed in writing with the Local Planning Authority.

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

18.

Arboricultural Method Statement

No demolition, site clearance or development shall commence on site until an Arboricultural Method Statement (AMS) prepared by an arboricultural consultant providing comprehensive details of construction works in relation to trees has been submitted to, and approved in writing by, the Local Planning Authority. All works shall subsequently be carried out in strict accordance with the approved details. In particular, the method statement must provide the following:-

- A specification for protective fencing to trees during both demolition and construction phases which complies with BS5837:2012 and a plan indicating the alignment of the protective fencing along with a method of demolition to be used;
- A specification for scaffolding and ground protection within tree protection zones in accordance with British Standard 5837:2012;
- A schedule of tree works conforming to British Standard 3998:2010;
- Details of general arboricultural matters such as the area for storage of materials, concrete mixing and use of fires;
- Plans and particulars showing the siting of the service and piping infrastructure;
- A full specification for the construction of any arboriculturally sensitive structures and sections through them, the method of construction of the proposed play area, viewing area, terraced steps, event spaces, further steps, café spill out area, external lift, possible changes in levels including details of any no-dig specification and extent of the areas to be constructed using a no-dig specification;
- Details of the works requiring arboricultural supervision to be carried out by the developer's arboricultural consultant, including details of the frequency of supervisory visits and procedure for notifying the Local Planning Authority of the findings of the supervisory visits;
- Details of all other activities, which have implications for trees on or adjacent to the site.
- In order that trees to be retained on-site are not damaged during the construction works and to ensure that as far as possible the work is carried in accordance with this document, no demolition, site clearance or development should commence on site until a pre-commencement site meeting has been held, attended by the developer's arboricultural consultant, the designated site foreman and a representative from the Local Planning Authority, to discuss details of the proposed work and working procedures.
- A report detailing the results of site supervision and any necessary remedial works undertaken or required should then be submitted to the Local Planning Authority. Any approved remedial works shall subsequently be carried out under strict supervision by the arboricultural consultant following that approval.

REASON: The matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, in order that the Local Planning Authority may be satisfied that the trees to be retained on and adjacent to the site will not be damaged during the construction works and to ensure that as far as possible the work is carried out in accordance with current best practice and section 197 of the Town & Country Planning Act 1990.

19.

Archaeology Investigation

No development shall commence within the area indicated by application PL/2024/11661 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.

20.

Archaeology Mitigation Strategy

No development shall commence within the area indicated by application PL/2024/11661 until:

- a) An Archaeological Mitigation Strategy has been developed and approved by the Local Planning Authority;
- b) A written programme of archaeological investigation (in accordance with the AMS), 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
- c) 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.

21.

Drainage Strategy:

No development shall commence on site until a final scheme for the discharge of surface water from the site, incorporating sustainable drainage details, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be in accordance with the principles set out in the hereby approved Flood Risk Assessment and SuDS Strategy 35283-HML-XX-XX-RP-U-870001. The development shall not be first brought into use/first occupied until surface water drainage has been constructed in accordance with the approved scheme.

REASON: To ensure that the development can be adequately drained.

22.

Drainage Implementation:

No development shall be occupied until details of the implementation, maintenance and management of the sustainable drainage scheme have been submitted to and approved by the local planning authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details.

REASON: To ensure that the development can be adequately drained.

23.

Flood Warning and Evacuation Plan:

The development shall be carried out in accordance with the submitted flood warning and evacuation plan (ref 35283-HML-XX-XX-RP-U-870001 Issue P02 dated 5 October 2025 and 35283-HML-XX-XX-RP-U-870001 Issue P02 dated 10 December 2025) by Hilson Moran.

REASON: To reduce the risk of flooding to the proposed development and future occupants.

24.

Foul drainage:

No development shall commence on site until details of the works for the disposal of sewerage including the point of connection to the existing public sewer have been submitted to and approved in writing by the Local Planning Authority. Prior to the first use of the development or the first occupation the approved sewerage details shall have been fully implemented in accordance with the approved plans.

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission.

25.

Ecology Lighting General Approach:

The development will be carried out in strict accordance with the following:

- Section 5.3.1.3 of the Ecological Appraisal and Net Gain Assessment. September 2025 by Hilson Moran

REASON: For the avoidance of doubt and for the protection, mitigation and enhancement of biodiversity.

26.

Ecological enhancement features:

No development above lower ground floor level shall occur until details of the number, design and locations of integrated bat boxes and other ecological enhancements such as bird and insect bricks/boxes shall be submitted to the local authority for approval in writing. The approved details shall be implemented before first occupation or use.

REASON: To provide mitigation /enhancement for biodiversity.

27.

Lighting Plan:

No development above lower ground floor level shall occur until, a lighting plan that includes a Lux Plot to include internal and external lighting, shall be submitted to and approved in writing by the local planning authority.

The plan shall demonstrate that the river corridor to the north shall remain below existing levels or 0.5 lux (whichever is the greater). All lighting provided on site shall 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 plan shall demonstrate measures to management and minimise light pollution to the existing and proposed residential accommodation around the proposed service yard, including as appropriate measures to limit the hours of illumination.

REASON: In the interests of the amenities of the area and to minimize impacts on biodiversity caused by light spillage to areas above and outside the development site.

28.

Construction Environmental Management Plan

No development shall 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 local community regarding key construction issues – newsletters, fliers etc.
- x. Identification of ecological protection areas/buffer zones and tree root protection areas and details of physical means of protection, e.g. exclusion fencing.
- xi. Working method statements for protected/priority species, such as nesting birds and reptiles.
- xii. Mitigation strategies already agreed with the local planning authority prior to determination, such as for great crested newts, dormice or bats; this should comprise the pre-construction/construction related elements of strategies only.
- xiii. Work schedules for activities with specific timing requirements in order to avoid/reduce potential harm to ecological receptors; including details of when a licensed ecologist and/or ecological clerk of works (ECoW) shall be present on site.
- xiv. Key personnel, responsibilities and contact details (including Site Manager and ecologist/ECoW).

As necessary this shall contain separate details related to the demolition and construction phases.

Development shall be carried out in strict accordance with the approved CEMP

REASON: In the interests of local amenity.

29.

Habitat Management and Monitoring Plan:

No development shall commence on site until a Habitat Management and Monitoring Plan (the HMMP), prepared in accordance with the statutory Biodiversity Gain Plan and including:

- a non-technical summary;
- the roles and responsibilities of the people or organisation(s) delivering the HMMP;
- the planned habitat creation and enhancement works to create or improve habitat to achieve the biodiversity net gain in accordance with the statutory Biodiversity Gain Plan and schedule for implementation;
- the management measures to maintain habitat in accordance with the statutory Biodiversity Gain Plan for a period of 30 years from the completion of development; and
- the monitoring methodology and specification of a Monitoring Pack (to include but not exclusively up to date Management Actions Logs, Habitat Condition Assessment Reports, metric calculation; and corresponding post intervention Habitat Map) which shall be submitted to the Local Planning Authority in years 2 (two) 5 (five) 10 (ten) 15 (fifteen) 20 (twenty) and 30 (thirty) of the Maintenance Period,

- has been submitted to, and approved in writing by, the local planning authority. The created and/or enhanced habitat shall be managed and maintained in accordance with the statutory HMMP at all times thereafter.

REASON: To ensure the development delivers a biodiversity net gain on site in accordance with Schedule 7A of the Town and Country Planning Act 1990.

30.

No burning on site:

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

REASON: In the interests of local amenity.

31.

Stone crushing:

Stone crushing shall be limited to 10.30 - 15.30 Monday to Friday with no crushing at weekends or bank holidays.

REASON: In the interests of local amenity.

32.

Land Contamination

No development shall commence on site until an investigation of the history and current condition of the site to determine the likelihood of the existence of contamination arising from previous uses (including asbestos) has been carried out and all of the following steps have been complied with to the satisfaction of the Local Planning Authority:

Step (i) A written report has been submitted to and approved by the Local Planning Authority which shall include details of the previous uses of the site and any adjacent sites for at least the last 100 years and a description of the current condition of the sites with regard to any activities that may have caused contamination. The report shall confirm whether or not it is likely that contamination may be present on the site and the potential impact of any adjacent sites.

Step (ii) If the above report indicates that contamination may be present on, under or potentially affecting the proposed development site from adjacent land, or if evidence of contamination is found, a more detailed site investigation and risk assessment should be carried out in accordance with DEFRA and Environment Agency's "Model Procedures for the Management of Land Contamination CLR11" and other authoritative guidance and a report detailing the site investigation and risk assessment shall be submitted to and approved in writing by the Local Planning Authority.

Step (iii) If the report submitted pursuant to step (i) or (ii) indicates that remedial works are required, full details must be submitted to the Local Planning Authority and approved in

writing and thereafter implemented prior to the commencement of the development or in accordance with a timetable that has been agreed in writing by the Local Planning Authority as part of the approved remediation scheme. On completion of any required remedial works the applicant shall provide written confirmation to the Local Planning Authority that the works have been completed in accordance with the agreed remediation strategy.

REASON: To reduce the risks associated with land contamination.

33.

Opening hours

The opening hours of the commercial units shall be restricted to 07:00 – 23:00 Monday to Saturday and 08:00 – 23:00 Sundays and Bank Holidays.

REASON: In the interests of local amenity.

34.

Deliveries and Servicing

No deliveries/collections shall be made to or from the service yard made outside the hours of 07:00 – 21:00.

REASON: In the interests of residential amenity.

35.

Service Yard Management Plan

Prior to the commercial development being first brought into use a Service Yard Management Plan shall be submitted to and approved in writing by the Local Planning Authority. This shall include but not necessarily be limited to details on measures to mitigate and minimise pollution from noise, odours and light from the loading and unloading of goods.

REASON: In the interests of residential amenity.

36.

Mechanical air extraction / ventilation

Prior to first use of any commercial unit which requires mechanical air extraction or ventilation in the development hereby approved a scheme of works for the control and dispersal of any atmospheric emissions, including odours, fumes, smoke & other particulates of the commercial unit shall be submitted to and approved in writing by the Local Planning Authority. The works detailed in the approved scheme shall be installed in their entirety before the operation of the use hereby permitted. The equipment shall thereafter be

maintained in accordance with the manufacturer's instructions for the lifetime of the development.

The scheme must include full technical details and a risk assessment in accordance with Appendix 2 and 3 respectively of the EMAQ "Control of odour and noise from commercial kitchen exhaust systems" Guidance (Gibson, 2018).

REASON: Ensuring high quality design and place shaping such that appropriate levels of amenity are achievable.

37.

Acoustic Impact Assessment

No construction shall commence until an assessment of the acoustic impact arising from the operation of all fixed plant associated with the development shall be undertaken in accordance with BS4142:2014 +A1:2019 and submitted to and approved in writing by the local planning authority together with a scheme of attenuation measures to demonstrate the cumulative rated level of noise shall not exceed background at 1m from the facade of any new or existing dwelling and is protective of local amenity.

The assessment is to be based on the background levels (LA90T) recorded in the predevelopment noise survey, as provided in Table 6.1 of submitted Noise Impact Assessment reference 35283-HML-XX-XX-RP-O-500001 Issue P03.

A post installation noise assessment shall be carried out within 3 months of completion of the development to confirm compliance with the noise criteria and additional steps required to achieve compliance shall be taken, as necessary within a timetable agreed by the local planning authority and thereafter be permanently retained.

REASON: In the interests of local amenity.

38.

Acoustic Glazing Scheme

The acoustic glazing scheme as specified in table 5.1 of the Noise Impact Assessment – Chippenham Riverside, Acorn Property Group reference: 35283-HML-XX-XX-RP-O-500001 dated 18th October 2024 shall be implemented prior to occupation of the development and thereafter be permanently retained.

REASON: In the interests of residential amenity.

39.

Scheme of fenestration ventilation

Prior to first occupation a scheme of ventilation for all dwellings associated with the development shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of acoustic trickle vents and mechanical ventilation heat

recovery systems as appropriate. The scheme shall demonstrate how mechanical ventilation systems comply with the Indoor Ambient Noise Levels from Mechanical Services in table 3-4 of the Acoustics Ventilation and Overheating Residential Design Guide (January 2020).

REASON: In the interests of residential amenity.

40.

Vehicular Access and Egress

Vehicular access and egress shall be from Emery Lane only, except for maintenance and emergency vehicles which may access the site from the High Street and Island Park.

REASON: In the interests of highway safety and the amenities of the area.

41.

Construction Access and Egress

All access and egress for demolition, construction and service traffic shall be from Emery Lane only.

REASON: In the interests of highway safety and the amenities of the area.

42.

Commercial Uses:

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or reenacting or amending that Order with or without modification), the commercial floorspace labelled as units 001-017 on the hereby approved site lower ground and ground floor plans shall be used solely for purposes within Classes E, F1 and F2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended)(or in any provisions equivalent to that class in any statutory instrument revoking or reenacting that Order with or without modification).

REASON: The inclusion of Sui Generis uses is imprecise and whilst the broad and flexible approach requested is acceptable, the Local Planning Authority wish to consider any future proposal for a change of use, other than a use within the same classes, having regard to the circumstances of the case.

43.

Waste management:

Notwithstanding the hereby approved plans prior to first occupation of the development a final waste management strategy shall be submitted to and approved in writing by the local planning authority. This shall include:

- details of how waste will be managed at the site;
- how the site management company will support waste recycling and disposal; and the final floorspace and location of bin stores and bin collection points.

REASON: In order to ensure that the development may be adequately serviced in relation to the waste disposal and recycling.

44.

Obscure glazing:

The fenestration on the north elevation serving units U003 and U005 shall be obscure glazed to no less than equivalent of Pilkington Glass obscurity level 4 prior to first use of these units and shall be maintained as such for the lifetime of the development.

REASON: In the interests of avoiding intervisibility to adjoining land users.

45.

Emery Lane – Island Park link

Notwithstanding the submitted details, prior to the commencement of works within the relevant phase, full design specification and construction details of the footway/cycle way link between Emery Lane and Island Park adjacent to the southernmost elevation of the development site shall be submitted to and approved by the Local Planning Authority. The details should ensure compliance with national cycle infrastructure guidance, and where possible should deliver a segregated footway and cycleway route and appropriate transitions to facilities at either end. Prior to first occupation, the Emery Lane link to Island Park shall be delivered in all respects in full compliance with the approved details and maintained as such thereafter.

REASON: To ensure that sufficient capacity and design footway and cycleway connections are provided to Island Park and the destinations thereafter, in the interests of safety and to generate meaningful modal shift in compliance with Core Strategy Policy 60, 61 and 62.

INFORMATIVES:

46.

Legal Agreements:

This permission shall be read in conjunction with an Agreement made under Section 106 of the Town and Country Planning Act, 1990 and dated the XXXXX.

47.

Advertisement consents:

This permission does not permit the display of any advertisements which require consent under the Town and Country Planning (Control of Advertisements) (England) Regulations, 2007 or under any Regulation revoking and re-enacting or amending those Regulations, including any such advertisements shown on the submitted plans.

48.

Private Property Rights:

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.

49.

Material Samples:

Please note that Council offices do not have the facility to receive material samples. Please deliver material samples to site and inform the Planning Officer where they are to be found.

50.

Chippenham Folk Festival:

The developer is encouraged to make a water supply available to the Chippenham Folk Festival in Island Park.

51.

Archaeology:

The archaeological work is to be carried out following the Standard and Universal Guidance for archaeological monitoring and recording as set out by the Chartered Institute for Archaeologists (CIfA). The costs of the work are to be borne by the applicant.

52.

Land Drainage Authority:

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. The land drainage consent application form and guidance notes can be found on our website.

53.

No interruption to surrounding land drainage:

There must be no interruption to the existing surface water and or land drainage arrangements of the surrounding land because of the operations on site. Provisions must be made to ensure that all existing drainage systems continue to operate effectively.

54.

Foul drainage:

The applicant must gain consent from the local sewerage undertaker to discharge foul sewage into their foul sewer.

55.

Water efficiency note from EA:

The development should include water efficient systems and fittings. These should include dual-flush toilets, water butts, water-saving taps, showers and baths, and appliances with the highest water efficiency rating (as a minimum). Greywater recycling and rainwater harvesting should be considered.

An appropriate water efficiency scheme must include a water usage calculator showing how the development will not exceed a total (internal and external) usage level of 110 litres per person per day.

56.

Environmental Permits

The developer is advised that a permit to discharge (Environmental Permit) will be required from the Environment Agency if the construction period is greater than 3 months and the discharge is to surface waters. Any discharge will be governed by strict limits on suspended solids, pH, and if flocculants are used, an iron or aluminium limit.

57.

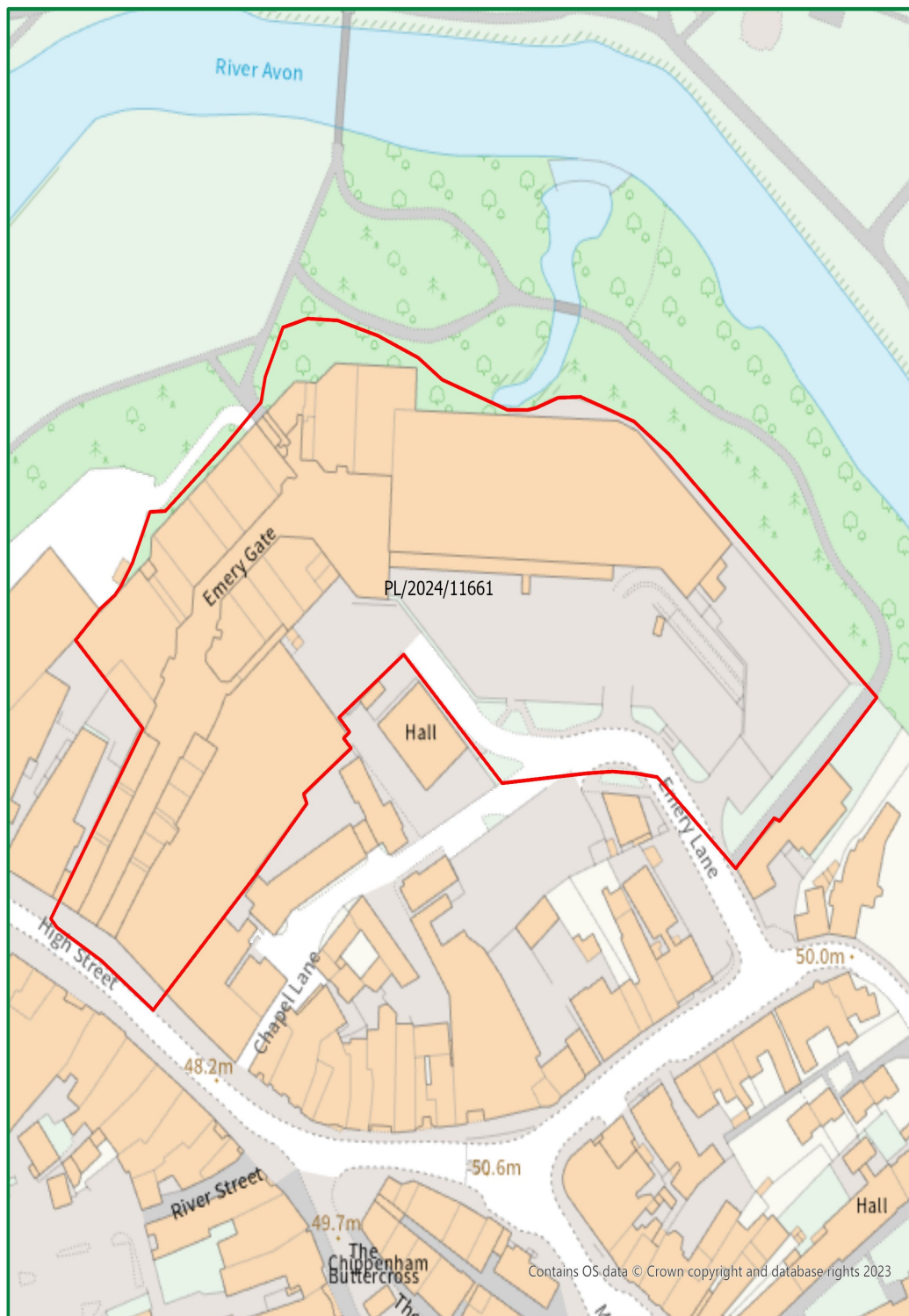
Nesting birds:

All British birds, their nests and eggs are protected under Section 1 of the Wildlife and Countryside Act 1981 (as amended) and the Countryside and Rights of Way Act 2000 while birds are nesting, building nests and sitting on eggs. The applicant is advised to check any structure or vegetation capable of supporting breeding birds and delay removing or altering such features until after young birds have fledged. Damage to extensive areas that could contain nests/breeding birds should be undertaken outside the breeding season. This season is usually taken to be the period between 1st March and 31st August but some species are known to breed outside these limits.

58.

European Protected Species Licence:

Under the Conservation of Habitats and Species Regulations 2017 (as amended), it is an offence to harm or disturb bats or damage or destroy their roosts. Planning permission for development does not provide a defence against prosecution under this legislation. The applicant is advised that a European Protected Species Licence will likely be required before any work is undertaken to implement this planning permission.



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REPORT FOR STRATEGIC PLANNING COMMITTEE

Date of Meeting	10 th February 2026
Application Number	PL/2023/09142
Site Address	Land at Junction 16 (M4), Swindon
Proposal	Outline application (with Access to be determined) for development of a new Motorway Rest Area (MRA) to provide up to 241 car parking spaces; up to 63 Heavy Goods Vehicle (HGV) parking spaces; coach and caravan parking; amenity building; fuel filling station; new roundabout access from B4005; and associated landscaping, infrastructure and ancillary works.
Applicant	Moto Hospitality Ltd
Town/Parish Council	Lydiard Tregoze Parish Council
Electoral Division	Royal Wootton Bassett East ED – Cllr Andrew Matthews
Type of application	OUTLINE PLANNING PERMISSION: SOME MATTERS RESERVED
Case Officer	Gen Collins
Recommendation	That Outline Permission be GRANTED

Reason for the application being considered by Committee: The development is a major development located on the boundary with Swindon and has wider strategic implications, raising issues of more than local importance. It is recommended for approval. Consequently Part 3 of the Wiltshire Council Constitution requires this application to be decided formally by the Strategic Planning Committee.

It is important to note that the previous local ward member Cllr Steve Bucknell originally requested that this application be referred to Committee should officers be minded to recommend refusal of the application. This call-in was undertaken on the basis that he and the local Parish Council (Lydiard Tregoze) could see the need for this development; and the need being so great that it could outweigh policy reasons for refusal.

Following local elections, Cllr Andrew Matthews took over the seat and has retained this call-in on the same basis i.e. that he too sees a great need for the development.

1. RECOMMENDATION: For the reasons set out within this report, officers recommend that members of the Planning Committee endorse the officer recommendation to approve the abovementioned application, subject to a Section 106 (s106) legal agreement and planning conditions (as set out within sections 10 and 11 of this report).

2. Purpose of Report: The purpose of this report is to assess the merits of the proposal against the policies of the development plan and other material considerations and to consider the recommendation that the application should be approved subject to conditions and require the applicant to enter into a s106 legal agreement.

3. Report Summary: This report appraises the: principle of the development; loss of agricultural land; visual/landscape impacts; highway safety; flood risk and drainage; heritage impacts; neighbouring amenity (including the rights and amenity of the occupiers of the adjacent Gypsy Traveller site) and amenity of future users; ecology; planning obligations.

This application was screened for Environmental Impact Assessment in 2023. At the time officers considered that it would not be EIA development. Subsequently the applicant applied for planning permission and submitted an Environmental Statement in any event. Accordingly, in line with current guidance, this application has been treated as EIA development in accordance with requirements of the Environmental Regulations. Due regard has been had in the following assessment to the likely significant environmental effects and impact of the development on likely environmental receptors.

The application has support from Lydiard Tregoze Parish Council within whose area it sits as well as support from the neighbouring Town and Parish Councils (RWB TC and Wroughton PC, Chiseldon PC, Hayden Wick Parish Council (Swindon)) subject to highway safety being assured and there being no concerns regarding the cumulative impact on the highway network. The details of these representations are provided within section 8 of this report.

62 representations (some multiple from the same party) have been received. Of these, 4 representations from 4 people support the application and 58 representations from 38 people (including CPRE) object to the development.

4. Site Description: The application Site comprises 7.28 ha of agricultural land. The Site is located immediately adjacent to the east of Junction 16 (J16) of the M4 motorway. The B4005 (Hay Lane) runs along the western and southern boundaries and the M4 runs along the northern boundary. The site is located approximately 1km to the southwest of the settlement of Freshbrook and 5km to the city centre of Swindon. The Proposed Development is an irregularly shaped area consisting of predominantly greenfield land in agricultural use with internal boundaries comprised by scattered trees and broken hedges. The topography undulates slightly with land dropping towards the southeast and rising towards the northwest of the site.

Land to the north of the site comprises urban built form and includes a variety of uses, the nearest of these including car dealerships, Holiday Inn Express (hotel) and industrial warehouses. Beyond these developments to the north is an established residential area of Freshbrook. To the east of the site are agricultural fields with internal boundaries delineated by hedgerows and trees. The eastern side of which (within the administrative boundary of Swindon) is an established Gypsy & Traveller site accessed off Hay Lane (the B4005), approximately 236m from the site boundary's nearest point separated by an agricultural field and mature vegetation. Junction 16 of the M4 is located immediately to the northwest of the site. To the west of the site are further fields, parcels of woodland and a solar farm. To the south the land is predominantly open countryside with a Butterfly World and Farm Park approximately 450m to the southeast of the site.

A small area in the south-west corner of the Site has previously been used as a depot for the recent improvements to Junction 16. However, the land has since been restored and surfacing removed from the site.

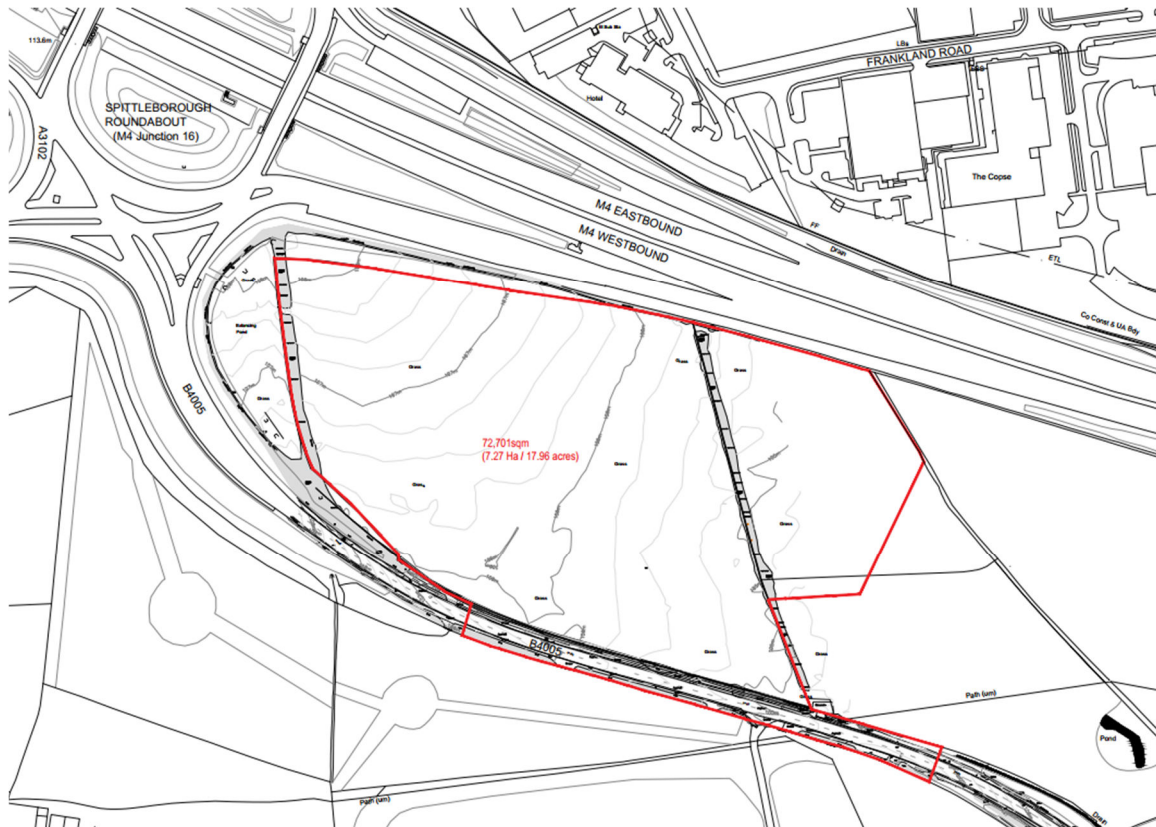


Figure 1: The site location plan



Figure 2: Aerial Image of the site taken from Google maps

The Site is not allocated for development in the Wiltshire Core Strategy (adopted 2015) and is located outside of any defined settlement limits.

The site is located 230m from the boundary with Swindon. The boundary is indicated by the thick black line on the extract below with Wiltshire to the west and Swindon to the east:

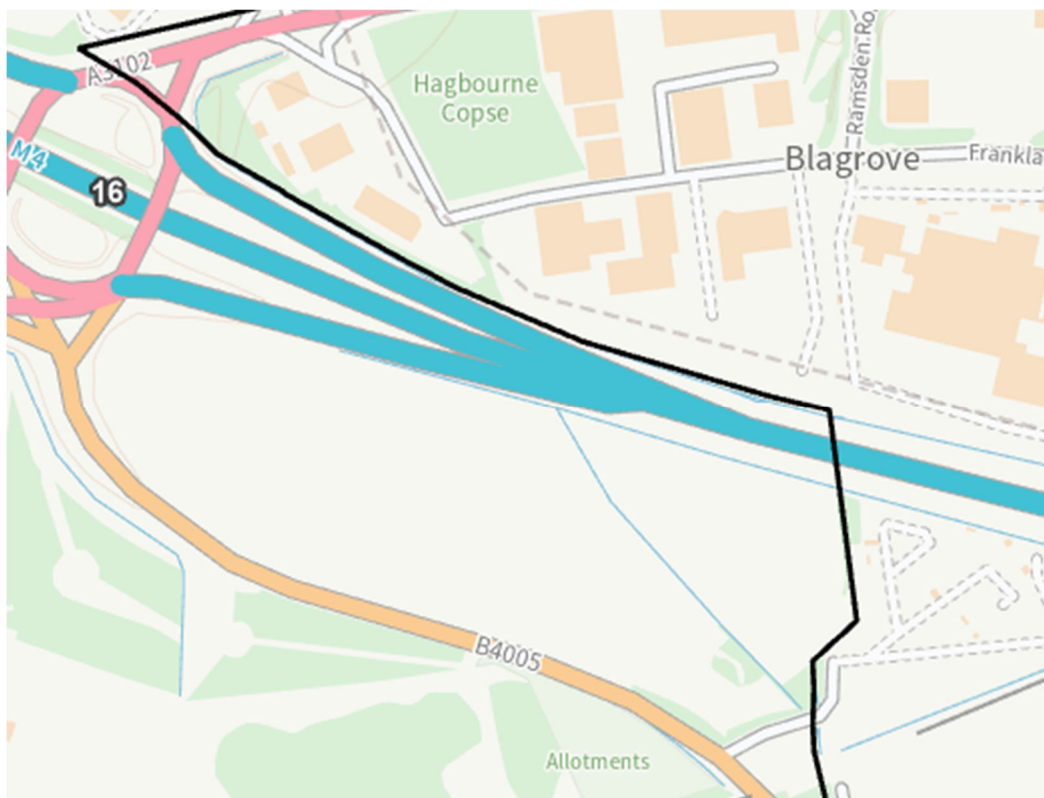


Figure 3: Extract from the Council's planning policies mapping showing boundary with Swindon

There are no designated heritage assets on site. The nearest conservation area is Royal Wootton Bassett Conservation Area, approximately 3.5 km away. The nearest listed building is Upper Studley Farm (Grade II) located 311m to the southwest.

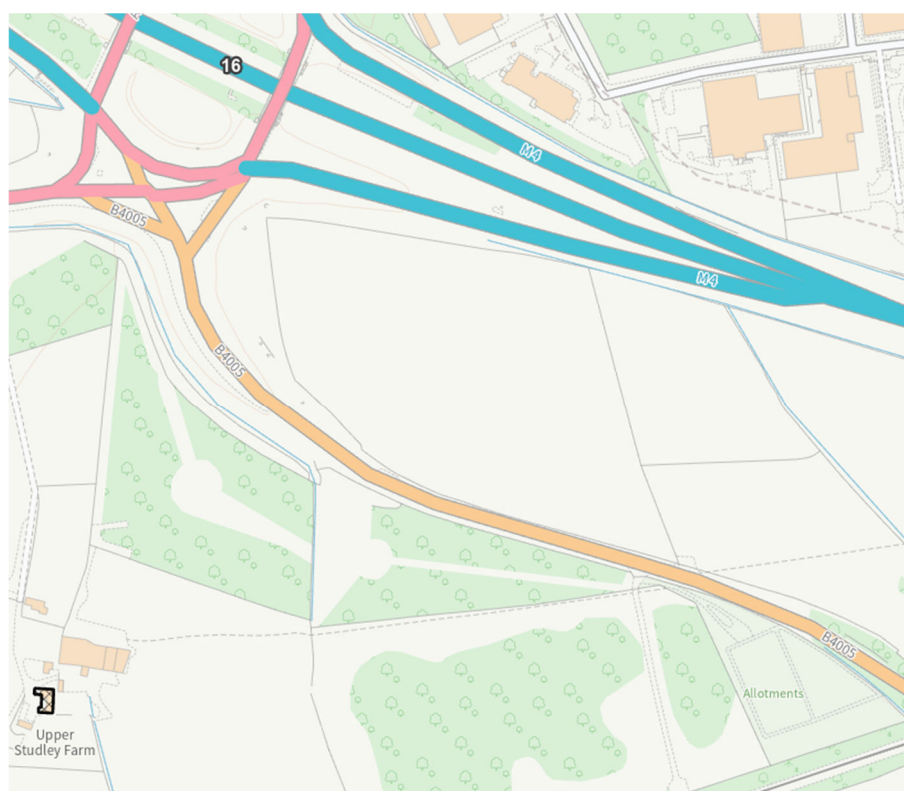


Figure 4: Extract from planning policy map showing Grade II listed Upper Studley Farm

Geophysical surveys and trial trenching evaluation of the site have confirmed there is no archaeological potential on the site.

The site lies within a Mineral Safeguarding Area. The area has been safeguarded due to the presence of clay associated with the Kimmeridge Clay Formation and the underlying Ampthill Clay Formation.

There are no specific landscape designations for the site. It is located in the Upper Thames Clay Vales Countryside Character Area and within the Calne and Hilmarton Rolling Lowland Landscape Character Assessment Area. The edge of the North Wessex Downs National Landscape is located some 2.5km to the southeast. There are Group Tree Preservation Orders indicated on the site on the planning policy maps (N/TPO51) (shown hatched green in the extract from the planning policies map below):



Figure 5: Group Tree Preservation Orders on the site taken from the planning policies map

With groups G22, G23, and G24 under TPO51 working from left to right. This is an elderly TPO and within G22 and G23 there are no TPO'd trees left having been removed previously due to Futch Elm disease. G24 has an Oak tree but this is not within the site, being further east on the eastern field boundary outside the site.

There are no specific ecological designations on the site and there are no site-specific biodiversity sensitivities.

The eastern edge of the site clips the edge of an Esso pipeline easement corridor (shown in red below) but the Esso pipeline itself (shown in blue) is not within the site. The green washover indicates that it is within Thames Water Utility Area:

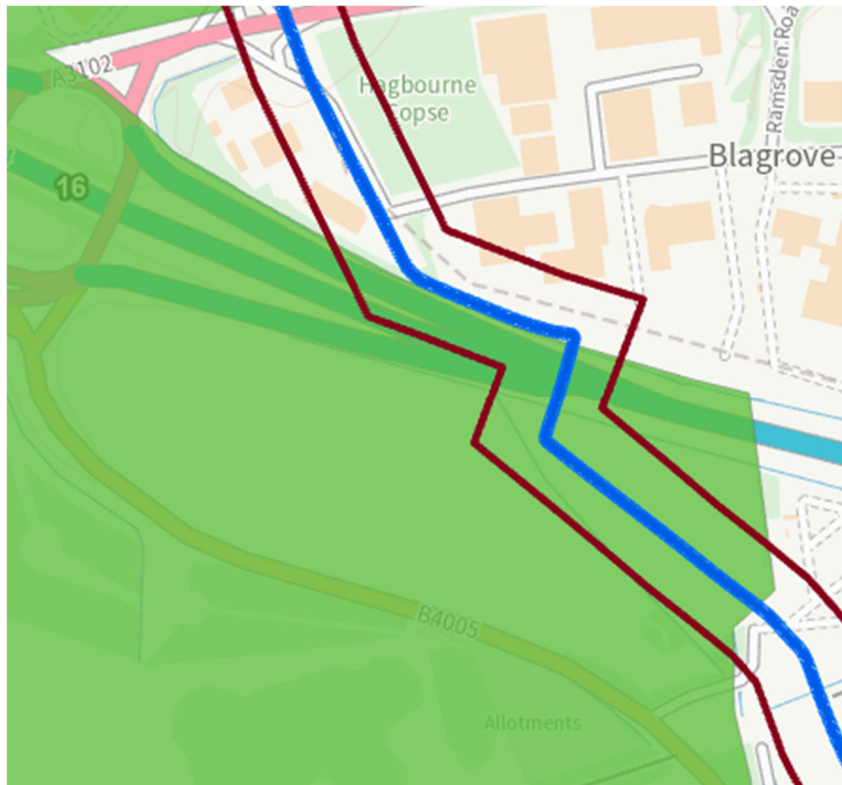


Figure 6: Extract from planning policies map showing utilities on site

A Public Right of Way (LTRE6 shown in purple below) meets the southeast corner of the site at the B4005 but is not within the site.



Figure 7: extract from planning policies mapping showing PRow LTRE6 in purple

The site is located wholly within floodzone 1 with the lowest risk of fluvial flooding. A culverted watercourse runs along the eastern side of the site, outside the site, on a north to southeast axis. The most recent EA flood risk mapping within the Council's Strategic Flood Risk Assessment indicates that

there is no evidence of groundwater flooding on site and a low risk of limited surface water flooding:



Figure 8: extract from the Council's SFRA showing likely surface water flooding risk for 1 in 100 years events

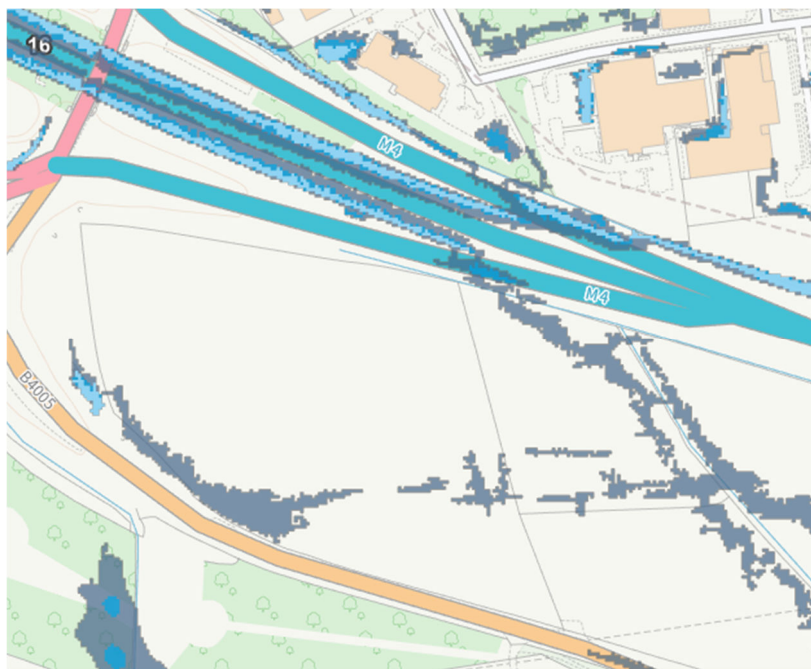


Figure 9: extract from the Council's SFRA showing likely surface water flooding risk for 1 in 100 years events

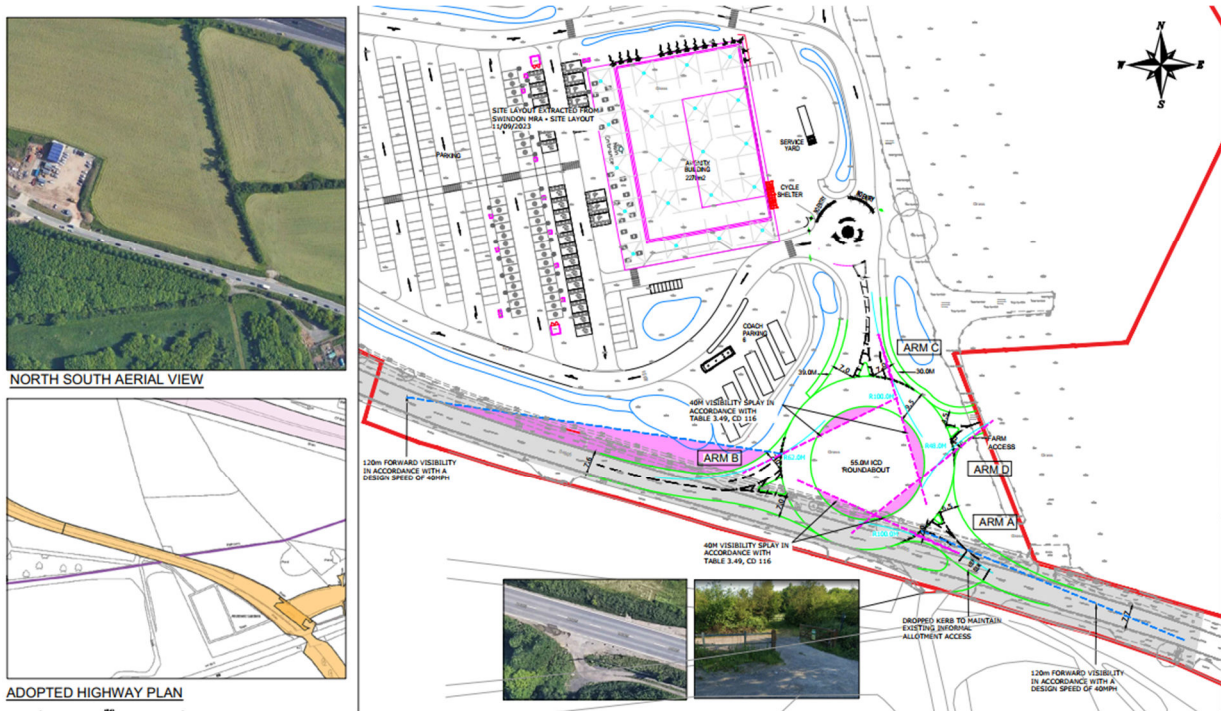
With reference to the government's online Magic Map¹ mapping tool, the site is located on land designated as Grade 3B (depicted by the light green colouring) shown on the extract below:



Based on the Magic Mapping resource, the application site does not include land which the NPPF defines as 'best and most versatile agricultural land' (BMV).

5. Planning History: There is no recent planning history on the site relevant to this application. There is however an existing live application ref: PL/2025/00700 for the ‘erection of a car dealership (Sui Generis) and ancillary preparation centre; associated access, parking, landscaping, drainage and infrastructure’ on land the other side of J16. This live application is considered to be a material planning consideration and has been considered in the context of this application, specifically in terms of cumulative traffic impact on J16 and the local highway network. Details of this are set out in the Highways section below.

6. The Proposal: This application seeks outline planning permission for a new Motorway Rest Area (MRA') with all matters reserved and access to be determined. Access will be taken from the B4005. These works will involve the creation of a new access roundabout into the site which will also provide for continued farm access to the land to the east.



Scale, Layout, Appearance and Landscaping are all to be left for the detailed design at reserved matters stage. A Proposed Layout Plan (illustrative) (ref. M49_101 Rev G) and Illustrative Masterplan (ref. M49_115 Rev A) have been submitted in support of the application (but are not formal application plans) and show how the development could be laid out, at the detailed design stage. An illustrative masterplan has been submitted for the application site shown below:



The submitted plans show that a large part of the eastern area of the site has been reserved for onsite

biodiversity net gain. The proposal incorporates large ecological areas including drainage, green roofs, landscaping and boundary planting. The scheme will provide a significant quantity of proposed parking to the north (HGVs), the south (coaches) and the west (caravans and cars) including a large number of charging points comprising the provision detailed below:

- 241 no. Car Parking Spaces;
- 62 no. Heavy Goods Vehicle Parking Spaces;
- 1 no. Heavy Goods Vehicle Parking Space (Abnormal Load);
- 6 no. Coach Parking Spaces;
- 7 no. Caravan Spaces; and
- 12 no. Motorcycle Spaces.

The proposed development would be served by its own surface water & drainage strategy which is submitted for consideration. There is an indicative landscaping scheme also accompanying the application. This indicates the following would be provided:

- Woodland Planting
- Wildflower Meadows
- Wetland Meadow
- Native Scrub
- Ornamental Scrub
- Rain Garden

Alongside the provision of parking and landscaping arrangements, the proposals also include a 2,270 sqm amenity building to the center of the site that would be a maximum of 12m high with a green roof and will provide a range of facilities to meet the welfare needs of users of the Strategic Road Network (M4). The amenity building is intended to be built to a BREEAM excellent standard.

A fuel filling station will also be delivered as part of the proposals. This would be located to the north of the Site, along with sub stations to provide power to the proposed EV charging points. The fuel filling station shop is indicated to have a green roof as well as 14 solar panels on the canopy roofing.

A parameters plan showing the proposed access, different uses and landscaping on site is shown below:



Figure 13: Proposed Parameters Plan

An indicative illustrative layout plan of the proposed development reflecting the parameters plan is shown below:

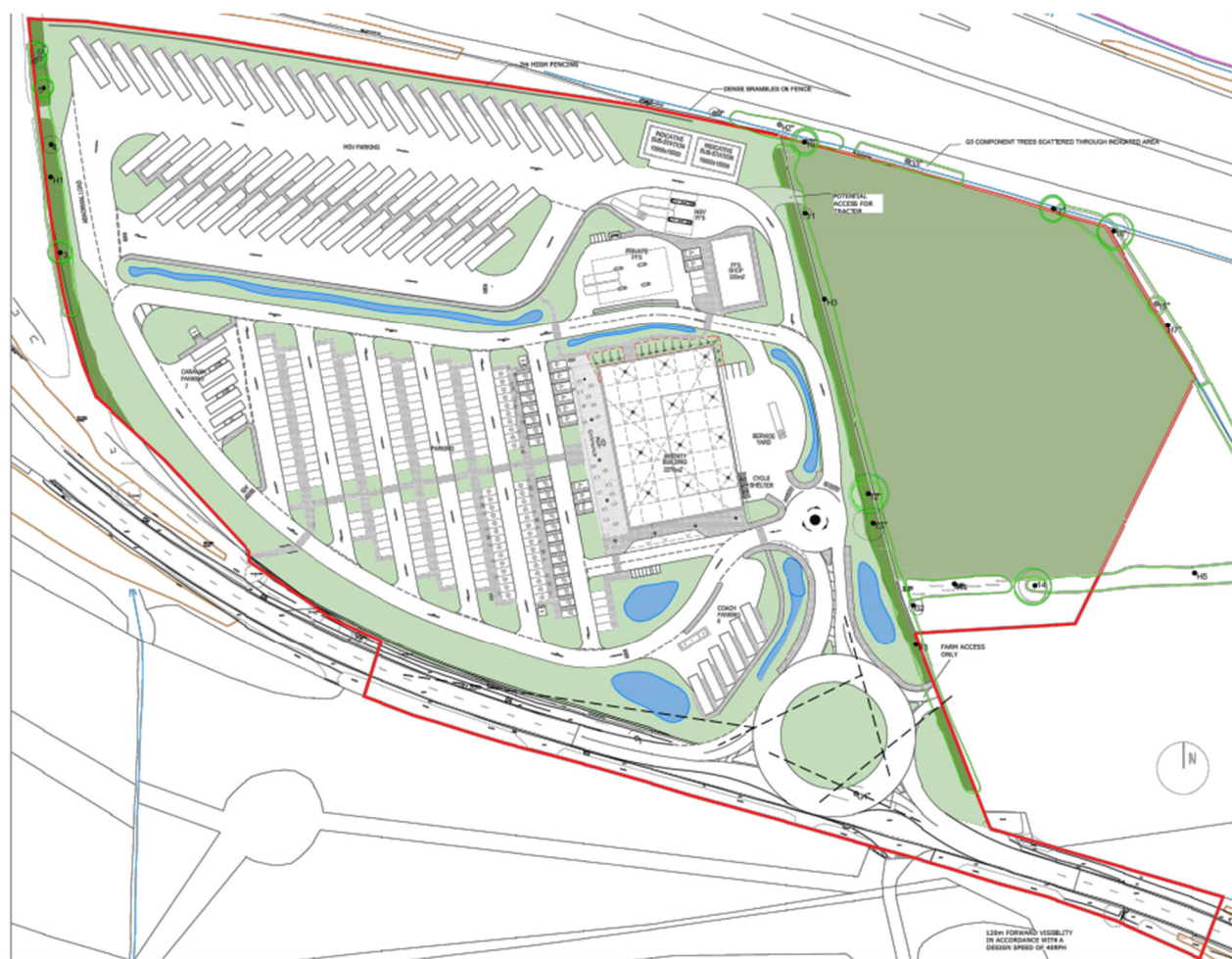


Figure 14: Illustrative Proposed Layout

The image below (taken from the Planning statement/DAS) is a CGI showing what the detailed design of the development could look like when completed:



Figure 15: Indicative CGI of detailed design of proposed development

Notwithstanding the above, as this application is outline with all matters except access from the B4005 reserved, any layout plans submitted as part of this application are indicative and for illustrative purposes only.

In summary, the proposed development will deliver:

- a 'Fit for the future' Motorway Rest Area including a purpose-built amenity building built to BREEAM Excellent standard;
- EV charging facilities, including 50 active EV charging points upon occupation;
- Create 63 HGV parking spaces and other associated facilities as well as 241 parking spaces and coach/motorcycle parking;
- a + 16.6% gain in biodiversity through the provision of new and enhanced wildlife habitat and an increase in hedgerow units by 13.3%
- Support the safety and welfare of users of the SRN through the provision of additional service facilities.

7. Planning Policy & Legislation

National Planning Policy, Guidance & Legislation:

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- National Design Guide
- Habitat Regulations
- Human Rights Act 1998
- Article 8 of the European Convention on Human Rights
- Equality Act 2010

Development Plan:

The development plan for Wiltshire comprises the Wiltshire Core Strategy (WCS) (which was adopted in January 2015), as well any made neighbourhood plans. Lydiard Tregoze has a Neighbourhood Area designation but no current made Neighbourhood Plan.

In line with Section 38(6) of the Planning and Compulsory Purchase Act 2004, planning decisions must be made in accordance with the development plan unless material considerations indicate otherwise. Though the development plan is considered as a whole, those parts deemed to be particularly relevant to this application are listed below:

The adopted *Wiltshire Core Strategy (WCS)*, with particular regard to:

- Core Policy 1 Settlement Strategy
- Core Policy 2 Delivery Strategy
- Core Policy 3 Infrastructure Requirements
- Core Policy 19 Royal Wootton Bassett and Cricklade Spatial Strategy
- Core Policy 41 Sustainable Construction and Low-Carbon Energy
- Core Policy 47 Meeting the Needs of Gypsies and Travellers
- Core Policy 48 Supporting Rural Life
- Core Policy 50 Biodiversity and Geodiversity
- Core Policy 51 Landscape
- Core Policy 52 Green Infrastructure
- Core Policy 55 Air Quality
- Core Policy 57 Ensuring High Quality Design and Place Shaping
- Core Policy 58 Ensuring the conservation of the historic environment
- Core Policy 60 Sustainable Transport
- Core Policy 61 Transport & Development

- Core Policy 62 Development Impacts on the Transport Network
- Core Policy 63 Transport Strategies
- Core Policy 64 Demand Management
- Core Policy 65 Movement of Goods
- Core Policy 66 Strategic Transport Network
- Core Policy 67 Flood Risk.
- Core Policy 68 Water Resources

North Wiltshire District Local Plan (saved policies)

- Policy H4: Residential Development in the Countryside
- Policy NE14: Trees, site features and the control of development
- Policy NE18 Noise and Pollution

Wiltshire and Swindon Mineral Core Strategy and Development Control Policies (2009)

- Policy MCS 6 'Safeguarding Mineral Resources, Rail-head Facilities and Mineral Recycling Facilities
- Policy MDC 4 'Safeguarding Mineral Resources, Rail-head Facilities and Mineral Recycling Facilities

Emerging Policy – Wiltshire Local Plan Review:

The Council's emerging Local Plan is a material consideration and is progressing through the examination hearings stage but at the time of determining this application, the emerging Plan, carries limited weight in recognition that the Council's proposed new strategy has not been fully examined. However, the following draft policies are of relevance.

- Policy 1: Settlement Strategy
- Policy 2: Delivery Strategy
- Policy 4: Addressing climate change
- Policy 5 Securing Infrastructure Provision from New Development
- Policies 44- 51: Swindon Area Strategy
- Policy 70: Sustainable Transport
- Policy 71: Transport And New Development
- Policy 73: Transport Demand Management
- Policy 74: Movement of Goods
- Policy 75: Strategic Transport Network
- Policy 90: Woodland, Hedgerows and Trees
- Policy 91: Conserve and Enhance Wiltshire's Landscape (replaces Core Policy 51)
- Policy 92: Conserving and Enhancing Dark Skies
- Policy 93: Green and Blue Infrastructure (replaces Core Policy 52)
- Policy 98: Ensuring High Quality Design and Place Shaping (replaces Core Policy 57)

The draft Wiltshire Council Gypsies and Travellers Development Plan Document pre-submission draft (Reg 19) August 2024

Other Relevant Policies and Supplementary Planning Documents:

- Wiltshire Infrastructure Delivery Plan 3 (2011-2026)
- Circular 01/2022: Strategic road network and the delivery of sustainable development
- Road Investment Strategy 2 2020-2025
- Draft Road Investment Strategy 3 2026-2031 (August 2025)
- Transport Decarbonisation Plan
- National Highways' Net Zero Plan
- South West Freight Strategy 2022
- Wiltshire Council Local Transport Plan 2011-2026 (LTP3)
- Wiltshire Council Local Transport Plan 2011-2026 (LTP3) Freight Strategy 2011
 - FP2: Freight routes To facilitate the efficient movement of freight traffic with the minimum social, environmental and economic costs.

- FP5: Lorry parking
- FP6: Lorry parking at new developments Ensure that any new industrial / commercial development which falls under the relevant criteria, initiates a transport statement / assessment to consider good quality HGV parking, services and manoeuvring space as an integral part of the proposed development.
- Wiltshire Council Local Transport Plan 2025-2038 (LTP4)
 - Policy S5: Encourage and enable shift to more sustainable modes for freight
 - Policy I1: Facilitate and encourage move to low and zero emission vehicles
 - Policy I2: Enable safer, more efficient driving and operation of road networks
- Wiltshire Council Local Transport Plan 2025-2038 (LTP4): Freight Sub Strategy March 2025
- Wiltshire Council Electric Vehicle Charging Infrastructure (EVCI) Plan 2021 to 2024
- Wiltshire Local Cycling and Walking Infrastructure Plan (LCWIP)
- Active travel infrastructure design standards 2022
- Active travel parking standards and design guide 2022
- LTN1/20 – Cycle Infrastructure Design (July 2020)
- Waste storage and collection: guidance for developers
- Wiltshire Design Guide (adopted April 2024)
- Wiltshire Council's Waste Core Strategy, adopted July 2009
- A Green & Blue Infrastructure Strategy for Wiltshire: Wiltshire's Natural Environment Plan 2022-2030
- Open Space provision in New Housing Developments – A Guide (Supplementary Planning Guidance) and Wiltshire Council's Playing Pitch Strategy February 2017
- Wiltshire Council's Playing Pitch Strategy December 2024
- Community Infrastructure Levy (CIL) Charging Schedule
- Wiltshire Climate Strategy (2022-2027)
- Great Western Community Forest Plan
- Wiltshire Council Landscape Character Assessment
- Government Planning Policy for Traveller Sites (December 2024)

8. Summary of Consultation Responses

Statutory and Internal Consultees:

Parish Councils

- Lydiard Tregoze Parish Council: Supports this application as a needed service for the community and Heavy Goods Vehicle (HGV) drivers on the M4.
- Royal Wootton Bassett Town Council: Support the application but raise concern regarding cumulative impact of future development on the road network including access to and the effect on Junction 16 of the M4.
- Wroughton Parish Council: No objection subject to following conditions:
 - Signage is crucial and MUST direct traffic leaving the MRA and which wishes to join the M4, to turn RIGHT out of the site to join the M4 at J16.
 - Traffic sensitivity test modelling to be carried out prior to building being started.
 - Biodiversity should be ringfenced with an obligation for the developer to maintain it for the first 30 years.
 - A footpath and a reasonable bus service to and from Wroughton are required.
- Chilsedon Parish Council: Support the application and support the representations made by Wroughton Parish Council in requiring appropriate signage from and to the MRA.

- Haydon Wick Parish Council (Swindon): Recognise the potential economic benefits but have concerns about the following impacts on the Parish:
 - Increased Congestion - The parish already suffers from congestion on local roads at peak times.
 - Any increase in traffic to/from the proposed MSA could make this much worse, whether from passenger cars, lorries, or delivery vehicles.
 - Heavy Goods Vehicles - Provision of HGV parking spaces will inevitably attract more lorries onto local roads to access the MSA. The impact on noise, air quality, pedestrian safety is unacceptable to our parish.
 - Road Safety - Increased traffic flows in the area heighten risks of accidents, whether from the access roads or drivers using the MSA. There are already too many accidents at this section of the M4.

The Parish requests that Wiltshire Council challenge the analysis and demand mitigation measures prior to any approval.

Ward Councillors

Cllr Steve Bucknell (prior to the May 2025 local elections) requested that this application be referred to Committee should officers be minded to recommend refusal of the application. This call-in was undertaken on the basis that he and the local Parish Council (Lydiard Tregoze) could see the need for this development; and the need being so great that it could outweigh policy reasons for refusal.

Cllr Andrew Matthews Following local elections, retained this call-in on the same basis i.e. that he too sees a great need for the development.

Statutory Consultees

Environment Agency: No objection subject to conditions.

Historic England: No objection.

National Grid: No objection.

National Highways: No objection subject to conditions.

Natural England: No objection.

Network Rail: No objection subject to informatives.

Swindon Borough Council Planning and Transport: No objection - defer to Wiltshire Council and at National Highways.

Thames Water: No objection subject to informative.

Internal Consultees

WC Economic Development: Support the application

WC Electric Vehicle Infrastructure Strategy Team: Support the application

WC Landscape Officer: No objection subject to condition and defers to National Highways with regard to landscaping detail adjacent to SRN / highway.

WC Climate Team: Support the application

WC Conservation: No Comment.

WC Archaeology: No objection.

WC Highways: No objection subject to conditions and s106.

WC Rights of Way: No objection.

Active Travel England: No comment received at time of writing.

LLFA: No objection subject to condition.

WC Waste & Recycling Team: no objection

WC Ecology: No objection subject to condition.

Dorset & Wiltshire Fire & Rescue: No objection.

WC Arboricultural Officer: No objection subject to condition.

WC Public Protection: No objection subject to conditions.

Third Party Representations

In accordance with the requirements of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended), the application was publicised by way of:

- Neighbour notification letters sent to adjoining and nearby properties;
- A site notice displayed near the site;
- An advertisement placed in the local press.

These methods were used to inform interested parties and provide a period of 21 days for comments to be submitted.

Below is a summary of the representations received during the consultation period. Only material planning considerations have been taken into account in the assessment of this application. Non-material issues, such as property values or private legal disputes, cannot be considered in the determination process.

North Wiltshire Swifts: All new developments should provide habitat opportunities for those species, such as swifts, who prefer/can adapt to the built environment. Recommend planning conditions requiring the construction of swift bricks.

Residents: A total of 62 representations (some multiple from the same party) have been received. Of these, 4 representations from 4 people support the application on the following grounds:

- Proposal beneficial for motorists on the M4 and local highways network
- Has the potential to improve layout, sustainability, and EV charging provision (solar canopy).
- Good design

58 representations from 38 people (including CPRE) object to the development on the following grounds:

- Highway Safety, Traffic Impact and Junction Capacity
 - Significant increase in traffic at M4 J16, A3102, B4005 and Hay Lane, leading to congestion, delays and potential gridlock at peak times.
 - Junction 16 already operating near or at capacity; recent improvements did not anticipate a motorway service area (MSA).
 - Concerns that the Traffic Assessment is out-of-date, incomplete, based on unrealistic

assumptions, or fails to account for cumulative growth (Wichelstowe, Royal Wootton Bassett, Lyneham, Purton, other local proposals).

- Lack of direct motorway access; all traffic must use local roads, contrary to Government preference for 'online' services.
 - Safety risks from additional HGVs, including slow acceleration through signal-controlled junctions, lane confusion, and increased collision risk.
 - Known accident history at J16, the A3102, and B4005/Brimble Hill, including fatal accidents and documented road width constraints.
 - Risk that additional traffic will divert onto rural lanes, exacerbating safety concerns for pedestrians, cyclists, equestrians and school routes.
 - Proposed roundabout and access arrangements on the B4005 considered to prejudice local traffic movement and safety.
 - Potential obstruction/emergency risk when traffic lights fail at J16, which has already resulted in incidents.
- Cumulative Development & Infrastructure Capacity
 - No holistic assessment of combined impacts from multiple committed or emerging developments.
 - Concerns that infrastructure capacity (highways, drainage, waste collection) is already strained and cannot accommodate additional demand.
 - Junction 16 cited in the emerging Local Plan as reaching capacity, favouring development at other junctions (e.g., J17).
 - Pollution and Environmental Impacts
 - Increased air pollution from HGVs and 24-hour vehicle movements.
 - Noise pollution affecting nearby residential areas, particularly night-time disturbance.
 - Light pollution in what is currently a rural and unlit landscape, affecting residential amenity, dark skies and protected species (e.g., bats).
 - Risk of waste-related impacts, including odour, vermin, and insufficient detail on waste storage/collection.
 - Potential pollution of waterways, ditches and local drainage network.
 - Landscape, Countryside & Biodiversity
 - Loss of greenfield land and erosion of the rural buffer between Swindon, Wroughton and Royal Wootton Bassett.
 - Adverse impact on local wildlife habitats (deer, badgers, bats).
 - Cumulative loss of farmland due to development pressure.
 - Concerns that proposals do not meet biodiversity protection requirements or respect rural character.
 - Gypsy & Traveller Community Impacts
 - Noise, light and traffic effects harming living conditions.
 - Proximity to what is viewed as an industrial-scale facility conflicting with national standards for Gypsy & Traveller sites.
 - Safety concerns accessing allotments opposite the site.
 - Potential equalities impacts due to a protected demographic group.
 - Alleged failure to notify and consult site residents during earlier stages of application.
 - Need / Justification
 - Presence of existing MSA facilities at Membury and Leigh Delamere within short travel distance; duplication of services available locally (fuel, EV charging, food).
 - Questioning the demonstrable need required by national policy for an 'offline' MSA.
 - Suggestion that upgrades to existing MSAs would be more appropriate and sustainable.
 - Impact on Residential Amenity
 - Deterioration of living conditions from 24-hour noise, lighting and activity.

- Anticipated reduction in property values (amenity-based concerns only).
- Concerns regarding antisocial behaviour associated with large car parks and fast-food outlets.
- Drainage, Flooding & Infrastructure
 - Site located in low-lying area with surface water flood risk; concerns that increased hardstanding will exacerbate drainage issues.
 - Queries regarding capacity of utilities infrastructure (e.g., National Grid).
- Impact on Local Economy
 - Threat to existing fuel/food service businesses at Lydiard Fields, Blagrove and Royal Wootton Bassett.
 - Proposal seen as inconsistent with Wiltshire's Green Economy Strategy and local employment objectives.
- Procedural & Consultation Concerns
 - Claims of incomplete or flawed public consultation, including missing site notices and lack of communication with adjacent residents.
 - Concerns that the application precedes relevant Neighbourhood Plan progression.
 - Queries about accuracy of officer statements regarding site context.

9. Planning Considerations and Assessment

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

9.1 Principle of Development: The application site is located outside the defined limits of development and is not allocated in the WCS. The application is located in the open countryside. Wiltshire Core Strategy Policies CP1 (Settlement Strategy) and CP2 (Delivery Strategy) set out the spatial strategy for sustainable development across Wiltshire. These policies direct new development to the most sustainable locations. Development outside of these limits will not be permitted apart from the following exceptions:

- Additional employment land;
- Military establishments;
- Development related to tourism;
- Rural exception sites;
- Specialist accommodation provision; and
- Supporting rural life.

9.2 The applicant's Planning Statement suggests that this proposal represents a departure from the development plan however this is considered not to be the case in these circumstances.

Policy 48 of the WCS (Supporting Rural Life) is listed as an exception to policies CP1 and CP2 of the WCS at paragraph 4.25 of the WCS.

Core Policy 48 states that improving access to services and improving infrastructure is an important part of supporting rural life. It states that *"proposals which focus on improving accessibility between towns and villages ... such as transport and infrastructure improvements will be supported where the development will not be to the detriment of the local environment or local residents"*.

This application is for a new motorway rest area providing a rest stop for all users of the strategic road network and will provide much needed electrical vehicle charging infrastructure. This application therefore focuses on improving the accessibility between towns and villages not just in Wiltshire but across the neighbouring authorities.

Sections 9.14 and 9.15 below assesses this proposal in detail in terms of the impact on the local environment and on local residents. These assessments conclude that no significant material harm or detriment to the local environment or amenity of local residents and neighbouring occupiers will arise as a result of the proposal subject to conditions. Accordingly, this proposal meets requirements of Core Policy 48 of WCS.

Core Policy 65 of the WCS states that *“the council and its partners will seek to achieve a sustainable freight distribution system which makes the most efficient use of road... networks in particular ... (iii) overnight lorry parking should be provided in the vicinity of the advisory freight network ... where demand can be demonstrated...”*.

The Strategic Transport Network includes the national primary route network, and the strategic advisory freight route network includes the M4, as defined at paragraph 6.178 of the WCS.

The proposed development will contribute to achieving an improved sustainable freight distribution system making the most efficient use of existing road networks. The proposed overnight lorry parking is provided adjacent to the advisory freight network (the M4).

In terms of demonstrating the demand for this development a detailed assessment of the need for HGV parking and EV charging in this location is set out below in the following section 9.3. It is therefore considered that core policy 65 of the WCS is met in this case.

Core Policy 66 (Strategic Transport Network) confirms that *“work will be undertaken in conjunction with the Highways Agency (now National Highways) ... and other agencies ... to develop and improve the strategic transport network and support the objectives and policies in the Core strategy and Local Transport Plan”*.

Supporting text to Core Policy 66 confirms that the function of the strategic transport network is primarily to cater for the efficient movement of inter-urban and long-distance trips. In doing so the strategic transport network supports the vision and objectives of the Core Strategy. It is considered that this proposal through providing an additional modern fit for purpose motorway rest area including an electrical vehicle charging hub for all users of the strategic road network, supports the aims of Core Policy 66 of the WCS as well as helping to meet the overarching strategic objectives in the Core Strategy, and those set out in the Local Transport Plans as detailed below.

The Wiltshire Council Local Transport Plan 2011-2026 (LTP3) Freight Strategy 2011 contains policies seeking to facilitate the efficient movement of freight traffic with the minimum social, environmental and economic costs (Policy F2).

Policy FP6 seeks to ensure that any new industrial / commercial development which falls under the relevant criteria, initiates a transport statement / assessment to consider good quality HGV parking, services and manoeuvring space as an integral part of the proposed development.

Wiltshire Council Local Transport Plan 2025-2038 (LTP4) contains policies S6 and I2 that encourage and enable shifts to more sustainable modes for freight and to enable safer, more efficient driving and operation of road networks.

Wiltshire Council Freight Sub Strategy March 2025 and Local Transport Plan 2025-2038 (LTP4) March 2025 Policy I2:4 states that the Council *“will promote the creation of rest stops and HGV parking facilities on the freight network, including on the SRN. This will ensure drivers have convenient, well-located rest facilities which can support their wellbeing”*.

9.3 Need for HGV Spaces (Locally and Nationally)

Core Policy 65 of the WCS requires that demand for such proposals is clearly demonstrated. As such this section explores and assesses the need for overnight lorry parking in this particular location.

The government recognises the important contribution that HGV drivers make to the nation's economy

and the need to ensure drivers have access to appropriate services and facilities. Driver welfare is a key element in making driving an attractive career choice and improving lorry (and coach) parking facilities is an important part of this.

Paragraph 114 of the NPPF states *“planning policies and decisions should recognise the importance of providing adequate overnight lorry parking facilities, taking into account any local shortages, to reduce the risk of parking in locations that lack proper facilities or could cause a nuisance. Proposals for new or expanded distribution centres should make provision for sufficient lorry parking to cater for their anticipated use”*.

Circular 01/2022 (23rd Dec 2022) is the policy of the Secretary of State in relation to the SRN which should *“be read in conjunction with the National Planning Policy Framework (NPPF), planning policy and practice guidance, national design guide, National Model Design Code, Manual for Streets (MfS), local transport note (LTN) 1/20 and all other material considerations when ... authorities are ... making decisions on planning and development proposals under the Town and Country Planning Act 1990”*.

The SRN is the most heavily used part of the national road network, carrying a third of all traffic and two-thirds of all freight. The 01/2022 Circular states that *“the SRN provides critical links between our cities and other urban areas... It drives productivity and prosperity by unlocking growth, encouraging trade and attracting investment, and plays a vital role in levelling up the country”*.

With specific regard to HGV parking, government policy is clear in the Future of Freight Plan, ‘*Planning reforms for lorry parking*’ Written Ministerial Statement (8 November 2021) and the NPPF, that development proposals for new or expanded goods distribution centres should make sufficient provision for HGV drivers, which should include overnight parking and an adequate level of welfare facilities.

The need to increase provision for HGV drivers at roadside facilities is set out in paragraphs 79-82 of the 01/2022 Circular as follows:

“79. Drivers of many heavy goods and public service vehicles are subject to a regime of statutory breaks and other working time restrictions, such that roadside facilities are critical enablers of compliance with such requirements.

80. It is recognised that on certain parts of the SRN and at certain times a shortage of parking facilities for HGVs can make it difficult for drivers to find safe space to stop and adhere to requirements for mandatory breaks and rests. To alleviate the shortage, the expansion of existing facilities on the SRN is likely to be needed alongside the creation of new parking sites. As a result, existing truckstops (including closed facilities) on or near to the SRN must be retained for their continued and future use unless it can be clearly demonstrated that a need no longer exists”.

81. In areas where there is an identified need[footnote 26], the company will work with relevant local planning authorities to ensure that local plan allocations and planning application decisions address the shortage of HGV parking on or near to the SRN. In these circumstances, local planning authorities should have regard to the following spacing requirements:

- (i). the maximum distance between motorway facilities providing HGV parking (being service areas, rest areas or truckstops) should be no more than 14 miles; ...”*.

Figure 2-6 - Location of freight generators in Wiltshire

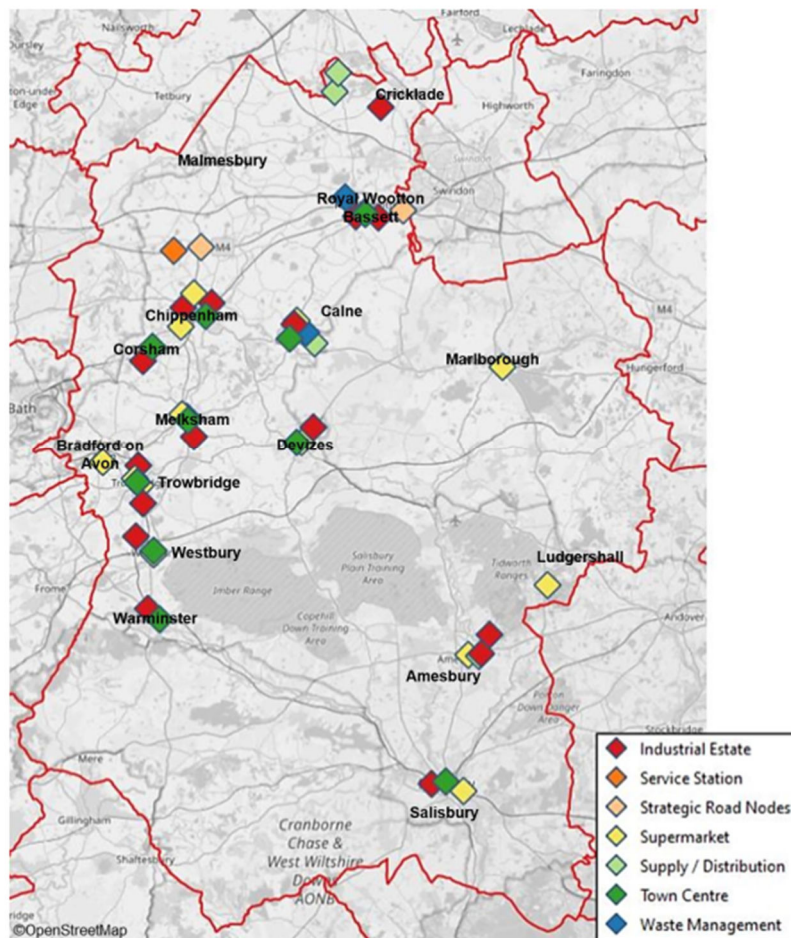


Figure 16: Image taken from LTP4 Freight Sub Strategy March 2025

It is clear from the image above that the proposed location for the development at J16 near Royal Wootton Bassett is one of the top 2 largest freight generating locations (along with Chippenham at J17 further up the M4) in the whole of the County. This would indicate that the proposed site location is sequentially optimal in terms of need and efficiency.

Further, a National Survey of Lorry Parking Research Study (Part One) 2022 ('NLPSP1') undertaken by Aecom on behalf of the Government Department for Transport (DfT) provides an accurate assessment of lorry parking provision and demand on or around the SRN in England.

The NLPSP1 highlights that 143 on-site facilities are at the defined critical level of 85 per cent full or more and that there remains a shortfall in the provision of on-site parking facilities, with 21,234 vehicles observed at on-site and off-site parking facilities within 5km of the SRN in England against an on-site capacity of 16,761. This translates into a recorded excess of 4,473 vehicles against capacity highlighting that the demand for lorry parking spaces outpaced the supply of additional spaces in recent years.

Consequently, the Department for Transport (DfT) tasked National Highways with building on this study to evaluate lorry parking facilities and identify areas experiencing high demand and insufficient provision.

The Lorry Parking Demand Assessment 2023v4 (October 2024, National Highways) confirms "the UK faces a critical shortage of secure HGV parking, estimated at around 11,000 spaces, forcing drivers into unsafe lay-bys or industrial estates, impacting welfare, safety, and recruitment, despite government funding initiatives for upgrades and new facilities".

Demand by LPA area

In conducting a comprehensive assessment, a ranking system was developed that evaluated local authorities by comparing the severity of their lorry parking issues in relation to each other. This system allows for a better understanding of which areas warrant closer inspection and attention, as demonstrated below in Figure 0-2.

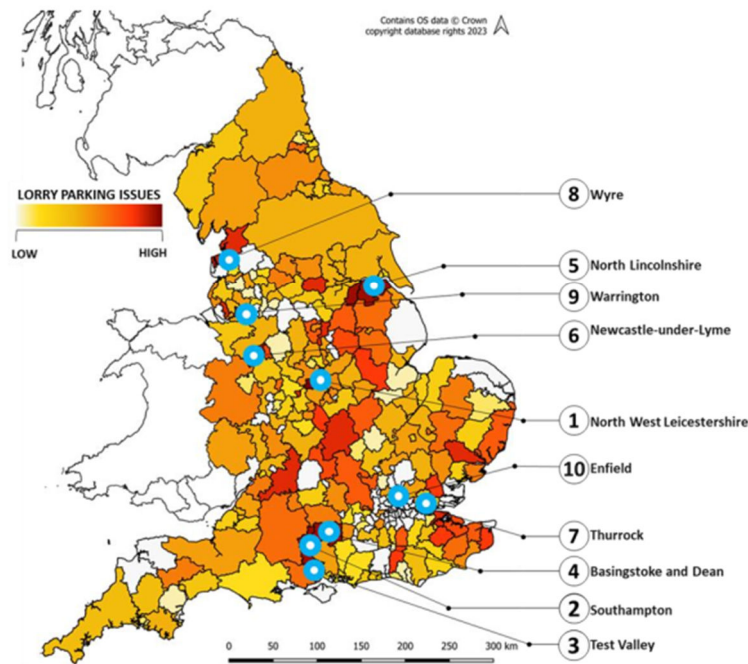


Figure 0-2: Lorry parking issues by local authority

Figure 17: Lorry Parking Issues by Local Authority from The Lorry Parking Demand Assessment 2023v4 (October 2024, National Highways)

This figure shows that whilst Wiltshire is not experiencing the most significant lack of lorry parking (ie the highest critical utilization), it is shown as dark orange indicating a high level of lorry parking issues. Whilst not the worst in terms of HGV parking facilities provision, Wiltshire is noted in the National Highways Lorry Parking Demand Assessment 2024 document as being in the top 10 areas which have critically utilised lorry parks as shown below. Critically utilised means those running at maximum capacity indicated as frequently being at 85% + capacity.

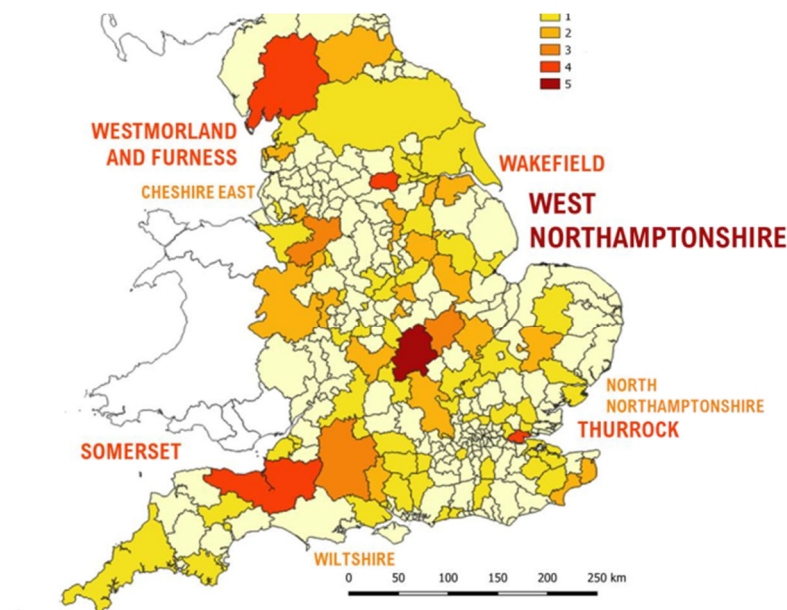


Figure 6-6: LPAs by number of Lorry Parks critically utilised

Figure 18: LPAs by number of critically utilized lorry parks from The Lorry Parking Demand Assessment 2023v4 (October 2024, National Highways)

The applicant looks into these figures further as part of their submission. The applicant looked in detail at Wiltshire Council's provision of HGV parking facilities using reference to the National Lorry Parking Survey Part One (NLPSP1) as well as the National Highways data and their own survey figures. It is noted that the existing level of capacity for HGV parking was categorised by the NLPSP1 based on recorded levels: Critical (greater or equal to 85%), Serious (70% to 84%) and Acceptable (less than 69% capacity).

Based on the data available and survey results, the applicants provide capacity statistics for the surrounding local HGV parking facilities within Wiltshire and these are outlined in Table 1 below.

Table 1: HGV Parking Facilities Capacity		
HGV Parking Area	Capacity	Source
Leigh Delamere (eastbound)	90% (Critical)	NLPSP1
Leigh Delamere (westbound)	58% (Acceptable)	NLPSP1
Chippenham Pit Stop	96% (Critical)	NLPSP1
Swindon Truck Stop	100% (Critical)	NLPSP1
Chieveley Services	83% (Serious)	Eddisons
Membury Services (eastbound)	74% (Serious)	Eddisons
Membury Services (westbound)	98% (Critical)	Eddisons
Sutton Scotney (northbound)	103% (Critical)	Eddisons
Sutton Scotney (southbound)	100% (Critical)	Eddisons

Table 1: showing HGV parking facilities capacity taken from Applicant's Planning Statement

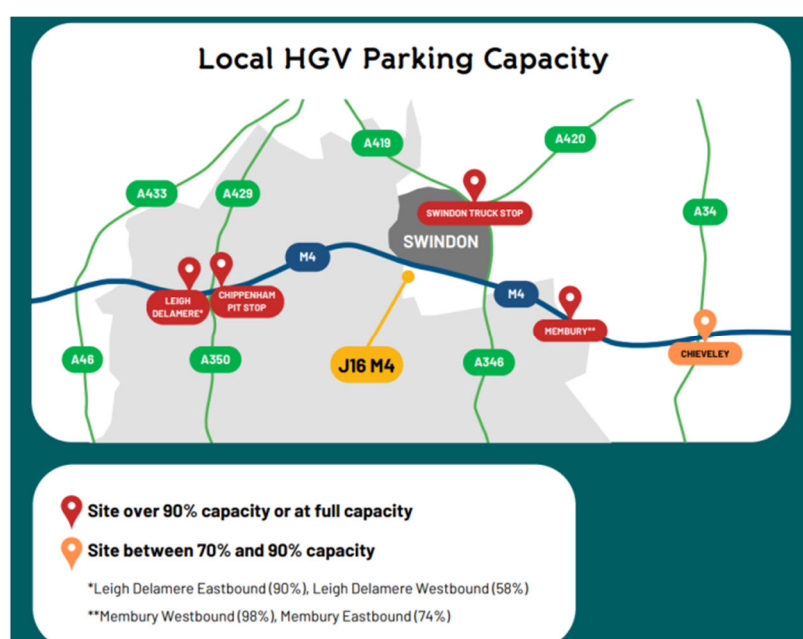


Figure 19: location and capacity of the existing rest facilities on M4 taken from Applicant's Planning Statement

To provide a more detailed context, surrounding laybys were also assessed by the applicants transport consultants. Laybys become a last resort for lorry drivers when appropriate facilities cannot be accessed. The surveys were undertaken between 7pm and 12am. 20 no. laybys were surveyed in 15km radius from the centre of the Site. The data collated showed that anywhere between 72 to 92 HGV's were parked in the immediate area for an overnight rest break. The number of lorries that use the laybys for resting are also evident off Junction 15 as well as Junction 16. Driving down the A36 in the morning the case officer noted a high number of HGVs are always evident in the laybys nearest to the M4 junctions.

This primary data and empirical evidence provides further weight demonstrating the critical need for additional and improved safe and secure HGV parking in the immediate location.

As above, when a specific need for HGV parking has been identified, Paragraph 81 of Circular 01/2022 is engaged and the maximum distance between motorway rest areas should be 14 miles. It is observed that Leigh Delamere and Membury Services are the immediate motorway services in each direction from the Site. The distance between the HGV parking areas at these services is summarised below:

- Leigh Delamere (East) to Membury Services (East): 28.2 miles
- Membury Services (West) to Leigh Delamere (West): 28.3 miles
- Leigh Delamere (West) to Proposed Site Access: 14.6 miles
- Proposed Site Entrance to Leigh Delamere (East): 14.5 miles
- Membury Services (West) to Proposed Site Access: 14.3 miles
- Proposed Site Access to Membury Services (East): 14.6 miles

At a mean of 14.5 miles from the nearest established existing services in either direction, this site meets the criteria required by National Highways and the Government in Circular 01/2022. This makes this site sequentially the most optimum location to combat the shortfall in lorry parking on this section of the SRN.

Safety & Security

The submitted Design and Access Statement (ref: M49/900 Rev D, dated May 2024) ('DAS'), considers the security and safety of the proposed MRA in detail to ensure that all drivers (including resting HGV drivers) and vehicles are secure. Whilst specific detailed design is a matter for a later reserved matters application, the developer has already discussed the application with Wiltshire Police and a Crime Prevention Design Advisor. The DAS confirms that various security measures will be provided including site wide CCTV, ANPR checks, security fencing, internal cashpoints, natural informal surveillance between and around buildings and parking, specially designed landscaping and an unmarked police room on site in the amenity building.

Having regard to all the above, the proposed development would address an immediate and pressing need for secure HGV parking in Wiltshire and nationally. It would also benefit the wider SRN and improve highway safety for all road users. Consequently, the need is considered to be established and provision of this additional HGV parking is afforded substantial weight in favour of the application in the planning balance.

9.4 Need for EV Charging Spaces (Locally and Nationally)

The Department for Transport's Road Investment Strategy 2: 2020-2025 states *"In a changing world, where the demands on our SRN and the opportunities provided by new technology to meet those demands are developing rapidly, our strategic vision seeks to ensure that the SRN is 'future ready', whatever may emerge"*.

The Draft Road Investment Strategy 3: 2026-2031 (August 2025) states *"It is essential that the road sector plays its part in the goal of decarbonising the economy as well as being resilient to the effects of a changing climate"* (page 4).

Circular 01/2022 confirms the SRN also has an essential role in supporting the government's commitments

in Decarbonising Transport: A Better, Greener Britain (“the transport decarbonisation plan”).

The government's Net Zero Strategy: Build Back Greener (2021) aims for the sale of new petrol and diesel vehicles to cease by 2035, helping drive the decarbonisation of transport. The Zero Emission Vehicles (ZEV) Mandate requires that 80% of all new vehicles sold in Great Britain are zero-emission by 2030.

Taking Charge: The Electric Vehicle Infrastructure Strategy 2022 has the target of securing 300,000 public charge points as a minimum in the UK by 20230.

Central Government recognises the importance of a widespread, reliable refuelling and recharging network to provide confidence in the commercial viability of zero emission HGVs. By 2035, the government expects around 6,000 high-powered, open-access chargepoints (150-350 kW capable) to be installed across the SRN and to ensure that there is a high-powered and open-access charging network ready to meet consumer demand for EVs ahead of need, and to enable the phase out of new conventional petrol and diesel cars/vans by 2030 and HGVs by 2040.

In line with this goal, and Wiltshire Council's declaration of a climate emergency, the Council is focused on encouraging the use of electric vehicles in Wiltshire to help reduce the county's emissions through a commitment to improving the charging infrastructure to support those who drive electric vehicles.

Wiltshire Council Local Transport Plan 2025-2038 (LTP4) contains policy I1 which seeks to facilitate and encourage move to low and zero emission vehicles.

The Council's Freight Sub Strategy adopted in March 2025 aims to deliver on the vision and objectives of the LTP4, through developing policies to decarbonise and futureproof the county's freight networks, support the delivery of economic growth,

The Electric Vehicle Infrastructure Sub-Strategy (2025) sets out the policies for electric vehicle infrastructure (EVI) across Wiltshire, providing the strategic direction for EVI measures for the period up to 2027.

In the Government's 'Electric vehicle charging device statistics (July 2023)', the south west ranked 6th lowest of out 12 regions across the UK, for EV charging points per 100,000 population.

The proposed development will be one of the first Motorway Rest Areas where all car parking spaces will possess EV charging capabilities, with 50 'ready to use' charging points delivered on opening and the remaining spaces equipped with passive charging capabilities that can be brought into use in the future. All HGV spaces will have the capability to deliver EV charging facilities in the future.

The applicants have undertaken analysis into current trends to understand how many EV chargers will be needed at Moto destinations. The applicants have collected and submitted primary data in support of this application and provide predicted figures on the quantity of EV charging points needed across all their current sites. The predicted need for EV charge points are:

- 2023: 773 chargers;
- 2025: 1,045 chargers;
- 2030: 2,217 chargers; and
- 2040: 4,707 chargers.

Leigh Delamere (the nearest services to the West) has 9 charging stations, Leigh Delamere (the nearest service station to the East) has 3 charging stations, Membury Services (West) has 2 charging stations and Membury Services (East) has 2 charging stations.

The proposed 50 EV chargers that would be delivered upon opening of the proposal would increase availability by 312.5% on this stretch of the M4 SRN. The additional location for EV charging closes the gap between charging points.

The additional 50 no. immediately active EV spaces and 191 no. passive charging points will significantly help to boost the current provision and will contribute towards meeting the need for EV charging provision within the UK aligning with the Government's intention to cease the sale of new petrol and diesel cars and vans by 2035. Moreover, these facilities will continue to grow and expand throughout the lifetime of the development as power provision and technology evolve.

The Wiltshire Council EV Infrastructure Team have been involved in discussions about the proposal and have been consulted. The Team's Lead Officer confirms that the proposal will

"help accommodate the national growth in electric vehicle usage, especially as stimulated by the Zero Emission Vehicle (ZEV) Mandate" and "offers ultra rapid DC charging units, offering the quickest means to charge a vehicle and are the suitable choice for the main use case of the MRA: providing short dwell charging to vehicles mid-journey on the M4 motorway".

A secondary use for the MRA EVI provision is to provide electrical vehicle charging options to local communities, with the MRA site easily accessible from the surrounding road network. This will be of benefit to nearby residents who either don't have convenient local electrical vehicle charging or have access to limited charger numbers which may all be in use.

The proposal compliments the draft Wiltshire Council EVI Strategy which identifies that the council looks to the market to provide the majority of charging provision in the County. The proposed MRA site will help in doing that for the residents and settlements of rural Northwest Wiltshire.

The EV Infrastructure Team Lead Officer concludes that the applicant has *"communicated a realistic and pragmatic approach to increasing the EV charging provision over time... This will enable quicker and cheaper provision of increased charger numbers in line with the growth of electric vehicles adoption.*

Growth of charging provision is dependent on increasing the power supply to the site. The applicant has been in communication with the regional Distribution Network Operator (DNO) to identify the strategic long term needs and negotiate initial on-site power requirements. They have also demonstrated a willingness to adopt technologies which reduce the burden of EV charging on the national grid, such as demand management and battery storage".

Consequently, the proposed development will make a critical contribution towards EV charging at both a national and local level and broader Government targets. It is considered that this should be afforded substantial weight in the planning assessment.

9.5 Significant Job Creation and Investment

The adopted Wiltshire Core strategy has a number of strategic objectives. Strategic objective 1 is delivering a thriving economy and to encourage a buoyant and resilient economy to enable development to take place and encouraging economic viability providing local jobs for Wiltshire's population.

The NPPF states that *"Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways one of these is an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;"* (Paragraph 8)

"Planning ... decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. The approach taken should allow each area to build on its strengths, counter any weaknesses and address the challenges of the future". (Paragraph 85).

In addition to the construction jobs that would be generated as part of the proposal, the long-term

operational period would likely see a significant amount of additional spending from all users of the SRN in a fuel filling and EV charging and retail spending capacity. The application submission confirms that on opening, a minimum of 150 new full-time jobs will become available to local residents and the proposal represents a circa £30million investment for Wiltshire's Strategic Infrastructure.

The NPPF requires significant weight to be placed on such economic growth and as this is a primary strategic objective of the WCS, it is considered that substantial weight should be afforded to these economic benefits.

9.6 *High Quality Design, Sustainable Construction and Biodiversity Enhancements*

Core Policy 41 of the WCS requires 'Sustainable construction and low-carbon energy' aims to ensure that developments incorporate design measures to combat climate change through sustainable design methods.

The NPPF states that good design is a key aspect of sustainable development and that the planning system should support the transition to net zero by 2050. It should help to ... support renewable and low carbon energy and associated infrastructure. It goes on to state when determining planning applications for all forms of renewable and low carbon energy developments and their associated infrastructure, local planning authorities should give significant weight to the benefits associated with renewable and low carbon energy generation and the proposal's contribution to a net zero future.

Paragraph 134 states: "...significant weight should be given to:

- a) development which reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes; and/or*
- b) outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.*

The Applicant has followed a 'sustainability first' approach in the design generation of this proposal. This development will be one of the first Motorway Rest Areas where all car parking spaces will possess EV charging capabilities, with 50 'ready to use' charging points delivered on opening. A palette of high-quality materials has been indicated which reflects the low carbon, sustainable aspirations of the development and will include a green roof as well as solar panels. This can be secured through condition.

Whilst it is acknowledged that it will also provide a fuel filling station for petrol users, the provision of the EV charging superhub on opening is a significant benefit which is afforded significant weight. The proposed amenity would meet BREEAM Excellent standards and this would be secured by condition. It will achieve above the required statutory amount of Biodiversity net gain and be a modern fit for purpose motorway rest area raising the standard of design in this sector, which the NPPF requires significant weight to be afforded to.

Accordingly, in terms of principle of development the proposed development addresses the pressing national and local need for secure, safe, modern HGV parking. It would provide the largest Electric Vehicle charging hub in Wiltshire and one of the largest in the country with 50 EV spaces on opening and future proofed for easy increase in these numbers as technology and power provision allow, including crucially for electric HGVs.

The proposal represents a significant economic investment in much needed modern infrastructure to support the safer operation of the SRN, improving the quality of HGV driver welfare whilst contributing to meeting the UK net zero targets.

The proposal would provide a net gain in biodiversity and a significant amount of job creation for local residents. Added to this is a scheme which includes high quality design aspirations with high sustainability credentials raising the standard of design in this sector for necessary national infrastructure with no significant detrimental impact on local residents and occupiers.

Accordingly on this basis it is considered that the proposal meets the requirements of CP48, CP65 and CP66 Strategic Road Network. The proposal remains in accordance with the adopted Wiltshire Core Strategy, Local Transport Plans 3 and 4, the National Planning Policy Framework 2024, National Planning Policy Guidance, Circular 01/2022 and associated guidance.

The proposal is therefore acceptable in principle and does not represent a departure from the local development plan subject to the following technical considerations.

9.7 Mineral Resource: The application site lies in a Mineral Safeguarding Area. The area is safeguarded due to the presence of clay associated with the Kimmeridge Clay Formation and the underlying Ampthill Clay Formation.

The applicant has submitted a Mineral Resource Safeguarding Assessment with the application (by GWP, reference no. 230905v.02 dated September 2023). This report confirms that the site lies within an area which is safeguarded due to the presence of clay and concludes that no viable mineral resource would be sterilised by the proposed development. It is recommended that any clay excavated during works undertaken for the proposed development, which is surplus to on-site requirements (e.g. for landscaping), is not classified as a waste, is not disposed of to landfill and is made available for export from the site for landfill lining. This is recommended to be secured by condition.

Subject to this condition, it is considered that the proposed development is acceptable with regard to Policies MCS6 and MDC4 of The Wiltshire and Swindon Minerals Core Strategy 2006 – 2026 and Development Control Policies Development Plan Document as well as the National Planning Policy Framework.

9.8 Retail Impact: The application is not specifically for retail but a mixed use site for a motorway rest area. As such there is some ancillary retail proposed as part of the development to be contained within the proposed amenity building. It is considered that by the nature of the proposal some ancillary retail is necessary to service the users of the site from the SRN. These users would be unlikely to otherwise use existing facilities and services elsewhere given that the primary purpose of the proposal is a quick refueling stop. Sequentially this proposal is in the optimum location and would be unlikely to materially harm the vitality and viability of other town center uses, simply because the users would be highly unlikely to go into the town centers otherwise. It is a different footfall / catchment of users than those who would be using the town centre services.

Accordingly, it is considered that the proposed ancillary retail on the site is acceptable and would not harm the vitality, viability or economic interests of business/service providers within the villages and closest town centres (including Swindon) and thus the proposal is acceptable in this regard.

9.9 Flood Risk and Drainage: Adopted WCS CP67 requires all new development to include measures to reduce the rate of rainwater run-off and improve rainwater infiltration to soil and ground (SuDs). Whilst paragraph 181 of the NPPF requires local planning authorities, when determining planning applications, to ensure that *“that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment”*.

The submitted Flood Risk Assessment and Surface Water Drainage Report (produced by Pell Frischmann, reference 784-B048803, dated November 2025) confirms that the site is located wholly within floodzone 1 with no risk of groundwater flooding. The FRA includes the greenfield surface water run-off calculation, hydraulic modelling up to and including the 1 in 100-year storm event plus 40% increase for climate change, outline surface water drainage layout plan, maintenance schedule and flood exceedance plan.

The site is generally at low overall risk of surface water flooding with some slight areas of low risk to the east and west of the site associated with topographical depressions. A small field drain is within the

site boundary along the eastern boundary of the site which likely serves a land drainage function. Several smaller unnamed watercourses are found immediately surrounding the site boundary and in the wider area. Some of these form part of the highway drainage network, and others provide a land drainage function to the agricultural land, with wider connectivity to watercourses to the east. In terms of the risk of surface water flooding, the majority of the subject site's developable areas are at low risk, with surface water to be managed on-site utilising SuDS.

A surface water drainage strategy has been prepared for the submitted scheme, and details are provided as part of the Sustainable Drainage Report ref: 107846-PEF-ZZ-XX-RP-CD- 000001. The strategy is based on discharging surface water runoff from the site at the equivalent greenfield rate, with the additional volume stored within attenuation basins before being discharged to the local watercourses, following the existing watersheds across the site.

Additional SuDS features are proposed to complement the strategic attenuation basins, and the specific design detail will be subject to a condition requiring such details to be submitted at reserved matters stage. This would include features such as permeable paving, rainwater butts, tree pits and rain gardens. These will act as source control measures by capturing and managing runoff close to its source, while providing amenity and biodiversity improvements, as well as improving the quality of runoff.

The Council's drainage engineers have raised no objection to the proposal subject to conditions requiring

- a detailed surface water drainage strategy to be submitted alongside reserved matters demonstrating how the surface water hierarchy has been applied;
- detailed drainage calculations with drainage drawings showing the pipe/link & manhole/ node numbers used in the calculations as well as a plan showing the cross sections and design of any attenuation pond and its components;
- runoff calculations which demonstrate that the required 20% betterment against greenfield rates has been achieved for all storm events between the 1 in 1 year and the 1 in 100year return period storm events.

Thames Water have raised no objection but due to the presence of water mains in proximity to the site, have requested that an informative advising the developer of their rights and obligations is submitted in the event of any grant of permission.

National Highways have raised no objection subject to surface water drainage conditions ensuring no water enters the motorway.

It is noted that the hydraulic modelling for a 1 in 100-year storm event plus 40% increase for climate change indicates that the development proposed surface water layout floods during various storm durations, which could impact the downstream land drainage system and National Highways M4 culvert.

National Highways expect the applicant to review their hydraulic modelling as part of a detailed drainage design to be submitted with reserved matters which should also be submitted for NH review and acceptance in respect of the SRN.

It is also noted by National Highways that the proposal to install a new roundabout on the B4005 could impact the existing surface water drainage between the M4 J16 Spittleborough Roundabout and Hay Lane, to which National Highways currently has a lease title. This is indicated within the Conceptual Surface Water Drainage Strategy drawing 107846-PEF-ZZ-XXDR-CD-0504. Any changes to the B4005 surface water drainage may have an impact on National Highways downstream M4 1200Ø Culvert at MP131.7+50m. This will therefore need to be evidenced and addressed as part of the detailed drainage design for the development at reserved matters stage. National Highways considers that this matter can be addressed by a suitable planning condition to secure the submission of a detailed drainage design in respect of the SRN impacts. Similarly, the proposed mitigation scheme on the M4 westbound off-slip will also impact on existing drainage assets which will need to be accommodated to DMRB standards through the s278 and associated scheme detailed design process.

The Environment Agency have also been consulted and raise no objection subject to conditions requiring details of foul drainage to be submitted with reserved matters as well as pollution prevention measures to be incorporated in to the construction and operational period of the development specifically with regard to surface water drainage and storage, construction methods and in the unlikely event of any unidentified contamination being found during development.

Subject to the above conditions being applied, it is considered that the development will not have an adverse impact on the flood risk on the site and will not result in increased flood risk elsewhere thereby according with WCS policy 67 and 68 as well as provisions of the NPPF and other associated guidance.

9.10 Loss of Agricultural Land: The NPPF paragraph 187 states that “planning ...decisions should *“contribute to and enhance the natural and local environment by ...recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland”*”.

The site’s agricultural land classification is mapped as follows:



Figure 20: Extract from Natural England’s Magic Map (Agricultural Land Classification Layer)

The applicant has submitted an Agricultural Land Quality Assessment (produced by Kernon Countryside Consultants reference KCC3518ALQC dated September 2023). The survey confirms that the site is subgrade 3B moderate quality. Land to the north and west of the site has also been graded as subgrade 3B and is therefore considered not to be best and most versatile land and the proposal is acceptable in this regard.

9.11 Layout, Design and Visual Impact: As this application is in outline with access being the only detailed matter open for consideration at this stage, the design, layout, scale, appearance and landscaping are not matters to be assessed at this stage but would need to be addressed as part of any future reserved matters application. It is, however, necessary for the Council to be satisfied that the proposed principle of development can be adequately accommodated across the application site, to ensure that a high standard of design can be achieved.

Core Policy 51 (‘Landscape’) of the WCS states that new development should protect, conserve and where possible, enhance landscape character. The policy requires applications to demonstrate how development proposals conserve and where possible enhance landscape character through sensitive design, landscape mitigation and enhancement measures.

Core Policy 57 of the adopted WCS requires a “*high standard of design*” for all new developments. This policy requires developments to “*create a strong sense of place through drawing on the local context and being complementary to the locality*” with applications being accompanied by appropriate information to demonstrate how the proposal would “*make a positive contribution to the character of*”

Wiltshire" and sets out a list of criteria that proposals for new development must comply with.

In addition, paragraph 131 of the Framework seeks the *"creation of high quality, beautiful and sustainable buildings and places..."*

Paragraph 135 of the Framework sets out a series of criteria which planning policies and decisions should ensure developments create, including being of high quality over the lifetime of the development, being visually attractive and sympathetic to the local character and history, creating a strong sense of place and creating places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

Paragraph 136 makes special reference to trees within developments stating that trees *"make an important contribution to the character and quality of urban environments and can also help mitigate and adapt to climate change"* and continues to state that both planning policies and decisions *"should ensure that new streets are tree-lined"*.

This outline application has been accompanied by an illustrative masterplan (drawing no. 915-210 Rev F), development parameter plan (drawing no. 915-205 Rev F), in addition to a Design and Access Statement (DAS) (Rev D, dated May 2024). These plans and documents demonstrate the developable area and illustrate how the site could indicatively be laid out. A Computer Generated Image ('CGI') of how the proposed development could look once it has been built out has also been provided.



Figure 21: Computer Generated Image of indicative proposed design taken from the submitted DAS May 2024

The Design and Access Statement (May 2024) sets out the vision for the development. The proposed Motorway Rest Area ('MRA') is a junction facility that would be accessible from both directions of travel on the M4 at existing Junction 16.

The Illustrative Masterplan indicates that the overall MRA proposal would comprise of the following main elements:

- An Amenity Building containing hot and cold food offers, shops for essential goods, lavatories, pay phones, shower and seating / resting areas. This building would have a footprint of circa 2,300m² and a gross external floor area (including a potential mezzanine floor) of circa 3,500m²; and would sit under an innovatively designed, sweeping green roof which would assist with

assimilating the scheme into its setting;

- A Filling Station shop and payment point, with a footprint of circa 250m² with its own green roof;
- A Fuel Filling Forecourt canopy with 4 islands (8 filling points) for cars, vans and small commercial vehicles. This would be located immediately to the north of the Amenity Building, underneath its own roof canopy with a potential to house a PV array;
- A separate stand-alone Fuel Filling Forecourt canopy with 2 islands (3 filling points) for HGVs and coaches, again underneath its own roof canopy with a potential to house a PV array;
- A means of access from the B4005. This would comprise a new roundabout arrangement along the B4005 providing entrance and exit points to the site;
- Parking for up to 241 cars (including 20 accessible spaces), 63 HGVs (to include an abnormal load bay), 6 coaches, 7 caravans (including 1 space for disabled users), and 12 motorcycles.

The parking provision would include a large number of electric vehicle charging stations (50 charging spaces to be provided immediately) and be future proofed to provide the space for potentially 100% EV parking. All parking would be free of charge for a minimum of 2 hours and the level of provision meets the relevant standards for an MRA.

- Surface water drainage infrastructure, forming part of a site-wide sustainable drainage system;
- Sub stations and other services points and associated works;
- On-site hard and soft landscape scheme, together with earthworks across the site and the provision of screen mounding in part by way of traditional bunding. The proposed landscape areas would incorporate:
 - o A Children's Play Area adjacent to the amenity building;
 - o New areas of structural, native landscape planting;
 - o Habitat creation works;
 - o Land management techniques to enhance local ecological land value/potential.
- Other associated infrastructure including fencing, lighting and signage.

The MRA is proposed to be open 24 hours a day, for 365 days of the year. On this basis, and in light of the provision outlined above, the scheme meets the relevant requirements for an MRA, necessary to qualify for signage on the motorway network.

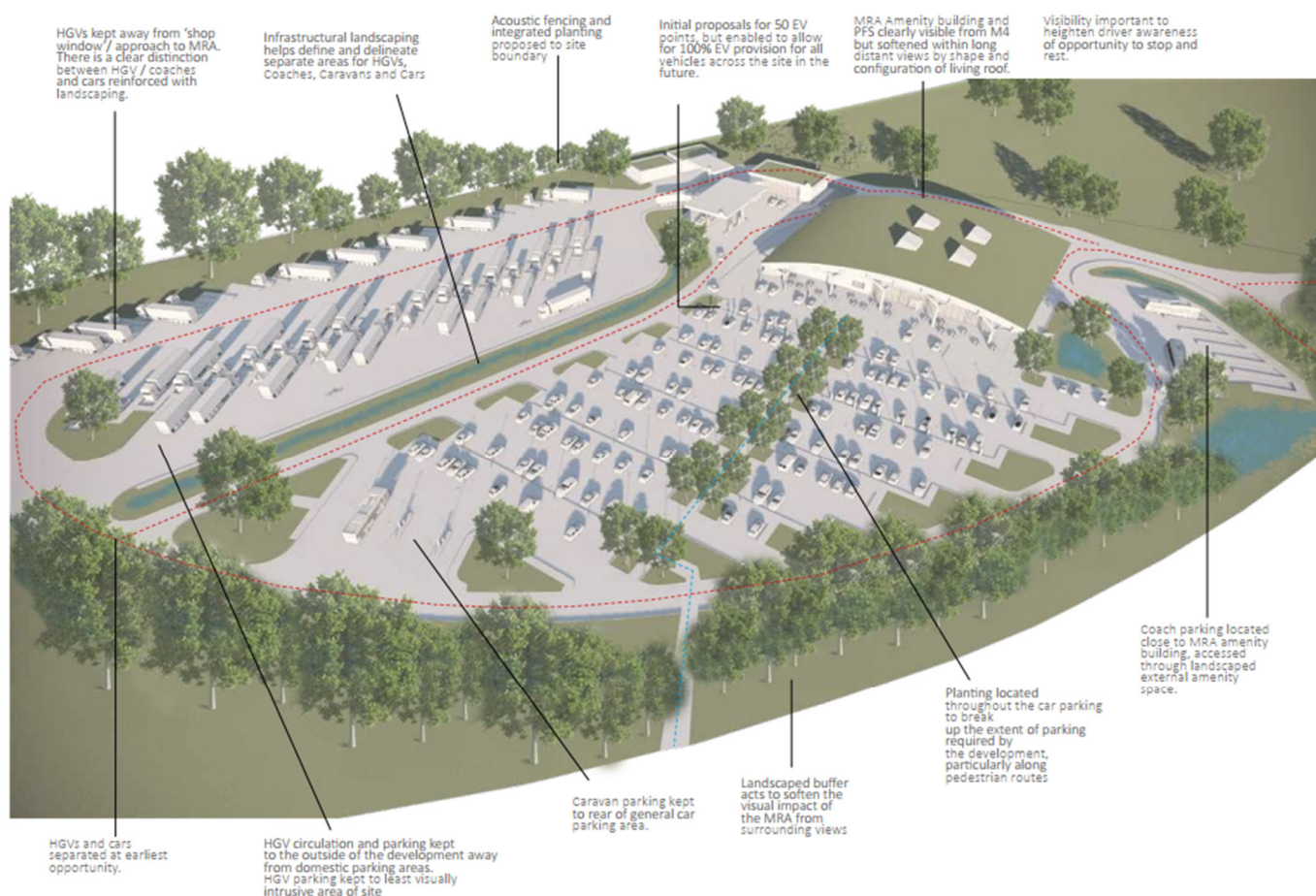


Figure 22: Proposed illustrative site CGI taken from DAS May 2024

The proposal also includes significant net gains for biodiversity. In terms of the design and appearance of the proposal and the overall layout of the site, including waste provision details, these would be matters for any future reserved matters submission.

The Waste & Recycling Officer has confirmed that non-residential premises require suitable storage space for waste containers that is accessible to a RCV. Applicants should estimate the type and quantity of waste generated by the commercial premises and plans should demonstrate that the space is suitable for the waste generated, preferably with containers drawn in situ. Tracking should show that the RCV can access the storage point or a designated collection point. This is matter for the detailed design stage.

A condition is recommended to be attached to the grant of any permission to secure the key principles and commitments set out in the parameter plans and DAS to deliver a high-quality design at the Reserved Matters application stage, together with a condition regarding details of waste storage and recycling and disposal.

Safety and Security – Designing out Crime: The Wiltshire Council Paragraph 96 The National Planning Policy Framework highlights the importance of achieving safe and accessible environments where crime and disorder, and the fear of crime do not undermine quality of life, or in the context of the development, the quality of the user experience.

As part of the submitted Design and Access Statement ref M49/900 Rev D dated May 2024) ('DAS'), the applicants have given close consideration to the security and safety of the proposed MRA to ensure that it does not attract antisocial behaviour and will ensure that drivers (including resting HGV drivers) and vehicles are secure.

Sustainability and Climate Change: WCS Policy CP41 requires new development to incorporate design measures to reduce energy demand and for major planning applications to be supported by a Sustainable Energy Strategy.

In terms of transport paragraph 104 states that “transport issues should be considered from the earliest stages of plan-making and development proposals, so that..... opportunities to promote walking, cycling and public transport use are identified and pursued”.

In terms of the future national direction of travel the 10 Point Plan, Net Zero Strategy, Heat and Buildings Strategy, the Sixth Carbon Budget and Powering Up Britain are very clear. The intentions include:

- More journeys by public transport, walking and cycling;
- More electric cars; and
- More renewable energy and storage technologies.

This application is supported by a BREEAM Sustainability Champion Report (by Encon Associates August 2023 ref A5991) demonstrating the ability of future reserved matters proposals to meet BREEAM Excellent and a Sustainable Construction & Energy Statement (produced by SDA October 2023 Ref: 3449-SDA-ZZ-ZZ-RP-EN-00101) which sets out key sustainability measures for the proposal including using low-impact materials; minimizing water consumption; reducing energy demand; and, utilising renewable energy options.

The Council's climate officer has provided comment on this application and has offered support and encouragement for the principle of providing important infrastructure that will support the transition to low carbon transport whilst maintaining social mobility. The use of roads for the movement of goods and people is engrained in how our society functions and so whilst the climate team would support the principles of 'avoid' and 'shift' from private vehicle use, the principle of 'improve' is also important. 'Improve' includes a shift from petrol and diesel vehicles to ultra-low emission vehicle alternatives such as electric vehicles (EV), biofuel HGVs/coaches and green hydrogen HGVs/coaches.

Officers have reviewed the BREEAM Pre-Assessment and note that credits to meet and slightly exceed the minimum threshold for BREEAM “Excellent” are targeted. The applicants have also indicated the potential to score “Outstanding”. At this stage, the proposal is outline only and technical design is only likely to be developed in the future. Therefore, subject to a condition to secure BREEAM Excellent certification post completion of the development then the proposal will satisfy this element of CP41 would be likely to satisfy emerging policy in relation to BREEAM.

The Sustainable Energy Strategy addresses the requirement of CP41 to outline the low carbon strategy for the proposal. The scheme is also to provide an external lighting scheme that has achieved a BREEAM rating of excellent. Given that this is an outline application and the scheme is at concept design stage, it is proportionate and appropriate. It sets out a degree of ambition with a commitment to be an electrified building, taking a fabric first approach to minimise energy and also looking to use low carbon and renewable technologies. The strategy also sets out positive suggestions and possibilities in relation to ensuring the scheme is low in embodied carbon. A condition to require a further Sustainable Energy Strategy to be submitted concurrently with any future reserved matters applications is recommended to ensure that the proposal achieves its commitment to meet the set targets.

9.12 Landscape and Visual Impact: In terms of landscape impacts, landscaping appearance and design are reserved matters but it is important to assess the principle of the proposed development in landscape terms at this outline stage.

The site sits in the 'Upper Thames Clay Vales' Countryside Character Area (Natural England), located to the south of Swindon, and to the north of 'Calne Rolling Clay Lowland (11A)' of the Wiltshire Landscape Character Assessment, which is noted to be in 'good' condition, with a 'moderate' strength of character and a strategy to conserve and strengthen the landscapes inherent character.

The site itself does not lie within any national landscape designations. The North Wessex Downs National

Landscape (formerly 'North Wessex Downs AONB') lies circa 2.3km to the southwest of the site at its closest point. There is some potential for visual receptors within the National Landscape to share some intervisibility with the site due to the elevated topography of the National Landscape which rises up from the lower clay vale landscape, with some potential for the site to be visible within the wider visual setting of the National Landscape. Notwithstanding this, the site would be viewed in the context of the existing significant infrastructure of Junction 16, the M4 and the existing established high density urban area of Swindon.

The site falls within the 'Great Western Community Forest' (GWCF) plan area. The GWCF supports the principle of increased tree planting to deliver multiple benefits including improvements to landscape character at the urban fringe, increased countryside recreation and access to countryside opportunities for Swindon's urban population and outlying smaller settlements.

The topography and existing vegetation around the development site provides for open views across the site from the M4 carriageway, the westbound off-slip and junction circulatory lanes. The submitted Illustrative Masterplan shows limited landscape mitigation along the northern boundary of the development.

Initially the Landscape officer raised objections due to a lack of information demonstrating sufficient planting and landscaping of the site. The application has been accompanied by a Landscape and Visual Impact Assessment (LVIA) and Addendum addressing in part the concerns raised by the landscape officer. The landscape concerns about sufficient landscape planting and tree planting throughout the site would be matters for a future Reserved Matters application(s), as landscaping and layout are not matters open for the Council to consider at this stage.

The revised Parameters Plan (Drawing ref: 915-205) now includes identified areas to serve as a southern site perimeter woodland buffer which offers some additional assurance to the LPA that the development could provide appropriate mitigation from within the site to mitigate direct effects of development upon countryside receptors and adjoining landscape character to the south and east of the site (over medium-longer term) at subsequent detailed design submission stage.

Concern was raised about the impact of vehicle headlights. The direction of travel of HGVs through the HGV parking area do have the potential to create a distraction to M4 traffic from headlights and other top marker lights typically found on HGVs and this will need to be addressed through detailed design at reserved matters. An HGV Headlight Spill Plan has been provided which proposes a 2m close boarded fence along the motorway boundary and given the topography of the site, such that it is set in a dip, it is considered that detailed design and appropriate boundary treatments can be secured to ensure that this would not result in harm to the highway or locality at Reserved matters stage.

National Highways also raise no objection in this regard and are content with the matter to be conditioned to ensure a robust, landscaping scheme is secured for the site. Highway visibility splays have been adequately demonstrated and detailed highways works will be required through s106 and a separate tandem s278 agreement.

Green roofs and solar panels will be incorporated within the final design as shown on the proposed parameters plan (to be conditioned) and details for these can also be secured through condition.

National Highways have requested a Glint and Glare Survey to be submitted for review with future reserved matters to ensure no adverse impact to users of the M4 and associated slip roads, this is considered acceptable and recommended to be secured through condition.

National Highways encourage the use of native and naturalised species planting to provide or support visual screening mitigation, with an evergreen component to sustain this all year round. Any fences, screening and other structures must be erected outside of the highway boundary in accordance with paragraph 57 of DfT Circular 01/2022 "The Strategic Road Network and the Delivery of Sustainable Development" and far enough within the developer's land to enable maintenance to take place without

encroachment onto highway land. It is therefore considered necessary for the applicant to submit a detailed Boundary Treatment and Landscape Plan at reserved matters stage to ensure there would be no impacts on the SRN. This will need to be accompanied by an associated Planting Schedule and maintenance strategy.

National Highways also request that there is no construction proposed within the north-east area where there are some trees within National Highways estate that are close to the red line boundary of the application site. In the field where construction is taking place, 'Tree Protection Fencing' is to be provided as part of the reserved matters which is recommended to be conditioned which would protect any trees that may be within our estate. Accordingly all matters of concern raised by the landscape officer have been adequately addressed and the proposal is acceptable in this regard.

PROW

The nearest recorded Public Right of Way is LTRE6, to the east of the site, heading East to the Boundary with Swindon where it terminates with no onward connection. The start of the Eastern spur of LTRE6 is on the edge of the application site. Whilst this path has no onward connection the path must still be accessible however the PROW officer has requested £3,500 towards improvements on the section of LTRE6 to the west of the proposed development as officers believe this path will see an increase in use as motorists stop for a break and walk the dog. The money would be spent on surface improvements and Access furniture upgrades. This is considered acceptable and can be secured as part of the s106.

Trees

The application is supported by an Arboricultural Impact Assessment (produced by) and a Tree Retention and Removal Plan. There are trees on site and the surrounding area which are protected by TPO 51 which was made in 1975. There are three groups of trees located on this proposed site G22, G23 and G24. The trees noted within these groups are Elms and one Oak tree although the Oak tree is outside the application site. Due to Dutch Elm Disease the protected Elm trees are no longer in existence which would leave the Oak tree which is being retained and is not on the application site.

Three trees T4, T11, and T13 have been given a 'U' category and should be removed for reasons of sound management. Two sections of H3 which are situated on the eastern boundary will be required to be removed to facilitate field access. Mitigated planting should be included in any proposed landscaping scheme at reserved matters and can be secured through condition. All works should be carried out as specified in the Arboricultural Impact Assessment & Arboricultural Method Statement which incorporates the Tree Protection Plan dated 18th September 2023. The arboricultural officer raises no concern or objection and as such subject to conditions, the proposal is acceptable.

9.13 Highways: Strategic Objective 6 of the WCS requires the strategy to ensure that strategic and local transport needs are managed in a sustainable manner through the provision of essential infrastructure appropriate place shaping and the provision of new and improved infrastructure will be positively supported provided there is no detrimental environmental impact. It seeks to ensure that strategic transport corridors are where appropriate improved in a sustainable way.

Criterion xiv of CP57 of the adopted WCS requires proposals to satisfy the requirements of CP61. Policy CP61 requires new developments to be "*located and designed to reduce the need to travel particularly by private car, and to encourage the use of sustainable transport alternatives*". CP61 also requires in criterion ii that proposals would be "*capable of being served by safe access to the highway network*". In addition, CP64 of the adopted WCS requires adherence to parking standards.

The current Freight Strategy recognises the need to achieve a more sustainable distribution of freight and to support the priority themes of climate change and economy. It is recognised that the overwhelming majority of freight distribution within the county is made by road, and that this is likely to remain so in the foreseeable future. This has been reflected in the freight strategy policies as part of the latest Local Transport Plan LTP4.

In addition to the abovementioned policies, paragraph 116 of the NPPF states that developments

“should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios”.

It is important to remember that this outline application is only seeking detailed consideration on the proposed means of vehicular access, with all the other matters, including internal road layouts, being reserved for future detailed consideration.

The proposal comprises a new Motorway Rest Area (MRA) including up to 241 car spaces, 63 HGV spaces, 6 coach spaces and caravan parking with new site access via a purpose-built roundabout on the B4005. Internal pedestrian routes are indicated with a new footway/cycle link proposed on the B4005. EV charging infrastructure will also be provided with all spaces EV-ready and 50 rapid charging spaces will be available immediately on opening. The site will be future proofed to ensure the infrastructure is available for GHV electrical charging too when technology and power generation allow. On-site fuel filling stations (car and HGV) will be provided within a separate fuel filling station with the potential to upgrade to biofuel in the future.

Vehicular access to the Motorway Rest Area (MRA) would be provided via a new 4-arm, 55m roundabout off the B4005. Submitted plans show that the proposed roundabout junction removes an existing field access which will be replaced by an arm from the roundabout separate to the arm providing access to the development. This additional arm will serve the field to the south-east of the development only. This field is outside of the application red line boundary. It is acknowledged that an alternative access to the adjacent land will need to be provided by the development and on the understanding that this additional spur provides access to the agricultural field only, National Highways concur that the requirements of Circular 01/2022 would be met. The additional works to the roundabout outside the redline, but wholly contained within the adopted highway can be secured through a section 106 and through a related Grampian condition.



Figure 23: Proposed access shown on the illustrative masterplan

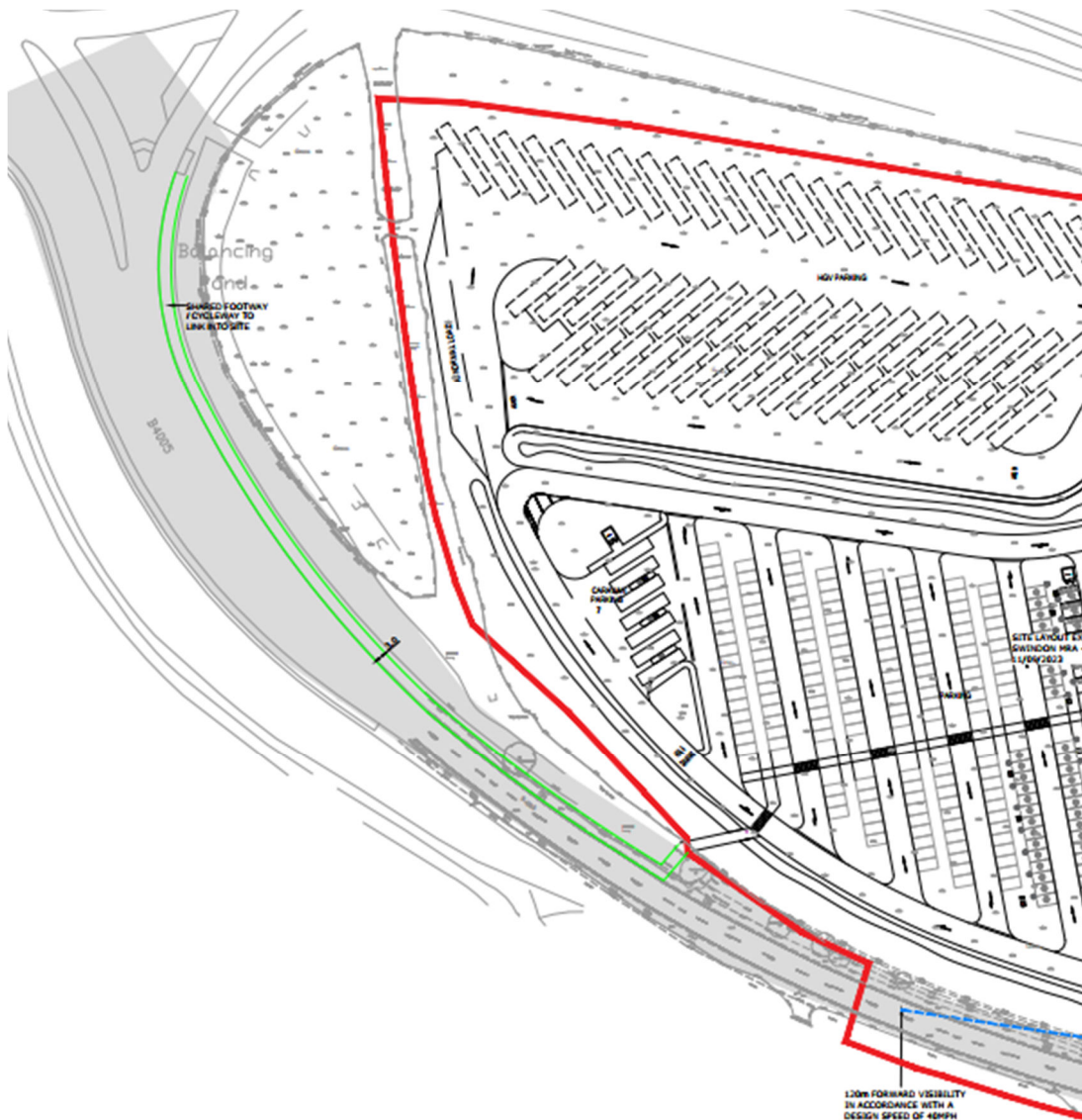


Figure 24: Proposed Footway and cycle link Ref 3728-F06 Rev C

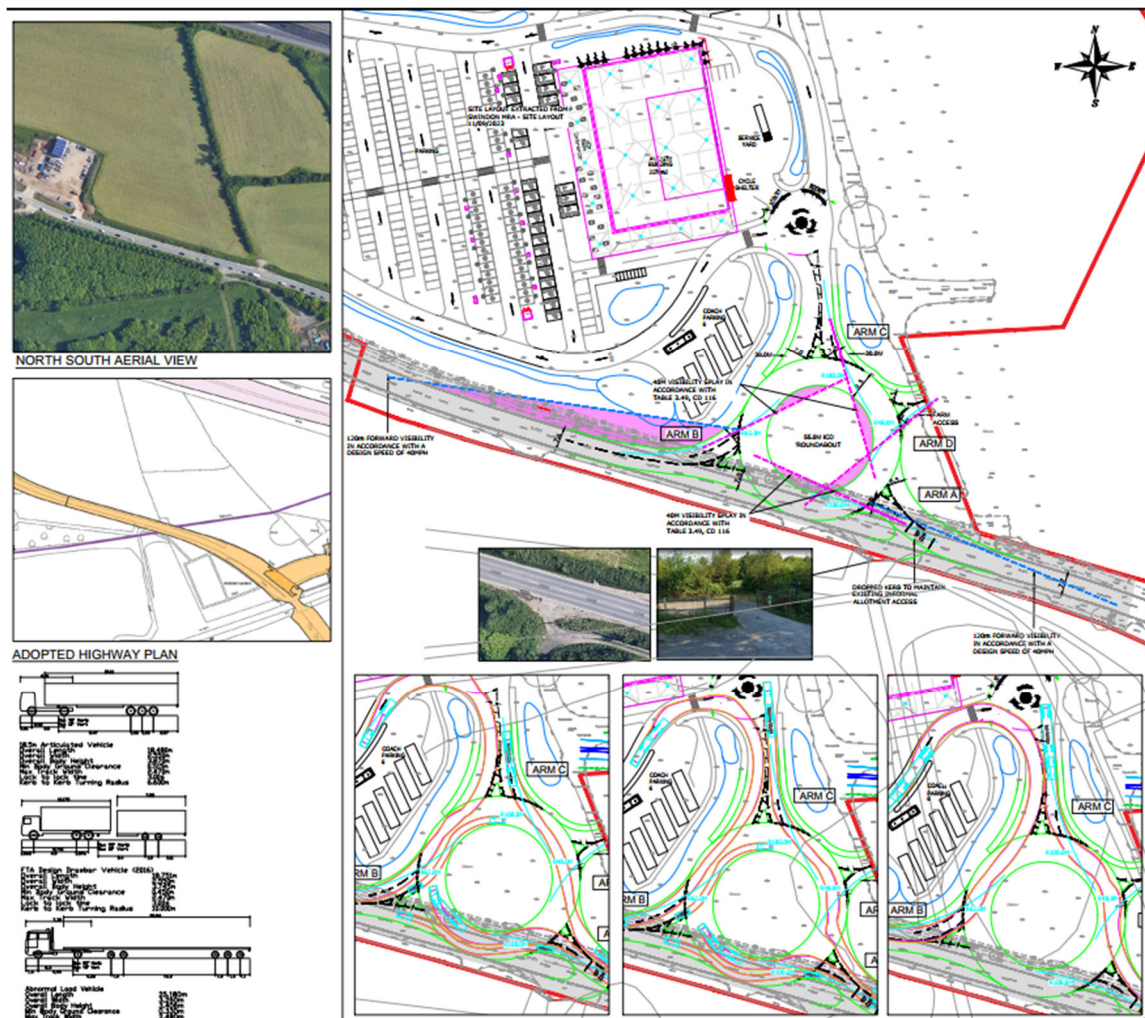


Figure 25: Proposed site Access plan ref 3728-F04 Rev I

The proposed roundabout design accords with DMRB standards and has been subjected to a Road Safety Audit (RSA), which identifies no fundamental issues preventing the safe operation of the access subject to delivery of recommended mitigation measures. These measures include adjustments to roundabout geometry, visibility controls, lighting provision, and relocation of the existing agricultural access, further back in the site to ensure highway safety of users of the roundabout. The roundabout has been designed to accommodate all vehicle classes, including HGVs associated with the proposed service area.

The illustrative application site layout proposes an informal route between the HGV parking area and the plot of land to the east which is within the application red line and intended to provide biodiversity enhancements. This connection would also be compliant with the Circular on the understanding that the land the connection serves remains part of the development.

National Highways is recommending a planning condition to ensure that the adjacent land remains for biodiversity purposes ancillary to the MRA only and for no other use. It is considered that a condition to this effect would meet the tests required by the NPPF and it recommended to be attached in the grant of any permission.

Active Travel and Sustainable Access

In terms of sustainability, the proposed development by its nature is likely to attract motorised vehicles with less desirability or need to accommodate significant increase in pedestrians and cyclists given its main purpose is to serve those already using the M4 motorway. In this regard it is not likely to increase the use of private motor vehicles as it is simply serving the existing users of the motorway.

A number of PRoWs can be accessed from the A3102. In turn, these footpaths provide links to Royal Wootton Bassett and to Swindon. It should be noted that there are no PRoWs on the site itself. That said, the proposal could be made more accessible for employees by public transport, walking, and cycling, and proposed provisions for sustainable access are intended to be integrated with the existing established development in the locality.

The site benefits from access to regular bus services operating from stops located on the A3102 Swindon Road, immediately west of the development. These stops provide frequent services throughout the day to destinations including Swindon, Chippenham and Royal Wootton Bassett, with operating hours typically between 04:45 and 23:45, offering a practical alternative to car travel for staff commuting.

Swindon Railway Station is also accessible, being reachable via a 15-minute bus journey on Service 55 or a 26-minute cycle. The station provides frequent services—approximately 13 trains per hour—to major destinations such as London and Swansea, further supporting multi-modal travel opportunities. Overall, the site is considered to be accessible by sustainable public transport for local employees, with realistic opportunities for both bus and rail-based commuting.

The proposals include a shared footway/cycleway link to the B4005, with the opportunity to connect into a new footway on the site's southern boundary. Internal circulation provides safe pedestrian routes between parking areas, the amenity building and fuel filling station. Cycle parking and staff facilities (showers, lockers and changing provision) are incorporated to promote sustainable travel for employees.

A Staff Travel Plan accompanies the application, targeting reduced single-occupancy car travel (5% shift within 3 years) and promoting car-sharing, public transport use and electric vehicle (EV) mode share. EV charging infrastructure is integrated, with all parking spaces future-proofed to be EV-ready. This would be secured through conditions and a s106.

Traffic Generation and Highway Network Impact

The TA identifies robust trip rates using comparable M4 motorway service areas. Resulting peak hour movements are forecast to be:

- AM Peak: 251 arrivals / 251 departures (191 cars, 60 HGVs)
- PM Peak: 330 arrivals / 330 departures (251 cars, 79 HGVs)

Only 7% of all trips are expected to route via the local highway network, with 93% entering/exiting directly from the M4.

Junction Capacity Assessments

In terms of the B4005/Site Access Roundabout, operational analysis confirms all arms would operate within capacity ($RFC \leq 0.90$, queue lengths ≤ 9 vehicles) in 2033 with-development including the emerging Local Plan scenario.

In terms of the M4 Junction 16, this has been modelled using VISSIM microsimulation. National Highways-accepted modelling shows negligible increases in delay (AM +5–6 sec; PM –8–9 sec) with no adverse impact on the M4 mainline or slip roads. Queues remain within available storage lengths under all future year scenarios (2027 and 2038).

Highway Safety

Collision data for the local network shows no pattern of highway deficiencies likely to be exacerbated by the development. In particular at J16, 11 collisions occurred between 2017–2021 (10 slight; 1 serious), with no identifiable infrastructure-related issues. There are no recorded collisions on the B4005 in the vicinity of the proposed site access. It is acknowledged that representations have been received raising significant concern about HGVs using Marlborough Road/Brimble Hill to the east of Wroughton approximately 5k from the proposed motorway rest area site. Photographs, images and written accounts have been submitted stating that this road is not suitable for HGV traffic. While these concerns are fully appreciated, no evidence has been provided as part of this application to indicate that the proposed

development would generate a material increase in HGV movements along this particular route.

This conclusion is reinforced by the separation distance between the site access and Brimble Hill, and more importantly, by the fact that the development is designed to serve users of the Strategic Road Network at the M4 and to encourage HGVs away from using the local highway network where it can be avoided. It is therefore considered unlikely, taking into account all reasonable scenarios, that the proposed Motorway Rest Area would result in a significant increase in HGVs using this road on the far side of the settlement.

The impact of the proposal on the existing access to the allotments opposite the site on the B4005 was raised as a concern in the representations and noted in the RSA. The subsequent designer's response on behalf of the applicant demonstrated that appropriate visibility is achievable from the allotment access.

It is understood that the applicant met with the allotment owners to give them comfort over the proposals. To address these concerns, the applicant's transport consultants discussed the proposals with them and made some small changes to the allotment access radii and added 'keep clear' road markings to prevent any potential queuing from blocking the site access.

Consequently, the proposals are likely to improve the vehicular access to the allotments as the proposals reduce traffic speeds on approach and provide an increased 'off carriageway' hard standing area for allotment users to wait whilst entering / exiting the allotment site.

In terms of the RSA, the applicant has accepted all recommendations arising from it and committed to implementation at detailed design stage and through reserved matters. All of which can be secured by condition and through the s.106. This would ensure there would not be an unacceptable impact on highway safety for the local road network and the residual cumulative impacts on the local road network following mitigation would not be severe taking into account all reasonable future scenarios.

Wiltshire Council's Highways Officer and Strategic Transport Specialist, as well as National Highways, raise no objection, subject to planning conditions (and a sealed legal agreement) and consider the proposed roundabout and new access points to serve the proposed development to be acceptable when tested against the NPPF and local plan policy and highway standards.

National Highways

National Highways has been an important consultee throughout the assessment of this application. Extensive work and detailed discussions have been ongoing. National Highways primary consideration is for the ongoing safe and efficient operation of the M4 and J16. Subject to being otherwise acceptable with regards to safety, congestion and asset impacts, National Highways policy as set out within DfT Circular 01/2022 is supportive of proposals that increase and improve facilities for both freight and EV charging, which the proposed development will deliver. Further National Highways is supportive of proposals which increase roadside facilities for HGV drivers and the freight sector and they note that a number of distribution and warehousing developments have come forward along the M4 and A419 corridors increasing demand for freight facilities.

DfT Circular 01/2022 sets out the minimum standards and requirements for Motorway Rest Areas, particularly with regards to the provision of signing from the SRN. The applicant has sought to provide facilities that comply with these requirements. An informative is recommended to be included on any grant of permission to remind the applicant that motorway signage is subject to a separate application process directly with National Highways.

DfT Circular 01/2022 sets out our requirements with regards to access in respect of roadside facilities. In particular, paragraph 91 states that *"there must be no route through a roadside facility or its access link between the local road network and the SRN. In addition, any subsidiary accesses must be restricted to staff, deliveries, parties carrying out duties for and on behalf of the Secretary of State, the company, the emergency services, and breakdown recovery and assistance."* Paragraph 92 further states that *"access to other developments through a roadside facility or from its connection to the SRN*

is not permitted. Furthermore, where a new connection is agreed for a proposed roadside facility, the company will expect any subsequent change in the permitted land use to be in accordance with paragraph 22 of this circular.” Paragraph 22 sets out the expectation that planning authorities should restrict any change in the permitted land use of the associated development unless otherwise agreed by the strategic highway authority and that further through access to other developments should similarly be restricted.

Assessment of Traffic Impact and Mitigation

The proposed development has been assessed in a Vissim microsimulation model previously developed on behalf of National Highways. Extensive work has been undertaken in close discussion with National Highways for the scheme. National Highways has therefore been frequently updated and consulted on every aspect of the planning application and site evolution. National Highways make the following observations as part of their final consultation response:

“The [Vissim] model covers M4 J16 and the neighbouring junction of the A3102 Great Western Way with Lydiard Fields and Frankland Road. The model represents a 2023 base year, drawing on traffic survey data collected in July 2023 and covers assessment periods of 7.15-9.15am and 4.15- 6.15pm.

On behalf of the applicant, Eddisons [the applicant’s transport consultants] have used the model to assess the impact of diverted traffic passing through M4 J16 to access the proposed MRA. Various modifications to the model have been agreed between Eddisons and National Highways, including the minor modification of junction intergreens to reflect forthcoming changes.

Traffic demand has been estimated on the basis of available data for the nearby Membury and Leigh Delamere online Motorway Service Areas. The approach adopts average arrival and departure trip rates across the two service areas for the identified M4 J16 peak hours of 7:30-8.30am and 4.30-5.30pm. The resultant trip generation figures applied by Eddisons are summarised in Table 1 below, with the proposed development forecast to attract 502 two-way vehicles trips in the AM peak hour and 660 two-way trips in the PM peak hour. Peak hour traffic demand has then been extended across the wider model periods.

Time Period	Arrivals			Departures		
	Cars	HGVs	Total	Cars	HGVs	Total
AM Peak (7.30-8.30am)	191	60	251	191	60	251
PM Peak (4.30-5.30pm)	251	79	330	251	79	330

Table 2: Adopted MRA trip generation (from National Highways consultation response)

The vast majority of vehicular trips generated by the proposed development would divert from the M4 mainline to access and egress the site, with a small allowance (7%) made for local vehicular trips to/from Royal Wootton Bassett, Wroughton and Swindon.

During early assessment work Eddisons identified that a mitigation scheme would be required to address significant adverse impacts on the performance of the M4 westbound off-slip. Eddisons therefore propose that the westbound off-slip will be widened to provide an additional lane marked for onward travel to the MRA and B4005, with yellow-box markings also introduced at the junction with the roundabout circulatory. Assessments have also assumed a change in lane designation on the M4 eastbound off-slip with lane 3 of the slip road remarked for the B4005 only.

With Wiltshire Council’s new Local Plan currently under Examination, along with extant consent or live applications for nearby development, Eddisons have assessed the following scenarios to meet National Highways requirements for cumulative assessment:

- Opening Year (2027) Reference Case scenario - accounting for remaining

development at the nearby Wichelstowe new community and a live application (PL/2023/02129) for 410 dwellings in Royal Wootton Bassett.

- Opening Year (2027) Development Scenario - as per the Reference Case but with the addition of MRA traffic, proposed site access junction and mitigation.**
- Forecast Year (2038) Reference Case - accounting for Wichelstowe and projected growth in traffic based on Wiltshire Council's strategic modelling for the Local Plan, along with localised widening of the A3102 northbound approach to the junction and associated lane allocation changes as proposed by Wiltshire Council to support delivery of the Local Plan.**
- Forecast Year (2038) Development Scenario - as per the Reference Case but with the addition of MRA traffic, proposed site access junction and mitigation.**

Forecast traffic associated with remaining development at Wichelstowe is based on figures agreed between Wiltshire Council and National Highways as part of Local Plan assessment work. The Local Plan assessment work has been separately reported by Wiltshire Council and will inform our representations to the Examination process.

In addition to the scenarios outlined above, Eddisons also undertook initial assessment work to account for a live planning application (PL/2025/00700) for a new BMW/ Mini car dealership located to the immediate west of M4 J16. The site would be accessed via a new signalised junction incorporating the existing access to the North Wiltshire Crematorium. The assessment work has provided confidence that the combined proposals can be accommodated but further refinement of the car dealership access junction is proposed to minimise the risk of queueing interaction with M4 J16. This work is progressing in liaison with consultants acting on behalf of the car dealership application, and the findings will inform National Highways response to that particular application.

The Eddisons modelling work has been reviewed on behalf of National Highways. The proposed mitigation is effective at limiting queues on the westbound off-slip and the eastbound off-slip is shown to operate without significant queueing. Whilst long queues are forecast to occur on the local road approaches to M4 J16 and the MRA site access roundabout, the motorway slip roads and circulatory are shown to accommodate projected traffic demands in the 2038 forecast year.

Following the conclusion of traffic modelling work, Eddisons submitted a Transport Assessment Addendum dated November 2025. Whilst a Forecasting Report is appended to the Addendum, it should be noted that the reported model results do not align with those previously reviewed by National Highways. Eddisons have since advised that the results presented in the November 2025 Forecasting Report are incorrect. An updated Forecasting Report was sent direct to National Highways and the results now align with our previous model review. We have shared the corrected results with Wiltshire Council and recommend that these are uploaded to the planning portal as relevant application material.

Appendix 10 of the Transport Assessment Addendum presents analysis of merge and diverge layout requirements according to the Design Manual for Roads and Bridges (DMRB). The analysis does not appear to have been updated from that included in the original Transport Assessment dated October 2023. Nevertheless, National Highways have reviewed available traffic flow information against recommended merge and diverge layouts in CD122 (Geometric design of grade separated junctions) of the DMRB. The analysis suggests that the existing merge and diverge layouts will remain adequate to accommodate the proposed MRA development.

In summary, the modelling provided is now accepted and has identified that a scheme of works is necessary at the M4 J16 to mitigate what would otherwise be an unacceptable/severe

highways impact in accordance with the NPPF. An acceptable preliminary scheme of works for the westbound off-slip has been submitted as set out within Proposed M4 Westbound Off-slip Improvement Scheme, drawing number 3728- F13 Rev H, prepared by Eddisons and dated July 2025. The scheme has been subject to the required DMRB design compliance review, stage 1 Road Safety Audit process (RSA1) and WCHAR exemption in accordance with DfT Circular 01/2022. Modelling of the cumulative impact of the development, and the RSA1 report, has identified that a requirement for signing alterations (including lane allocations) will also be required at M4 J16 eastbound off-slip. These additional works will be addressed by the applicant through the detailed design process for the scheme, as agreed within the RSA1 designers response (problems 4 and 5 responses), which will be secured via the s278 legal agreement with National Highways which the applicant will be required to enter into to enable the implementation of the scheme.

As the existing traffic signals at M4 J16 operate under MOVA (Microprocessor Optimised Vehicle Actuation) control, the existing installation will require review on account of and as part of the proposed mitigation package. A MOVA re-validation exercise should also be undertaken upon completion of the physical works, to ensure the performance of the junction signals is fully optimised to reflect the implemented improvements. We therefore consider that our concerns with regards the traffic impact of the development on the SRN have been satisfactorily addressed. National Highways is therefore recommending a planning condition to secure delivery of the highways mitigation scheme prior to the development being brought into use, with an associated informative which should be appended to any approval the planning authority is minded to grant.

The development will also require an access roundabout junction and associated works on the B4005 which is wholly within the local highway network. We will therefore expect Wiltshire Council as the relevant local highway authority to require delivery of the access junction as an early phase of the development”.

Accordingly subject to an appropriate s106 and conditions as set out above the proposed development is considered to meet local and national policy requirements for highway safety of the SRN and immediate locality in this regard. National Highways are content that the proposed development would not have an unacceptable impact on highway safety and would not result in a residual cumulative impact on the road network following mitigation that would be severe taking into account or reasonable future scenarios.

Parking Facilities

The proposal would provide up to 241 car spaces, 63 HGV spaces, 6 coach spaces and caravan parking. Parking would be a reserved matter, but it goes to the heart of the principle in this case so has been assessed in detail.

Minimum parking requirements for an MRA are defined in DfT Circular 01/2022. The requirements are based on daily traffic flows passing the site. The applicant has reviewed WebTRIS data for the M4 mainline for the 12-month period of 2022. The review identified August as the busiest month, with a total 2-way average Annual Daily Traffic of 89,003 vehicles on the mainline (78,555 light vehicles and 10,448 HGVs). To future-proof car parking provision, the applicant has sought to account for growth in traffic over a 10-year period to 2033. The applicant's analysis indicates that the proposed level of parking provision is in line with or in excess of the minimum requirements contained within DfT Circular 01/2022.

Whilst the Circular does not contain minimum requirements for EV charging facilities, the development proposes the provision of 50 electric vehicle charging spaces from the commencement of development. There is the potential to increase this provision in the future, including EV charging spaces for HGVs, subject to demand and grid capacity.

Whilst it is appreciated that the proposed site is located outside settlement limits, its proximity to the existing

J16 and M4 make it the optimal location for the proposal. The LPA has worked closely with highways officers, the Wiltshire Council Strategic Transport Specialist and National Highways officers throughout the assessment of this application.

National Highways has no objection to the proposed development, subject to planning conditions and the delivery of mitigation identified as necessary to address an otherwise unacceptable impact on M4 J16. It is also satisfied that, with the identified mitigation, the cumulative impact of the development with local growth proposed within the emerging Wiltshire Local Plan should not result in an unacceptable or severe impact on the SRN, in accordance with the NPPF and DfT Circular 01/2022.

The Council's Strategic Transport Specialist has suggested a number of s106 contributions to secure the additional works required to J16, the roundabout and the upgrading of the B4005 as well as towards pedestrian and cycle route improvements and public right of ways improvements.

The proposals have been assessed against Wiltshire Core Strategy policies CP60–CP66 and the National Planning Policy Framework (NPPF). The development meets CP60 by promoting sustainable travel through EV provision, walking and cycling links, and an active Travel Plan for future staff. The proposal also provides safe, suitable and policy-compliant access for all users in accordance with CP61 and the NPPF paragraph 110. The proposal demonstrates limited traffic impact and secures travel demand mitigation aligning with CP62 of the WCS. The development would also contribute positively to climate-conscious transport objectives through the provision of much needed EV infrastructure. It provides sufficient parking and where possible minimises the impact on air quality and noise impact – subject to detailed conditions. The proposal supports the strategic movement of goods, reducing inappropriate HGV lay-by parking meeting CP65 and ensures no material harm to the Strategic Road Network (SRN), with National Highways endorsing the modelling methodology and outcomes as required by CP66 of the WCS and the NPPF paragraph 111. The proposed site access can be delivered safely and in accordance with national design standards.

Accordingly, subject to the recommended conditions and planning obligations, the proposal has demonstrated that there would not be an unacceptable impact on Highway safety and that the residual cumulative impacts on the road network following mitigation would not be severe taking into account all reasonable future scenarios. Consequently, there are no substantive highway reasons to refuse the application on the basis that there would be no unacceptable highway impacts on highway safety or severe residual cumulative road network impacts (following mitigation).

9.14 Heritage Impacts:

Built Form: Where applicable, the NPPF requires that 'great weight' should be given to the conservation of heritage assets and advises that a balanced approach with the public benefits which may result from proposals being weighed against any harm caused. NPPF Paragraph 207 advises that *"where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation"*.

Core Policy 57 of the adopted WCS not only requires a *"high standard of design"* criterion iv requires new development to be *"sympathetic to and conserve[e] historic buildings and historic landscapes"*. CP58 of the adopted WCS similarly sets that the new development *"should protect, conserve and where possible enhance the historic environment"* and that designated heritage assets and their settings should be *"conserved, and where appropriate enhanced in a manner appropriate to their significance"*.

The closest designated heritage asset is Upper Studley Farm (Grade II listed) some 3.1km to the south west. It is considered that the proposal would have no impact on the built form of the asset and given the separation distance and the existing built form and surrounding infrastructure, would have a negligible impact on the setting of this listed building. The Conservation officer has raised no objection and no comment in consultation and accordingly there would be no harm in this regard thereby meeting criteria of CP58 of the WCS and the NPPF Section 16.

Archaeology: NPPF Paragraph 207 advises that “*where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation*”.

A Heritage and Archaeology Assessment (including the results of a geophysical survey) has been submitted in support of this application. The identification of potential archaeological features through geophysical survey was considered insufficient archaeological mitigation and the Council's archaeologist required the results of the geophysical survey were "ground-truthed" by means of an archaeological trial trench evaluation undertaken prior to determination of this planning application.

A trial trench evaluation was conducted and the Archaeological Evaluation report (Archaeological Evaluation by Cotswold Archaeology dated April 2024) submitted. This report demonstrated that there was reasonable correlation between identified archaeological features and anomalies recorded by the geophysical survey. The majority of the geophysical anomalies were found to relate to ridge and furrow cultivation, and it is probable that the limited number of archaeological features identified during the evaluation relate to the post-medieval agricultural use of the site.

No evidence for prehistoric or Roman activity was identified during the evaluation, suggesting that the Roman activity recorded nearby does not extend into the current site. The evidence of ploughed-out ridge and furrow cultivation encountered throughout the excavated trenches suggests an agricultural character to the site from at least the medieval period. The identified furrows correlated well with the geophysical survey results, and post-medieval to modern material was recovered from a furrow in Trench 6.

The archaeological evaluation identified a limited number of archaeological features, supporting the results of a preceding geophysical survey. The identified features are all likely to be post-medieval or later date, and related to agricultural practices within the area. As such, further archaeological mitigation is not deemed necessary. The report has been reviewed in detail by the Council's archaeologist who has confirmed that no further archaeological work is required and no conditions are necessary. Accordingly, the proposed development would not result in harm to any buried assets or archaeological features of material importance and therefore the proposed development is acceptable in this regard.

9.15 Neighbouring Amenity and Amenity of Future Occupiers: WCS Policy CP57 sets out within criteria vii for development to have “*regard to the compatibility of adjoining buildings and uses, the impact on the amenities of existing occupants, and ensuring that appropriate levels of amenity are achievable within the development itself, including the consideration of privacy, overshadowing, vibration, and pollution (e.g. light intrusion, noise, smoke, fumes, effluent, waste or litter)*”.

NPPF paragraph 135 Criterion f) meanwhile requires the creation of “*places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users*”.

The nearest occupiers are those based at the Hay Lane Gypsy and Traveller site some 200m to the east of the site. There are also residential occupiers at Spittleborough Cottages some 260m to the west (the other side of Junction 16) as well as residential occupiers at Upper Studley Farm some 311m to the southwest. The majority of these occupiers are at sufficient distance such that it is concluded that the proposed development would not result in a loss of privacy, overbearing impact, loss of light, pollution or overlooking to the occupiers of these properties.

The nearest occupiers are those at the Hay Lane Traveller Site to the east. Given the proximity of the site to the proposed development site it is important to assess the impact of the proposal on the amenity and local environment of the occupiers of the adjacent Gypsy Traveller site at Hay Lane.

CP47 of the WCS (Meeting the Needs of Gypsies and Travellers) is only focused on proposals for the gypsy and traveller pitches or travelling showpeople plots and yards it does not give any specific

requirements or details in relation to developments that are intended adjacent to gypsy traveller sites.

The draft Wiltshire Council Gypsies and Travellers Development Plan Document pre-submission draft (Reg 19) August 2024 sets out Wiltshire Council's strategic planning policies for meeting the accommodation needs of gypsies and travellers and travelling showpeople. It will replace 'Core Policy 47. Like CP47 it does not give any specific requirements or details in relation to decision making for proposed developments adjacent to gypsy traveller sites and is therefore of limited weight in this current assessment.

The Government's Planning Policy for Traveller Sites (December 2024) is also predominantly written with development proposals for new gypsy traveller sites in mind. Notwithstanding this the introduction is quite clear that the government's overarching aim is to "ensure fair and equal treatment for travellers in a way that facilitates the traditional nomadic way of life of travellers while respecting the interests of the settled community". It also requires that local planning authorities have "due regard to the protection of local amenity and the local environment" in relation to Gypsy Traveller sites.

Article 8 of the European Convention on Human Rights as enshrined in the Human Rights Act in 1998 concerns a right to respect private and family life. The Public Sector Equality Duty was introduced under the Equality Act 2010 which requires at section 149 that a public authority or person exercising a public function must amongst other requirements foster good relations between persons who share a relevant protected characteristic and persons who do not share it. This includes Gypsies and Travellers, and others who adopt a nomadic way of life, which is an integral part of gypsy and traveller culture.

The Hay Lane Traveller site is an established site situated approximately 200 metres to the east of the proposed development site within Swindon Council jurisdiction. Directly to the north of both the application site and the Hay Lane Traveller site is the M4, with Junction 16 some 350 m to the northwest which already generates significant noise. North of the M4 (and the traveller site) is a large industrial area part of the urban area of Swindon comprising of a number of large warehouses in industrial employment use.

Representations have been made raising concern regarding the impact of the proposal on the Hay Lane site and those using it and have urged the LPA to have regard to the Human Rights Act and the Equality Act. This has been done through the course of this planning assessment.

Evidence has been submitted by the applicant in the form of air quality, lighting and noise assessments, which indicate that the proposed development would not give rise to significant material harm in terms of noise, light or air pollution

Lighting

The application is supported by an Exterior Lighting Survey, Design & Calculation Report, (by SKR Lighting Design). The report analyses the existing light levels at the Site through desktop and primary surveys. Desktop surveys demonstrate that existing light levels experienced at the site are between 8 and 32 NanoWatts/cm²/sr, classifying the area as a 'brighter' location and a suburban location, in terms of light levels.

The lighting scheme indicates 'warm' lighting specifications with site orientated columns to minimise the spill of light pollution. Indeed, this lighting scheme has been developed to ensure that the scheme mitigates its impact on the wider area to reduce the light spill. Much of the scheme has been fitted with dusk to dawn sensors that will automatically control when the lights are on improving the energy efficiency, site security and maintaining highway safety. This confirms that the proposed lighting can be designed in such a way so not to result in material harm to nearby occupiers or road users.

Whilst specific details of design are reserved for assessment at a later stage, an indicative lighting specification has been prepared and can be conditioned as a form of lighting parameter plan in the event approval is recommended. Details of the final lighting scheme along with written confirmation from an ILP approved lighting engineer confirming it accords with light levels of environmental zone E2

or better is required to be submitted and approved by the LPA at the time of reserved matters submission and this is recommended to be secured by a condition.

Air Quality

Core Policy 55 of the WCS states that proposals must demonstrate that measures of mitigation have been effectively undertaken to protect public health, environmental quality and amenity in relation to the quality of air. These measures should demonstrate how positive contributions will be made to the aims of the Air Quality Strategy for Wiltshire and Wiltshire Air Quality Action Plan, when necessary.

The applicants instructed Cass Allen to conduct detailed surveys of the existing air quality levels and recommend the mitigation measures to ensure that unacceptable harm to air quality would not arise as part of development. This is set out at Chapter 9, Figure 1 and Appendices 7.1 to 7.6 of the Environmental Statement submitted with the application with recommended mitigation measures listed in Appendix 7.3.

During the construction phase, the anticipated impacts of construction phase were found not to be significant. Regarding the operational phase of the development, the assessment determined that the impact to all existing receptors would be negligible and that the impacts of the development were not significant.

It is noted by the public protection officer that the Air Quality Impact Assessment modelled the impact of levels of NO₂ PM_{2.5} and PM₁₀ on all residences and occupiers close to the proposed site and concluded that the impact is negligible. The mitigation measures proposed for dust as set out in 7.3 of the Cass Allen appendices are considered suitable.

A condition is recommended to secure the details of commercial kitchen ventilation and extraction equipment including the design and appearance of any required flues to ensure appropriate amenity levels are maintained.

As such subject to conditioning the mitigation measures set out, it is considered that the proposed development would be acceptable in terms of air quality impact on the amenity of nearby occupiers.

Contamination

The site comprises green field agricultural land that has not been used previously and as such is unlikely to have any land contamination issues especially given that the proposed development is a less vulnerable use. The Environmental Health officers have not raised any issue of land contamination and have raised no objection in this regard.

Noise

Core Policy 57 seeks to ensure that all developments are designed to a high quality and respect the amenity of neighbouring developments, this includes protection from unacceptable levels of noise and vibration. An assessment of the potential impacts from the proposed development has been submitted with the planning application at Chapter 6 of the Environmental Statement.

The applicant conducted an initial noise survey on the 9th and 11th of August 2023 to establish the baseline noise level and background noise levels at potentially noise sensitive locations nearby. The survey confirms that the main source is the M4 and B4005 road.

The applicants state that road traffic noise is anticipated to increase, with or without development, due to increased road traffic. These changes are however set to lead to no overall change in noise impacts.

To ensure that amenity to the Travellers' Site on Hay Lane is not adversely impacted, eastern areas of the Site have omitted any noise generating uses. Further noise mitigation will be included as part of the detailed design of development and can be secured by condition.

The Noise Assessment established the baseline noise levels across the site. The report concludes that

there would be a negligible noise impact on existing nearby residential occupiers of dwellings and pitches situated close to the site. Wiltshire Council's Public Protection Department were consulted on this application.

The Wiltshire Council Public Protection Acoustic Specialist Officer has reviewed the noise section of Environmental Statement Volume 1 and requests a condition is applied that requires an assessment of acoustic impact from fixed plant and onsite vehicle movements that demonstrates noise from these sources, when assessed in accordance with BS4142, against the background, meets a target of 5dB below background. Given the relatively high background noise levels and distances involved (350m to Hay Lane site from any noise generating sources) this target should be readily achievable, and the proposed condition has not been disputed by the applicant. If noise from the service station is 5dB below the background during the daytime and at night then it doesn't matter what the construction of the dwellings/mobile homes/caravans is, noise from the service station will not be measurable or discernible against the background noise level inside or outside of the dwellings. Noise from the M4 and other roads will continue to be the dominant noise source.

The Hay Lane Travellers site is in Swindon District Council and officers have discussed this matter with the Environmental Protection Team Leader who agrees with the stance Wiltshire Council has taken of conditioning noise control and the 5dB below background target.

The existing noise associated with the M4 in combination with the noise generated from the large industrial units to the north, mean that in terms of the noise assessment light and air quality the proposed development would not materially increase the levels of noise or reduced the air quality compared to what currently exists for the people occupying the Hay Lane gypsy traveller site.

The amenity and local environment of the existing occupiers of the established Hay Lane Traveller site have been carefully considered and assessed in this planning assessment. It is concluded that the proposed development would not give rise to material harm to or a detrimental impact on the local amenity or local environment currently afforded to those occupiers.

The proposed development will also require a Construction and Environmental Management Plan, with Traffic Management Plan to be submitted prior to commencement to ensure that the proposed development will not have detrimental impacts on the amenities of nearby occupiers or the environment. This is recommended to be secured through condition.

Accordingly, it is considered that subject to the conditions set out above, the proposed development is acceptable in terms of its impact on the local amenity and local environment of the adjacent of the occupiers of the adjacent established Gypsy Traveller Site at Hay Lane. This assessment is in accordance with Article 8 of the ECHR Human Rights Act 1998 and the Council has paid regard to its public sector equality duty under section 149 of the Equality Act 2010. The case officer has had regard to the rights of the adjacent occupiers under Article 8 of the ECHR as incorporated into the Human Rights Act 1998.

9.16 Ecology Matters: WCS CP50 requires development proposals to *“demonstrate how they protect features of nature conservation and geological value as part of the design rationale”* and requires all proposals to *“incorporate appropriate measures to avoid and reduce disturbance of sensitive wildlife species and habitats throughout the lifetime of the development”*.

Improving biodiversity is enshrined within the environmental objective contained within paragraph 8c of the NPPF for achieving sustainable development. The NPPF also requires net gain for biodiversity to be provided including by *“establishing coherent ecological networks that are more resilient to current and future pressures”* as set out within paragraph 187d.

This outline application has been submitted with an Ecology Assessment which is within the Environmental Statement (784-B48803, dated October 2023 by Tetra Tech), Biodiversity Impact Assessment (dated September 2023 by Ecology By Design), an Ecological Parameters Plan (Ref LA5731 001. Dated June 2024, by IP Architecture), a Biodiversity Impact Assessment (dated May 2024.

The Council's ecologist specifically requested the submission of a Great Crested Newt (GCN) mitigation District License in order for their holding objection to be removed. This was submitted in April 2025 and the Council's ecologists have confirmed that their previous objections and requests have been satisfied.



- Badger (foraging and commuting)
- Reptiles
- Habitats of Local significance
- Great Crested Newt (GCN)
- Bats (foraging, commuting and features with high roost suitability)
- Breeding Birds
- An invertebrate assemblage of insignificant importance.

The report scopes out hazel dormice from being present on the site, however, the adjacent woodland contains recent records for this species. Therefore, the conditioned CEMP should include the suitable measures if this species is identified in the Zone of Influence during the construction phase.

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The *Proposed Layout Plan* identifies areas of the site which are unconstrained, areas where sensitive design or restrictions may be required, and areas of the site which are to be retained, remain undeveloped, enhanced, form part of the landscaping for the purposes of protecting and enhancing biodiversity and areas to be used as compensatory habitat in line with the submitted ecology documents, including the Biodiversity Net Gain Calculator spreadsheet. This will become an 'approved document' secured by condition of any outline permission granted and any reserved matters application must be in compliance with the plan.

The proposed biodiversity mitigation field on the east of the site is welcomed. The RLB is this area cuts across the field in the south-eastern corner and does not follow the hedge line. Consequentially, the proposed parameter plan includes a treelined hedgerow to clearly delineate it from the rest of the site. linear feature such as but not limited to a hedgerow or line of individual trees to clearly show this boundary.

Protected Species/Habitats

The application included an Ecological Impact Assessment that identified a mosaic of habitat types on site including priority habitat of native hedgerow, together with modified and neutral grassland. A number of ponds and wet ditches also exist outside but adjacent of the site boundary.

Great Crested Newts

A number of ponds were noted in close proximity to the site together with existing records for GCN. Habitat suitability Index Surveys together with eDNA surveys were undertaken for the existing ponds in close proximity to the site. Evidence of GCN were identified in pond two and although pond one returned a negative result, it is considered likely that GCN also utilise this area due to the close proximity. Although the ponds will not be directly impacted by the proposals, the site supports suitable habitat that could be utilised by GCN during their terrestrial phase.

The applicant has submitted a District Level Licence from NE and it has been provided along with confirmation of Natural England's agreement and as such this is acceptable instead of carrying out site specific mitigation and compensation.

Bats

Bat transect surveys and static detector surveys undertaken in 2023 identified at least 9 species foraging and commuting along the boundaries of the site. Bats recorded included common and soprano pipistrelle, brown long eared bat and lesser horseshoe bat, an Annex II species. The results noted that a transitional soprano pipistrelle roost lies within close proximity to the eastern hedge due to the timings of calls in relation to sunrise and sunset during the September surveys. However, no roosting evidence on site was identified.

Ground level preliminary roost assessments of two trees were undertaken to identify potential roosting features for bats which then led to emergence surveys for one tree. No roosting sites were identified and the boundary features present on site are anticipated to be retained excepting a section of hedgerow one which will be removed for access.

The lighting plan submitted in support of the proposal is welcome and it is noted that the scheme design has considered biodiversity. The results of the bat surveys together with the proposals for no net loss highlight the importance of retaining the eastern section of the site as dark. Ensuring the lighting along this boundary feature is reduced as far as possible will be crucial to ensuring the retention of dark foraging and commuting routes for bats particularly as the enhancements on site are likely to encourage an increase of biodiversity in this area. Further reductions in light spill along the eastern boundary would be welcomed and this is recommended to be conditioned.

Reptiles

Surveys undertaken identified small populations of slow worm and grass snake on site. Construction impacts are anticipated, however an enhanced reptile refugia area in the eastern parcel is proposed. A mitigation strategy to ensure construction and operational impacts are minimised is required however, this is recommended to be secured via condition in the form of a Construction Environmental Management

Plan.

Birds

Bird surveys undertaken identified overwintering use by a number of species of note as well as farmland breeding bird assemblages during the summer activity surveys. Construction and operational impacts are therefore anticipated. It is noted that the boundary features suitable to support a number of these species will be retained together with the eastern land parcel which will be enhanced to support species such as skylark and fieldfare. Mitigation strategies for overwintering and breeding birds will be required for both construction and operation, however this could be secured by condition through the construction management plan and the LEMP to be submitted with the detailed design proposals.

Additional enhancement measures for biodiversity have been proposed to include bird and bat boxes within the eastern parcel which are welcomed. These should also be secured by condition.

Dormice

As stated previously, the report scopes out dormice. However, records of dormice exist in the adjacent woodland. We note that the boundary features suitable to support this species on site are largely being retained, however the removal of sections of hedgerow 1 for access will require consideration. The conditioned CEMP will need to include measures to minimise impacts on this species within the zone of influence during the construction phase.

Biodiversity No Net loss

This application was submitted prior to Biodiversity Net Gain (BNG) becoming mandatory on 12th February 2024, therefore BNG *per se* is not obligatory. However, Core Policy 50 of the Wiltshire Core Strategy requires all development to demonstrate no net loss of biodiversity and to seek opportunities to enhance biodiversity. The NPPF also encourages applications to deliver measurable net gains (para 193d).

The submitted information (The Biodiversity Metric 4 March 2024. Ecology By Design) demonstrates that the development will not result in a net loss of local biodiversity resource. The proposal will result in a 16.6% biodiversity net gain and an increase in hedgerow units of 13.3%. The boundary hedgerows (priority habitat) are part of a scattered tree network that are to be retained as part of the proposal which is welcomed. They currently provide functionally linked habitat to the wider hedgerow and priority deciduous woodland immediately to the south. These proposals are secured through the Ecology Parameters Plan and the detail will be secured through a proposed LEMP condition.

Accordingly, it is considered that subject to the requisite ecology safeguards being imposed by way of planning conditions no ecology-based objection is raised and the proposed development meets requirements of the Habitat Regulations, exceeds Policy CP50 of the WCS as well as exceeds the biodiversity net gain requirements and meets the relevant provisions of the NPPF.

9.17 Other Matters: Procedural and Consultation Concerns: Representations have raised queries about:

- the ownership of the land;
- the accuracy of the ownership certificate accompanying the application,
- lack of site notice,
- lack of appropriate consultation to specific residences including the Hay Lane Traveller Site and Biffa
- infringement of legislation protecting the rights of Gypsy Travellers.

These matters are considered below:

Ownership of the Land and Accuracy of the Ownership Certificate Accompanying the Application

Questions and queries relating to the ownership of the land have been raised through the consultation process. The application form confirms that relevant landowners have been formally notified in

accordance with the required legislation. Officers are satisfied in absence of any evidence to the contrary that this is acceptable.

Lack of Site Notice and Lack of Appropriate Consultation with Specific Residences including The Hay Lane Traveller Site and Biffa

The application has been consulted formally three times, with site notices produced each time. The last site notice was issued 10 November 2025 and erected at the site. Notice *was also included in* the local press (Wiltshire Gazette) and neighbouring occupiers notified in accordance with requirements of the legislation.

Legislation Protecting the Rights of Gypsy Travellers

The rights of the occupants of the Hay Lane Traveller Site have been dutifully considered as part of this planning application and assessment. This assessment is in accordance with Article 8 of the ECHR Human Rights Act 1998 and the Council has paid regard to its public sector equality duty under section 149 of the Equality Act 2010. The case officer has had regard to the rights of the adjacent occupiers under Article 8 of the ECHR as incorporated into the Human Rights Act 1998.

10. Developer Obligations: WCS Core Policy 3 states that all new development is required “to provide for necessary on-site and, where appropriate, off-site infrastructure requirements arising from the proposal” which would be delivered directly by the developer and/or through a financial contribution.

The infrastructure requirements identified in the Highways section and reiterated below relevant to the application site and are required to mitigate the impact of the proposed scheme on Junction 16 and the surrounding road network, in line with the tests set under Paragraph 58 of the NPPF. These are:

- a) *necessary to make the development acceptable in planning terms.*
- b) *directly related to the development; and*
- c) *fairly and reasonably related in scale and kind to the development.*

The following s106 requirements have been identified and have been agreed in writing with the applicant as being CIL regulation compliant (i.e. being reasonable, necessary and directly related to the development) in the event that this outline application is considered acceptable when tested against the NPPF and local plan policy.

Highways: It is necessary to ensure the proposed development would provide safe, suitable and accessible movement from the site for all users to facilities, services and amenities and the following developer obligations are necessary.

To align with the approved preliminary scheme of works for the westbound off-slip set out within ‘Proposed M4 Westbound Off-slip Improvement Scheme’, drawing number 3728- F13 Rev H, prepared by Eddisons and dated July 2025 the following items are required to be secured in the s106:

- westbound off-slip will be widened to provide an additional lane marked for onward travel to the MRA and B4005
- yellow-box markings also introduced at the junction with the roundabout circulatory (specify which junction).
- change in lane designation on the M4 eastbound off-slip with lane 3 of the slip road remarked for the B4005 only

A MOVA re-validation exercise should also be undertaken upon completion of the physical works, to ensure the performance of the junction signals is fully optimised to reflect the implemented improvements.

The development will also require an access roundabout junction and associated works on the B4005 including a review (including core sampling where necessary) and confirmation of the current standard and upgrading where necessary. These works are wholly within the local highway network and will be required to be delivered as an early phase of the development.

Public Rights of Way Improvements:

£3,500 towards improvements on the section of LTRE6 to the west of the proposed development because this path will see an increase in use as motorists stop for a break and dog walks through the existing allotments. The money would be spent on surface improvements and Access furniture upgrades.

S106 Monitoring Fee: A s106 monitoring fee would be required to be included within the s106 Legal Agreement, which would be **capped at £1,000**.

A S278 agreement is also required in conjunction with the s.106 and will include a requirement for signing alterations (including lane allocations at M4 J16 eastbound off-slip). These additional works will be addressed by the applicant through the detailed design process for the scheme, as agreed within the RSA1 designers response (problems 4 and 5 responses), which will be secured via the s278 legal agreement with National Highways which the applicant will be required to enter into to enable the implementation of the scheme.

CIL: No CIL is payable for this development.

11. PLANNING BALANCE & CONCLUSION

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires decisions to be made in accordance with the development plan unless material considerations indicate otherwise. In this case, the proposal is an outline application for a new Motorway Rest Area (MRA) adjacent to M4 Junction 16, including HGV parking, car parking, coach and caravan parking, EV charging, amenity building, fuel filling station, new access roundabout from the B4005 and associated works. The site lies outside defined settlement limits and is not allocated for development therefore not according with CP1 and CP2 of the WCS but meets exception criteria contained in policy 4.25 of the WCS of CP2 by virtue that it meets CP48, as well as CP65 and CP66 of the WCS. The proposed development is therefore in accordance with the development plan in principle. The benefits of this application are numerous but must be weighed against any harms identified. This planning balance is assessed and summarised below.

Benefits – Weight in Favour

1) Provision of HGV parking at Optimum Location – Very Significant Weight

There is a clear and pressing need for additional HGV parking provision and the proposal would deliver 63 HGV spaces with supporting welfare facilities and security measures (to be secured through condition for submission at reserved matters stage), directly addressing driver welfare and SRN safety objectives and would result in improvements to both. This is afforded **very significant weight**.

Further, the location is identified as sequentially optimal due to freight movement patterns in the area and the spacing relationship between existing services at Leigh Delamere and Membury. This benefit is afforded **significant weight** in the planning balance due to its direct relationship to SRN functioning, highway safety outcomes, CP65 of the WCS and national policy direction.

2) EV Charging Infrastructure and Decarbonisation Benefits – Very Significant Weight

A further benefit arises from the scale and future-proofing of EV infrastructure, including 50 active rapid chargers at opening with passive provision across remaining spaces and capability for future HGV electrification, aligning with national decarbonisation policy direction and local climate objectives. This would materially increase EV charging provision on this SRN corridor and is supported by Wiltshire Council's EV infrastructure team. This benefit attracts **very significant weight**.

3) Economic Benefits (Jobs and Investment) – Significant Weight

The proposal is a major investment (circa £30m) with a minimum of 150 new fulltime jobs on opening, alongside construction-phase employment and longer-term expenditure benefits. In line with the economic objective of the NPPF and relevant WCS objectives for a resilient economy, these benefits are afforded

significant weight.

4) Sustainability, High Quality Design and BREEAM Commitments – Significant Weight

The submitted approach includes a BREEAM “Excellent” commitment, green roofs and solar PV aspirations, and a “sustainability-first” design direction. While design is largely reserved at outline stage, conditions are proposed to secure the key principles and ensure sustainability commitments are delivered at reserved matters. It is considered that the scheme has potential to raise standards in this infrastructure sector. These benefits therefore attract **significant weight**.

5) Biodiversity Enhancements / Net Gain – Significant Weight

The proposal includes a substantial area to the east of the site reserved for biodiversity enhancement, with identified gain in biodiversity value and long-term management to be secured through conditions/LEMP and related obligations. The Council’s ecologist raises no objection subject to mitigation and the biodiversity enhancements attract **significant weight** given that this development is not required to provide any BNG under statutory legislation

6) Transport Mitigation and Wider Safety Benefits – Moderate Weight

In terms of highways, National Highways and the Council’s Strategic Transport Specialist raise no objection subject to mitigation and legal agreements/conditions. A package of works is identified as necessary to address impacts at Junction 16 (including the M4 westbound off-slip mitigation) and associated measures can be secured via s106/s278 mechanisms. While the mitigation works are required to make the development acceptable and are therefore not afforded significant weight, once delivered the mitigation works would provide a wider residual benefit to SRN/local road users. On this basis, this is afforded **moderate weight** as an additional benefit of the scheme.

7) PROW Improvements – Moderate Weight

£3,500 towards improvements on the section of LTRE6 to the west of the proposed development is proposed as it is considered this path will see an increase in use as motorists stop for a break and walk the dog. The money would be spent on surface improvements and Access furniture upgrades. This is afforded **moderate weight** as benefit of the scheme.

Neutral Weight

Mineral Safeguarding Area – Neutral (No Objection, No Sterilisation)

Neutral weight is attributed to the impact on the Mineral Safeguarding Area as the Mineral Resource Safeguarding Assessment concludes that no viable mineral resource would be sterilised by the development, subject to appropriate conditions. There is no harm but equally there is no benefit so this matter is treated as neutral in the planning balance (i.e., no residual harm).

Retail Impact – Neutral (No Harm Identified)

Neutral Weight is attributed to the retail impact because the retail aspect is ancillary to the main rest area use and the users of the retail would come from the SRN. The retail element proposed is an added option for those who would already be using the rest area for refuelling / charging and resting en route, therefore it is considered the proposal would not result in any harm to the existing vitality and viability of the existing town centre/village services.

Heritage (Designated / Built Form and Archaeology) – Neutral (No Harm Identified)

There are no designated heritage assets on site, and the report concludes the nearest listed building would experience no material harm to its setting given distance and context, with no objection raised. Archaeological evaluation and trial trenching confirm the site has no meaningful archaeological potential requiring mitigation, and the Council’s archaeologist confirms no further work is required. On this basis, heritage impacts are considered neutral in the planning balance.

Neighbouring Amenity (Including Gypsy & Traveller Site) – Neutral / No Material Harm (Subject to Conditions)

The nearest sensitive receptor is the established Hay Lane Gypsy & Traveller site, located approximately 200m east of the site (some 300m from the actual proposed built form) in Swindon's administrative area. It has been considered that the proposal would not give rise to material harm to living conditions or the amenity of the local environment in the current context of the proximity of the existing M4 and industrial units to the north. Due regard has been paid to Article 8 ECHR and the Council's Public Sector Equality Duty under section 149 of the Equality Act 2010, acknowledging the protected status of Gypsies and Travellers and the need to ensure fair and equal treatment.

Mitigation is secured through conditions (including lighting standards/bat-sensitive lux limits, noise control requirements including BS4142-type targets for plant/vehicle sources, and CEMP/CMP requirements). Given existing baseline influences (M4 and nearby industrial activity) and the separation distances from primary noise/light-generating elements, there would be no material harm to amenity for the Traveller site or other neighbouring occupiers. This is therefore treated as neutral (no material harm) in the overall balance, subject to the recommended conditions

Harms – Weight Against

1) Landscape / Countryside Effects – Limited Weight

The proposal would result in the development of a greenfield site and therefore some harm to landscape character. That said the effect would be localised especially given the current context of the site in proximity to motorway infrastructure which has already fractured the landscape in this location and capable of mitigation through detailed design, landscaping and boundary treatments secured at reserved matters. On that basis, this harm is afforded **limited weight**.

2) Loss of Agricultural Land – Limited Weight

The land is confirmed as Grade 3b (not Best and Most Versatile), but nonetheless represents a loss of agricultural land and countryside resource. This is **limited harm**, to be weighed against the benefits of the scheme.

3) Reliance on private motor vehicles – Limited Weight

The proposed development does not reduce nor encourage the reduction of high reliance on private motor vehicles due to it being a service rest area offering fuel filling and in this way the proposal conflicts with the core strategy and represents some harm. Conversely, the proposed development is also offering and encouraging EV charging and also is only going to be attracting those who are already using motor vehicles on the SRN rather than actively encouraging more. As such the harm is limited and is afforded **limited weight** in the planning balance.

Summary:

Impact / Consideration	Summary of Effect	Weight Applied
Need for HGV Parking	Critical national/local shortage; optimal freight location; meets Govt spacing criteria.	Very Significant Benefit
EV Rapid Charging Provision	50 rapid chargers; future-proofed; major SRN decarbonisation contribution.	Very Significant Benefit
Accessible SRN Location	Direct M4 J16 access; driver welfare and safety.	Very Significant Benefit
Economic Benefits	£30m investment; 150 jobs; local expenditure.	Significant Benefit
High-Quality Design & Sustainable Construction	BREEAM Excellent; green roofs; low-carbon design.	Significant Benefit
Biodiversity Net Gain Enhancements	16.6% BNG with 13.3% uplift in hedgerow quality; major ecological enhancement zone.	Significant Benefit
Highway Mitigation & Infrastructure Upgrades	J16 slip road improvements; roundabout and active travel upgrades.	Moderate Benefit
Public Rights of way improvements	Upgrades and improvements	Moderate Benefit
Public Rights of Way Enhancements	Toucan crossing; active travel links.	Moderate Benefit
Drainage Improvements	Greenfield run-off betterment; SuDS.	Moderate Benefit
Reliance on Private Motor Vehicles	Does not discourage the use of private motor vehicles; mitigated by EV charging; not increasing demand	Limited Harm
Loss of Agricultural Land	Loss of Grade 3b land	Limited Harm
Landscape Impact	Localised countryside change; mitigatable.	Limited Harm

Conclusion: When all matters are weighed, the proposal delivers a set of highly compelling benefits, most notably:

- addressing an evidenced shortfall in safe, secure HGV parking provision in an optimum location;
- delivering a major rapid EV charging hub aligned with decarbonisation objectives;
- generating significant job creation (150 new jobs) and investment (£30m);
- providing biodiversity enhancements (12.4% gain) and sustainability commitments (BREEAM Excellent); and
- achieving an acceptable highways outcome which benefits the wider road network subject to mitigation to be secured by legal agreement and conditions.

Key technical considerations including minerals safeguarding, heritage/archaeology, and neighbour amenity (including the adjacent Gypsy & Traveller site) are assessed as resulting in no material harm, subject to conditions. On balance therefore, the cumulative benefits demonstrably outweigh the identified harm. Accordingly, the recommendation is to grant outline permission, subject to completion of a Section 106 agreement and the recommended conditions outlined below.

RECOMMENDATION: To delegate to the head of Development Management to grant outline planning permission subject to the prior completion of a Section 106 legal agreement to cover

the contributions identified in Section 10 of this report, and subject to the following planning conditions set out below (as agreed with the applicants):

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

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

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

- a) The scale of the development.
- b) The layout of the development
- c) The external appearance of the development.
- d) The landscaping of the site (including any cut and fill / earthworks associated with the development)

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

REASON: The application was made for outline planning permission and is granted to comply with the provisions of Section 92 of the Town and Country Planning Act 1990 and Article 3(1) of the Town and Country Planning (General Development Procedure) Order 1995.

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

- Site Location Plan Ref: M49_001 Rev E
- Existing Site Plan Ref: M49_002 Rev E
- Parameters Plan Ref: M49_110 Rev F 10 Nov 2025
- Illustrative Masterplan ref: 915-210 rev F 10 Nov 2025
- Proposed Layout Plan (Illustrative) ref: 915-201 Rev J
- Proposed Site Access Plan Ref: 3728-F04 Rev I dated 10 Nov 2025
- Ecology Parameters Plan Ref: LA5731-001 Rev B dated 10 Nov 2025
- Transport Assessment V4 revised 20 Nov 2025
- Proposed Footway Link ref. 3728-F06 rev.C
- Arboricultural Impact Assessment & Arboricultural Method Statement which incorporates the Tree Protection Plan dated 18th September 2023.

REASON: For the avoidance of doubt and in the interests of proper planning and for the protection, mitigation and enhancement of biodiversity.

4. No development shall commence until details of the proposed substations on site (including power, height, size, materials and landscaping) have been submitted to and approved in writing by the LPA. They shall be constructed in accordance with the approved details.

REASON: in the interests of visual amenity

5. For the avoidance of doubt, the subsequent reserved matters application(s) to be submitted pursuant to Condition 4 shall accord with the following plans:

- Parameters Plan Ref: M49_110 Rev F 10 Nov 2025
- Ecology Parameters Plan Ref: LA5731-001 Rev B dated 10 Nov 2025;

and shall be broadly in accordance with the following plans:

- Illustrative Masterplan ref: 915-210 rev F 10 Nov 2025 and
- Illustrative Proposed Layout Plan ref: 915-201 Rev J
- Design and Access Statement dated May 2024

REASON: To ensure high-quality placemaking, satisfactory design and amenity.

6. Notwithstanding the submitted details, prior to commencement of development full construction details of the access roundabout and footway/cycleway link provision along the B4005 as illustrated on drawings 3728-F04 Rev I and 3728-F06 Rev C respectively shall be submitted to and approved by the Local Planning Authority. The construction details shall be submitted with and respond to the findings of a Stage 2 Road Safety Audit. Prior to first occupation the access and footway shall be completed in all respects in accordance with the approved details and maintained as such thereafter.

REASON: To ensure that a safe and sufficient access strategy is provided in accordance with Core Strategy policy 60, 61 and 62.

7. No part of the Motorway Rest Area shall be brought into use unless and until the scheme of works for the improvement of M4 Junction 16 is completed and available for use. The works shall be implemented generally in accordance with the preliminary design drawing "Proposed M4 Westbound Off-slip Junction Improvement, drawing number 3728-F13 Rev H, prepared by Eddisons and dated July 2025, subject to any necessary changes identified during the detailed design and Road Safety Audit process (including supplementary works to M4 Junction 16 eastbound off-slip signing and MOVA re-validation) unless otherwise agreed in writing by the local planning authority (in consultation with the strategic highway authority).

REASON: In the interest of the safe and efficient operation of the M4 motorway and to ensure the development traffic impact on the SRN is satisfactorily mitigated in accordance with DfT Circular 01/2022 and the NPPF.

8. The development shall be undertaken in accordance with the recommendations of mitigation measures for dust and air made by Cass Allan set out at appendix 7.3 of ES Vol 1. The mitigation measures shall be retained for lifetime of the development unless improvements to the agreed mitigation measures are required.

REASON: In the interests of public health and amenity

9. No development shall commence until, concurrent with the subsequent Reserved Matters application, details of the fuel filling facilities (including filling points, storage containers, pipework, vents and gauges) above and below ground, together with details of the storage facilities for oils, fuels and/or chemicals have been submitted and approved in writing by the LPA. All filling points and tank overflow pipe outlets should be designed to discharge downwards into the bund and be noted on a plan shall be submitted to and approved in writing by the LPA (in consultation with the Environment Agency) and the development hereby approved shall be undertaken and carried out in accordance with the approved

details.

REASON: To ensure pollution prevention and in the interests of public health and safety

10. No development shall commence until, concurrent with the subsequent Reserved Matters application, a Site Management Plan has been submitted to and approved in writing by the LPA (in consultation with the Environment Agency) containing appropriate procedures, training and equipment to be provided for the site to adequately control and respond to any emergencies including the clean-up of spillages, to prevent environmental pollution from the site operations. This will be reviewed with the Environment Agency. The development shall be undertaken and carried out in accordance with the approved details.

REASON: To ensure pollution prevention and in the interests of public health and safety

11. The subsequent Reserved Matters application shall include details of waste and recycling facilities (including location and range of facilities) to be submitted to and approved in writing by the Local Planning Authority. The details should estimate the type and quantity of waste generated by the commercial premises and plans should demonstrate that the space is suitable for the waste generated, preferably with containers drawn in situ. Tracking should be provided to show that the Refuse Collection Vehicles can access the storage point or a designated collection point.

REASON: In the interests of public health and safety.

12. The development shall not be first brought into use until the approved recycling facilities have been completed and made available for use in accordance with the approved details and they shall be subsequently maintained in accordance with the approved details thereafter.

REASON: In the interests of public health and safety.

13. Within 12 months of the development being first brought into use a final Certificate shall have been submitted and approved in writing by the Local Planning Authority certifying that the "Excellent" BREEAM standard (or any such equivalent national measure of sustainable building which replaces that scheme) has been achieved by the development.

REASON: To ensure that the objectives of sustainable development set out in policy CP41 and CP57 of the Wiltshire Core Strategy are achieved.

14. Prior to the commencement of any development and concurrently with any future reserved matters application(s), Sustainable Energy Strategy(ies), including coverage of operational energy, embodied carbon and climate change adaptation measures shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

REASON: To ensure that the objectives of sustainable development set out in policy CP41 and CP57 of the Wiltshire Core Strategy are achieved.

15. Prior to the commencement of car park works, a detailed scheme and phasing strategy for the installation of Electric Vehicle (EV) charging points on site shall be submitted to and approved in writing by the Local Planning Authority. The scheme and phasing strategy shall include an up to date grid capacity assessment and a timetable for implementation of charging points to serve

parking bays. Subject to the availability of suitable grid capacity the development will initially include EV charging facilities for 50 car parking spaces. Details of the type of active charge points and details of ducting for all parking areas (including but not limited to HGV, Coach and Caravan parking areas) and a commitment to annual monitoring for a period of 5 years shall also be provided, with the objective being to maximise EV charging provision on site subject to demand and grid capacity. The development shall be carried out in accordance with the approved scheme and phasing strategy.

REASON: To ensure that the objectives of sustainable development set out in policy CP41, CP55, CP57 and CP60 of the Wiltshire Core Strategy are achieved.

16. No development shall commence above slab level until full details of secure cycle parking have been submitted to and approved in writing by the LPA. The development shall not be first brought into use until cycle parking has been provided in accordance with the approved details, and it shall thereafter be retained and kept available for that use.

REASON To ensure satisfactory cycle parking to encourage travel by cycle

17. The Motorway Rest Area hereby approved shall be for the purpose of providing roadside facilities only and shall be for no other use.

REASON: In the interest of the safe and efficient operation of the M4 motorway in accordance with the requirements of DfT Circular 01/2022.

18. No through access between the Motorway Rest Area and any other development shall be permitted, and the undeveloped land forming the eastern extent of the Motorway Rest Area shall remain for biodiversity purposes ancillary to the Motorway Rest Area only.

REASON: In the interest of the safe and efficient operation of the M4 motorway in accordance with the requirements of DfT Circular 01/2022

19. The development shall not be brought into first use until a National Highways signage agreement is obtained, and all required motorway/strategic /local road network direction signs must be installed prior to operation.

REASON: In the interests of highway safety and in accordance with the requirements of DfT Circular 01/2022

20. No development shall commence on site until a detailed drainage strategy for the site, incorporating sustainable drainage details, has been submitted to and approved in writing by the Local Planning Authority and detailing the following matters.

- Evidencing how the surface water disposal hierarchy has been applied and how all other options have been exhausted. This will include but not be limited to soakaway tests in accordance with BRE365 / demonstration that groundwater is shallow and would be within 1m of the invert of potential soakaway features.
- Demonstrate that the southern and eastern parts of the site can be drained by the drainage network in the 1 in 30 year rainfall event with no flooding on the site.
- Ensure other mitigation measures are in place in accordance with the submitted approved FRA.
- The calculations should set the MADD factor / additional storage value to 0m³/ha to prevent an over-estimation of attenuation storage available on site.
- Due to outfall to an ordinary watercourse, the calculations should also be simulated with a

surcharged outfall, to ensure that this does not cause flooding on site.

- The drainage drawings should show the pipe/link & manhole/ node numbers used in the calculations in order to link the drawings with the detailed calculations.
- demonstrate that for the 1 in 1 year event, discharge rates are restricted to 70% of 1 in 1-year greenfield rates.
- calculations which demonstrate that the required 20% betterment against greenfield rates has been achieved for all storm events between the 1 in 1 year and the 1 in 100-year return period storm events.
- Full labelled drawings for the proposed drainage layout, including layout plans to show the pipe network and attenuation ponds, which should correspond with the drainage calculations.
- Cross sections and design details for attenuation and any components.

The development shall then be carried out in accordance with the approved details. The site shall not be brought into operation until the surface water drainage has been constructed in accordance with the approved scheme.

REASON: To ensure that the development can be adequately drained.

NOTE: All proposals should be designed in accordance with National Standards for SuDS and the latest CIRIA SuDS Manual (C753).

21. No development shall commence until a detailed design for the treatment of surface water drainage shall be submitted to and approved in writing by the local planning authority (in consultation with the strategic highway authority). No surface water shall be permitted to run off from the development on to the strategic road network or into any drainage system connected to the strategic road network. No drainage connections from any part of the development shall be made to any strategic road network drainage systems. Surface water drainage measures shall be implemented in accordance with the agreed design prior to the development being brought into use and maintained as such thereafter.

REASON: In the interest of the safe and efficient operation of the M4 motorway and to protect the highways drainage asset in accordance with DfT Circular 01/2022.

22. No development shall commence on site until a scheme to dispose of foul drainage, including connection to the public foul sewer network, has been submitted to, and approved in writing by the local planning authority. The scheme shall be implemented in accordance with the approved details.

REASON: To ensure that the proposed development does not pose an unacceptable risk to the water environment.

23. Upon completion of the drainage works a management and maintenance plan for the SuDS features and drainage network must be submitted to and approved in writing by the Local Planning Authority. The scheme shall include:

1. Provision of complete set of as built drawings for site drainage.
2. Maintenance and operational activities.
3. Arrangements for adoption and any other measures to secure the operation of the scheme throughout its lifetime.

REASON: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.

24. Prior to the commencement of development, a boundary treatment and landscaping plan in respect of the strategic highway boundary shall be submitted to and approved in writing by the local

planning authority (in consultation with the strategic highway authority). The plan shall include as a minimum:

- a) details of screening/fencing type, location, construction method and maintenance schedule;
- b) details for management of existing boundary planting to include an Arboricultural Tree Survey and Tree Protection Plan with a method statement for any works required to address the removal, retention and management of trees along this boundary;
- c) details of all proposed new planting including location, species mix, maintenance method statement and schedule;
- d) details of any other screening feature, location, construction method and maintenance schedule.
- e) cross-sections to demonstrate provision of a suitable maintenance strip.

All works shall be implemented in accordance with the agreed plan prior to the development being brought into use and maintained as such thereafter.

REASON: In the interest of the safe and efficient operation of the M4 motorway and to protect the integrity of the strategic highway asset in accordance with DfT Circular 01/2022.

25. Prior to the installation of any roof top mounted solar PV panels, details shall be submitted and approved in writing by the LPA (in consultation with the strategic highway authority). The submitted details shall include the proposed PV panel orientation and a Glint and Glare Assessment. The approved details including any required screening measures, shall be implemented in full prior to completion of the development such that there shall be no glint or glare impact on the surrounding highway network including the M4 motorway and Junction 16. All necessary screening shall be maintained as such for the duration of use.

REASON: In the interest of the safe and efficient operation of the strategic road network and to protect the safety of M4 motorway users in accordance with DfT Circular 01/2022.

26. No development shall commence on site (including any works of demolition), until a Construction Management Plan (CMP), has been submitted to and approved in writing by the local planning authority.

The plan shall include details of the measures that will be taken to reduce and manage the emission of noise, vibration and dust during the demolition and/or construction phase of the development. It shall include details of the following:

- a) The movement of construction vehicles;
- b) The parking of vehicles of site operatives and visitors;
- c) The cutting or other processing of building materials on site;
- d) Wheel washing and vehicle wash down facilities;
- e) The transportation and storage of waste and building materials;
- f) The storage of plant and materials used in constructing the development;
- g) The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- h) A scheme for recycling/disposing of waste resulting from demolition and construction works;
- i) Measures for the protection of the natural environment;
- j) Pre-condition photo survey of local roads and highway infrastructure;
- k) Large Vehicle Routing plan;
- l) Traffic Management Plan (including signage drawing(s));
- m) Details of temporary/permanent Traffic Regulation Orders;
- n) Construction phasing plan;
- o) The loading and unloading of equipment and materials;
- p) The location and use of generators and temporary site accommodation;
- q) Where piling is required this must be continuous flight auger piling wherever practicable to

minimise impacts;

The approved CMP shall be adhered to throughout the construction period. The development shall not be carried out otherwise than in accordance with the approved construction method statement without the prior written permission of the Local Planning Authority.

REASON: To minimise detrimental effects to the neighbouring amenities, the amenities of the area in general, detriment to the natural environment through the risks of pollution and dangers to highway safety, during the construction phase.

27. No development shall commence on site, including demolition, ground works/excavation, site clearance, vegetation clearance and boundary treatment works, 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 avoidance, mitigation and protective measures to be implemented before and during the construction phase, including but not necessarily limited to the following, and the development shall be carried out in strict accordance with the approved CEMP:

- a) An introduction consisting of construction phase environmental management plan, definitions and abbreviations and project description and location;
- b) A description of management responsibilities;
- c) A description of the construction programme;
- d) Detailed Site logistics arrangements;
- e) Details regarding parking, deliveries, and storage;
- f) Details regarding dust and noise mitigation;
- g) Details of temporary external lighting of the site. This information shall include a layout plan with beam orientation and a schedule of equipment proposed in the design (luminaire type, mounting height, aiming angles and luminaire profiles).
- h) 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;
- i) Site working hours and a named person for residents to contact; and
- j) Identification of ecological protection areas/buffer zones and tree root protection areas and details of physical means of protection, e.g. exclusion fencing;
- k) Working method statements for protected/priority species, such as nesting birds, and reptiles. The working 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.
- l) Mitigation strategies already agreed with the local planning authority prior to determination, such as for great crested newts, dormice or bats; this should comprise the pre-construction/construction related elements of strategies only.
- m) Work schedules for activities with specific timing requirements in order to avoid/reduce potential harm to ecological receptors; including details of when a licensed ecologist and/or ecological clerk of works (ECoW) shall be present on site.
- n) Key personnel, responsibilities and contact details (including Site Manager and ecologist/ECoW).
- o) No external night-time works or use of artificial lighting during the construction phase;
- p) a scheme to treat and remove suspended solids from surface water run-off during construction
- q) oils/chemicals and materials storage including refuelling
- r) the location and pollution prevention for storage areas and compounds
- s) the control, storage and removal of spoil and waste

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

REASON: To ensure appropriate levels of amenity are achievable and to ensure adequate protection and mitigation for ecological receptors prior to and during construction, and that works are undertaken in line with current best practice and industry standards and are supervised by a suitably licensed and competent professional ecological consultant where applicable.

28. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to, and approved in writing by, the local planning authority. The remediation strategy shall be implemented as approved.

REASON: To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site. This is in line with paragraph 187 of the National Planning Policy Framework

29. Piling and foundation designs using penetrative methods shall not be carried out other than with the written consent of the local planning authority. Where piling and deep penetrative methods are required, the applicant shall submit supporting details including a structural engineers statement confirming the proposed piling/drilling is secure and acceptable. The development shall be carried out in accordance with the approved details.

REASON: To ensure that the proposed piling/ foundation works do not harm the surrounding highway network or destabilise local topography. Piling and foundation designs using penetrative methods can result in risks to the land stability and pollution.

30. No development shall commence on site including site clearance until a Landscape and Ecology Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority. The LEMP will include long term objectives and targets, management responsibilities and maintenance schedules for each ecological feature within the development, together with a mechanism for monitoring success of the management prescriptions, incorporating review and necessary adaptive management in order to attain targets. The LEMP shall be implemented in full and for the lifetime of the development in accordance with the approved details.

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

31. For the avoidance of doubt and notwithstanding the separate condition requiring details to be submitted in relation the landscaping adjacent to the strategic highway, no development shall commence above ground floor slab level until full details of a hard and soft landscaping for the site (other than the strategic highway boundary) has been submitted to and approved in writing by the Local Planning Authority, the details of which shall include: -

- a) Location and current canopy spread of all existing trees and hedgerows on the land; Full details of all existing trees and hedging to be retained, together with measures for their protection during development;
- b) A detailed planting specification showing all plant species, supply and planting sizes and planting densities

- c) All means of enclosure and internal boundary treatments
- d) Children's play equipment and picnic area equipment;
- e) Vehicle parking layouts;
- f) Refuse/recycling collection points;
- g) Bin storage areas;
- h) Other vehicle and pedestrian access and circulation areas;
- i) All hard and soft surfacing materials.

REASON: In order that the development is undertaken in an acceptable manner, to ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features.

32. No part of the development hereby permitted shall be brought into use until a Framework Travel Plan has been submitted to and approved in writing by the Local Planning Authority in consultation with National Highways and Wiltshire Council as Highway Authority. The site shall operate in full accordance with the approved Travel Plan thereafter.

REASON: In the interests of sustainable transport, CP61 of the WCS

33. 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.

34. No development hereby approved shall commence until full details of all permanent external lighting of the site has been submitted to, and approved in writing by, the Local Planning Authority in consultation with National Highways. This information shall include a layout plan with beam orientation and a schedule of equipment proposed in the design (luminaire type, mounting height, aiming angles and luminaire profiles). The permanent lighting shall be installed in full, maintained and operated in accordance with the approved details at all times that the development is operational.

Before the first use of the approved lighting scheme approved, the applicant shall appoint a suitably qualified member of the institute of lighting professionals (ILP) to validate that the lighting scheme as installed conforms to the recommendations for environmental zone E2 or better in the ILP document "Guidance Notes for the Reduction of Obtrusive Light - Guidance Note 01:20. A letter written by a suitably qualified member of the ILP confirming this shall be submitted to the Local Planning Authority. The scheme shall thereafter be permanently retained in accordance with the details submitted.

REASON: In the interest of the safe and efficient operation of the M4 motorway in accordance with DfT Circular 01/2022 and to mitigate any adverse impact from the development on M4 motorway safety and Core policy 57, Ensuring high design and place shaping such that appropriate levels of amenity are achievable.

35. An assessment of the acoustic impact arising from the operational mechanical plant and for

onsite vehicle movements associated with the operational phase of the development shall be undertaken in accordance with BS 4142: 2014 +A1:2019. Background levels are to be taken as a LA90 1 hour and the ambient noise levels shall be expressed as an LAeq 1 hour during the daytime [07:00- 23:00] and shall be expressed as an LA90 and LAeq 5 minutes during the night [23:00 – 07:00] and measured at the closest possible point to the nearest residential noise-sensitive receptors, with the final location to be agreed with the LPA in writing.

The assessment shall be submitted to the Local Planning Authority at reserved matters stage together with a scheme of attenuation measures to demonstrate the development can achieve a rating level of 5dB below the typical background (LA90) level at the nearest noise sensitive location.' If the precise detail of the scheme is not known, then likely worst-case scenarios with respect to noise impact on residential premises should be assumed. The scheme shall be submitted to and approved in writing by the Local Planning Authority. The details as approved shall be implemented prior to occupation of the development and thereafter be permanently retained.

36. The use hereby permitted shall not operate until a scheme containing full details of arrangements for internal air extraction, odour control and discharge to atmosphere from cooking operations, including the location and appearance of any external ducting and flues, has been submitted to and approved in writing by the Local Planning Authority. The scheme must include full technical details and a risk assessment in accordance with Appendix 2 and 3 respectively of the EMAQ "Control of odour and noise from commercial kitchen exhaust systems" Guidance (Gibson, 2018).

The works detailed in the approved scheme shall be installed in their entirety before the operation of the use hereby permitted. The equipment shall thereafter be maintained in accordance with the manufacturer's instructions for the lifetime of the development and operated at all times when cooking is being carried out.

REASON: Core policy 57, Ensuring high design and place shaping such that appropriate levels of amenity are achievable.

INFORMATIVES TO APPLICANT:

1. This permission shall be read in conjunction with an Agreement made under Section 106 of the Town and Country Planning Act, 1990 and dated the [INSERT TO BE ADDED ONCE S106 IS SEALED AT LATER DATE].

The highways schemes associated with this consent involves works within the public highway, which is land over which the applicant has no control. National Highways will therefore require the applicant to enter into a suitable legal agreement to cover the detailed design and construction of the works. Please contact ThirdpartyworksSWarea@nationalhighways.co.uk at an early stage to discuss the details of the highways agreement and funding arrangements.

Commencement of works will also need to be timed to fit in with other road works on the strategic road network or local road network to ensure there are no unacceptable impacts on congestion and road safety. If the scheme requires traffic orders these will be subject to a minimum 12 week process. Please be advised that National Highways may charge Commuted Sums for maintenance of schemes delivered by third parties. These will be calculated in line with HM Treasury Green Book rules and will be based on a 60 year infrastructure design life period

2. The applicant must obtain Thames Water's permission for any connections to their infrastructure. Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.

3. There are water mains crossing or close to your development. Thames Water do NOT permit the building over or construction within 3m of water mains. If you're planning significant works near our mains (within 3m) we'll need to check that your development doesn't reduce capacity, limit repair or maintenance activities during and after construction, or inhibit the services we provide in any other way. The applicant is advised to read our guide working near or diverting our pipes. <https://www.thameswater.co.uk/developers/larger-scale-developments/planning-your-development/working-near-our-pipes>

4. An environmental permit is required for any works within 8m of a main river. Consult the Environment Agency's main river map to see if a river/watercourse is designated as a main river. For more guidance on environmental permits, consult the website: [Check if you need an environmental permit - GOV.UK](#).

5. Wiltshire Council is the Lead Local Flood Authority that has the lead responsibility for surface water management, the discharge rate from the site must be agreed with Wiltshire Council as part of agreeing the surface water drainage strategy for the site. Wiltshire Council's land drainage byelaws can be downloaded at: [Drainage - Wiltshire Council](#). The land drainage consent application form and guidance notes can be found on our website at: [Land drainage and ordinary watercourse - Wiltshire Council](#)

6. Storage of fuels, oils and chemicals

Materials and chemicals likely to cause pollution should be stored in appropriate containers and adhere to guidance for the storage of drums and intermediate bulk containers.

Any facilities, above ground, for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound should be at least equivalent to the capacity of the tank plus 10%.

All filling points, vents, gauges and sight glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework should be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets should be designed to discharge downwards into the bund.

Appropriate procedures, training and equipment must be provided for the site to adequately control and respond to any emergencies including the clean-up of spillages, to prevent environmental pollution from the site operations.

The EA advise that polluting materials and chemicals are stored in an area with sealed drainage.

Please contact the EA National Customer Call Centre (Tel: 03708 506 506) for further information and guidance.

Additional information and guidance is available at:

- Oil storage regulations for businesses - GOV.UK
- Design of containment systems for the prevention of water pollution from industrial incidents

7. A permit to discharge (Environmental Permit) will be required if the construction period is greater than 3 months and the discharge is to surface waters. Any discharge will be governed by strict limits on suspended solids, pH, and if flocculants are used, an iron or aluminium limit.

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Wiltshire Council

PL/2023/09142
Land at Junction 16 (M4), Swindon



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