

APPLICATION FOR FULL/OUTLINE/RESERVED MATTERS- PLANNING PERMISSION (MAJOR HOUSING) OFFICER REPORT

Date of Meeting	17 th September 2026
Application Number	PL/2026/01963
Site Address	Land South of Coate Road, Devizes
Proposal	Outline planning permission: All matters reserved for the residential development for up to 175 dwellings, associated works (including demolition), infrastructure, ancillary facilities, open space and landscaping. Construction of a new vehicular access off Coate Road and Windsor Drive.
Applicant	Robert Hitchins Limited
Town/Parish Council	Bishops Cannings CP and Devizes CP
Electoral Division	Bromham, Rowde & Roundway ED and Urchfont & Bishops Cannings ED and Devizes East ED
Type of application	Outline planning permission: All matters reserved
Case Officer	Lucy Rutter-Dowd
Reason for the Application being reported to Planning Committee	The application has been called to Committee at the request of the Divisional Member due to concerns regarding the scale, design and visual impact of the proposed development and its effect on the character and appearance of the area.

RECOMMENDATION: That Planning Permission be REFUSED

1 EXECUTIVE SUMMARY

Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Section 70(2) of the Town and Country Planning Act 1990 require planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise.

This proposal seeks outline planning permission, with all matters reserved, for the erection of up to 175 dwellings together with associated infrastructure, public open space, landscaping, drainage works and ancillary development on land south of Coate Road, Devizes. The site lies adjacent to the existing built-up area of Devizes but is located outside the defined Limits of Development and is not allocated for development within the adopted development plan.

The proposal has been assessed against the Development Plan, the National Planning Policy Framework (NPPF), consultee responses and all other material considerations. Whilst the

proposal conflicts with the adopted spatial strategy, Wiltshire Council is presently unable to demonstrate a five-year supply of deliverable housing land. The proposal seeks to provide housing to help address an identified unmet housing need and therefore falls within the category of development identified by Policy S5(1)(j) of the NPPF. In these circumstances, significant weight is afforded to the delivery of new housing and affordable housing.

Since the submission of the application, a revised National Planning Policy Framework has been published and has been taken into account in the assessment of the proposal. Relevant consultation responses and technical evidence have been reviewed in light of the updated national policy position. Officers are satisfied that the substance of the consultation responses received has not materially changed as a consequence of the revised Framework and that the conclusions reached by the Council's technical consultees remain applicable to the assessment of the proposal. Any implications arising from the updated NPPF have been considered within the relevant sections of this report.

The proposal would provide a number of substantial benefits, including the delivery of up to 175 dwellings, approximately 53 affordable homes, public open space, green infrastructure, active travel improvements, public rights of way enhancements, economic benefits arising from both construction and occupation of the development, and infrastructure secured through planning obligations.

The proposal has been assessed in relation to design, landscape and visual impact, heritage, archaeology, residential amenity, transport and accessibility, drainage and flood risk, agricultural land quality, climate change and infrastructure provision. Subject to appropriate planning conditions and planning obligations, the Council is satisfied that these matters would not give rise to unacceptable harm. No objections are maintained by the Highway Authority, Lead Local Flood Authority, Landscape Officer, Arboricultural Officer, Archaeologist, Education Team or other relevant technical consultees.

The principal outstanding issue relates to ecology and biodiversity. Whilst a number of ecological concerns have been resolved during the course of the application, including matters relating to nutrient neutrality, likely significant effects on the Hampshire Avon SAC, badgers and breeding birds, the Council Ecologist continues to maintain an objection. The outstanding concerns relate principally to the absence of up-to-date bat activity survey information, the protection of dark ecological corridors and uncertainty regarding aspects of the Biodiversity Net Gain baseline.

Officers are not satisfied that sufficient ecological information has been provided to enable a robust assessment of the likely ecological effects of the development. Consequently, Officers are unable to conclude that the proposal complies with Policy N2 of the NPPF, Core Policies 50 and 52 of the Wiltshire Core Strategy or the statutory Biodiversity Net Gain regime.

Accordingly, notwithstanding the substantial benefits associated with the delivery of market and affordable housing and the significant weight afforded to those benefits under Policy S5 of the NPPF, Officers are unable to complete a fully informed planning balance. For the reasons set out in this statement, planning permission is therefore recommended for refusal.

2 STATUS OF THE APPLICATION AND APPEAL

The application is the subject of a non-determination appeal under Section 78 of the Town and Country Planning Act 1990. The appeal was lodged following the expiry of the statutory period for determination and, accordingly, responsibility for determining the application now rests with the Secretary of State through the Planning Inspectorate.

The purpose of this report is therefore not to determine the planning application. Rather, it is to assist Members in establishing the Council's position at appeal and to identify whether the Council should support or oppose the proposal and, if opposing it, the reasons that should be advanced before the Planning Inspectorate.

At the time the appeal was lodged a number of technical matters remained under active consideration. Since that time additional information has been submitted and a number of issues have been narrowed or resolved. However, as explained in this report, the Council Ecologist continues to maintain an objection on the grounds that insufficient ecological information has been provided to enable the likely ecological effects of the development to be properly assessed.

Members are therefore asked to consider the officer assessment and determine the position that the Council should adopt in the appeal proceedings.

3 PLANNING OBLIGATIONS AND CONDITIONS

3.1 Obligations

Without prejudice to the Council's recommendation for refusal, and in the event that the Planning Inspectorate were minded to allow the appeal, a Section 106 Agreement would be required to secure the following matters:

1) Affordable Housing

Provision of 30% on-site affordable housing (53 dwellings), including an agreed tenure split and adapted housing provision.

2) Highway, Active Travel and Public Rights of Way Infrastructure

Active travel contributions, Public Rights of Way improvements, canal connectivity improvements, off-site highway works, bus stop infrastructure, pedestrian and cycle links, and associated sustainable transport measures.

3) Public Open Space, Play Provision and Recreation

On-site public open space, equipped play provision, long-term management arrangements and off-site sports pitch mitigation.

4) Waste and Recycling Infrastructure

Contribution towards the provision of waste and recycling containers.

5) Public Art and Place-Shaping Infrastructure

Provision of a public art scheme in accordance with Wiltshire Council guidance.

6) Management and Maintenance Arrangements

Long-term management of public open space, play areas, landscaping, sustainable drainage infrastructure and associated communal facilities.

7) Monitoring Fee

Monitoring fee associated with the administration and enforcement of planning obligations.

3.2 Conditions

Without prejudice to the Council's recommendation for refusal, and in the event that the Planning Inspectorate were minded to allow the appeal, planning conditions would be expected to address the following matters:

1. Reserved matters approval.
2. Time limit for submission of reserved matters.
3. Time limit for commencement of development.
4. Approved plans and parameter plans.
5. Archaeological investigation and recording.
6. Construction Environmental Management Plan (CEMP).
7. Construction Traffic Management Plan (CTMP).
8. Off-site highway and active travel works.
9. Residential Travel Plan.
10. Estate roads, parking and cycle infrastructure.
11. Protection and enhancement of Public Rights of Way.
12. Surface water drainage strategy.
13. Drainage management and maintenance arrangements.
14. Foul drainage strategy.
15. Protection of existing Wessex Water infrastructure.
16. Arboricultural impact assessment and tree protection measures.
17. Detailed landscaping scheme.
18. Landscape and Ecological Management Plan (LEMP).
19. External lighting strategy and protection of dark ecological corridors.
20. Ecological enhancement measures.
21. Ecological Parameters Plan.
22. Acoustic assessment and noise mitigation measures.
23. Waste and recycling storage and collection arrangements.

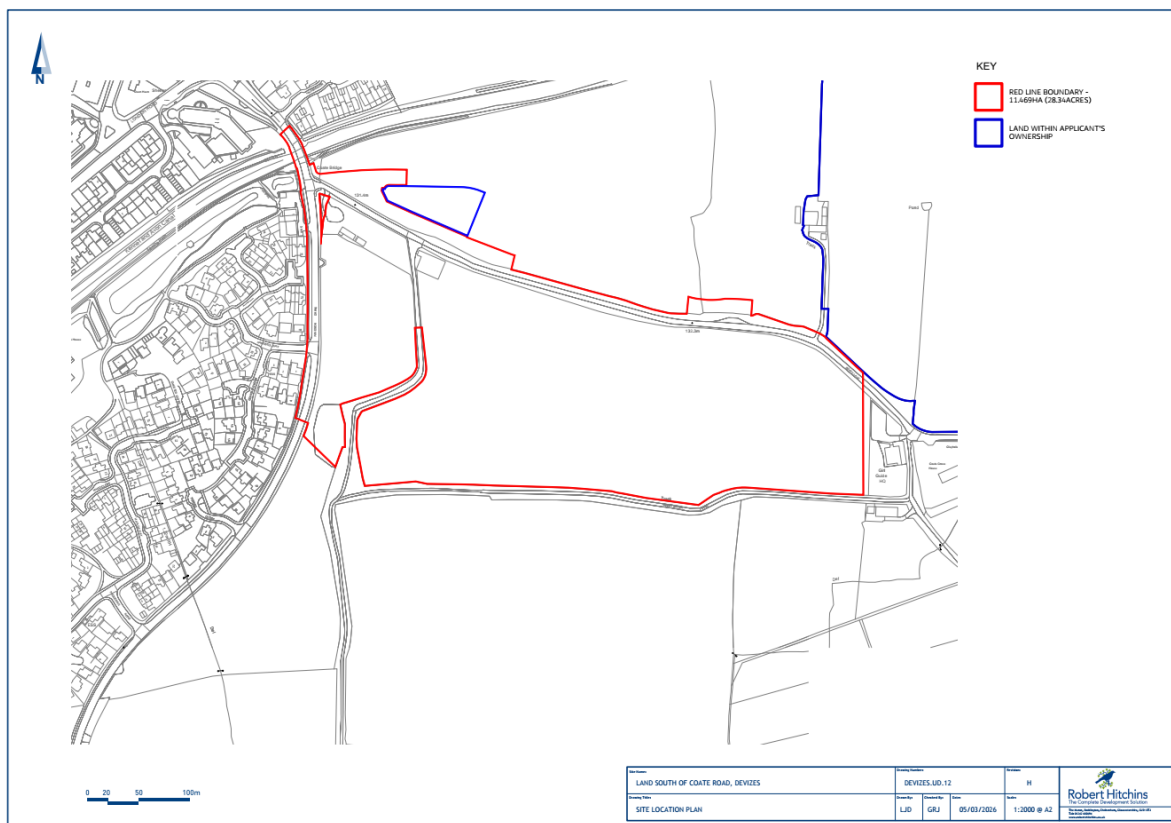
4 PUBLIC SECTOR EQUALITY DUTY (PSED)

In reaching this decision, due regard has been had to the Public Sector Equality Duty under Section 149 of the Equality Act 2010. This requires the Local Planning Authority to have regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations between persons who share a protected characteristic and those who do not.

The Local Planning Authority is satisfied that the proposal would not result in any unlawful discrimination and that any impacts on protected groups have been appropriately considered as part of this assessment.

5 PROPOSED DEVELOPMENT SITE AND SURROUNDINGS

5.1 Site location



5.2 Site description

The application site extends to approximately 11.47 hectares and is located on the north-eastern edge of Devizes. The site comprises two irregularly shaped agricultural fields situated to the south of Coate Road and east of Windsor Drive. The land is currently in agricultural use and contains a number of agricultural buildings which are proposed to be demolished as part of the development. The site lies within the administrative area of Wiltshire Council and within the parish of Devizes.

The site is bounded by Coate Road to the north, beyond which land is currently being developed pursuant to planning permission reference PL/2021/04774 for residential development. To the west, the site adjoins Windsor Drive and established residential development which forms part of the eastern edge of Devizes. To the east and south, the site is bordered by agricultural land and open countryside.

A Public Byway Open to All Traffic (DEV165) crosses the site on a broadly north-south alignment, linking Coate Road to the north with the wider rights of way network to the south. Public Footpath DEV166 runs immediately adjacent to the southern boundary of the site. The Local Planning Authority is aware that a Definitive Map Modification Order has been promoted seeking to upgrade Footpath DEV166 to a Restricted Byway.

The site is enclosed by established hedgerows with intermittent hedgerow trees forming the majority of its field boundaries. The topography of the site is gently undulating, with ground

levels generally falling from south to north. Owing to its location adjacent to Coate Road, Windsor Drive and the public rights of way network, the site is visible from a number of publicly accessible locations in the immediate area. Views of the site from the wider landscape are influenced by existing vegetation, field boundaries and local landform.

The site lies outside the defined Limits of Development for Devizes and is therefore located within the countryside for planning policy purposes. The site is not allocated for development within the adopted development plan. The land is classified as Grade 3 agricultural land.

In flood risk terms, the site lies wholly within Flood Zone 1. Areas within the site are identified as being susceptible to surface water flooding and there are also areas identified as having potential groundwater flood risk. The site falls within the Hampshire Avon River catchment.

The site does not fall within any nationally designated landscape. However, the North Wessex Downs National Landscape lies in close proximity to the eastern side of the site and forms part of the wider landscape setting.

Historic Environment Record data identifies a number of archaeological records within the site and its immediate surroundings, including features associated with historic field systems, ridge and furrow cultivation and Roman-period activity. These records indicate archaeological interest within the site and are considered further within the relevant assessment section of this statement.

5.3 Site Photographs





Photographs taken from the northeastern corner of the site looking to the south, southwest and west respectively.



Glimpses of the site through the southern hedgerow boundary taken from PRow DEV166



PRoW DEV165 leadng north into the site



View to the east from PRow DEV165



Agricultural structures proposed for demolition



Approximate location of proposed access from Windsor Drive



View of western side of site facing east from Windsor Drive

6 PROPOSAL

This application seeks outline planning permission, with all matters reserved, for the residential development of land south of Coate Road, Devizes. The application proposes the development of up to 175 dwellings together with associated infrastructure, open space, landscaping and ancillary works. The application description is:

Outline planning permission: All matters reserved for the residential development for up to 175 dwellings, associated works (including demolition), infrastructure, ancillary facilities, open space and landscaping. Construction of a new vehicular access off Coate Road and Windsor Drive.

The application site extends to approximately 11.47 hectares and comprises agricultural land located to the south of Coate Road and east of Windsor Drive.

As the application is submitted in outline form, approval is sought for the principle of residential development only, with all detailed matters reserved for subsequent consideration through one or more Reserved Matters applications. The submitted illustrative material is provided for indicative purposes only and demonstrates one potential form of development.

The proposed development comprises:

- Up to 175 residential dwellings, including the provision of affordable housing in accordance with policy requirements;
- Demolition of existing agricultural buildings within the site;
- Vehicular access from Coate Road and Windsor Drive;

- Internal roads, pedestrian and cycle connections and associated infrastructure;
- Public open space, children's play provision and green infrastructure;
- Structural landscaping and ecological enhancement measures;
- Sustainable drainage infrastructure, including attenuation features;
- Utilities infrastructure and other ancillary works required to facilitate the development.

An illustrative masterplan has been submitted showing a potential development arrangement. This indicates that the site could accommodate residential development served by two vehicular access points, together with areas of public open space, landscaping, sustainable drainage infrastructure, play provision and retained public rights of way connections. The illustrative masterplan does not form part of the submitted details for approval and is intended to demonstrate how the site may be developed should outline planning permission be granted.

7 RELEVANT PLANNING HISTORY

The application site forms part of a wider area of land east of Devizes which has been the subject of previous planning applications and appeal decisions. The following planning history is considered relevant to the determination of the current application:

Proposal / Summary
E/2013/0083/OUT - Outline Planning Decision - Refused Date: 25/9/2013 – Outline planning application for residential development of up to 350 dwellings, local centre of up to 700sqm of class A1 retail use, open space, access roads, cycleway, footpaths, landscaping and associated engineering works
14/00309/OUT - Outline Planning Decision - Withdrawn Date: 4/11/2016 – Outline Planning Application for Residential Development of up to 350 Dwellings, local centre of up to 700sqm of class A1 retail use, open space, access roads, cycleway, footpaths, landscaping and associated engineering works (Resubmission of E/2013/0083/
APP/Y3940/A/13/2206963 – Appeal against refusal of E/2013/0083/OUT. Following two inquiries and a High Court challenge, the appeal was ultimately dismissed by the Secretary of State on 21 September 2016.
PL/2021/04774 – Outline Planning Decision – Refused Date: 04/11/2022 - Residential development (up to 200 dwellings), a local centre of 0.3ha (0.75 acres) (comprising commercial business and service uses (Use Class E), drinking establishment and hot food takeaway (Sui Generis) with a GIA limit of 1,000 sqm of which no more than 725 sqm (GIA) shall be used for retail (Class E(a)). No single retail (Class E(a)) unit shall comprise of more than 325 sqm (GIA)). Associated works, infrastructure, ancillary facilities, open space and landscaping.' Vehicular access from Windsor Drive with the western end of Coate Road re-aligned to form the minor arm of a junction with the site access road.
APP/Y3940/W/22/3312268 – Appeal against refusal of PL/2021/04774. Following an inquiry, the appeal was Allowed with Conditions on 24 May 2023.
PL/2024/09259 - Approval of reserved matters Decision - Approve with Conditions Date: 26/3/2025 – Approval of Reserved Matters (Access, appearance, landscaping, layout and scale) pursuant to outline planning permission PL/2021/04774, granted at appeal (ref. APP/Y3940/W/22/3312268).

PL/2024/09260 - Approval of reserved matters Decision - Approve with Conditions Date:
28/2/2025 – Reserved matters application for access following outline application
PL/2021/04774 approved under appeal ref APP/Y3940/W/22/3312268

Particular relevance is attached to the appeal decision relating to land north of Coate Road (Appeal Ref: APP/Y3940/W/22/3312268), which granted outline planning permission for up to 200 dwellings on land immediately adjoining the application site. The relevance and weight to be afforded to that appeal decision are considered within the assessment section of this statement.

8 RELEVANT PLANNING LEGISLATION, POLICIES AND GUIDANCE

8.1 National Planning Policy:

- National Planning Policy Framework (NPPF) [NPPF - GOV.UK](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/432424/NPPF-2019.pdf)
- Planning Practice Guidance (PPG) [Planning practice guidance - GOV.UK](https://www.gov.uk/guidance/planning-practice-guidance)

8.2 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:

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 12 Spatial Strategy Devizes Community Area;
- Core Policy 41/42 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 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 64 Demand Management

- Core Policy 67 Flood Risk;

Appendix D of WCS – Relevant Saved Policies:

- Kennet Local Plan 2011 SPD Community Benefits from Planning (March 2005):
 - HC34 (Open Space)
 - HC37 (Education)

Wiltshire Housing Site Allocations Plan

Wiltshire Waste Core Strategy 2009

Link to various documents:

[Planning and building control - Wiltshire Council](#)

[Wiltshire Core Strategy - Wiltshire Council](#)

[Saved policies from District Local Plans - Wiltshire Council](#)

[Wiltshire Housing Site Allocations Plan - Wiltshire Council](#)

[Chippenham Site Allocations Plan - Wiltshire Council](#)

[Minerals and Waste - Wiltshire Council](#)

8.3 Draft Wiltshire Local Plan

At Full Council on 19 May 2026, the elected members of Wiltshire Council agreed to withdraw the emerging Wiltshire Local Plan. The said Plan has no material weight for the purposes of the application.

In accordance with Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2026, on 30th June 2026 Wiltshire Council published a notice of intention to prepare a new local plan for Wiltshire. The next stage is a Scoping Consultation which commences on 2nd September 2026. This plan is at a very early stage and currently carries no weight for decision making.

8.4 Neighbourhood Plan:

Devizes Area Neighbourhood Plan:

- H1 - Settlement Framework Boundary
- H2 - Built Environment & Sustainability
- E1- Education
- T1 – Getting Around
- ESD1 – Environment and Sustainability

Link to Neighbour Plans:

[Neighbourhood planning - Wiltshire Council](#)

[Latest progress - Wiltshire Council](#)

8.5 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
- LTN1/20 – Cycle Infrastructure Design (July 2020)
- Air Quality SPD (due to be Adopted in October 2025)
- CIEEM – Advice Note: On the Lifespan of Ecological Reports & Surveys (April 2019)
- Open Space provision in New Housing Developments – A Guide (Supplementary Planning Guidance) and Wiltshire Council's Playing Pitch Strategy February 2017
- Art and Design in the Public Realm in Wiltshire – 2024 Guidance – adopted May 2024

8.6 Other Relevant Policies and Documents:

- Wiltshire Council's Housing Land Supply Statement June 2025 (baseline date April 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 Local Cycling and Walking Infrastructure Plan (LCWIP)
- Devizes Local Cycling and Walking Infrastructure Plan (LCWIP)
- Wiltshire Council's Waste Core Strategy, adopted July 2009

Link to documents:

[Wiltshire Design Guide - Wiltshire Council](#)

[Leisure strategy - Wiltshire Council](#)

[Public art and design - Wiltshire Council](#)

[Wiltshire Local Transport Plan - Wiltshire Council](#)

[Local Cycling and Walking Infrastructure Plans \(LCWIPs\) - Wiltshire Council](#)

[Air quality - Wiltshire Council](#)

[Biodiversity, landscape and design - Wiltshire Council](#)

[Monitoring and evidence - Wiltshire Council \(*Housing Land Supply information*\)](#)

[Open Space provision in New Housing Developments SPG 2004](#)

9 SUMMARY OF CONSULTATION RESPONSES

The views of consultees are material considerations in the determination of the application. However, the decision-maker must exercise their own planning judgement. Where consultees raise concerns or recommend conditions, these have been considered and are addressed within the assessment section of this report.

Active Travel England: No objection.

WC Arboricultural Officer: No objection.

WC Archaeology: No objection subject to conditions.

Canal and River Trust: No Objection subject to consideration of S106 contribution.

Drainage / Lead Local Flood Authority (LLFA): No objection subject to condition.

WC Ecology: Objection Maintained (Further Information Required).

Education: No objection.

Environment Agency: No comments, confirms consultation was not required.

Highways: No objection.

WC Housing Enabling Team: No Objection, subject to S106 securing policy-compliant affordable housing.

WC Landscape Officer: No objection.

National Highways: No objection.

Royal United Hospital NHS Foundation Trust: No objection, subject to financial contribution.

NHS Bath and North East Somerset, Swindon and Wiltshire Integrated Care Board (BSW ICB): No objection, subject to financial contribution.

WC Public Open Space: No objections subject to mitigation and financial contributions.

WC Public Protection: No objection subject to condition relating to acoustic assessment and mitigation at Reserved Matters stage.

WC Public Rights of Way: No objection subject to conditions and contributions.

WC Urban Design: Objection.

WC Waste Management: No objection.

Wessex Water: No objection.

The consultee responses have been carefully considered. Whilst significant weight is afforded to specialist technical advice, the decision remains a matter for the Local Planning Authority and the officer assessment below reaches an independent planning judgement on the issues raised.

Town and Parish Councils:

Bishops Cannings Parish Council: Objection on the following grounds:

- Bishops Cannings Parish Council objects to the proposal. The Parish Council considers that the housing requirements for the Devizes Community Area have already been met through existing neighbourhood planning processes and contends that the application represents additional unallocated development beyond identified requirements. The Parish Council also notes that the site lies outside the defined settlement framework boundary and therefore conflicts with the spatial strategy set out within the development plan.
- The Parish Council further raises concerns regarding the Transport Assessment, stating that it has failed to adequately assess the impact of development traffic on the villages of Coate, Bishops Cannings and Horton. Concern is expressed regarding cumulative traffic impacts arising from this and other developments, and the Parish Council considers that local villages have already experienced increased traffic associated with drivers seeking to avoid congestion on London Road.

Devizes Town Council: Objection on the following grounds:

- Devizes Town Council objects to the application. The Town Council considers that the proposal conflicts with the spatial strategy set out within the Wiltshire Core Strategy, the National Planning Policy Framework and the Devizes Area Neighbourhood Plan. Objection is raised on the basis that the site lies outside the settlement framework boundary and would result in an increased proportion of housing growth being directed towards Devizes, which the Town Council considers would place additional pressure on local infrastructure, transport networks and services.
- The Town Council also raises concerns regarding the proposed housing mix and affordable housing provision, arguing that the development does not adequately reflect local housing needs and should provide a higher proportion of affordable housing. Concerns are further raised regarding the site's accessibility by sustainable transport modes, the adequacy of the submitted Transport Assessment, cumulative impacts on London Road and the wider highway network, and the effect of the development on the character of the countryside and the setting of the North Wessex Downs National Landscape.
- Should planning permission be granted, the Town Council requests a wide range of planning obligations and mitigation measures relating to affordable housing, active travel infrastructure, canal access, highway improvements, public transport enhancements, renewable energy provision, biodiversity, public rights of way, healthcare, education, youth facilities, air quality mitigation and other community infrastructure.

The concerns raised by Bishops Cannings Parish Council and Devizes Town Council are material considerations and have been fully considered in the assessment of this application. However, the weight to be afforded to those concerns depends upon the planning merits of the issues raised rather than the status of the body raising them. The matters identified by the Town and Parish Councils, including the principle of development, conflict with the spatial strategy, neighbourhood plan considerations, housing need, affordable housing, transport impacts, infrastructure provision, landscape effects and ecological impacts, are addressed within the relevant sections of this report.

10 SUMMARY OF 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.

Each material planning issue raised is addressed within the assessment below.

10.1 Letters of Objection

Total letters of objection received: 14

Principle of Development / Housing Need

- The site is located outside the defined settlement boundary/limits of development.
- The proposal is considered by objectors to conflict with the spatial strategy of the Wiltshire Core Strategy and Devizes Area Neighbourhood Plan.
- Concerns that Devizes has already met, or is close to meeting, its identified housing requirement.
- Assertions that the proposal represents speculative development rather than development responding to a demonstrated local housing need.
- Concerns that brownfield sites within Devizes should be developed before additional greenfield land is released for housing.
- Concerns regarding the scale of housing proposed and the perceived lack of need for additional market housing.

Highways, Traffic and Accessibility

- Concerns regarding increased traffic on Coate Road, Windsor Drive, London Road and surrounding villages.
- Concerns regarding cumulative impacts arising from existing and committed developments, including the development to the north of Coate Road.
- Concerns regarding highway congestion, journey delays and road safety.
- Concerns regarding construction traffic and its impact on Coate village and surrounding roads.
- Concerns regarding the adequacy of the submitted Transport Assessment.

- Concerns that the proposal does not adequately promote sustainable transport, walking, cycling and public transport use.
- Concerns regarding access to schools and local facilities.

Infrastructure and Community Facilities

- Concerns that local infrastructure is already under pressure.
- Concerns regarding GP surgery capacity and access to healthcare services, including NHS dental provision.
- Concerns regarding school capacity.
- Concerns regarding the availability of local services, employment opportunities and community facilities to support additional population growth.

Landscape, Countryside and Environmental Impact

- Objections to the loss of agricultural/greenfield land.
- Concerns regarding the impact on the character and appearance of the countryside.
- Concerns regarding the site's relationship with the North Wessex Downs National Landscape.
- Concerns regarding urban expansion and perceived coalescence of development east of Devizes.
- Concerns regarding biodiversity impacts and loss of wildlife habitat.

Flooding and Drainage

- Concerns that parts of the site hold surface water and are susceptible to flooding.
- Concerns regarding the ability of the site to accommodate additional development without increasing flood risk.
- Concerns regarding drainage impacts associated with existing nearby development.

Residential Amenity

- Concerns regarding the impact on the outlook and character of the area experienced by existing residents.
- Concerns regarding privacy, noise, light pollution and general disturbance arising from the development.
- Concerns regarding the impact of the development on the rural setting of existing properties.

Housing Mix

- Concerns that the proposed housing mix is not aligned with local housing needs.
- Concerns regarding the proportion of larger dwellings and the perceived lack of smaller and more affordable homes.

Summary of Objections

The majority of objections relate to the principle of developing land outside the settlement boundary, the perceived lack of need for additional housing in Devizes, highway impacts and congestion, pressure on local infrastructure and services, and the loss of greenfield countryside on the eastern edge of the town. Landscape impacts, healthcare provision and cumulative impacts arising from other developments in the area also feature prominently within representations received.

10.2 Comments

Total letters of comment received (neither supporting or objecting):

Ecology and Biodiversity Enhancements

- Support for the provision of biodiversity enhancements within the development.
- Requests for the incorporation of integrated bird nesting features, including swift bricks, bird bricks and associated ecological enhancements.
- Recommendations that biodiversity measures are designed into future Reserved Matters submissions and secured through planning conditions.

Public Rights of Way and Active Travel

- Comments regarding connections between the site and surrounding footpath network.
- Suggestions that pedestrian routes should better connect with existing and proposed paths associated with the adjoining northern development.
- Requests that Rights of Way remain open, unobstructed and appropriately screened from development.

Equestrian Access and Rights of Way

- Concerns regarding the treatment of Public Rights of Way DEVI65 and DEVI66.
- Requests that the needs of horse riders are fully considered, particularly if DEVI66 is upgraded to Restricted Byway status through the ongoing Definitive Map Modification Order process.

Summary of Comments

The comments received principally relate to biodiversity enhancement measures, particularly the provision of nesting features for priority bird species, together with the future management and connectivity of the Public Rights of Way network crossing and adjoining the site. These matters are addressed within the Ecology, Public Rights of Way and Design sections of this statement.

11 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 made Neighbourhood Plans. Consideration has also been given to the policies of the NPPF (NPPF) as a material consideration in the assessment.

The assessment below considers each of the main issues identified above. Each topic is assessed in turn with reference to the relevant policy context, the evidence submitted, consultee responses, and all other material considerations, before a conclusion is reached.

11.1 Key issues

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

- Environmental Impact Assessment and Habitats Regulations Assessment
- Principle, policy, any development history of site
- Design and visual impact
- Amenity impacts
- Impact on historic environment/landscape, heritage assets
- Landscape impact
- Impact on parking and highway safety, including if there is sufficient parking for the proposed development
- Drainage and Flood risk
- Impacts on protected species or habitats
- Land contamination / air quality issues
- Loss of best and most versatile agricultural land
- S106 planning obligations heads of terms

11.2 Environmental Impact Assessment (EIA)

11.2.1 EIA Screening

The Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended) require certain types of development to be accompanied by an Environmental Statement (ES) where they are likely to give rise to significant effects on the environment by virtue of their nature, scale or location.

The Local Planning Authority has considered the requirements of the EIA Regulations in determining this application.

A formal Screening Opinion was issued by the Local Planning Authority on 06/12/24 under reference PL/2024/10061.

Whilst the proposal falls within Schedule 2 of the EIA Regulations, it was concluded that it is not likely to give rise to significant environmental effects, having regard to the characteristics of the development, its location and the nature of any potential impacts.

Accordingly, the submission of an Environmental Statement was not required.

11.2.2 EIA Scoping

N/A

11.2.3 Environmental Statement

N/A

11.2.4 EIA Conclusion

EIA not required.

11.3 Habitats Regulations Assessment (HRA)

Regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as amended) requires the Local Planning Authority, as the competent authority, to consider whether a plan or project is likely to have a significant effect on a Habitats Site, either alone or in combination with other plans or projects. Where likely significant effects cannot be ruled out, an Appropriate Assessment must be undertaken.

11.3.1 Screening for Likely Significant Effects

The proposed development has been assessed, having regard to its location, scale and nature, and its potential to affect designated Habitats Sites, including Special Areas of Conservation (SACs) and Special Protection Areas (SPAs) and Ramsar sites.

Having undertaken the screening assessment, the Local Planning Authority is satisfied that the proposal would not be likely to have a significant effect on any Habitats Site, either alone or in combination with other plans or projects.

This conclusion is reached because the proposed development has no identified pathway by which it could give rise to likely significant effects on any Habitats Site. During the course of the application, concerns relating to the Hampshire Avon SAC were reviewed following confirmation that foul drainage from the development would be directed to Potterne Wastewater Recycling Centre, which discharges to Semington Brook within the Bristol Avon catchment rather than the Hampshire Avon catchment.

The proposal therefore has no hydrological connection to the Hampshire Avon SAC and is not considered likely to have significant effects upon that designated site, either alone or in combination with other plans or projects. Having regard to the nature, scale and location of the development, no other pathways to effect on a Habitats Site have been identified.

Accordingly, the proposal is screened out of Appropriate Assessment and no further assessment under the Habitats Regulations is required.

11.3.2 Appropriate Assessment

N/A

11.4 Principle of Development

11.4.1 Policy Context

In Wiltshire, the overall scale and distribution of development are guided by the Settlement Strategy set out in Core Policy 1 of the Wiltshire Core Strategy. This policy establishes a hierarchy of settlements and seeks to direct growth to the most sustainable locations, including Principal Settlements, Market Towns, Local Service Centres and Large Villages. Core Policy 2 complements this approach by directing new housing growth primarily within defined settlement boundaries and by managing development in the countryside through a plan-led approach. Residential development outside these limits is generally resisted unless it accords with specific development plan policies or other material considerations indicate otherwise.

In addition, the principle of residential development may be established through site-specific allocations within the Development Plan or a made Neighbourhood Plan. Where a site is allocated for residential development, significant weight should be afforded to that allocation, subject to detailed consideration of all other relevant development plan policies and material considerations.

The NPPF (NPPF) supports the delivery of new homes, including affordable housing, to help meet identified housing needs and create sustainable communities. The Framework seeks to ensure that housing development is directed to appropriate locations, supported by necessary infrastructure and services, and contributes towards the creation of well-designed, healthy, inclusive and sustainable places.

The Framework contains specific policies relating to the location of residential development. Policy S4 applies to housing proposals within defined settlements and establishes that such development should be approved unless the benefits of doing so would be substantially outweighed by any adverse effects when assessed against the national decision-making policies of the Framework. Policy S5 applies to housing proposals outside settlements and identifies the circumstances in which such development may be considered acceptable in principle. This includes development proposals which address an evidenced unmet housing need, including circumstances where the Council cannot demonstrate a five-year supply of deliverable housing sites or where housing delivery falls below national requirements.

Policy HO7 of the NPPF is also relevant. The policy recognises the importance of delivering homes which contribute towards meeting the evidenced accommodation needs of the community and states that substantial weight should be given to the benefits of providing such homes. The weight to be attributed in any particular case will depend upon the nature of the identified need and the contribution the proposal would make towards meeting that need.

11.4.2 Planning History

The planning history of the site has been reviewed. No previous decisions, appeal outcomes, extant permissions or other planning history have been identified that materially influence the assessment of the principle of development in this case within the redline boundary of the site.

The above aside, land immediately to the north of the site was granted planning permission for residential development following a successful appeal (APP/Y3940/W/22/3312268 relating to application PL/2021/04774). This is a material consideration in the assessment of the current proposal, as the approved development will form part of the site's future context and will influence the baseline characteristics of the area. The appeal scheme represents a

substantial urban extension adjoining the application site and will alter the prevailing character and appearance of the locality, which should be taken into account when considering the effects of the proposed development.

11.4.3 Assessment

The application site lies outside the defined settlement boundary of Devizes and is not allocated for residential development within the Development Plan, nor does it comply with any of the exception policies listed at paragraph 4.25 of said plan. The proposal therefore conflicts with the spatial strategy set out in Core Policies 1 and 2 of the Wiltshire Core Strategy.

Policy S5 of the NPPF is therefore relevant.

The first question is whether the proposal falls within one of the categories of development identified by Policy S5(1) as potentially acceptable outside settlements.

The proposal falls within Policy S5(1)(J).

The fundamental question is whether the proposal genuinely satisfies the requirements of the relevant Policy S5 category and is therefore capable of being supported in principle outside a defined settlement.

The development would address an evidenced unmet need (the local planning authority cannot currently demonstrate a five year supply of deliverable housing sites). Policy HO7 of the NPPF states that in such circumstances substantial weight should be given to the benefits of providing homes which contribute towards meeting the evidenced accommodation needs of the community.

Furthermore, the development would be physically well-related to the existing settlement of Devizes and is of a scale which can be accommodated taking into account the role and function of Devizes as a Market Town. Notwithstanding the conflict with the Wiltshire Core Strategy, Core Policy 1 identifies Market Towns as having the potential to accommodate significant development.

Whilst the proposal conflicts with the spatial strategy of the Development Plan by reason of its location outside the defined limits of development, compliance with Policy S5(1)(j), the identified unmet housing need, the relationship of the site to the existing settlement and the role of Devizes within the settlement hierarchy significantly moderate the weight that should be attributed to that conflict. In these circumstances, the conflict with Core Policies 1 and 2 is afforded limited weight in the overall planning balance.

Officers acknowledge the concerns raised by Devizes Town Council and Bishops Cannings Parish Council regarding conflict with the settlement boundary, the spatial strategy of the Development Plan and the Devizes Area Neighbourhood Plan. Those concerns are justified to the extent that the proposal conflicts with Core Policies 1 and 2 of the Wiltshire Core Strategy and Policy H1 of the Devizes Area Neighbourhood Plan. However, for the reasons set out above, the weight attributed to that conflict is moderated by the Council's housing land supply position and the application of Policy S5(1)(j) of the NPPF.

Accordingly, whilst the proposal conflicts with the Development Plan, Policy S5 indicates that development of this nature may be acceptable in principle outside settlements.

Having regard to the above, the proposal is considered to comply with the requirements of Policy S5(1)(j).

11.4.4 Neighbourhood Plan

The site lies within the area covered by the Devizes Area Neighbourhood Plan.

The following neighbourhood plan policies are relevant to the principle of development:

- H1 – Settlement Framework Boundary
- H2 - Built Environment & Sustainability
- E1- Education
- T1 – Getting Around
- ESD1 – Environment and Sustainability

The above policies are considered elsewhere in the report.

Policy S6 of the NPPF has been considered and is not engaged because, whilst the proposal relates to housing development, the relevant neighbourhood plan either:

- became part of the Development Plan more than five years before the date of this decision; and/or
- does not contain allocations sufficient to meet its identified housing requirement.

Accordingly, whilst the neighbourhood plan remains part of the Development Plan and its policies continue to attract weight, the additional policy consequences arising from Policy S6 do not apply.

11.4.5 Summary

The proposal conflicts with the Development Plan when read as a whole. However, the proposal falls within Policy S5(1)(j) of the NPPF and is therefore capable of being supported in principle outside a defined settlement.

The proposal must nevertheless be assessed against all other relevant Development Plan policies, national policy and material considerations.

Whether the benefits of the proposal are substantially outweighed by any adverse effects, having regard to the requirements of Policy S5, is considered within the planning balance section of this report.

11.5 5 Year Housing Land Supply

The Council's latest Housing Land Supply Statement provides the most up-to-date position regarding the availability of deliverable housing land within Wiltshire and is a material consideration in the determination of planning applications.

The NPPF requires local planning authorities to identify and maintain a supply of specific deliverable housing sites. Housing need, housing requirements, and the supply of deliverable sites are addressed through Policies HO1 to HO6 (for plan-making) and HO7 to HO13 (for decision taking) and Annex D of the NPPF. Annex D sets out the methodology for calculating housing need, assessing land supply, the application of housing land supply buffers using the latest Housing Delivery Test results, and establishing a five-year supply of deliverable housing sites.

The Council's current housing land supply position demonstrates a supply of 2.8 years of deliverable housing land against the relevant housing requirement. This position is a material consideration when assessing proposals for residential development. Where a shortfall exists, this indicates that the Council is unable to demonstrate a full five-year supply of deliverable housing sites and this is capable of attracting significant weight in favour of proposals which would contribute towards meeting identified housing needs. Conversely, where a five-year supply can be demonstrated, this is also a material consideration to be afforded appropriate weight in the overall planning balance.

In determining this application, regard has been had to the Council's current housing land supply position, the relevant housing policies of the development plan, the housing objectives of the NPPF, and all other material considerations. The extent to which the Council's housing land supply position affects the weight to be afforded to housing delivery and other material considerations has been considered as part of the planning balance set out below.

The contribution that this proposal would make towards meeting housing needs, together with any other benefits and harms arising from the development, is assessed within the overall planning balance and conclusion sections of this report.

Links to Documents:

[Monitoring and evidence - Wiltshire Council \(Housing Land Supply information\)](#)
[Housing supply and delivery - GOV.UK](#)

11.6 Housing Mix, Type and Tenure

11.6.1 Policy Context

Core Policy 43 of the Wiltshire Core Strategy requires the provision of 30% affordable housing on qualifying sites within Devizes, to be delivered on-site and without public subsidy.

Policies HO1 and HO2 of the NPPF seek to significantly boost the supply of homes and ensure that planning decisions contribute towards meeting identified housing needs, including affordable housing needs. Policy DP3 also seeks to support the creation of mixed, balanced and inclusive communities through well-designed development.

11.6.2 Assessment

The proposal comprises up to 175 dwellings and would provide 30% affordable housing in accordance with the requirements of Core Policy 43 of the Wiltshire Core Strategy. Based upon the proposed maximum yield, this equates to the provision of 53 affordable dwellings. The affordable housing provision would be secured through a Section 106 Agreement on a nil subsidy basis.

The Council's Housing Enabling Team has reviewed the proposal and advises that the affordable housing should comprise a tenure split of 60% Social Rented housing (32 dwellings) and 40% Affordable Home Ownership housing (21 dwellings), with the affordable home ownership element comprising a mix of Shared Ownership and/or First Homes, the precise proportions of which would be agreed through the Section 106 Agreement or at Reserved Matters stage.

The Housing Enabling Team has also identified a demonstrable need for adapted affordable housing within Devizes and requests that 10% of the affordable housing provision is delivered as adapted dwellings meeting Building Regulations M4(2) standards. An indicative affordable housing mix has been provided comprising a range of dwelling sizes and types, including maisonettes, bungalows and family housing, reflecting identified local housing need.

Given that the application is submitted in outline form, detailed matters relating to the siting, clustering and distribution of affordable housing are not before the Local Planning Authority at this stage. However, the Housing Enabling Team advises that affordable housing should be integrated throughout the development in small clusters and designed to be visually indistinguishable from market housing. These matters can be appropriately addressed through the Reserved Matters process and secured through the Section 106 Agreement.

The proposal would secure a policy-compliant level of affordable housing through the Section 106 Agreement and, subject to the approval of Reserved Matters, would make a meaningful contribution towards meeting identified affordable housing needs within Devizes and the wider area. Significant positive weight is afforded to the delivery of this affordable housing provision.

11.6.3 Summary

The proposed affordable housing provision, tenure mix and indicative distribution have been reviewed by the Council's Housing Enabling Team and are considered acceptable.

The proposal would deliver 53 affordable dwellings, meeting the requirements of Core Policy 43 of the Wiltshire Core Strategy. The affordable housing would comprise a policy-compliant tenure mix and would make a meaningful contribution towards meeting identified local housing needs, including needs for social rented housing and adapted accommodation. Detailed matters relating to layout, clustering and integration would be addressed through future Reserved Matters submissions and secured through the Section 106 Agreement.

Accordingly, the proposal is considered to comply with Core Policies 43 and 45 of the Wiltshire Core Strategy and the affordable housing objectives of Policies HO1, HO2 and DP3 of the NPPF.

11.7 Design and impact on the character and appearance of the area

11.7.1 Policy Context

Core Policy 57 of the WCS requires high-quality design that:

- Enhances local character.
- Responds to the natural, historic, and built environment.
- Retains important features (e.g., trees, hedges).
- Supports sustainable construction and compatibility with surrounding uses.
- Creates safe, legible, and accessible spaces.

Policies DP1 to DP4 of the NPPF promote development that is:

- Well-designed and visually attractive.
- Responsive to local character and context.
- Functional, accessible and sustainable.
- Supportive of healthy and inclusive communities.
- Resilient to climate change and environmental impacts.
- Conducive to the creation of high quality places and a positive built environment.

The Wiltshire Design Guide encourages sensitivity to local character, materials, and architectural styles and supports modern living standards while maintaining aesthetic and functional quality.

Building for a Healthy Life promotes healthy, inclusive, and sustainable places. The document encourages:

- Walkability.
- Access to green space.
- Active design principles for well-being.

11.7.2 Assessment

The application site comprises approximately 11.47 hectares of agricultural land located on the north-eastern edge of Devizes. The site lies adjacent to existing residential development along Windsor Drive and adjoins the residential development currently being implemented to the north of Coate Road pursuant to planning permission granted under appeal reference APP/Y3940/W/22/3312268. As such, whilst the site lies outside the defined Limits of Development, it is not isolated from the existing built form of Devizes and forms part of a wider area which has been the subject of residential development proposals and permissions in recent years.

The surrounding area is characterised by a mixture of established suburban residential development, more recent housing development and open agricultural land. Existing development along Windsor Drive is generally residential in character and provides a clear urban edge to the western boundary of the site. The approved development to the north of Coate Road extends this built form further east and forms an important part of the site's context. The eastern and southern boundaries of the site relate more closely to the surrounding rural landscape and public rights of way network.

Third-party representations have raised concerns regarding the visual impact of the development, the loss of open countryside, urban expansion on the edge of Devizes, and the relationship of the development to the wider landscape. These matters have been taken into account in the assessment and are considered further within the Landscape section of this statement .

The application is accompanied by a Design and Access Statement and an illustrative masterplan. Given the outline nature of the application, with all matters reserved, the submitted illustrative masterplan is not proposed for approval and is provided to demonstrate one potential arrangement of development capable of accommodating up to 175 dwellings together with associated infrastructure, open space, landscaping, sustainable drainage features and retained public rights of way. The submitted documents indicate that the development would be structured around a series of connected residential parcels with areas of public open space and landscape buffers retained along the more sensitive southern and eastern boundaries.

The illustrative material demonstrates that the proposed development is capable of accommodating the quantum of development sought whilst retaining significant areas of open space, incorporating sustainable drainage infrastructure and maintaining key landscape features and public rights of way. It also demonstrates that development can be concentrated within the less visually sensitive parts of the site whilst allowing substantial landscape buffers to be retained along the site's outer edges.

The Council's Urban Design Officer raises an objection to the proposal and considers that the submission does not currently provide sufficient certainty that future Reserved Matters applications would deliver a development of the quality sought by Core Policy 57, the Wiltshire Design Guide and Building for a Healthy Life principles. Concerns relate principally to the indicative masterplan and include the proposed street hierarchy, levels of permeability and connectivity, integration of landscape and SuDS features, placemaking, legibility and the extent to which the submitted material demonstrates local distinctiveness.

These concerns are acknowledged and carry weight in the assessment. However, it is also recognised that the application is submitted in outline form with all matters reserved. Consequently, detailed matters relating to layout, scale, appearance and landscaping are not before the Local Planning Authority for approval at this stage. Whilst the illustrative masterplan is an important tool in demonstrating how the site may be developed, it does not represent a fixed layout and significant amendments may occur through future Reserved Matters submissions.

In this regard, it is considered that many of the issues identified by the Urban Design Officer, including the detailed arrangement of streets, the integration of landscape and drainage features, the treatment of public spaces, the provision of street trees, architectural character and overall placemaking, are matters that can be refined and addressed through the Reserved Matters process. Furthermore, the Urban Design Officer acknowledges that the retention of the southern and eastern landscape buffers is an appropriate response to site context and supports the principle of retaining these areas as part of the wider development framework.

Having regard to the outline nature of the application, it is considered that the submitted information satisfactorily demonstrates that up to 175 dwellings, together with the associated infrastructure required to support the development, can be accommodated on the site without resulting in an inherently poor or unacceptable form of development. The proposal would relate well to existing and committed residential development and would not appear visually isolated from the built form of Devizes.

Whilst the detailed design quality of the development will ultimately need to be demonstrated through future Reserved Matters submissions, it is considered that the information currently before the Local Planning Authority is sufficient to conclude that the site is capable of delivering a well-designed residential development that responds appropriately to its surroundings and complies with the overarching objectives of Core Policy 57, the Wiltshire Design Guide, the National Design Guide and relevant policies of the Devizes Area Neighbourhood Plan. Furthermore, the submitted parameter plans and illustrative material demonstrate that the site is capable of delivering a development that would accord with the objectives of Policies DP1 to DP4 of the NPPF by creating a functional, attractive and sustainable place that integrates appropriately with its surroundings.

Link to documents:

[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](#)

11.7.3 Summary

The proposal is submitted in outline form with all matters reserved and therefore detailed considerations relating to layout, scale, appearance and landscaping will be considered through subsequent Reserved Matters applications. Whilst the concerns raised by the Urban Design Officer are acknowledged, it is considered that many of these matters relate to detailed design considerations more appropriately addressed at Reserved Matters stage. The submitted information demonstrates that the site is capable of accommodating up to 175 dwellings together with the necessary supporting infrastructure, open space, landscaping and drainage features in a manner that would relate appropriately to surrounding development. Subject to the future approval of Reserved Matters, the proposal is considered capable of achieving the objectives of Policies DP1-DP4 of the NPPF, the National Design Guide, Core Policy 57 of the Wiltshire Core Strategy, the Wiltshire Design Guide and relevant policies of the Devizes Area Neighbourhood Plan.

11.8 Climate change and sustainable design features

11.8.1 Policy Context

Core Policy 41 of the Wiltshire Core Strategy seeks to minimise greenhouse gas emissions and support the transition to a low-carbon economy through sustainable construction, energy

efficiency and climate change mitigation measures. Core Policy 42 also supports low-carbon and renewable energy generation where proposals are appropriately located and designed.

Policies CC1-CC3 of the NPPF seek to support the transition to net zero by 2050 and to shape places in ways that are resilient to the effects of climate change. National policy requires development to contribute towards climate change mitigation and adaptation through measures including sustainable patterns of development, energy efficiency, reductions in greenhouse gas emissions, the incorporation of green infrastructure and nature-based solutions, climate-resilient design, and the efficient use of resources. Development should also minimise vulnerability to the effects of climate change and improve resilience to risks such as overheating, drought, flooding and extreme weather events.

National policy further recognises the role that layout, density, accessibility, sustainable transport, green infrastructure and building design can play in reducing carbon emissions and supporting climate resilience. Where relevant, development should seek to reduce the need to travel, support active and sustainable travel choices, incorporate opportunities for renewable or low-carbon energy generation, and promote sustainable patterns of development.

11.8.2 Assessment

In assessing the proposal, regard has been had to the above policy framework and the extent to which the development incorporates measures that support climate change mitigation and adaptation.

The application is submitted in outline form with all matters reserved and therefore detailed matters relating to the design, specification and energy performance of individual dwellings are not currently before the Local Planning Authority.

Notwithstanding this, the illustrative masterplan demonstrates that the development is capable of incorporating significant areas of green infrastructure, structural landscaping, sustainable drainage infrastructure and pedestrian and cycle connections. These features would assist in promoting sustainable patterns of movement, supporting climate resilience, managing surface water runoff and providing wider environmental benefits.

The proposal represents an extension to the existing built form of Devizes and would be located adjacent to existing residential development and services. The submitted information demonstrates that the site is capable of delivering development which promotes opportunities for walking, wheeling and cycling and reduces reliance on private motor vehicle journeys.

Whilst the detailed design of buildings, including any renewable energy technologies, energy efficiency measures, water efficiency measures and sustainable construction techniques, would be considered at Reserved Matters stage, there is no evidence before the Local Planning Authority to indicate that these measures could not be satisfactorily incorporated into the development.

Having regard to the outline nature of the application, it is considered that the proposal is capable of supporting climate change mitigation and adaptation objectives through

sustainable patterns of development, green infrastructure provision and climate resilience measures. The proposal is therefore considered capable of complying with Core Policy 41 of the Wiltshire Core Strategy and the objectives of Policies CC1-CC3 of the National Planning Policy Framework.

11.8.3 Summary

Having regard to the above, the proposal is considered to accord with Core Policy 41 of the Wiltshire Core Strategy and Policies CC1-CC3 of the NPPF.

Subject to the future approval of Reserved Matters, the proposal is considered capable of incorporating appropriate climate change mitigation and sustainable design measures and these benefits attract positive weight in the overall planning balance.

[Climate change - GOV.UK](https://www.gov.uk/government/policies/low-carbon-economy)

[Renewable and low carbon energy - GOV.UK](https://www.gov.uk/government/policies/low-carbon-economy)

11.9 **Impact on Heritage Assets [including archaeology & WHS where appropriate]**

11.9.1 Policy Context

Policy Context

From the point of view of the historic environment 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.

The NPPF heritage policies (HE4-HE10) require local planning authorities to identify and assess the significance of any heritage asset that may be affected by a proposal, including the contribution made by its setting. Decision-makers should take account of the desirability of sustaining and enhancing the significance of heritage assets, securing their optimum viable use where consistent with their conservation, and ensuring that new development makes a positive contribution to local character and distinctiveness.

When determining applications affecting heritage assets, great weight should be given to their conservation. The more important the asset, the greater the weight that should be afforded to its conservation. Any harm to, or loss of, the significance of a designated heritage asset must be supported by clear and convincing justification.

Where a proposal would result in harm to the significance of a designated heritage asset, that harm must be clearly identified and categorised. The level of harm should then be weighed against the public benefits of the proposal in accordance with the relevant heritage policies of the NPPF.

The Planning Practice Guidance provides guidance on interpreting the NPPF.

The Council's Core Strategy Policy CP58 'Ensuring 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 Council's Core Strategy CP 57: Ensuring high quality design requires a high quality of design in all new developments. The policy requires applicants to "demonstrate how the proposal will make a positive contribution to the character of Wiltshire through (amongst other things) responding to the value of the natural and historic environment and being sympathetic to and conserving historic buildings and landscapes. Development is required to respond positively to the existing in terms of building layouts, built form, height, mass, scale, building line, plot size, elevational design, materials, streetscape and rooflines to effectively integrate the building into its setting.

11.9.2 Assessment

The application is accompanied by a Built Heritage Statement and Archaeological Desk Based Assessment, which consider the potential impacts of the proposal on both designated and non-designated heritage assets and archaeological remains.

The site does not contain any designated heritage assets and does not lie within a Conservation Area. The submitted Built Heritage Statement identifies only two heritage assets with the potential to be affected by the development: the Grade II listed Gatehouse to Le Marchant Barracks and gate piers and the former Main Accommodation Building associated with Le Marchant Barracks, which is identified as a non-designated heritage asset. These assets are located approximately 450 metres north of the site.

The Built Heritage Statement concludes that, whilst there is limited intervisibility between the site and these assets, their significance is primarily derived from their architectural and historic interest as surviving military buildings rather than from any relationship with the application site. The report concludes that the application site makes no contribution to the significance of either asset and that the proposed development would result in no material impact upon their significance.

The Local Planning Authority has had special regard to the desirability of preserving the listed building and its setting in accordance with Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. In addition, regard has been had to the heritage policies of the NPPF, which seek to conserve heritage assets in a manner appropriate to their significance and require any harm arising from development proposals to be clearly identified and justified.

Having undertaken a site inspection and reviewed the submitted evidence, the Council agrees with the conclusions of the Built Heritage Statement. The application site does not form part of the setting which contributes to the significance of the Grade II listed Gatehouse and gate piers or the identified non-designated heritage asset. Whilst the proposed development would introduce built form within agricultural land to the south of these assets, the separation distance, intervening development, existing vegetation and the absence of any meaningful historical, functional or visual relationship between the site and the heritage assets are such that their significance would be preserved.

Consequently, the proposal would result in no harm to the significance of either designated or non-designated heritage assets. The proposal therefore satisfies the statutory duty under Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and accords with the relevant heritage policies of the NPPF.

The principal heritage consideration in this case therefore relates to archaeology.

The submitted Archaeological Desk Based Assessment confirms that previous archaeological investigations undertaken on the site in 2014 identified archaeological remains dating from multiple periods, including Prehistoric/Bronze Age activity, Bronze Age/Early Iron Age features, Roman occupation and enclosure activity, and Anglo-Saxon remains. The assessment therefore identifies a high archaeological potential for Prehistoric, Roman and Anglo-Saxon remains within the site.

Notwithstanding the presence of archaeological remains, the assessment concludes that the identified archaeology is of local to regional significance and is not of such significance as to preclude development. It further concludes that any archaeological interest can be appropriately addressed through a programme of archaeological investigation and recording secured through planning condition.

The Council Archaeologist reaches a similar conclusion and advises that, whilst archaeological remains within the site would be affected by development, those impacts are capable of mitigation through a programme of archaeological excavation, recording, publication and archiving secured by condition.

Having regard to the submitted heritage evidence and consultation responses received, it is considered that the proposal would result in no harm to the significance of any designated heritage asset and no harm to any identified non-designated built heritage asset. Archaeological remains within the site would be affected by the development; however, the evidence demonstrates that these remains are not of a significance that would warrant preservation in situ and that an appropriate programme of archaeological mitigation can be secured through condition.

Accordingly, the proposal would conserve the significance of designated and non-designated heritage assets and would ensure that archaeological interest is appropriately investigated, recorded and secured through mitigation. The proposal is therefore considered to accord with Core Policy 58 of the Wiltshire Core Strategy and the heritage policies of the National Planning Policy Framework.

11.9.3 Summary

The proposal would not result in harm to any designated heritage asset or identified non-designated built heritage asset. The submitted evidence demonstrates that the setting and significance of the Grade II listed Gatehouse to Le Marchant Barracks and the former Main Accommodation Building would remain unaffected by the development.

Archaeological remains are known to be present within the site, including evidence of Prehistoric, Roman and Anglo-Saxon activity. Whilst these remains would be affected by the development, both the submitted archaeological evidence and the Council Archaeologist confirm that the impacts can be appropriately mitigated through a programme of archaeological investigation and recording secured by planning condition.

Having regard to the statutory duties, national policy and the provisions of Core Policy 58 of the Wiltshire Core Strategy, the proposal is considered to accord with the aims of the development plan and the NPPF in respect of heritage conservation..

[Wiltshire Core Strategy - Wiltshire Council](#)

[NPPF - 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](#) (see list of CA appraisals and other info)

[Planning - Conservation Area Statements - All Documents](#) (documents)

11.10 Landscape and Visual Impact

11.10.1 Policy Context

Core Policy 51 of the Wiltshire Core Strategy requires development to:

- Protect, conserve, and enhance landscape character and quality.
- Respect local distinctiveness, key views, and visual receptors.
- Give particular weight to impacts on National Landscapes (formerly AONBs) and locally valued landscapes.

The Wiltshire Design Guide SPD (2024) promotes a context-led approach, encouraging integration with natural features and settlement patterns while avoiding visual intrusion.

The Green & Blue Infrastructure Strategy (2022–2030) supports landscape protection through green infrastructure, habitat connectivity, and nature-based solutions.

The NPPF seeks to conserve and enhance the natural environment and protect valued landscapes. Policy N2 requires development proposals to consider landscape character and the natural beauty of the countryside and identify opportunities for those qualities to be conserved or enhanced.

Planning decisions should:

- Recognise the intrinsic character, quality and natural beauty of the landscape.
- Safeguard landscape character, local distinctiveness, important views and landscape settings.
- Ensure development is appropriately integrated into its surroundings through sensitive siting, layout, scale and design.
- Avoid unacceptable visual intrusion and adverse effects on valued or designated landscapes.

Landscape impacts should be considered alongside biodiversity, heritage and green infrastructure objectives, with appropriate mitigation and enhancement measures incorporated where necessary.

Policy N4 of the NPPF affords significant protection to Protected Landscapes, including National Landscapes. Development proposals within National Landscapes should be limited in scale and extent and sensitively located and designed to avoid harm to their statutory purposes and special qualities. Substantial weight should be placed on the importance of conserving and enhancing the natural beauty of these areas.

Under Section 245 of the Levelling-up and Regeneration Act 2023, the Council must seek to further the purposes of National Landscapes when exercising its planning functions. This is an active duty requiring decision-makers to take reasonable and proportionate steps to support the conservation and enhancement of the natural beauty, special qualities and key characteristics of these designated landscapes.

11.10.2 Assessment

In assessing the proposal, regard has been had to the site context, the character and appearance of the surrounding landscape, the submitted landscape evidence, consultee responses, the relevant development plan policies and all other material considerations. The key considerations are set out below.

Third-party representations raise concerns regarding the loss of open countryside, urban expansion on the eastern edge of Devizes, impacts upon landscape character, visual effects and the potential impact of the development upon the setting of the North Wessex Downs National Landscape. These matters have been fully considered in the assessment.

The application site comprises approximately 11.47 hectares of predominantly arable agricultural land situated on the eastern edge of Devizes. The site adjoins existing residential development along Windsor Drive to the west and the residential development currently under construction pursuant to planning permission reference PL/2021/04774 to the north. A public right of way traverses the site and mature hedgerows and tree belts define much of the site's perimeter.

The site lies within the Vale of Pewsey Landscape Character Area and forms part of the transition between the urban edge of Devizes and the surrounding countryside. Whilst the site does not lie within the North Wessex Downs National Landscape, it adjoins the designation to the east and forms part of its wider setting. The impact of the proposal upon the setting and special qualities of the National Landscape is therefore an important material consideration.

The submitted LVIA identifies that the site is strongly influenced by its relationship with the existing settlement edge and committed residential development. The assessment notes that the site is well contained by existing hedgerows, mature vegetation, surrounding development and rising land to the south, resulting in a strong visual association with the built edge of Devizes and a degree of separation from the wider agricultural landscape beyond. The LVIA concludes that the site is not a valued landscape for the purposes of the NPPF and that the overall sensitivity of the landscape to the proposed development is medium-low.

The LVIA acknowledges that development would result in the loss of agricultural land and changes to the character of the site itself. However, it concludes that effects on the wider landscape character areas, including the Vale of Pewsey landscape character area and the setting of the North Wessex Downs National Landscape, would be localised and limited. The assessment concludes that, following mitigation, residual landscape effects would be negligible and residual visual effects slight adverse, with no significant residual landscape or visual harm identified.

The Council's Landscape Officer has reviewed the submitted LVIA and raises no objection. The response broadly agrees with the applicant's assessment that, whilst the development would result in localised adverse landscape and visual effects, these impacts are capable of being reduced to acceptable levels through appropriate mitigation. Particular support is expressed for the approach of retaining substantial areas of public open space and structural planting along the southern and eastern boundaries, reflecting the greater sensitivity of these areas in landscape and visual terms.

The submitted arboricultural assessment identifies that the majority of the site is devoid of significant tree cover and confirms that the principal arboricultural constraints are concentrated around the site's boundaries. The assessment identifies an A-category Oak (T8), several B-category tree groups (G2, G4, G6 and G7) and B-category hedgerows (H3, H4 and H5) as the most important arboricultural features present within and adjacent to the site. The report concludes that the site is suitable for development provided that these features are appropriately integrated into the detailed design and protected during construction.

The Council's Arboricultural Officer raises no objection and similarly advises that the important trees, tree groups and hedgerows should be retained and protected wherever possible through the detailed design process.

In assessing the proposal, it is recognised that development of the site would inevitably result in landscape change through the loss of an agricultural field and the extension of built development beyond the existing settlement boundary. Some adverse effects upon local landscape character and visual amenity would therefore arise and moderate weight is afforded to that harm.

However, significant weight is afforded to the conclusions of both the Landscape Officer and Arboricultural Officer that the impacts can be satisfactorily mitigated. The indicative masterplan demonstrates that development can be concentrated within the less visually sensitive parts of the site whilst retaining significant landscape buffers to the southern and eastern boundaries, preserving important trees and hedgerows, maintaining public rights of way and delivering substantial new structural planting, public open space and green infrastructure. The proposed landscape framework would also provide opportunities for enhanced green infrastructure, habitat connectivity and nature recovery alongside mitigation of landscape and visual effects.

It is also material that the site is viewed in the context of existing and committed residential development immediately adjoining the site and does not represent an isolated encroachment

into open countryside. The consented development to the north materially alters the baseline position and reinforces the site's relationship with the existing urban area.

Having regard to the submitted evidence, consultation responses and the illustrative landscape framework proposed, it is considered that the proposal would not result in unacceptable harm to landscape character, visual amenity or the setting of the North Wessex Downs National Landscape. Subject to detailed landscaping and tree protection measures being secured through future Reserved Matters submissions and planning conditions, the proposal is considered capable of complying with Core Policies 51, 52 and 57 of the Wiltshire Core Strategy and the objectives of Policies N2 and N4 of the NPPF.

11.10.3 Summary

The proposal would result in the loss of a greenfield site and some localised adverse landscape and visual effects. These impacts attract moderate weight in the assessment.

However, the site is well related to existing and committed residential development on the eastern edge of Devizes and is contained by existing vegetation, surrounding built form and topography. Significant weight is afforded to the conclusions of the Council's Landscape Officer and Arboricultural Officer, both of whom raise no objection to the proposal. The submitted evidence demonstrates that the identified impacts can be appropriately mitigated through the retention of important trees and hedgerows, the provision of substantial landscape buffers, structural planting, public open space and landscape-led design.

On balance, the proposal would not result in unacceptable harm to landscape character, visual amenity or the setting of the North Wessex Downs National Landscape. The proposal is therefore considered to accord with Core Policies 51, 52 and 57 of the Wiltshire Core Strategy and the objectives of Policies N2 and N4 of the NPPF.

[Wiltshire Core Strategy - Wiltshire Council](#)

[NPPF - GOV.UK](#)

[Green Belt - GOV.UK](#)

[Light pollution - GOV.UK](#)

11.11 **Loss of Agricultural Land (Best and Most Versatile Land)**

11.11.1 Policy Context

Best and Most Versatile (BMV) agricultural land comprises Grades 1, 2 and 3a of the Agricultural Land Classification system and represents the most productive and versatile land for food production.

Policy N2 (Improving the Natural Environment) of the NPPF requires decision-makers to take account of the quality of agricultural land, including land classified as Best and Most Versatile agricultural land and its grade. Where significant development of agricultural land is necessary, areas of poorer quality land should be used in preference to higher quality land where possible.

Natural England guidance recommends consultation on proposals involving the loss of 20 hectares or more of agricultural land. However, developments affecting smaller areas of agricultural land may also require assessment where Best and Most Versatile agricultural land is involved.

11.11.2 Assessment

In assessing this matter, regard has been had to the agricultural land classification of the site, the extent and quality of any agricultural land affected, the submitted technical evidence, consultee responses, the relevant planning policy framework and all other material considerations. The key considerations are set out below.

The application is supported by an Agricultural Land Classification and Soil Resources prepared by Reading Agricultural Consultants Ltd, which includes a detailed site-specific Agricultural Land Classification (ALC) survey undertaken in accordance with the Ministry of Agriculture, Fisheries and Food (MAFF) guidelines. The survey confirms that the application site extends to approximately 10.7 hectares and contains a range of agricultural land classifications.

Best and Most Versatile (BMV) agricultural land comprises Grades 1, 2 and Subgrade 3a and represents the highest quality land for agricultural production. The NPPF recognises the economic and other benefits of BMV land and advises that where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality.

The submitted survey confirms that the site comprises:

- 1.0 hectare of Grade 2 agricultural land;
- 0.6 hectares of Subgrade 3a agricultural land;
- 7.8 hectares of Subgrade 3b agricultural land; and
- 1.3 hectares of non-agricultural land.

Accordingly, approximately 1.6 hectares of the site is classified as Best and Most Versatile agricultural land, representing around 15% of the surveyed area. The majority of the site, approximately 7.8 hectares or 73% of the site area, comprises Subgrade 3b land and is therefore not classified as BMV agricultural land.

The survey identifies soil wetness as the principal limitation affecting agricultural quality across much of the site. Whilst previous strategic mapping identified the site generally as Grade 3 land, the detailed survey confirms that the majority of the site comprises Subgrade 3b land, with more limited areas of Grade 2 and Subgrade 3a land present within the western and northern parts of the site.

No consultation response has been received from Natural England in respect of agricultural land classification. The application site extends to approximately 10.7 hectares and therefore

falls below the threshold at which consultation with Natural England would ordinarily be required in relation to the loss of agricultural land.

The proposal would result in the permanent loss of approximately 1.6 hectares of confirmed Best and Most Versatile agricultural land together with a larger area of lower quality Subgrade 3b agricultural land. The loss of BMV land is a material planning consideration and weighs against the proposal.

In considering this matter, it is recognised that development affecting smaller areas of BMV land may still be material and requires assessment. However, it is also relevant that the extent of BMV land within the site is limited and that the majority of the application site comprises Subgrade 3b land which is not classified as Best and Most Versatile. Whilst harm would therefore arise through the loss of agricultural land, including a limited area of BMV land, the extent of that harm is not considered substantial.

Consideration has also been given to the approach set out within Policy N2 of the NPPF, which recognises the economic and other benefits of the Best and Most Versatile agricultural land and seeks to direct development towards lower quality land where significant development of agricultural land is demonstrated to be necessary. In this case, the majority of the application site comprises Subgrade 3b land and is therefore not classified as Best and Most Versatile agricultural land. Furthermore, the site adjoins the existing built-up area of Devizes and is being promoted as part of a broader strategy to assist in meeting housing needs in a sustainable location closely related to the existing settlement. Whilst some weight is afforded to the loss of BMV land, it is not considered that this issue alone would justify withholding planning permission.

Accordingly, whilst the proposal would result in the loss of agricultural land, including approximately 1.6 hectares of Best and Most Versatile agricultural land, it is considered that the resulting harm attracts limited weight in the overall planning balance.

11.11.3 Summary

The proposal would result in the loss of agricultural land, including approximately 1.6 hectares of confirmed Best and Most Versatile agricultural land. However, the majority of the site, approximately 7.8 hectares, comprises Subgrade 3b land and is therefore not classified as BMV agricultural land.

The loss of agricultural land is a material consideration and weighs against the proposal. However, having regard to the relatively limited extent of BMV land affected and the predominance of lower quality agricultural land across the site, the resulting harm is afforded limited weight in the planning balance.

Having regard to the above, the proposal would result in a limited conflict with the objective of safeguarding Best and Most Versatile agricultural land as set out in Policy N3 of the NPPF. Nevertheless, given the relatively small extent of BMV land affected, the predominance of lower quality Subgrade 3b land across the site, and the sustainable location of the development adjoining the built-up area of Devizes, the harm arising is not considered

sufficient to justify refusal of planning permission and attracts only limited weight in the overall planning balance.

[Wiltshire Core Strategy - Wiltshire Council](#)

[NPPF - GOV.UK](#)

[Natural environment - GOV.UK](#)

[Agricultural land: assess proposals for development - GOV.UK](#)

11.12 Impact on Amenity of nearby properties

11.12.1 Policy Context

Core Policy 57 (Point vii) of the Wiltshire Core Strategy requires development to respect the amenity of existing occupants and ensure appropriate amenity levels for future residents.

Policy P3 of the NPPF requires development to be appropriate for its location, taking account of its likely effects on health, living conditions and the environment. In particular, Policy P3(2)(b) requires development to avoid giving rise to unacceptable impacts on the living conditions of neighbouring residents and occupiers. In assessing amenity impacts, regard should be had to matters including daylight and sunlight, outlook, privacy, overbearing impacts and other effects on residential amenity.

These policies guide the assessment of amenity impacts. Each of the below matters has been assessed having regard to the specific site context and layout of the proposal.

11.12.2 Assessment

In assessing the proposal, regard has been had to the relationship between the proposed development and nearby residential properties, the submitted supporting information, consultation responses, relevant planning policies and all other material considerations. The key considerations are set out below.

In terms of amenity, the site occupies a parcel of agricultural land on the eastern edge of Devizes. Existing residential properties are located principally to the west along Windsor Drive, with committed residential development currently under construction on land north of Coate Road. The surrounding area is characterised by suburban residential development with associated roads, open space and landscape features. The site is not surrounded by residential properties on all sides and generally benefits from separation from existing dwellings through intervening roads, landscaping and open land.

A number of third-party representations have been received raising concerns regarding the impact of the proposal on residential amenity. These concerns principally relate to potential loss of privacy, increased noise and disturbance, construction impacts and the effect of a substantial new residential development on the living conditions of neighbouring occupiers.

In assessing the proposal, it is important to recognise that this is an outline application with all matters reserved. Detailed matters relating to layout, scale, appearance and landscaping

would therefore be subject to further assessment through future Reserved Matters applications.

Overlooking and loss of privacy

The illustrative masterplan demonstrates that the development can be accommodated without creating an inherently constrained relationship with neighbouring residential areas. Existing residential properties to the west are separated from the proposed development area by Windsor Drive and associated boundary treatments. The final layout of the development would be required to ensure appropriate separation distances between existing and proposed dwellings and to avoid unacceptable overlooking or loss of privacy.

On the information currently available, there is no evidence to suggest that a policy-compliant scheme could not be achieved on the site.

Loss of light and overshadowing

Given the separation between the site and the nearest existing residential properties, together with the outline nature of the application, it is not considered that the proposal would give rise to unacceptable impacts through loss of daylight, sunlight or overshadowing.

Detailed assessment of building orientation, scale and siting would be undertaken at Reserved Matters stage to ensure appropriate relationships are achieved.

Overbearing impact and sense of enclosure

The development would inevitably alter the outlook currently experienced from some neighbouring properties by replacing areas of open agricultural land with residential development.

However, the site is generally separated from existing housing by roads, vegetation and landscape buffers and there is no evidence before the Local Planning Authority to indicate that the development would result in an unacceptable sense of enclosure or overbearing relationship for neighbouring occupiers. The detailed disposition, height and massing of buildings would be considered through subsequent Reserved Matters submissions.

Noise and disturbance

The completed development would generate additional activity associated with normal residential occupation and vehicle movements. However, residential development is compatible with adjoining residential uses and the proposal would not introduce an unusual or inherently noisy land use into the area.

The development process would inevitably give rise to some temporary impacts arising from construction activity, including noise, dust and vehicle movements. Whilst these impacts may cause some temporary inconvenience to nearby residents, they would be limited to the construction phase and would not represent a permanent effect on residential amenity. Such impacts can be appropriately managed through the submission and implementation of a Construction Environmental Management Plan and associated construction management measures secured by condition.

Internal and external living standards

The proposal is submitted in outline form and the detailed design of the residential development is not before the Council at this stage. Nevertheless, the size and characteristics of the site are such that there is no evidence to indicate that future development could not provide satisfactory internal living conditions, private amenity space, outlook and access to open space for future residents.

Having regard to the above, it is considered that the proposal would result in acceptable impacts on neighbouring amenity. The site is capable of accommodating a residential development of the scale proposed without giving rise to unacceptable effects in respect of privacy, outlook, daylight, sunlight, noise or general living conditions. Detailed matters can be appropriately addressed through the Reserved Matters process and planning conditions. Subject to the future approval of Reserved Matters, the proposal is considered capable of delivering a high standard of amenity for existing and future occupiers in accordance with Core Policy 57 of the Wiltshire Core Strategy and Policy P3 of the NPPF.

11.12.3 Summary

The concerns of third parties regarding amenity impacts have been fully considered.

Whilst the proposal would inevitably change the outlook from some neighbouring properties and give rise to temporary disturbance during the construction phase, the site is of sufficient size and is appropriately related to surrounding residential areas such that a policy-compliant form of development can be achieved.

Having regard to the outline nature of the application and the opportunity to consider detailed design matters at Reserved Matters stage, there is no evidence before the Local Planning Authority to demonstrate that the proposal would result in unacceptable impacts upon privacy, outlook, daylight, sunlight, noise or general residential amenity.

Overall, the proposal is considered to accord with Core Policy 57 of the Wiltshire Core Strategy and Policy P3 of the NPPF. Subject to the future approval of Reserved Matters, the proposal is capable of providing a high standard of amenity for both existing and future occupiers and would not give rise to unacceptable impacts in respect of privacy, outlook, daylight, sunlight, noise or general living conditions.

[Wiltshire Core Strategy - Wiltshire Council](#)
[NPPF - GOV.UK](#)

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

11.13.1 Policy Context

Core Policies 55 and 56 of the Wiltshire Core Strategy require:

- Development proposals to avoid unacceptable environmental impacts.
- To provide appropriate mitigation where risks are identified.

The NPPF and Planning Practice Guidance reinforce this by requiring that proposals should:

- Prevent unacceptable risks from pollution, contamination, noise, vibration, artificial lighting and poor air quality.
- Ensure that existing and future occupants are protected from unacceptable environmental impacts.
- Ensure that land is suitable for its intended use, taking account of ground conditions and contamination risks.
- Secure appropriate mitigation and remediation where environmental risks are identified.
- Apply the principle that those responsible for contamination are responsible for its remediation.

Wiltshire Council's Air Quality SPD (2023) provides detailed guidance, especially near Air Quality Management Areas (AQMAs) and encourages mitigation such as:

- EV charging infrastructure
- Green buffers
- Sustainable transport options

11.13.2 Assessment

The site comprises agricultural land situated on the eastern edge of Devizes. Existing residential properties are located adjacent to the western boundary along Windsor Drive, whilst Coate Road forms the northern boundary. The site lies approximately 70 metres from the Devizes Shanes Castle Air Quality Management Area (AQMA), which was declared in respect of nitrogen dioxide concentrations associated with traffic emissions. The principal environmental considerations in this case therefore relate to noise, air quality and the potential effects arising during the construction phase of development.

The application is supported by a number of technical assessments which consider the environmental effects of the proposed development.

Noise Assessment

The submitted Noise Assessment identifies road traffic as the principal source of noise affecting the site, particularly along the western boundary adjoining Windsor Drive. Monitoring undertaken in November 2024 recorded higher ambient noise levels along this boundary than elsewhere within the site, whilst noise levels along the Coate Road frontage were found to be comparatively low.

The assessment concludes that the site is suitable for residential development and that an acceptable internal and external noise environment can be achieved through good acoustic design. In particular, mitigation measures are recommended for dwellings located closest to Windsor Drive, including careful dwelling orientation, enhanced glazing specifications, acoustic ventilation measures and, where necessary, higher boundary treatments. The assessment concludes that, with appropriate mitigation incorporated at the detailed design stage, the requirements of BS8233 and relevant planning guidance can be achieved.

The Council's Environmental Control and Protection Team has reviewed the submitted Noise Assessment and raises no objection to the principle of residential development. The consultee

accepts that the site is capable of being developed for residential purposes without giving rise to significant adverse effects upon future occupiers, subject to the implementation of appropriate design and mitigation measures. However, the consultee notes that dwellings located closest to Windsor Drive would be exposed to elevated traffic noise levels and that compliance with internal noise standards is likely to rely upon enhanced glazing and alternative ventilation arrangements. The Environmental Control and Protection Team further advises that satisfactory internal conditions with windows open may not be achievable in the most affected locations and therefore considers it essential that detailed acoustic assessment and mitigation are secured through the Reserved Matters process.

Officers have reviewed the submitted Noise Assessment and are satisfied that the methodology adopted is proportionate to the scale and nature of the proposed development. The assessment identifies the principal noise sources affecting the site and appropriately considers the relationship between the proposed residential development and Windsor Drive. Having regard to the conclusions of both the submitted assessment and the Environmental Control and Protection Team, officers are satisfied that an acceptable acoustic environment is capable of being achieved through good acoustic design and appropriate mitigation. Given the outline nature of the application, the detailed design response, including consideration of layout, building orientation, façade treatments, ventilation measures and external amenity areas, will be considered through future Reserved Matters submissions. Nevertheless, there is no substantive evidence before the Local Planning Authority to indicate that the site could not accommodate residential development whilst achieving acceptable living conditions for future occupiers.

Air Quality Assessment

The submitted Air Quality Assessment assesses both the impact of the development upon local air quality and the air quality conditions that would be experienced by future residents. The assessment confirms that the site lies approximately 70 metres from the Devizes Shanes Castle AQMA; however, local monitoring data demonstrate that nitrogen dioxide concentrations in the vicinity of the site are well below the relevant air quality objectives and have generally declined in recent years. Monitoring undertaken on Windsor Drive recorded an annual mean nitrogen dioxide concentration of 14.9 µg/m³ in 2023, significantly below the annual objective of 40 µg/m³.

The assessment concludes that future residents would experience acceptable air quality conditions and that there is no risk of exceedance of the relevant air quality objectives within the development. Furthermore, whilst the development would generate additional vehicle movements on the local highway network, the assessment concludes that the resulting impacts on local air quality would not be significant and would not result in unacceptable local concentration impacts.

Officers have reviewed the submitted Air Quality Assessment and are satisfied that it provides an appropriate assessment of the likely air quality effects of the development. Particular regard has been had to the proximity of the site to the Devizes Shanes Castle AQMA. The assessment demonstrates that pollutant concentrations in the vicinity of the site are below the relevant air quality objectives and that the development is unlikely to result in significant adverse air quality effects. The proposed active travel measures, electric vehicle charging

infrastructure and wider sustainable transport package would further assist in reducing reliance on private vehicle use and mitigating air quality impacts associated with the development.

Construction Effects

Both assessments recognise that temporary environmental effects may occur during the construction phase. In particular, the Air Quality Assessment identifies potential risks associated with dust generation and particulate emissions during demolition, earthworks and construction activities. However, the assessment concludes that these effects can be appropriately managed through the implementation of best practice mitigation measures secured through a Construction Environmental Management Plan and Dust Management Plan. Subject to such measures, residual effects are expected to be not significant.

Having regard to the submitted evidence, it is considered that:

- The proposal would not give rise to unacceptable levels of operational noise or disturbance;
- The site is capable of providing an acceptable acoustic environment for future occupiers through appropriate detailed design and mitigation;
- The impacts on air quality would be acceptable and would not prejudice the objectives of the nearby AQMA;
- Future residents would not be exposed to unacceptable levels of air pollution; and
- Temporary construction impacts can be appropriately managed through the use of construction management controls secured by planning condition.

Accordingly, the proposal is not considered to give rise to unacceptable environmental or public health impacts.

11.13.3 Summary

The site lies in proximity to the Devizes Shanes Castle AQMA and is subject to some traffic-related noise associated with Windsor Drive. However, the submitted technical evidence demonstrates that future residents would experience acceptable air quality conditions and that a satisfactory acoustic environment can be achieved through detailed design and appropriate mitigation.

The Council's Environmental Control and Protection Team raises no objection to the principle of the proposed development and accepts that the site is capable of being developed for residential purposes without giving rise to significant adverse effects upon future residents, subject to the implementation of appropriate acoustic design and mitigation measures. The consultee advises that a detailed acoustic assessment should be undertaken at Reserved Matters stage to demonstrate compliance with Wiltshire Council's Noise and Planning Technical Guidance, BS8233, ProPG and the principles of Good Acoustic Design. Particular regard should be given to dwellings closest to Windsor Drive, where mitigation may be required to achieve acceptable living conditions.

Whilst temporary impacts may arise during the construction phase, these can be appropriately managed through the implementation of construction and dust management measures secured by condition.

Overall, the proposal is considered to accord with the aims of the NPPF, relevant PPG guidance and Core Policies 55, 56 and 57 of the Wiltshire Core Strategy, in that it would not result in unacceptable environmental pollution or adverse public health impacts, subject to appropriate mitigation and detailed design measures.

[Wiltshire Core Strategy - Wiltshire Council](#)

[NPPF - GOV.UK](#)

[Air quality - GOV.UK](#)

[Land affected by contamination - GOV.UK](#)

[Land stability - GOV.UK](#)

[Light pollution - GOV.UK](#)

[Noise - GOV.UK](#)

11.14 Highway Safety and Parking

11.14.1 Policy Context

The NPPF transport policies (TR3-TR8) seek to ensure that development is supported by a safe, sustainable and efficient transport system. Development proposals should provide appropriate access arrangements, promote sustainable modes of travel, support active travel and public transport use, minimise impacts on the transport network, and ensure that any residual impacts on highway safety or network capacity are appropriately mitigated. The NPPF also recognises the important role transport and movement play in creating healthy, sustainable communities and supporting climate change mitigation.

Transport implications are a key factor in assessing planning applications, particularly major residential development proposals. In particular, development should demonstrate:

- Safe and suitable access for all users, including pedestrians, cyclists, public transport users and those with mobility impairments;
- That any transport impacts have been appropriately assessed and mitigated;
- Promotion of sustainable travel choices, reducing reliance upon private vehicles where possible;
- Adequate vehicle and cycle parking provision in accordance with adopted standards;
- Protection and enhancement of public rights of way, walking, wheeling and cycling connections; and
- Integration with existing and planned transport infrastructure.

Development should also seek to maximise opportunities for sustainable and active travel, support healthy lifestyles, reduce reliance upon private car journeys where practicable, and integrate effectively with existing transport networks.

Core Policies 60-64 of the Wiltshire Core Strategy establish the Council's transport and accessibility framework and require development proposals to:

- Provide safe and suitable access for all users;
- Avoid unacceptable impacts on highway safety and network capacity;
- Promote sustainable transport modes and reduce the need to travel by private car;
- Provide appropriate levels of vehicle and cycle parking;
- Safeguard and enhance public rights of way and active travel routes; and
- Integrate effectively with existing and planned transport infrastructure.

The Wiltshire Local Transport Plan (2011-2026), Car Parking Strategy, Cycling Strategy and Local Cycling and Walking Infrastructure Plans (LCWIPs) provide further guidance regarding transport infrastructure, parking standards, and active travel provision. Development should also have regard to relevant national guidance, including the National Design Guide and LTN 1/20: Cycle Infrastructure Design.

Proposals must also ensure safe access for emergency and refuse collection vehicles and comply with the Wiltshire Council Waste Storage and Collection SPD (2017).

Where necessary, Transport Assessments, Transport Statements and Travel Plans should be submitted to assess transport impacts and identify any appropriate mitigation. Planning conditions and/or legal agreements may be used to secure off-site highway improvements, sustainable transport measures, travel planning initiatives, public transport enhancements and other infrastructure necessary to make development acceptable in planning terms.

11.14.2 Assessment

In assessing this matter, regard has been had to the existing transport characteristics of the site and surrounding area, the submitted transport evidence, consultation responses, relevant planning policies and all other material considerations. The key considerations are set out below.

The application site is located on the eastern edge of Devizes and currently comprises agricultural land served by Coate Road to the north and Windsor Drive to the west. The site lies adjacent to existing residential development and benefits from existing pedestrian and cycle connections into the wider settlement. The site is also crossed by Byway Open to All Traffic DEVI65 and lies adjacent to Public Footpath DEVI66, providing opportunities for wider connectivity to the public rights of way network, the Kennet and Avon Canal and the wider active travel network.

The proposal seeks outline planning permission for up to 175 dwellings with principal vehicular access provided from Coate Road. The illustrative masterplan also demonstrates a network of internal pedestrian and cycle routes, connections to existing and proposed neighbouring developments and links to the public rights of way network.

Third-party representations raise concerns regarding increased traffic generation, congestion, highway safety, pedestrian safety, parking pressures, impacts on local roads and the ability of

the existing highway network to accommodate additional development. These concerns have been fully considered as part of the assessment.

Particular regard has also been had to the concerns raised by Devizes Town Council and Bishops Cannings Parish Council regarding cumulative traffic impacts on London Road, Coate Road, surrounding villages and the wider highway network. These matters have been considered through the Transport Assessment process and have been reviewed in detail by the Local Highway Authority, which raises no objection subject to mitigation.

The application is supported by a Transport Assessment, Travel Plan and subsequent technical information which assess the likely impact of the development upon the local and wider highway network. The submitted evidence concludes that the proposed access arrangements are capable of operating safely and that the development would not result in severe impacts on the operation of the local highway network. The assessment further identifies a package of highway, active travel and public rights of way improvements intended to support sustainable travel opportunities and reduce reliance on the private car.

The Local Highway Authority has reviewed the submitted transport evidence and raises no objection to the proposal. The Highway Authority is satisfied that suitable and safe access can be achieved and accepts the methodology, assumptions and conclusions contained within the submitted transport work. They are also satisfied that the development can be accommodated on the local highway network without resulting in unacceptable impacts on highway safety or severe residual cumulative impacts on capacity.

Significant weight is afforded to the conclusions of the Local Highway Authority as the statutory consultee with responsibility for highway matters. The Highway Authority has carefully scrutinised the submitted transport evidence and has subsequently accepted a revised package of mitigation measures secured through planning obligations and planning conditions, including contributions towards active travel improvements, public rights of way enhancements, canal access improvements and associated infrastructure.

It is also material that the Highway Authority's position evolved during the course of the application. Whilst a number of active travel and public rights of way improvements were initially sought through direct delivery by the developer, the Highway Authority has subsequently reviewed the applicant's further technical information and agreed that several elements may appropriately be secured through financial contributions instead. This includes contributions towards improvements to DEVI65, canal-related active travel infrastructure and associated public rights of way enhancements. The Highway Authority confirms that the revised package of mitigation is satisfactory and raises no objection on transport grounds, subject to the securing of the agreed planning obligations and conditions.

The proposal's accessibility by sustainable modes is also an important consideration. The site lies adjacent to the existing built-up area of Devizes and in close proximity to schools, community facilities, public rights of way and active travel routes. Opportunities exist to connect the development to the adjoining development to the north of Coate Road and to the wider walking and cycling network, including routes associated with the Kennet and Avon Canal. The proposal therefore offers realistic opportunities to encourage walking, wheeling,

cycling and the use of public transport, consistent with the objectives of Policies TR3 to TR6 of the NPPF.

The comments of the Countryside Access Officer are also afforded significant weight. Whilst additional improvements to DEVI65, DEVI66, the Wessex Ridgeway and associated canal connections are sought, these are not advanced as reasons to oppose the development. Rather, they represent measures capable of being secured through planning obligations and detailed design, which would enhance public access and active travel opportunities arising from the development.

National Highways similarly raises no objection and confirms that the proposed development would not result in a severe impact upon the Strategic Road Network. This conclusion provides additional support for the finding that the development would not result in unacceptable wider transport impacts.

In assessing the proposal against Policies TR3 to TR6 of the NPPF, a key consideration is whether the development would result in an unacceptable impact on highway safety or whether the residual cumulative impacts on the transport network, following mitigation, would be severe. Having regard to the submitted transport evidence, the consultation responses received and the proposed package of mitigation measures, neither circumstance has been demonstrated.

Accordingly, it is considered that:

- The proposed access arrangements would be safe and suitable for all users;
- The impact on the capacity of the local and wider highway network would be acceptable and would not result in severe residual cumulative impacts;
- The proposal makes appropriate provision for sustainable modes of transport, including pedestrian, cycle and public rights of way connectivity; and
- Any identified impacts can be adequately mitigated through planning conditions and Section 106 obligations.

The proposal is therefore considered to accord with Core Policies 60 to 64 of the Wiltshire Core Strategy and the objectives of Policies TR3 to TR6 of the NPPF.

11.14.3 Summary

Third-party concerns regarding traffic generation, congestion, highway safety and pedestrian connectivity have been carefully considered.

The Local Highway Authority, having reviewed the submitted transport evidence and subsequent technical information, raises no objection to the proposal and is satisfied that the development can be accommodated without resulting in unacceptable impacts on highway safety or severe residual cumulative impacts on the operation of the highway network. National

Highways similarly concludes that the proposal would not result in a severe impact on the Strategic Road Network.

Subject to the securing of the agreed highway, active travel and public rights of way mitigation measures through planning conditions and Section 106 obligations, the proposal would provide safe access, acceptable transport connectivity and appropriate opportunities for sustainable travel.

Overall, the proposal is considered to accord with the aims of the NPPF, including the tests set out in Policy TR6, together with Core Policies 60 to 64 of the Wiltshire Core Strategy and the relevant transport objectives of the Devizes Area Neighbourhood Plan.

[Wiltshire Core Strategy - Wiltshire Council](#)

[NPPF - 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](#)

11.15 Ecology and Biodiversity

11.15.1 Policy Context

Core Policy 50 of the WCS Development proposals must demonstrate how they protect features of nature conservation and geological value as part of the design rationale. Policy N2 of the NPPF seeks to ensure that development contributes positively to the natural environment and supports nature's recovery. Development proposals should conserve and enhance biodiversity, minimise adverse impacts on habitats and species, strengthen ecological networks where appropriate, and identify opportunities for biodiversity enhancement.

Proposals must assess and address potential effects on:

- Protected species;
- Priority habitats;
- Ecological networks; and
- Green and blue infrastructure.

Biodiversity Net Gain (BNG) is an approach to development seeking to ensure that habitats for wildlife are left in a measurably better state than they were before the development. As of 12 February 2024 (2 April 2024 for smaller sites) BNG is mandatory in England under the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021). This means developers must deliver a BNG of 10% to ensure development will result in more or better quality natural habitat than there was before development.

The Wiltshire Green & Blue Infrastructure Strategy (2022–2030) encourages habitat connectivity, nature-based solutions, and integration of biodiversity within site design; these principles guide the assessment of detailed proposals.

Where Policy S5 is engaged due to an identified unmet housing need, the benefits associated with housing delivery must be weighed in the planning balance. However, Policy N2 of the NPPF states that where significant harm to biodiversity resulting from a development cannot be avoided, adequately mitigated or compensated for, the development should be refused. In addition, development that would adversely affect the integrity of a Habitats Site would be contrary to the requirements of the Conservation of Habitats and Species Regulations 2017 unless the relevant statutory tests are met.

11.15.2 Assessment

In assessing this matter, regard has been had to the ecological characteristics of the site and surrounding area, the submitted ecological evidence, consultation responses, relevant planning policies, the requirements of the Habitats Regulations (where applicable), and all other material considerations. The key considerations are set out below.

The application site comprises predominantly arable agricultural land bounded by hedgerows, trees, areas of scrub and associated field margins. The site lies adjacent to the Kennet & Avon Canal County Wildlife Site and contains habitats capable of supporting a range of protected and notable species. The site also provides opportunities for species associated with farmland, hedgerows, scrub habitats and watercourse corridors.

The ecological context of the site is important. The public rights of way, hedgerows, scrub, tree belts and canal corridor form part of a wider network of green infrastructure around the southern and eastern edge of Devizes. The Kennet & Avon Canal is a natural linear feature which is likely to provide commuting and foraging opportunities for bats and other wildlife. The wider Devizes area is also known to support bat interest, including roosting and commuting activity associated with established green corridors, watercourses and areas such as Drew's Pond to the south of the town.

The appeal site must also be considered in the context of the changing landscape baseline arising from the consented development on land north of Coate Road. Whilst that development is not part of the current application, it forms part of the wider ecological and landscape context. The cumulative urbanisation of land in this part of Devizes increases the importance of ensuring that retained and proposed ecological corridors within the current site are properly identified, protected and managed. It is therefore important to establish, with sufficient certainty, how bats and other protected or notable species may use the site and its boundaries before concluding that the development would not give rise to unacceptable ecological effects.

Third-party concerns have been raised regarding habitat loss, impacts upon protected species, effects upon biodiversity and the adequacy of ecological mitigation proposed. These matters have been fully considered in the assessment of the application.

The application is supported by a range of ecological information, including a Preliminary Ecological Appraisal, bat survey information, Biodiversity Net Gain Assessment and subsequent ecological information submitted in response to consultee comments. The submitted ecological evidence concludes that the site is capable of accommodating residential development whilst retaining the majority of boundary habitats, ecological corridors and landscape buffers. The proposals include the retention of significant lengths of hedgerow and

associated vegetation, habitat creation, ecological enhancement measures and a Biodiversity Net Gain strategy. The submitted Biodiversity Net Gain Assessment indicates that the development is capable of delivering the statutory biodiversity net gain requirement.

The Council Ecologist maintains an objection on the grounds of insufficient information. The original objection identified six principal areas requiring further information comprising nutrient neutrality, bats, badgers, breeding birds, biodiversity net gain and the absence of an Ecological Parameters Plan. Following the submission of further ecological information, a number of matters have been resolved or substantially narrowed.

The Ecologist confirms that concerns relating to the Hampshire Avon SAC have now been resolved. Following confirmation that foul drainage from the development would be directed to Potterne WRC, which discharges to Semington Brook within the Bristol Avon catchment rather than the Hampshire Avon catchment, the proposal has been screened out of Appropriate Assessment and is not considered likely to have significant effects on the SAC.

With regard to bats, the Ecologist accepts that the additional emergence survey information demonstrates that roosting bats are unlikely to be directly affected by the proposed development. However, the Ecologist remains concerned that no bat activity surveys have been undertaken since 2012 and advises that, given the scale of the development and the ecological context of the site, more up-to-date survey information would ordinarily be expected. This is a material concern because bats are European Protected Species and the site contains boundary habitats, hedgerows, scrub and linear features which may function as commuting and foraging corridors.

The applicant has sought to rely upon the retention of hedgerows, scrub and boundary vegetation shown on the indicative masterplan as a means of safeguarding likely bat commuting and foraging routes. However, the Ecologist advises that, in the absence of up-to-date activity survey information, it must at the very least be demonstrated through an Ecological Parameters Plan, or equivalent mechanism, that dark ecological corridors will be retained and protected from artificial lighting. The Ecologist has specifically advised that such corridors should be clearly identified and controlled, including through appropriate lux limits.

This requirement is particularly important because the application is submitted in outline form and the submitted masterplan is illustrative. Without an approved Ecological Parameters Plan, or other enforceable mechanism identifying the retained dark corridors and associated lighting restrictions, the Local Planning Authority cannot be certain that future Reserved Matters submissions would preserve the ecological functionality of the site's retained boundary habitats and corridors.

The Ecologist confirms that the badger survey information has now been reviewed and raises no objection in principle in relation to badgers. A sett has been identified within the site and the implications for the sett, together with any licensing requirements, would need to be considered at later stages. The avoidance of artificial lighting and disturbance within this area remains important.

In relation to breeding birds, the Ecologist accepts the survey effort undertaken and agrees that the site is unlikely to be critical to the maintenance of the local skylark population.

However, habitat management and compensatory measures for farmland bird species, including yellowhammer and other species of conservation concern, should be secured through a Landscape and Ecological Management Plan.

The Ecologist also maintains concerns regarding aspects of the submitted Biodiversity Net Gain Assessment. In particular, clarification is sought regarding the treatment of habitats and watercourse features where the application boundary extends into the riparian zone associated with the Kennet & Avon Canal. Whilst the Ecologist advises that the issues identified are unlikely to significantly alter the biodiversity baseline, further information is required to provide certainty that the metric has been correctly applied.

Overall, the Ecologist concludes that sufficient information is not currently available to provide certainty that the proposal would not result in adverse effects on biodiversity interests and therefore maintains an objection pending resolution of the outstanding matters.

It is material that the Council Ecologist's objection has narrowed considerably during the course of the application. Significant weight is afforded to the fact that no likely significant effect upon the Hampshire Avon SAC has been identified, nutrient neutrality concerns have been resolved, roosting bat impacts have been substantially addressed, badger survey information has been provided and concerns relating to breeding birds have largely been addressed through mitigation.

Nevertheless, significant weight must also be afforded to the specialist advice of the Council Ecologist who continues to maintain an objection. The principal remaining concerns relate to the absence of recent bat activity survey information, the lack of a secured mechanism to protect dark ecological corridors through the site and outstanding uncertainty regarding elements of the Biodiversity Net Gain baseline associated with the riparian corridor of the Kennet & Avon Canal.

The ecological context of the site is an important consideration in this regard. The site lies adjacent to the Kennet & Avon Canal County Wildlife Site and contains a network of hedgerows, trees, scrub and linear features capable of supporting commuting and foraging bats. The wider area is also known to support bat activity associated with established green infrastructure corridors. Whilst the submitted information demonstrates that direct impacts upon bat roosts are unlikely, the Council Ecologist advises that no bat activity surveys have been undertaken since 2012 and that more up-to-date survey information would ordinarily be expected for a development of this scale and in this location.

The applicant's ecological consultant considers that any remaining concerns can be addressed through planning conditions requiring a Construction Environmental Management Plan, a Landscape and Ecological Management Plan, ecological enhancement measures, ecological compliance provisions and controls over external lighting. However, the Council Ecologist advises that, in the absence of updated activity survey information and an Ecological Parameters Plan identifying and securing dark ecological corridors through the site, there is insufficient certainty that the ecological functionality of retained habitats and commuting routes would be maintained.

The need for adequate survey information is particularly important where protected species may be affected. Bats are European Protected Species and it is necessary for the Local Planning Authority, as decision-maker, to be satisfied that the likely impacts of the development upon such species have been appropriately identified and assessed before planning permission can be granted. In the absence of up-to-date bat activity survey information and sufficient certainty regarding the protection of bat commuting and foraging corridors, officers cannot be satisfied that the likely effects of the development upon protected species have been fully assessed.

Where Policy S5 is engaged due to an identified unmet housing need, the benefits associated with housing delivery attract significant weight in favour of the proposal. However, Policy N2 of the NPPF requires development to avoid significant harm to biodiversity and states that where significant harm resulting from a development cannot be avoided, adequately mitigated or, as a last resort, compensated for, planning permission should be refused.

In this case, the issue is not simply whether ecological harm has been identified, but whether sufficient information has been provided to enable a robust assessment of likely ecological effects. In the absence of up-to-date bat activity survey information, a secured mechanism for protecting dark corridors and certainty regarding elements of the Biodiversity Net Gain baseline, Officers are unable to conclude with confidence whether significant harm to biodiversity can be avoided, adequately mitigated or compensated for in accordance with the mitigation hierarchy.

Furthermore, the absence of sufficient ecological information creates uncertainty not only in relation to the likely ecological effects of the development, but also as to whether the site is capable of accommodating 175 dwellings alongside any ecological mitigation and safeguarding measures that may ultimately be required. The protection of dark corridors, habitat buffers, retained vegetation and other ecological infrastructure may have implications for the amount and disposition of developable land available within the site. In the absence of the necessary survey information and an agreed ecological framework, the Local Planning Authority cannot be satisfied that the quantum of development proposed can be delivered whilst also securing the ecological mitigation required.

Consequently, notwithstanding the significant weight afforded to housing delivery under Policy S5, insufficient information has been provided to demonstrate that the proposal would protect biodiversity interests, safeguard protected species, secure an appropriate ecological framework and deliver Biodiversity Net Gain in accordance with Core Policies 50 and 52 of the Wiltshire Core Strategy, Policy N2 of the NPPF and the statutory Biodiversity Net Gain regime. The Council Ecologist's objection therefore attracts significant weight in the planning balance.

11.15.3 Summary

Third-party concerns regarding ecological impacts have been fully considered.

The submitted ecological evidence demonstrates that a number of key issues identified during the course of the application, including impacts upon the Hampshire Avon SAC, nutrient neutrality, badgers and breeding birds, have either been resolved or substantially addressed

through mitigation. However, despite the submission of additional information, the Council Ecologist continues to maintain an objection in relation to the absence of recent bat activity survey information, the protection of dark ecological corridors and outstanding uncertainty regarding aspects of the Biodiversity Net Gain assessment.

Whilst the proposal has the potential to deliver habitat retention, ecological enhancement measures and biodiversity net gain, Officers are not currently satisfied that sufficient information has been provided to fully assess the likely impacts of the development upon protected species and biodiversity interests. As a result, the Local Planning Authority cannot conclude, with the necessary degree of certainty, that the development would avoid unacceptable impacts on protected species, maintain the ecological functionality of retained habitats and commuting corridors, or demonstrate compliance with statutory Biodiversity Net Gain requirements.

Accordingly, it has not been demonstrated that the proposal accords with the biodiversity objectives of the NPPF or Core Policies 50 and 52 of the Wiltshire Core Strategy. This results in a substantive and unresolved ecological objection which prevents the Council from reaching a positive conclusion on the overall acceptability of the development.

[Wiltshire Core Strategy - Wiltshire Council](#)

[NPPF - 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](#)

11.16 Flood Risk and Drainage

11.16.1 Policy Context

Core Policy 67 of the WCS outlines that all new development will include measures to reduce the rate of rainwater run-off and improve rainwater infiltration to soil and ground (sustainable urban drainage) unless site or environmental conditions make these measures unsuitable.

Sustainable Drainage Systems (SuDS) are required for all major developments and must:

- Manage runoff near its source.
- Improve water quality.
- Support biodiversity and amenity.
- Be integrated into the site layout and green infrastructure.

The NPPF requires flood risk to be taken into account at all stages of the planning process and seeks to direct development away from areas at highest risk of flooding. Policies F4, F5 and F6 require flood risk to be assessed through site-specific Flood Risk Assessments where necessary, the application of the Sequential Test where applicable, and the Exception Test in those circumstances identified by national policy.

Where appropriate, applications should be supported by a site-specific Flood Risk Assessment. Development should only be supported where it can be demonstrated that it will be safe for its lifetime, taking account of the vulnerability of its users, without increasing flood risk elsewhere and, where possible, reducing flood risk overall.

Development should demonstrate that:

- a) within the site, the most vulnerable development is located in areas of lowest flood risk where practicable;
- b) the development is appropriately flood resistant and resilient;
- c) sustainable drainage systems are incorporated where appropriate;
- d) any residual flood risk can be safely managed; and
- e) safe access and escape routes are provided where necessary.

Policies F5 and F6 of the NPPF require development proposals to satisfy the Sequential Test and, where applicable, the Exception Test. Development proposals that fail to comply with these policy requirements should be refused. Accordingly, flood risk is capable of carrying substantial weight in the planning balance and may weigh heavily against development where the requirements of national policy have not been satisfied.

Where Policy S5 is engaged due to an identified unmet housing need, the benefits associated with housing delivery should be weighed alongside all other material considerations. However, the existence of housing need does not negate the requirement to assess proposals against the flood risk policies of the NPPF.

11.16.2 Assessment

In assessing this matter, regard has been had to the flood risk characteristics of the site and surrounding area, the submitted technical evidence, consultation responses, the requirements of the NPPF and all other material considerations. The key considerations are set out below.

The application site comprises agricultural land on the eastern edge of Devizes and lies entirely within Flood Zone 1, which is defined by the NPPF as land having the lowest probability of fluvial flooding. There are no main rivers within the site and no areas of Flood Zone 2 or Flood Zone 3 are identified within the proposed development area. The principal flood risk considerations therefore relate to surface water management, exceedance flows and the capacity of the drainage network to accommodate the development without increasing flood risk elsewhere.

Third-party representations raise concerns regarding localised flooding, the ability of the site to accommodate additional development without increasing flood risk elsewhere and the adequacy of the proposed drainage infrastructure. These concerns have been fully considered.

The application is supported by a site-specific Flood Risk Assessment & Drainage Strategy - Part 1, Flood Risk Assessment & Drainage Strategy - Part 2 and associated ground investigation information. The submitted evidence concludes that the site is suitable for

residential development from a flood risk perspective and that an appropriate drainage strategy can be implemented to manage surface water runoff without increasing flood risk elsewhere.

The submitted Flood Risk Assessment identifies that the site is not at significant risk of flooding from rivers and that a sustainable drainage strategy can be developed incorporating attenuation and controlled discharge. The indicative masterplan demonstrates that sufficient space exists within the site to accommodate drainage infrastructure, including attenuation features and associated SuDS measures. The submitted information also confirms that finished floor levels, exceedance routing and detailed drainage design can be addressed through subsequent stages of the development process.

The Lead Local Flood Authority originally raised a holding objection to the proposal. However, following the submission of additional drainage information and subsequent clarification of drainage proposals, the LLFA has reviewed the revised information and now raises no objection subject to conditions. The LLFA advises that the proposed drainage strategy is acceptable in principle and is satisfied that the site can be drained without increasing flood risk elsewhere. The LLFA confirms that a number of detailed drainage matters, including runoff rates, exceedance routing, infiltration opportunities, source-control SuDS, finished floor levels, water quality measures and maintenance arrangements, can be addressed through appropriately worded planning conditions.

Significant weight is afforded to the conclusions of the LLFA as the Council's technical adviser on flood risk and drainage matters. The withdrawal of the previous holding objection is a material consideration and indicates that the Authority is now satisfied that an appropriate drainage solution is capable of being delivered.

Wessex Water similarly raises no objection to the proposal. Wessex Water confirms that foul flows can be accommodated within the public foul sewer network subject to detailed design and connection agreements. The response identifies a 200mm foul rising main crossing the site and advises that a 6-metre easement corridor must be retained to protect the apparatus. Wessex Water also confirms that surface water drainage should be designed in accordance with the SuDS hierarchy and agreed with the LLFA.

The Environment Agency did not require consultation on this application and therefore raised no comments in respect of flood risk, flood zones or the sequential test.

Having regard to the submitted evidence and consultation responses, it is considered that:

- The proposal has satisfied the Sequential Test, with development proposed on land within Flood Zone 1.
- The development would not increase flood risk elsewhere.
- Surface water can be managed sustainably through the use of SuDS, attenuation and controlled discharge arrangements.
- The site can be safely developed for its lifetime having regard to flood risk considerations.

- Any remaining detailed drainage matters can be appropriately controlled through planning conditions.

Appropriate conditions should secure:

- A detailed surface water drainage strategy;
- Exceedance routing plans;
- Drainage maintenance and management arrangements;
- Construction-phase drainage measures;
- Finished floor levels and drainage design details;
- Compliance with the approved flood risk and drainage strategy.

11.16.3 Summary

Third-party concerns regarding flood risk and drainage have been fully considered.

The application site lies predominantly within Flood Zone 1 and the submitted Flood Risk Assessment demonstrates that the site can be safely developed without increasing flood risk elsewhere. The Lead Local Flood Authority has withdrawn its previous holding objection and now raises no objection subject to conditions. Wessex Water similarly raises no objection and confirms that appropriate foul and surface water drainage arrangements can be secured through detailed design and connection agreements.

Subject to the recommended planning conditions, it is considered that the proposal can be safely developed for its lifetime, would not increase flood risk elsewhere and would incorporate an appropriate sustainable drainage strategy. Accordingly, the proposal is considered to accord with the aims of the NPPF, relevant PPG guidance and Core Policy 67 of the Wiltshire Core Strategy.

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[Wiltshire Core Strategy - Wiltshire Council](#)

[NPPF - GOV.UK](#)

[Flood risk and coastal change - GOV.UK](#)

[Development Management Portal Map](#) (select Strategic Flood Risk Assessment)

11.17 Provision of employment, Local Centres and Community Facilities

11.17.1 Policy Context

The Wiltshire Core Strategy seeks to ensure that development is supported by appropriate infrastructure, services and facilities necessary to create sustainable communities.

Core Policy 3 requires development to make appropriate provision for infrastructure and services necessary to support growth. Core Policy 34 supports sustainable economic growth and the creation of employment opportunities in appropriate locations. Relevant transport policies also seek to ensure that development is located and designed to reduce the need to travel and improve accessibility to jobs, services and community facilities.

Where the proposal includes retail, leisure or local centre uses, Core Policy 38 is also relevant. This policy seeks to ensure that such uses are appropriately located and do not adversely affect the vitality or viability of existing centres.

Where relevant, site allocation policies and made Neighbourhood Plan policies may require or support the provision of employment land, local centres, retail facilities, schools, healthcare facilities, community buildings, sports facilities, allotments, public open space or other supporting infrastructure as part of a comprehensive development.

The NPPF supports the delivery of healthy, inclusive and sustainable communities. National policy recognises the benefits of providing local services, employment opportunities, social infrastructure and community facilities that are accessible to both new and existing residents and which reduce the need to travel.

11.17.2 Assessment

In assessing this matter, regard has been had to the nature of the infrastructure proposed, the needs arising from the development, the relevant planning policy framework and all other material considerations.

The proposal does not include employment land, retail floorspace, a local centre, healthcare facilities, educational facilities or dedicated community buildings. However, it would provide a range of community infrastructure and recreational facilities intended to serve both future occupiers of the development and, to a degree, the wider community.

The proposed development includes:

- On-site public open space;
- Equipped children's play provision;
- Green infrastructure and landscape corridors;
- Improvements to Public Rights of Way DEVI65 and associated connectivity measures;
- Active travel improvements secured through the Section 106 Agreement;
- Enhanced walking and cycling connectivity to surrounding development and facilities;
- Contributions towards improvements associated with the Kennet & Avon Canal corridor and wider active travel network; and
- Improvements to the public rights of way network, crossings, signage and associated connectivity measures.

These measures are proposed principally in response to infrastructure requirements generated by the development and are necessary to ensure that the proposal provides appropriate opportunities for recreation, active travel and healthy lifestyles in accordance with the Development Plan and the NPPF.

Whilst a significant proportion of this infrastructure serves a mitigation function, it is also recognised that a number of the proposed measures would provide wider public benefits. In particular, the proposed public rights of way improvements, active travel measures and canal

connectivity enhancements would be available to existing residents and visitors as well as future occupiers of the development. Similarly, the proposed public open space, play facilities and green infrastructure would contribute positively towards health and wellbeing objectives and improve recreational opportunities within the local area.

Having regard to the above, the proposed infrastructure is considered to meet identified needs arising from the development and would contribute positively towards the creation of a sustainable, healthy and inclusive community.

11.17.3 Summary

The proposed public open space, equipped play provision, active travel infrastructure and public rights of way improvements are considered to represent a limited benefit of the development.

The proposed facilities would support community wellbeing, improve recreational opportunities, enhance walking and cycling connectivity, contribute towards wider green infrastructure objectives and provide benefits for both future occupiers and existing users of the surrounding public rights of way and active travel network.

Accordingly, the proposed infrastructure is considered to accord with the relevant provisions of the Development Plan and the NPPF.

The extent to which these facilities meet identified needs and contribute towards the creation of a sustainable community attracts limited positive weight in the overall planning balance.

11.18 Other Issues

Concerns have been raised regarding healthcare provision, educational capacity, employment opportunities and pressure on local services arising from additional population growth. These matters have been considered through consultation responses received from the relevant service providers and infrastructure bodies and are addressed elsewhere within this report and, where appropriate, through the proposed planning obligations package.

A number of representations also refer to impacts upon private views and property values. Whilst these concerns are acknowledged, they do not constitute material planning considerations and cannot be afforded weight in the determination of the application.

No additional material planning considerations have been identified that would alter the conclusions reached elsewhere in this statement.

12 DEVELOPMENT VIABILITY, CIL AND S106 CONTRIBUTIONS

12.1 S106 Heads of Terms

Core Policy 3 advises that *'All new development will be required to provide for the necessary on-site and, where appropriate, off-site infrastructure requirements arising from the proposal. Infrastructure requirements will be delivered directly by the developer and/or through an*

appropriate financial contribution prior to, or in conjunction with, new development.” This policy is consistent with Regulation 122 of the Community Infrastructure Levy Regulations 2010 and Policy DM6 (Use of Planning Conditions and Obligations) of the NPPF, which confirms that planning obligations should only be used where it is not possible to address potential unacceptable impacts through a planning condition. Planning obligations must:

- 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.

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.

12.1.1 Affordable Housing

To promote the delivery of new affordable homes in line with Core Policy 43 of the Wiltshire Core Strategy. This policy requires affordable housing to be secured via a legal agreement. 30% affordable housing contribution is considered fair and reasonable based upon a broad assessment of viability undertaken in the Wiltshire Local Plan Viability Study 2014.

CP45 also requires affordable dwellings to address local housing need and to incorporate a range of different types, tenures, sizes of homes in order to create a balanced community. CP46 requires in suitable locations, new housing to meet the needs of vulnerable people.

Policy HO5 of the NPPF supports the delivery of affordable housing to meet identified needs and seeks the provision of affordable homes within major housing developments. The NPPF also recognises the need to provide housing for different groups in the community and to create mixed, balanced and inclusive communities.

Planning Practice Guidance provides further advice on the delivery of affordable housing and housing for different groups, including affordable home ownership products, affordable rented housing and other tenures designed to meet locally identified needs.

WC Housing officer has requested the following:

Contribution / Obligation
The Council's Housing Enabling Team has advised that, should the development be considered acceptable in planning terms, it should provide 30% on-site affordable housing in accordance with Core Policy 43 of the Wiltshire Core Strategy. Based on a development

of 175 dwellings, this equates to 53 affordable dwellings, to be secured through a Section 106 Agreement on a nil subsidy basis.

The Housing Enabling Team has requested a tenure split comprising 60% Social Rented housing (32 units) and 40% Affordable Home Ownership housing (21 units), with the precise affordable home ownership products to be agreed at the Reserved Matters stage or through the Section 106 Agreement.

An indicative affordable housing mix has been provided comprising:

Social Rented Housing (32 units):

8 x 1-bed / 2-person maisonette flats;
2 x 2-bed / 4-person bungalows;
10 x 2-bed / 4-person houses;
10 x 3-bed / 6-person houses; and
2 x 4-bed / 7-person houses.

Affordable Home Ownership Housing (21 units):

15 x 2-bed / 4-person houses; and
6 x 3-bed / 5-person houses.

The Housing Enabling Team has also advised that there is a demonstrable need for adapted housing within Devizes and requests that 10% of the affordable housing provision is delivered as adapted units meeting Building Regulations M4(2) standards.

The affordable housing provision, including the overall quantum, tenure split, housing mix, adapted housing provision, Registered Provider transfer arrangements and nomination rights, would be secured through a Section 106 Agreement.

Accordingly, the Council is satisfied that the requested obligation is 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 proposed. The obligation therefore satisfies the tests set out in Regulation 122 of the Community Infrastructure Levy Regulations 2010 (as amended) and is recommended for inclusion within the draft Heads of Terms.

12.1.2 Waste And Recycling

The Wiltshire Core Strategy at para 4.41 Core Policy CP3 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 provision of bins, and the services required to support waste collection, is a burden on the Council that is directly related to new developments. Container provision is directly related to the type and scale of the development, as they are issued on a per-residential-unit basis

and cover the necessary cost of purchasing waste and recycling containers for residential units. The costs set out below are therefore considered fair and reasonable.

The WC Waste and Recycling officer has requested the following mitigation:

Contribution / Obligation
That the development will require the provision of waste and recycling containers for all dwellings and seeks a Section 106 contribution towards the provision of this infrastructure. For the proposed 175 dwellings, a financial contribution of £21,175 is requested to fund the supply of waste and recycling containers prior to first occupation.

Accordingly, the Council is satisfied that the requested obligation is 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 proposed. The obligation therefore satisfies the tests set out in Regulation 122 of the Community Infrastructure Levy Regulations 2010 (as amended) and is recommended for inclusion within the draft Heads of Terms.

12.1.3 Education contributions

The Council's School Places and Early Years Planning Team originally assessed the proposal on the basis of 175 dwellings, including 30% affordable housing, and calculated that the development would generate demand for approximately 49 primary school places and 35 secondary school places. The assessment concluded that there is sufficient capacity within existing primary and secondary schools serving the Devizes area to accommodate the pupils arising from the development and, accordingly, no contributions towards primary or secondary education infrastructure were requested.

The original consultation response also sought an Early Years contribution of £350,440 towards the provision of childcare facilities in the area. This was based on the projected demand for 20 Early Years places generated by the development.

Following the submission of updated Early Years capacity data, the Education Authority has reviewed its position and confirmed that the request for an Early Years contribution can now be withdrawn. The revised assessment reflects additional childcare places that have become available within the community area together with lower birth rates, resulting in sufficient capacity to accommodate demand generated by the development. The Education Authority therefore no longer seeks any education-related financial contributions from the development.

12.1.4 Public Open Space And Leisure Contributions and provision

The NPPF recognises the importance of open space, sport and recreation facilities, green infrastructure and healthy communities. National policy requires planning decisions to support opportunities for recreation and active lifestyles, protect and enhance green infrastructure networks, and ensure that development contributes to healthy, sustainable and well-designed places. Open space can provide health and wellbeing benefits, ecological value, biodiversity enhancement, landscape and visual benefits, climate resilience, and opportunities for recreation, and is an important component of achieving sustainable development.

Planning Practice Guidance advises that open space, sports and recreational facilities should be considered as part of the planning and design of new development, having regard to their contribution to health, wellbeing, biodiversity, green infrastructure and placemaking.

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.

To comply with the above policy it is necessary to secure on-site public open space to ensure the health and well-being of the future occupants of the development site. Furthermore, the increase in population caused by the development will have an impact on existing leisure facilities and, it is therefore necessary to upgrade a local facility to cater for the likely increased demand.

The provision of open space is to serve the needs of the future occupants of the housing scheme and thus its provision on-site is directly related to the development.

The improvements to off-site leisure facilities directly relates to the increase to the local population caused by this development.

Contribution / Obligation
The Council's Public Open Space Officer raises no objection to the proposal subject to the provision of appropriate open space, play and sports pitch mitigation. The development generates a requirement for 1,722sqm of public open space and 1,302sqm of equipped play provision. Public open space is shown on the indicative masterplan and the Officer advises that, should the required quantum not be delivered on site, a financial contribution towards off-site provision would be acceptable at a rate of £34.87 per square metre of any identified shortfall.
The indicative masterplan includes both a LAP and LEAP. However, the Public Open Space Officer advises that Wiltshire Council generally seeks a trim trail in place of a LAP due to the limited play value and relatively high maintenance costs associated with LAP provision. Any trim trail should provide meaningful play and recreation opportunities and could include features such as climbing nets, monkey bars or similar equipment.
Any on-site equipped play would be required to accord with the Council's adopted play specifications and all public open space and equipped play areas should be secured and managed in perpetuity. Wiltshire Council does not intend to adopt these areas, although the Officer notes that Devizes Town Council has expressed an interest in adopting public open space and play facilities and requests that the Section 106 Agreement allows for this option.
The development also generates a requirement for 7,182sqm of sports pitch provision, which equates to an off-site contribution of £71,820. The sports contribution has been confirmed to go towards the upgrade of provision at Bromham Jubilee Field, Green Lane Playing Fields and/or the ATP at Devizes School or other sports or ancillary provision within the vicinity of the land as confirmed by the Leisure Strategy Infrastructure Officer.

Accordingly, the Council is satisfied that the requested obligation is 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 proposed. The obligation therefore satisfies the tests set out in Regulation 122 of the Community Infrastructure Levy Regulations 2010 (as amended) and is recommended for inclusion within the draft Heads of Terms.

12.1.5 Public Art Scheme/Contributions

Public Art and streetscape features are listed as place-shaping infrastructure under Priority Theme 2 of Core Policy 3 of the Wiltshire Core Strategy and such infrastructure can be secured through planning obligations. The Council's Art and Design in the Public Realm in Wiltshire - 2024 Guidance further supports the delivery of public art as part of place-shaping infrastructure within major developments.

The proposed development would introduce a substantial new residential community and create a significant extension to the built form of the settlement. Public art forms part of the place-shaping and design infrastructure for the development and assists in creating a distinctive sense of place, enhancing legibility, strengthening local identity and contributing to the quality of the public realm. The provision of public art therefore assists in achieving the high-quality design objectives of Core Policy 57 of the Wiltshire Core Strategy and Policies DP1-DP4 of the NPPF.

The contribution would be spent within the development site itself on a scheme of public art associated with this development and this development alone. The contribution is directly related to the type and scale of the development, as it is requested on a per-dwelling basis and is considered sufficient to enable a meaningful public art project to be commissioned and delivered on the site which would contribute positively to the design and place-making objectives of the development.

Contribution / Obligation
A contribution of £300 per dwelling would be required to deliver a scheme of public art on the site. This equates to a total sum for 175 dwellings of £52,500.

Accordingly, the Council is satisfied that the requested obligation is 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 proposed. The obligation therefore satisfies the tests set out in Regulation 122 of the Community Infrastructure Levy Regulations 2010 (as amended) and is recommended for inclusion within the draft Heads of Terms.

12.1.6 Highways works/mitigation/contributions

The NPPF seeks to ensure that development is supported by safe, sustainable and efficient transport infrastructure and that transport impacts are appropriately mitigated. 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 then following to mitigate the impacts of the development:

Contribution / Obligation
The Local Highway Authority, Canal & River Trust and the Council's Countryside Access Officer have identified the need for a package of active travel, public rights of way and canal connectivity improvements to mitigate the impacts of the development and improve sustainable movement between the site, Devizes town centre, local schools, adjoining residential developments and the wider green-blue infrastructure network. The Kennet & Avon Canal forms an important recreational and active travel corridor within Devizes and already benefits from improvements secured through the adjacent Bellway development. However, both the Canal & River Trust and the Local Highway Authority identify a need for additional improvements to connectivity between the site, Windsor Drive, the canal corridor and the wider walking and cycling network. Following detailed review of the Transport Assessment, Travel Plan and subsequent technical information, the Highway Authority has agreed a package of mitigation comprising physical works and financial contributions. Whilst a number of improvements were initially sought through direct delivery by the applicant, the Highway Authority has subsequently accepted the use of financial contributions where this provides greater flexibility and certainty of delivery. The agreed package comprises: • £311,115 Active Travel Contribution towards sustainable transport and active travel infrastructure improvements serving the development. • £25,000 contribution towards Canal & River Trust improvements to facilitate enhanced pedestrian and cycle access to the Kennet & Avon Canal corridor. • £70,500 contribution towards improvements to Public Right of Way DEVI65, including surfacing improvements and associated active travel infrastructure. • £8,000 contribution towards a Traffic Regulation Order (or equivalent legal process) associated with the future management of DEVI65. • Provision of the agreed bus stop infrastructure identified within the submitted transport documents. • Delivery of the agreed off-site highway and active travel improvements shown on Drawing H728/01 Rev F (or any subsequently approved revision). • Provision of pedestrian and cycle connectivity between the application site and the approved development north of Coate Road.

- Improvements to public rights of way, crossings, signage and associated connectivity measures as identified through the detailed design process.

The Countryside Access Officer additionally seeks improvements to DEVI66, which is currently subject to a Definitive Map Modification Order application, together with enhancements to the Wessex Ridgeway and associated rights of way infrastructure. Whilst detailed costs remain subject to further consideration, Officers are satisfied that appropriate provision for these measures can be secured through the Section 106 Agreement where necessary.

Accordingly, the Council is satisfied that the requested obligation is 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 proposed. The obligation therefore satisfies the tests set out in Regulation 122 of the Community Infrastructure Levy Regulations 2010 (as amended) and is recommended for inclusion within the draft Heads of Terms.

12.1.7 Ecology/Biodiversity mitigation

Policy N2 of the NPPF seeks to conserve and enhance the natural environment, whilst Core Policies 50 and 52 of the Wiltshire Core Strategy require development proposals to protect biodiversity interests, maintain ecological networks and secure appropriate mitigation and enhancement measures where required.

The application is supported by ecological information including a Preliminary Ecological Appraisal, Biodiversity Net Gain Assessment and protected species surveys. The Council Ecologist acknowledges that a number of ecological matters raised during the course of the application have been resolved or substantially narrowed, including matters relating to nutrient neutrality, likely significant effects on the Hampshire Avon SAC, badgers and breeding birds.

However, the Council Ecologist maintains an objection to the proposal due to the absence of recent bat activity survey information, uncertainty regarding the protection of dark ecological corridors and outstanding concerns regarding aspects of the Biodiversity Net Gain Assessment.

Officers are therefore not satisfied that sufficient ecological information has been provided to enable a robust assessment of likely ecological effects, it has not been demonstrated that the proposal would comply with Policy N2 of the NPPF or Core Policies 50 and 52 of the Wiltshire Core Strategy. In these circumstances, it is not possible to identify with certainty the mitigation measures that may be necessary to address the outstanding ecological concerns.

Accordingly, no ecology-related planning obligations are currently proposed. The unresolved ecological objection is addressed within Section 6.2 of this report and attracts significant weight in the overall planning balance.

12.1.8 Biodiversity Net Gain (BNG)

The Environment Act 2021 and associated Biodiversity Gain Regulations require major development to deliver a minimum 10% Biodiversity Net Gain (BNG). Core Policy 50 of the Wiltshire Core Strategy and Policy N2 of the NPPF similarly seek to conserve and enhance biodiversity and require development to avoid harm and secure measurable biodiversity improvements.

The application is supported by a submitted Biodiversity Net Gain Assessment which concludes that the development is capable of delivering the statutory minimum biodiversity net gain requirement through a combination of habitat retention, habitat enhancement and habitat creation measures within the site.

However, the Council Ecologist maintains an objection to the application and advises that further clarification is required regarding elements of the biodiversity baseline, particularly where the application boundary extends into the riparian zone associated with the Kennet & Avon Canal. The Ecologist advises that it has not yet been demonstrated that all habitats and watercourse features within the application boundary have been appropriately assessed in accordance with the Statutory Biodiversity Metric User Guide.

This matter must also be considered in the context of the wider ecological objection. The Council Ecologist advises that insufficient information remains available regarding bat activity within the site and the protection of dark ecological corridors. As a consequence, Officers are unable to conclude with certainty that the ecological impacts of the development have been fully assessed or that the biodiversity baseline has been correctly established.

In the absence of sufficient ecological information, Officers are not satisfied that compliance with the statutory Biodiversity Net Gain requirements has been demonstrated. Accordingly, no specific Biodiversity Net Gain planning obligation is proposed at this stage.

The acceptability of the submitted Biodiversity Net Gain Assessment forms part of the wider unresolved ecological objection and attracts significant weight in the overall planning balance.

12.1.9 NHS / Healthcare Contribution

The proposed contribution towards healthcare infrastructure satisfies the tests set out in Regulation 122 of the Community Infrastructure Levy Regulations 2010 (as amended), in that it is necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind.

The need for additional healthcare infrastructure is established through Core Policy 3 of the Wiltshire Core Strategy, which requires development to contribute towards the infrastructure necessary to support growth. Healthcare facilities form an important element of community and public service infrastructure and are essential to supporting sustainable communities and the health and wellbeing of existing and future residents.

Residential development can generate additional demands on healthcare services, including GP surgeries, primary care facilities and associated healthcare provision. Where such demands are identified, it is reasonable for development to contribute towards the provision,

improvement or expansion of healthcare infrastructure required to meet the needs arising from the development.

The contribution sought is directly related to mitigating the impacts arising from the additional population generated by the development and will assist in ensuring that adequate healthcare capacity is available to serve existing and future residents.

The level of contribution has been calculated having regard to the scale of development proposed and the healthcare infrastructure requirements arising from that development. It is therefore fairly and reasonably related in scale and kind.

This approach is consistent with Core Policy 3 of the Wiltshire Core Strategy and Policy HC3 of the NPPF, which seeks to ensure that sufficient infrastructure and services are available to meet the needs arising from development proposals that generate additional population growth. The contribution will assist in ensuring that adequate healthcare capacity is available to serve the needs of future residents arising from the development.

Contribution / Obligation
RUNB NHS Trust - The Trust has requested a contribution of £92,783 towards acute healthcare provision. Whilst the Trust has provided evidence regarding existing pressures on healthcare services, no specific healthcare infrastructure project has been identified to which the contribution would be directed.
BSW ICB NHS Property Services - NHS Bath and North East Somerset, Swindon and Wiltshire Integrated Care Board (BSW ICB) has advised that the development would generate additional demand for primary healthcare services within the Devizes Primary Care Network. The ICB has undertaken an assessment of existing GP facilities within the locality and concludes that there is currently insufficient primary care floorspace capacity to accommodate the additional population arising from the proposed development. The assessment identifies existing floorspace deficits within the Devizes Primary Care Network and states that additional healthcare capacity is required to mitigate the impact of the development.
The ICB has requested a financial contribution of £181,909 towards the provision of additional primary healthcare floorspace. The contribution is based on the forecast population generated by the development, the additional floorspace requirements arising from that population and a costed methodology for the refurbishment and/or extension of existing healthcare premises within the Devizes Primary Care Network.
Officers acknowledge that the request differs from those seeking contributions towards the operational delivery of healthcare services, as it relates to the provision of healthcare infrastructure and additional clinical floorspace. The submitted evidence identifies the healthcare facilities likely to be affected by the development, existing capacity constraints within the Devizes Primary Care Network and the broad form of mitigation proposed.
The Council accepts that additional residential development will generate demand for primary healthcare services and that, in principle, additional healthcare infrastructure may

be necessary to mitigate the impact of the development. The requested obligation is directly related to additional demand arising from future residents of the development and seeks to provide healthcare infrastructure within the locality that would serve that population.

However, whilst the ICB has identified a need for additional primary healthcare floorspace and refers to the refurbishment and/or extension of existing premises, no specific infrastructure project, delivery programme or identified scheme has been provided.

Accordingly, the Council is not satisfied that the requested obligation(s) is 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 proposed. The obligation therefore does not satisfy the tests set out in Regulation 122 of the Community Infrastructure Levy Regulations 2010 (as amended) and is not recommended for inclusion within the draft Heads of Terms.

12.1.10 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 2.5% of the total sum of contributions.

The monitoring fee is necessary to enable the Council to monitor compliance with the planning obligations and trigger points contained within the Section 106 Agreement throughout the lifetime of the development. The fee is directly related to the obligations arising from the development and is calculated by reference to the anticipated monitoring costs associated with those obligations. The Council is therefore satisfied that the fee satisfies the tests set out within Regulation 122 of the Community Infrastructure Levy Regulations 2010 (as amended).

12.2 Community Infrastructure Levy

The Community Infrastructure Levy (CIL) is a charge that local authorities can apply to new development to help fund infrastructure required to support growth. The proposed development constitutes CIL-liable development under the Community Infrastructure Levy Regulations 2010 (as amended) and Wiltshire Council's adopted CIL Charging Schedule (May 2015).

The site falls within CIL Charging Zone 1, where the applicable rate is £85 per square metre of chargeable floorspace, subject to indexation in accordance with the Regulations. The levy would become payable upon commencement of development.

Links to S106 guidance and Council infrastructure requirements:

[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](#) (see paras 7 & 8 for education)

[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](#)

12.3 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
Housing	30% Affordable Housing (policy-compliant mix and tenure to be agreed with the Council's Housing Enabling Officer).
Waste	£21,175 waste and recycling container contribution.
Education	No contribution required. Wiltshire Council Education Team confirms sufficient capacity exists to accommodate the development.
Open Space	On-site provision of a minimum 1,722sqm public open space and 1,302sqm equipped play provision (or financial contribution at £34.87/sqm for any agreed shortfall); long-term management and maintenance arrangements; Sports contribution of £71,820 towards the upgrade of provision at Bromham Jubilee Field, Green Lane Playing Fields and/or the ATP at Devizes School or other sports or ancillary provision within the vicinity of the land.
Public Art	A contribution of £300 per dwelling would be required to deliver a scheme of public art on the site. This equates to a total sum for 175 dwellings of £52,500.
Highways	£311,115 Active Travel Contribution; £25,000 contribution towards Kennet & Avon Canal access improvements; £70,500 contribution towards DEVI65 improvements; £8,000 contribution towards DEVI65 Traffic Regulation Order / associated legal process; off-site highway and active travel works; bus stop infrastructure; pedestrian and cycle connection to the development north of Coate Road; associated active travel and connectivity measures.
Ecology	No ecology contribution currently proposed. Ecology remains subject to an unresolved objection and no agreed biodiversity mitigation obligation is currently identified.
NHS	Obligations requested are not recommended for inclusion within the draft Heads of Terms.

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13 PLANNING BALANCE

13.1 Policy Context

In reaching a decision, all identified harms and benefits must be weighed in the overall planning balance, having regard to Section 38(6) of the Planning and Compulsory Purchase Act 2004, the provisions of the Development Plan and the NPPF.

The NPPF contains a presumption in favour of sustainable development. Applications should be determined in accordance with the development plan unless material considerations indicate otherwise.

The weight to be afforded to any identified benefits must be considered alongside all other material considerations, including whether the proposal accords with the Development Plan and whether any other policies of the NPPF indicate that development should be refused or that substantial weight should be attributed to identified harms.

The proposal conflicts with the Development Plan when read as a whole. Accordingly, the statutory duty under Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning permission be refused unless material considerations indicate otherwise.

The application site lies outside a defined settlement and Policy S5 of the NPPF is therefore relevant.

As set out within the Principle of Development section of this report, the proposal is considered to comply with the requirements of Policy S5(1)(j) and is therefore capable of being supported in principle outside a settlement.

Policy S5 states that where a proposal falls within one of the categories identified by Policy S5(1), planning permission should be granted unless the benefits of doing so would be substantially outweighed by the adverse effects when assessed against the national decision-making policies of the NPPF.

Policy S5 is engaged due to an identified unmet housing need. Policy HO7 of the NPPF states that substantial weight should be given to the benefits of providing homes which will contribute towards meeting the evidenced accommodation needs of the community, as identified through needs assessments prepared for the area of the local planning authority and other relevant evidence. However, the existence of housing need does not remove the requirement to assess the proposal against all other relevant policies of the Development Plan and the NPPF.

In applying Policy S5, regard has been had to:

- whether any national decision-making policy indicates that planning permission should be refused in the circumstances of the case;

- whether national policy requires substantial or particular weight to be attributed to identified harms; and
- whether the adverse effects identified substantially outweigh the benefits arising from the proposal.

Accordingly, the benefits and harms identified below have been weighed against one another having regard to Policy S5.

13.2 The Balance

For clarity, the key harms and benefits are summarised below. They are derived from the detailed assessment set out elsewhere in this report and are weighed against one another in the overall planning balance.

In weighing the planning balance, the following factors have been considered:

13.3 Benefits of the Proposal

Where mitigation measures are required to make the development acceptable in planning terms, these are afforded neutral weight in the planning balance unless they clearly deliver wider public benefits beyond the mitigation of the development's impacts.

The following benefits have been identified from the detailed assessment set out elsewhere in this report. The weight afforded to each benefit reflects its nature, significance and relevance to the planning merits of the proposal.

13.3.1 Provision of Market Housing

The delivery of new homes is a significant benefit, particularly in the context of Wiltshire's current housing land supply position. Having regard to the Council's most recent Housing Land Supply Statement and Housing Delivery Test position, the delivery of new market housing may attract positive weight where it contributes towards addressing identified housing need.

- **Benefit:** Provision of up to 175 new dwellings.
- **Weight:** Substantial weight.

13.3.2 Provision of Affordable Housing

The delivery of affordable housing is a key policy objective at both national and local levels. Wiltshire Council has a shortfall in affordable housing delivery, and the provision of new affordable homes contributes directly to meeting identified local needs.

- **Benefit:** Provision of 53 affordable dwellings (30%) affordable housing units, including social rented and affordable home ownership housing.
- **Weight:** Substantial weight.

13.3.3 Socio-Economic Benefits

The proposal would generate economic benefits during both the construction and operational phases of development. These include construction employment, expenditure within the local economy and additional spending by future residents within Devizes and the surrounding area.

These benefits align with the economic growth objectives of the NPPF.

- **Benefit:** Economic uplift through construction employment, expenditure on local goods and services, and increased economic activity arising from future residents.
- **Weight:** Moderate weight.

13.3.4 Green Infrastructure and Open Space

The proposal incorporates significant areas of public open space, green infrastructure, structural landscaping, sustainable drainage infrastructure and children's play provision. These elements would provide recreational opportunities, landscape enhancement and health and wellbeing benefits. That said, they are largely required to mitigate the impacts of the development.

- **Benefit:** Provision of public open space, equipped play provision, landscape buffers, structural planting, sustainable drainage infrastructure and associated green infrastructure.
- **Weight:** Limited weight.

13.3.5 Sustainable Transport and Connectivity

Where proposals include enhancements to pedestrian, cycle, or public transport infrastructure, such as new footpaths, cycleways, or contributions to active travel networks, this supports modal shift and aligns with the Wiltshire Local Transport Plan and LCWIP. Whilst these measures are necessary to make the development acceptable in planning terms, it is acknowledged that they will also deliver wider benefits to the existing community who can make use of them.

- **Benefit:** Active travel improvements, enhanced public rights of way, canal connectivity improvements and improved walking and cycling opportunities.
- **Weight:** Limited weight.

13.4 Identified Harms

Where harms are identified, regard has been had to their nature, extent, significance and the weight attributed to them in planning terms. The following harms have been identified from the assessment set out elsewhere in this report:

13.4.1 Conflict with Spatial Strategy

Having regard to the Council's latest Housing Land Supply Statement, conflict with the spatial strategy of the Development Plan remains capable of attracting significant weight. However, the weight to be attributed will depend upon the nature and extent of the conflict, the degree to which the proposal would undermine the planned distribution of development, the sustainability of the location, and the extent to which the proposal is supported by relevant policies of the NPPF, including Policies S4 and S5 where applicable.

- **Harm:** The proposal is contrary to Core Policies 1 and 2 of the Wiltshire Core Strategy (the spatial strategy of the Development Plan).

- **Weight:** Limited

13.4.2 Landscape and Visual Impact

The development would result in the loss of an undeveloped agricultural field and would extend built development beyond the existing settlement boundary. Harm would therefore arise through landscape change and the loss of open countryside.

However, the extent of that harm is limited by the containment of the site, the relationship with existing and committed development, and the mitigation proposed through landscape buffers, public open space and structural planting.

- **Harm:** Loss of greenfield land and localised landscape and visual impacts.
- **Weight:** Moderate

13.4.3 Loss of Agricultural Land

The development would result in the loss of an undeveloped agricultural field and would extend built development beyond the existing settlement boundary. Harm would therefore arise through landscape change and the loss of open countryside.

However, the extent of that harm is limited by the containment of the site, the relationship with existing and committed development, and the mitigation proposed through landscape buffers, public open space and structural planting.

- **Harm:** Loss of agricultural land, including approximately 1.6 hectares of Best and Most Versatile agricultural land.
- **Weight:** Limited.

13.5 Matters Afforded Neutral Weight

In assessing the planning balance, those matters that are considered policy compliant and acceptable but which do not result in either a net benefit or net harm are afforded neutral weight. 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:

- Heritage impacts and archaeology (subject to conditions).
- Residential amenity impacts.
- Highway safety and network capacity.
- Flood risk and drainage.
- Air quality and noise.
- Waste and utilities infrastructure.
- Internal living conditions for future occupiers.

These matters have been assessed in detail elsewhere in this statement and are considered acceptable subject to planning conditions and mitigation where appropriate.

Links:

[Wiltshire Core Strategy - Wiltshire Council](#)

13.6 Ecology and the Ability to Complete the Planning Balance

The planning balance set out above assesses the benefits and harms which can presently be identified and attributed weight on the basis of the information before the Local Planning Authority. However, the Council Ecologist maintains an objection to the application on the basis that insufficient information has been submitted to enable the ecological effects of the development to be fully assessed.

The outstanding ecological matters relate principally to the absence of recent bat activity survey information, the lack of a secured mechanism to protect dark ecological corridors through the site and unresolved uncertainty regarding elements of the Biodiversity Net Gain baseline. These matters are not peripheral. They go directly to whether the development would avoid unacceptable impacts on protected species, retain the ecological functionality of important habitat corridors and demonstrate compliance with statutory Biodiversity Net Gain requirements.

Whilst a number of ecological issues have been resolved during the course of the application, the outstanding matters mean that officers cannot presently determine the full extent of ecological harm, whether such harm could be adequately avoided, mitigated or compensated for, or whether the proposal would deliver the required biodiversity outcome. As such, Officers are unable to complete a fully informed planning balance.

This is materially different from a situation where a known and quantified harm can be weighed against identified benefits. In this case, the ecological information before the Council is incomplete and the Local Planning Authority cannot be satisfied that the development complies with the ecological requirements of the NPPF, Core Policies 50 and 52 of the Wiltshire Core Strategy, or the statutory Biodiversity Net Gain regime.

This issue is particularly important given that bats are European Protected Species. Before planning permission can be granted, the decision-maker must be satisfied that sufficient information is available to understand the likely impacts of the development on protected species and whether appropriate avoidance, mitigation or compensation measures can be secured. Officers are not currently satisfied that this threshold has been met.

Accordingly, whilst the proposal would deliver substantial housing and affordable housing benefits which attract significant weight under Policy S5 of the NPPF, the unresolved ecological objection prevents officers from completing a fully informed planning balance. In the absence of sufficient ecological information, officers cannot conclude that the proposal complies with Policy N2 of the NPPF or determine, with the necessary degree of certainty, whether the adverse impacts of the development would significantly and demonstrably outweigh its benefits when assessed against the policies of the Framework taken as a whole.

In these circumstances, it is considered that planning permission should be refused at this stage. This conclusion reflects the absence of sufficient ecological information rather than a final determination that the site is incapable of accommodating development. Should the appellant provide appropriate additional ecological information during the appeal process,

including up-to-date bat activity survey information or an agreed alternative evidential approach, an Ecological Parameters Plan or equivalent dark corridor strategy, and a revised Biodiversity Net Gain assessment accepted by the Council Ecologist, the Council may be able to revisit its position and complete the planning balance on the basis of that further evidence.

14 CONCLUSION

The proposed development would provide up to 175 dwellings, including approximately 53 affordable homes, in a location adjoining the built-up area of Devizes. In the context of Wiltshire Council's current housing land supply position, these benefits both attract substantial weight.

The proposal would also deliver economic benefits, open space, green infrastructure and active travel improvements. These matters weigh in favour of the development.

The proposal conflicts with the adopted spatial strategy by reason of its location outside the defined Limits of Development and would result in the loss of a greenfield site and associated landscape change. Limited to moderate weight is afforded to those harms respectively. Limited weight is afforded to the loss of agricultural land, including a limited area of Best and Most Versatile agricultural land.

The majority of technical matters have been satisfactorily addressed. No objection is raised in respect of highway safety, drainage, landscape, archaeology, residential amenity, air quality, noise, education or utilities, subject to appropriate conditions and obligations.

However, the Council Ecologist maintains an objection on the basis that insufficient information has been submitted to enable the ecological effects of the development to be fully assessed. The outstanding issues relate to bat activity, protection of dark ecological corridors and the Biodiversity Net Gain baseline.

The need for sufficient ecological information is particularly important given that bats are European Protected Species. In the absence of up-to-date activity survey information and sufficient certainty regarding the protection of ecological corridors used for bat commuting and foraging, Officers are unable to conclude that the likely effects of the development upon protected species have been fully assessed.

Whilst Policy S5 of the NPPF is engaged and the housing benefits of the proposal attract substantial weight, Officers are unable to complete a fully informed planning balance. In the absence of sufficient ecological information, officers cannot conclude that the proposal complies with Policy N2 of the NPPF, nor determine with the necessary degree of certainty whether the adverse impacts of granting planning permission would substantially outweigh the benefits when assessed against the policies of the Framework taken as a whole.

Accordingly, notwithstanding the substantial benefits of the proposal, Officers are unable to conclude that sufficient ecological information has been provided to demonstrate that the development would protect biodiversity interests, safeguard protected species and comply with Policy N2 of the NPPF, Core Policies 50 and 52 of the Wiltshire Core Strategy and the statutory Biodiversity Net Gain regime.

For the reasons set out in this report, officers considers that the proposal has failed to demonstrate that it is acceptable in ecological terms. Whilst the proposal would deliver substantial housing, affordable housing and moderate economic benefits, Officers are unable to complete a fully informed planning balance on the basis of the information currently before the decision-maker.

Accordingly, it is recommended that planning permission be refused.

RECOMMENDATION:

That planning permission be REFUSED for the following reasons:

15 REASON FOR REFUSAL

Ecology and Biodiversity

Insufficient ecological information has been submitted to enable the Local Planning Authority to properly assess the likely ecological impacts of the proposed development. In particular, the submitted information does not provide sufficient certainty in respect of bat activity within and around the site, the protection and long-term functionality of dark ecological corridors, and the accuracy of the Biodiversity Net Gain baseline, including the treatment of habitats and watercourse features associated with the riparian corridor of the Kennet & Avon Canal.

In the absence of this information, the Local Planning Authority cannot be satisfied that the likely effects of the development on protected species have been fully assessed, that the development would avoid unacceptable impacts on biodiversity interests, maintain the ecological functionality of retained habitats and ecological corridors, secure appropriate mitigation and enhancement measures, or demonstrate compliance with the statutory Biodiversity Net Gain requirements.

The proposal has therefore failed to demonstrate that it would conserve and enhance biodiversity and protect ecological interests, contrary to Core Policies 50 and 52 of the Wiltshire Core Strategy, Policy N2 of the National Planning Policy Framework and the requirements of the Environment Act 2021.

Appeal Position Note

The Council's recommendation is based upon the information available at the time the application fell to be assessed. The Council has sought to engage constructively with the applicant throughout the course of the application and has considered additional ecological information submitted in response to consultee comments. Nevertheless, the Council Ecologist continues to maintain an objection and the Council is unable to conclude that the ecological effects of the development have been fully assessed.

Should further ecological information be submitted during the appeal process, the Council will review that information on its merits and may reconsider its position where appropriate. Any such information would need to satisfactorily address the matters identified by the Council Ecologist, including bat activity, the protection and long-term management of dark ecological corridors, ecological parameters and Biodiversity Net Gain.

Unless and until those matters are satisfactorily resolved, the Council's position is that insufficient information has been provided to demonstrate compliance with Policy N2 of the NPPF, Core Policies 50 and 52 of the Wiltshire Core Strategy and the statutory Biodiversity Net Gain regime. Consequently, the Inspector cannot presently conclude that the proposal is acceptable in ecological terms or complete a fully informed planning balance.