



Appeal Decision

Inquiry held on 3, 4, 5, 6 and 9 October 2023

Site visit made on 6 October 2023

by J P Longmuir BA(Hons) DipUD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20/03/2024

Appeal Ref: APP/Y3940/W/23/3321957

Land South of Trowbridge, Trowbridge, BA14 0AG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
- The appeal is made by Savills on behalf of Waddeton Park Ltd against the decision of Wiltshire Council.
- The application Ref 20/00379/OUT, dated 6 January 2020, was refused by notice dated 2 March 2023.
- The development proposed is outline planning permission with all matters reserved except access for the erection of up to 180 residential dwellings (Use Class C3); site servicing; laying out of open space and associated planting; creation of new roads, accesses and paths; installation of services; and drainage infrastructure.

Decision

1. The appeal is allowed, and planning permission is granted for the erection of up to 180 dwellings, site servicing; laying out of open space and associated planting; creation of new roads, accesses and paths; installation of services; and drainage infrastructure at Land South of Trowbridge, Trowbridge, BA14 0AG in accordance with the terms of the application, Ref 20/00379/OUT, dated 6 January 2020, subject to the conditions in the conditions annexe.

Application for costs

2. An application for costs was made by the Appellant. This is the subject of a separate decision.

Procedural Matters

3. The planning application form originally referred to the description of development as approximately 180 dwellings, this was amended as up to 180 dwellings and determined as such in the decision notice.
4. The Friends of Southwick Court Fields and Cllr. Graham Hill (Trowbridge Town Council) participated in the Inquiry as Rule 6 Parties.
5. A unilateral undertaking dated 12 October 2023 was submitted by the Appellant. This sought to address the absence of a completed Section 106 Legal Agreement which was the basis for the fourth reason for refusal with obligations considered necessary for affordable housing, highway works, essential services and ecology. This ceases to be a main issue.

6. The second reason for refusal refers to the potential to harm archaeology. However, since that decision the Appellant has undertaken trial trenching in accordance with a methodology agreed by the Council. The Council having considered the findings concluded that potentially the proposal would not be harmful. I concur and this ceases to be a main issue.
7. Whilst the ecological implications of development on the appeal site itself were not the subject of a reason for refusal, and the Council's ecologist had no objection, I requested a note from a qualified ecologist to provide an update on the surveys for protected species. This 'Technical note' was duly submitted on 19 October 2023 and copied to the Council's ecologist without generating comment.
8. The appeal site is proximate to the Grade II* Southwick Court Farmhouse, which includes a medieval manor house, and the Grade II* listed Gatehouse and Bridge Over Moat at Southwick Court. The effect of the proposal on their settings is therefore a main issue. There are other more distant listed buildings both at Trowbridge and Southwick village¹ but no party raised any concern about their settings, and I concur that they would not be harmed.
9. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) requires special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. I am also mindful of the historic environment policies within the Framework that relate to the significance of designated heritage assets and their settings.
10. All the parties were given the opportunity to comment on the significance or otherwise of the revisions to the amended December 2023 National Planning Policy Framework (the Framework).
11. The Wiltshire Housing Sites Allocation Plan (WHSAP) allocates the appeal site for approximately 180 dwellings with an access from the A361, as in the appeal proposal. The Wiltshire Local Plan is being reviewed² but no specific policies were highlighted of any significance.

Main Issues

12. The third reason for refusal refers to the accessibility of the intended residents to facilities/services without dependency on private motorised transport. This is a main issue.
13. The appeal site is close to the Bath and Bradford on Avon Bats Special Area of Conservation (SAC), which warrants consideration as a main issue.
14. The main issues are therefore:
 - whether the proposal would preserve the settings of the Grade II* listed Southwick Court Farmhouse and the Grade II* listed Gatehouse and Bridge Over Moat at Southwick Court;
 - whether the proposed development would be accessible to everyday services and facilities without reliance upon private motorised transport; and

¹ Figure 4 Designated heritage assets in Heritage Statement

² Paragraph 2.3 Statement of Common Ground

- the effect of the proposal on biodiversity particularly the Bath and Bradford-on-Avon Bats SAC.

Reasons

The effect of the proposal on the settings of designated heritage assets

15. Historic England's 'Good Practice Advice on the Setting of Heritage Assets' states³ the importance of setting lies in what it contributes to the significance of the heritage asset or to the ability to appreciate that significance. The definition of setting in the Framework also refers to the setting as the surroundings in which the asset is experienced. The Planning Practice Guidance on 'Historic environment' highlights that the extent and importance of setting includes visual factors as well as experiences including the historic relationship. The Court of Appeal case involving Kedleston Hall⁴ shows that historical, social and cultural matters are relevant to the definition of setting, and that a direct physical or visual connection is not always necessary to form part of a setting.
16. Southwick Court Farmhouse, (the Farmhouse)⁵, is late sixteenth to seventeenth century and the list description suggests it is probably the rebuilding of an earlier house of considerable importance.
17. It is approached over The Gatehouse and Bridge Over Moat at Southwick Court, which are listed in their own right⁶. The moat closely follows the front of the house and envelops a garden and orchard to the rear.
18. The list description dates The Gatehouse and Bridge as possibly late fifteenth century and notes the Gatehouse is two storey with one window on the upper storey reputed to have been a cheese room. The Bridge is later at seventeenth to eighteenth century, it has two arches and parapet sides with flat stone coping.
19. Their significance is derived partly from the collective grouping and mutual association of the moat with the bridge and the house. The buildings also have a rich mellow hue from the natural stone walling and roofing. Their detailing too is simple vernacular which contributes to their harmony. The size of the Court Farmhouse is significant too being a large house, substantially more than purely a domestic scale dwelling, thereby suggesting overseeing a large land holding.
20. I find that the setting of both assets is in two parts: the immediate environs formed by the garden, orchard, the moat and the trees; and the other element is the wider agricultural fields forming part of the historic land holding.
21. In terms of the former, trees around the moat create enclosure and suggest the boundary to the grounds of the buildings. The trees are not ornamental rather are field species in an informal grouping. The Heritage Statement suggests the moat historically would have been wooded.
22. This setting is significant as the assets are contained in a hollow in the land form, enveloped by trees which curtail outward views so that the house is orientated towards the open rear garden, particularly with its fenestration so

³ Paragraph 9

⁴ *Catesby Estates Ltd v Steer* [2018] EWCA Civ 1697

⁵ list entry 1194818

⁶ list entry 1021848

- arranged and a projecting rear wing. The immediate setting helps the assets assert a self-contained identity.
23. There is also a sense of tranquillity, partly due to the lack of noise and also partly due to the lack of outward visual intrusion.
24. The 1899 OS plan⁷ shows Southwick Court Farmhouse and The Gatehouse and Bridge substantially distant from any other buildings. The comments from Historic England on the application note their isolation in an agrarian landscape. Whilst the wider agricultural fields contribute to the setting of the assets by providing an absence of other buildings which give them a sense of free standing isolation, this significance is limited as they are no longer in substantial fields as Trowbridge has expanded extensively in the twentieth century up to the appeal site boundary⁸.
25. The Heritage Statement indicates the meadows were in use in medieval times and part of the holding managed by the estate, thereby contributing to the setting in terms of their historical significance by assisting in food production. Indeed, these were water meadows created by the management of floodwater, widely used in Wiltshire and Hampshire to promote the fertility of soil and prevent damage by frosts⁹. They have now largely been eroded here by ploughing, thereby diminishing the agricultural setting. Similarly, the historic significance of the agricultural fields to the estate's food production has been diminished by the reduction in their extent.
26. In addition, the field pattern is not significant to the agricultural setting lacking a distinctive shape, size or arrangement, rather the fields are large and irregularly defined.
27. Between the fields and the assets are Victorian era outbuildings which were very likely to have been intended to assist in the agricultural management of the estate. However, these have been converted to residential use and have domestic environs and so do not express an agricultural character or significantly contribute to the setting of the listed assets.
28. The appeal site contributes to the setting of the assets in several ways. Being largely used for grazing sheep, it helped the historic functioning of the estate. In addition, as the appeal site is open and undeveloped it contributes to the isolation of the assets and reinforces that characteristic.
29. The setting of the assets is experienced from their existing access off the A361, which is a tarmac lane, without kerbings and a single vehicular width. It has no fencing and being on a high point offers wide views across the open field. The assets are not seen from here being in a dip and obscured by trees.
30. The access is not a straight line and takes a slightly curving approach to the Gatehouse. This is not a formal approach, and the sense of arrival is abrupt as the outbuildings and trees obscure it as well as the Farmhouse. The approach is through the agricultural fields and all parties concur this has not been a designed landscape. Similarly, the Farmhouse does not address or overlook the fields.

⁷ Mr Robert Ayrton Proof of Evidence page 9

⁸ Figure 11 Heritage Assessment

⁹ Historic England: Water Meadows

31. The proposal has several elements which potentially would affect the setting of the assets. Firstly, a new road and a segregated foot-cycleway would provide access to the new housing connecting westwards with the A361 and secondly up to 180 new houses.
32. The new road would be formed by a new junction with the A361, including visibility splay and a refuge island. No parties produced any evidence to indicate that these works would be harmful to any heritage asset, and I concur. This junction has been worked up in detail, whilst the rest of the road is not fully specified.
33. It was evident¹⁰ that there has been ongoing discussion with highway officers to consider safety and adopted standards for the new access road whilst having regard to the setting of the listed buildings. The road would be 4.8m wide and without lighting. A possible centre line was foreseen but not more extensive paintwork such as chevrons. Also, the kerbing could be set very low which would give an almost flush appearance, near seamless with the adjoining fields except for the change in colour and texture of the surfaces. It was stated at the Inquiry that the surface could be either buff or plain tarmac. The former would be rustic whilst the latter would be an everyday simple appearance; both surface finishes would subdue the appearance of the access but nonetheless there would be harm to the agricultural setting of the listed buildings.
34. I expect the signage required would be minimal. A sign would be needed to signify stop/give way at the A361 junction and potentially one confirming the speed limit but thereafter the road would not entail any steep bends or gradient changes to necessitate any signage until the stream crossing which would be expected to warrant hazard signs at either end. Thus, a substantial stretch of the road would not need any signage and the sense of openness would be maintained. The signage by the junction by the A361 would be experienced in that context and so would not be perceived as intrusive. Signs either side of the bridge would be likely to be insignificant.
35. The appeal proposals foresee the use of parkland railings along the line of the road. This would give character whilst allowing transparency through the fencing so as to help the sense of openness. The Heritage Addendum indicates there has been liaison with Historic England over the use of railings and the intention is to create the impression of an eighteenth/nineteenth century parkland style 'carriageway'. Whilst this would not emulate a pure unplanned agricultural context, it would be representative of parkland which also functioned in the management of livestock. It would also add to the perception of the importance of the historic estate and the setting of the listed buildings.
36. All the above would help reduce the prominence of the road but it nonetheless would have a disruptive segregating effect on the expanse of agricultural fields, thereby harmful the setting of the heritage assets. Although for the same reasons as above I find the existing access is also disruptive.
37. The location of the junction with the A361 is part of this proposal and similarly the crossing point of the Lambrok Stream is established to avoid the roots of the adjacent tree. Whilst these starting and finishing points are fixed, the alignment of the access road thereafter is unconstrained.

¹⁰ Appellant closing page 7

38. The parameter plans show an alignment of the access along a 'Serpentine curve'. This would appear as a soft, flowing and naturalistic route thereby avoiding the harshness of a direct line. This line would also broadly follow the contours of the sloping hillsides as evident in the topographic survey, which would minimise cutting in, retaining and embanking engineering. The Appellant confirmed at the Inquiry that this alignment was discussed with the Council and Historic England, leading to its allocation for development with the western access in the WHSAP. The route in this appeal proposal is largely the same.
39. Whilst the Council at the Inquiry suggested that an alignment north of the proposed line would be further away from the assets and therefore less intrusive, I find that the alignment shown in the parameter plans would be the least harmful route, as the benefit of contouring (thereby minimising embankments, retaining structures and/or cutting in) would outweigh the small additional separation distance. Re-alignment northwards would also disrupt the Serpentine Curve leading to a pronounced rather than flowing curve, which would appear harsh and also not conducive to a parkland style landscape.
40. The route would also avoid the surviving water meadow earthworks, which would be left in an undeveloped green space.
41. The movement of cars along the road would cause visual intrusion and noise, thereby impairing tranquillity. However, the submitted evidence shows that the proposal would be likely to generate one car every 40 seconds, which would limit this harm to the settings of the listed buildings. The passage of cars at night would also lead to light spillage towards the assets, impairing their dark sky surrounds. However, these would be experienced against the southern edge of Trowbridge where the existing housing is prominent. Indeed, a similarly close site¹¹ is allocated for residential development.
42. The Design and Access Statement diagram¹² whilst illustrative, shows one potential design for the access road crossing of the Lambrok Stream. This demonstrates that the higher land on both of the approaches can be used with some earth mounding and re-contouring. Such grassed sides would appear naturalistic if contoured sensitively.
43. The height of the road on this crossing would also broadly reflect the land levels on the approaches¹³ so that potentially it would not appear tall. Whilst a parapet or railings would also be required to the sides, this additional height would not be substantially above the roadway.
44. The bridge element over the stream would need a structural base and sides but these could use simple muted materials which would not attract attention.
45. I find that there is no apparent reason why the design of the stream crossing would be constrained: there are no limitations of the land availability, it would be a direct straight bridging point, the watercourse is fairly narrow, and the flood risk implications are understood.
46. There was no evidence before the Inquiry that the example above in the Design and Access Statement would not be achievable. Indeed, the document states the intention of the indicative information is to demonstrate how a

¹¹ H2.5 Upper Studley

¹² Page 62 of the Design and Access Statement

¹³ Topographical survey and Page 20 of the Design and Access Statement

scheme of the nature proposed could work on site. It was also written collaboratively¹⁴ with various specialist consultants including ecologists, highway and drainage engineers. A bridge would provide a functional crossing to the stream, which would appear rational and purposeful, so it would not be out of place. Indeed, bridges are not uncommon in parkland or on rural roads. In addition, the listed heritage assets do not have aspects facing or addressing this side rather their main focus is to the rear grounds enveloped by trees.

47. Consequently, I find that a simple design, deferential to the setting would be achievable and the design details could be subject to a condition requiring the submission and approval of details in reserved matters. The Council would be at liberty to refuse such reserved matters details if inappropriate. The siting of the stream crossing would also be away from the listed buildings, thereby avoiding a significant visual distraction.
48. The foot-cycleway would be 3m wide and to the north of the road, in a flowing curving alignment. Similar to the access road, the evidence before the Inquiry is that it would be hard surfaced in a muted shade with minimal kerbing and unlit. However, it would nonetheless have the same effects as the access road, albeit slightly less, being narrower and not used by vehicles. It would result in very limited harm to the setting of the listed assets.
49. Whilst the appeal proposal is in outline and the layout is reserved, parameter plans submitted for consideration define the location and extent of housing which would be sited on the eastern side of the appeal site, furthest away from the listed buildings. In addition, parameter plans also show a landscape concept, which include tree/shrub planting on the facing boundary. The Council consider that the parameter plans have covered key features¹⁵.
50. The housing would be well distanced from the listed assets which would maintain their perceived isolation and the parameters plans show the dwellings would be up to two storeys high on the southern edge of the development, nearest the heritage assets, and thereafter up to two and half storeys high. The proposed density is 30 dwellings/hectare¹⁶ which would lead to a sympathetic extent of built form to be considered in detail in the reserved matters. New planting would at least filter the visibility of new houses and in any event, they would also be perceived against the backdrop of the extensive almost adjacent housing. The Council in this respect did not have any objection and noted that the scale and height reflect the existing¹⁷.
51. The new housing would lead to some loss of the agricultural fields, which in this particular respect would be harmful to the setting of the assets, for the same reasons as above. I find that harm would be very limited.
52. The Council do not identify the outbuildings on the approach road as non-designated heritage assets. They are not evident on the 1805¹⁸ map but are seen on the 1843 map. The Heritage Assessment indicates their original use was agricultural, however they have been converted to dwellings with parking areas and garden. The outbuildings no longer demonstrate an agricultural character, and the proposal would not be harmful. The water meadows

¹⁴ Paragrpoah1.1

¹⁵ Council Statement of Case paragraph 4.7

¹⁶ Committee report page 5

¹⁷ Council Statement of Case paragraph 6.11

¹⁸ Heritage Statement Figure 9

subsystem has also not been identified as a non-designated heritage asset. In any event the best of the water meadows would be left in open space.

53. Historic England comment that the proposed housing will not adversely impact upon the setting of the assets. They comment that the road would have a relatively minor but nonetheless adverse impact, eroding the sense of rural isolation, however the proposed sympathetic design is noted.
54. I find that the proposal would fail to preserve the setting of both the Grade II* listed Southwick Court Farmhouse and Grade II* listed Gatehouse and Bridge Over Moat at Southwick Court, causing harm to their special interest and significance as designated heritage assets.
55. The Friends of Southwick Court Fields highlighted the Council's Conservation Officer's comments that the level of harm was of 'much greater significance than the very small level of harm acknowledged by the appellant's consultants', but nonetheless was considered less than substantial. There was also reference to the LUC consultants report of the significance of the area informing the Council's evidence base for the WHSAP. However, that was nonetheless considered by the Council and the Inspector at the Plan's Examination, and the housing and access were duly allocated.
56. I find that the harm from the proposal would be 'less than substantial'. However, section 66 of the 1990 Act, requires special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest. Additionally, Paragraph 205 of the Framework advocates great weight to the asset's conservation. I therefore give considerable importance and weight to the harm I have identified in my balancing judgment below.
57. Wiltshire Core Strategy Policy 58 requires new development to protect and conserve and where possible enhance the historic environment. As the proposal would cause harm, it would be in conflict. Core Policy 51 has a similar aim in seeking to conserve and where possible enhance landscape character, including landscape features of cultural, historic and heritage value, so the proposal would conflict too, as well as with Core Policy 57 which requires a high standard of design and seeks enhancement of local distinctiveness by responding to the value of the historic environment. However, H.2.6 of the WHSAP requires sensitive design and layout to ensure the significance of heritage assets and their settings are not subject to unacceptable harm and bearing in mind this particular wording and the less than substantial harm arising I do not find that the proposal would be in conflict.

Whether the proposed development would be accessible to everyday services and facilities without reliance upon private motorised transport

58. H.2.6 of the WHSAP in allocating the site for development requires improvements to cycling and walking routes linking with the existing network.
59. Core Policy 60 encourages the safe and efficient movement of people and the promotion of sustainable transport. Core Policy 61 requires development to be located and designed to reduce travel by private car and to encourage the use of sustainable alternatives. Paragraph 108 of the Framework seeks the promotion of sustainable transport.

60. The Council state¹⁹ Trowbridge offers a variety of local amenities and facilities within reasonable walking and cycling distance of the site. It is designated as a principal settlement in the Core Strategy. The parties agree that the centre of Trowbridge is approximately 2km to the north²⁰ of the appeal site.
61. Trowbridge town centre would be accessible by walking through the existing suburban edge. The parameters plan shows several potential connection points spaced across the extent of the proposed housing to link with Boundary Walk, Westmead Crescent and Sandringham Road where there are roadside footpath connections through the existing housing leading to the town centre. There is also a bus stop within 150m²¹ of the site's north boundary. Retail facilities would be within a 4 minute walk, 7 minute walk to a primary school and 12 minutes to a secondary school, healthcare 30 minutes and employment 20-25 minutes²². In addition to the potential connectivity to the town centre, the north-eastern corner of the appeal site is close to a possible connection leading to Spitfire Retail Park, which has national brand stores. All parties agreed this could be the subject of a condition.
62. The bus stop contribution would allow for the provision of a shelter which would support bus use by new residents. Signage/way marking, and a Travel Plan are also proposed which would encourage non-vehicular access to the town's facilities.
63. A new 3m wide hard surface route, described by the Appellant as a shared 'foot-cycleway'²³ would link the A361 with the new housing. Being approximately 500m long²⁴, broadly following contours and segregated from vehicles, it would be conducive and practical to walk to the bus stops in particular.
64. The western side of the A361 road has a pedestrian pavement and approximately 180m north of the intended junction there are well lit pavements on both sides, which link to the town centre. Moreover, almost adjacent to the proposed access junction there are bus stops for services to the town centre and Chippenham, Bath City Centre and Frome²⁵. Whilst Cllr. Hill commented on the reducing bus services, they allow for local travel particularly during day time hours. They also allow access to the railway station 2.5km away which has extensive services. The existing northbound bus stop would be relocated and provided with a raised kerb and shelter and the south bound stop would be accessed by a new 2m wide footway. Opposite the proposed junction with the A361 is the Southwick Country Park, which provides extensive opportunities for informal recreation.
65. The new foot-cycleway would also allow connectivity to the south along the A361 to Southwick village where there is a primary school and pub. This would require crossing the A361 as at this point the only pavement is on the far side.
66. The new foot-cycleway would bring new residents to the A361, and the parties dispute the size of the crossing refuge needed, which is a detailed matter for consideration at this stage. The Appellant advocates a 2m wide refuge whereas

¹⁹ Council Statement of Case paragraph 2.3

²⁰ Statement of Common Ground paragraph 3.4

²¹ Mr Neil Thorne Proof of evidence paragraph 3.41

²² Mr Neil Thorne Proof of Evidence page 18

²³ Mr Neil Thorne Proof of evidence paragraph 4.13

²⁴ Mr Neil Thorne Proof of Evidence paragraph 3.10

²⁵ Council Statement of Case paragraph 2.3

the Council consider that 3m width is needed; both potential widths are reflected in different suggested conditions.

67. A safety audit of the crossing has been undertaken and found to meet those minimum standards. However, the road is 40mph at this point and busy, which would be perceived as intimidating, whereas it should be easy to cross to encourage residents to access facilities locally by non-vehicular means. Such a crossing would be likely to be used by groups including school children, families and friends walking northwards along the A361 towards facilities as well as Southwick Country Park or the bus stop to go northwards into the town.
68. Children with bikes, scooters, and prams as well as families and groups would require significant space. There is a need for the separation from traffic, relieving passing speed, noise, fumes and spray and a 3m width would help the perception and experience of the users.
69. In addition, this would be a cycling route directly into the town from this point and some cycling across this junction would be inevitable even if there was signage encouraging cyclists to dismount and walk. The Appellant notes the 30mph speed limit begins soon after the site and 'this is a well-lit route providing a safe route for cyclists'. Whilst I find that some cyclists could be discouraged by the busyness of the road, it has some potential use by those with more confidence. This cycling potential also contributes to the need for a 3m wide crossing refuge.
70. Both parties agree that a 3m wide refuge would be possible by the widening of the road. I find that this width would be necessary and reasonable for the connectivity across and along the A361 thereby promoting walking, cycling and bus access of local facilities and services.
71. Additionally, the Rule 6 Parties suggested that the A361 junction should be signalised in the interest of safety. Whilst that would be ideal for those crossing the road, it would hold up traffic and I do not find that it would be warranted.
72. The unilateral undertaking and conditions allow for the improvement and upgrade of existing rights of way. Additionally, the undertaking makes provision for a contribution to Trowbridge Transport Strategy Refresh Pedestrian-Cycle scheme PC09 which links to the town centre, which would support non-vehicular access to facilities.
73. The appeal site is on the edge of the town where the range of necessary everyday facilities would be accessible and the potential to promote non-vehicular access would be realised by the proposal. I therefore find that the proposal would not conflict with Core Policies 60 and 61 and WHSAP policy H.2.6.

The effect of the proposal on biodiversity particularly the SAC

74. The SAC is noted for various scarce bat species and habitat, including Greater and Lesser Horseshoe and Bechstein's bats, which are protected under The Conservation of Habitats and Species Regulations 2017. The nearest component of the SAC is Winsley Mines approximately 6.7km north-west of the appeal site. In addition, three woodlands around Trowbridge are considered key habitats which are functionally linked to the SAC and within the maximum foraging range of the appeal site.

75. The Council, in partnership with neighbouring councils and conservation bodies, including Natural England, has developed an approach to mitigation: Trowbridge Bat Mitigation Strategy (TBMS). The appeal site lies within the 'Yellow Sensitivity Zone' within the TBMS whereby permission can be granted subject to mitigation of impacts to the target species on the [appeal] site and contributions towards strategic habitat mitigation [off-site]. Regard has to be given to the impact of the development, in combination with other development in the area upon local bat populations. The effects include lighting, movement of vehicles, fragmentation and/or loss of habitat, loss of foraging and loss of cover, through the building on green fields, creation of an access road and by recreational pressure from new residents particularly dog walking.
76. It is therefore necessary to assess whether the potential adverse impact could be adequately mitigated so as to avoid any significant adverse effect on the conservation objectives of the above designation.
77. The submitted evidence shows that there is scope to provide on-site mitigation to address the potential impacts on the SAC. The approximately 6ha area of grassland lost for development is largely species poor²⁶ and therefore unlikely to support foraging for bats. Indeed, the surveys indicate that most of the bat activity in the area is away from the position of the housing. The illustrative masterplan demonstrates the potential for a foraging wildflower meadow in the south east corner of the site, new wetland to the south west, a planted woodland habitat on the south edge of the new housing and a 30m wide planted habitat along its northern edge and managed parkland and open space in the western most part of the appeal site. Whilst approximately 163m of hedgerow would be removed, 300m of new hedging would be planted and 440m of retained hedgerow would be enhanced. The mitigation measures would enhance habitat and foraging opportunities.
78. The submitted lighting parameters plan shows that lighting can be controlled to create dark corridors thereby avoiding disturbance to bats. Relatedly the crossing point for the access over the Lambrook Stream has been shown to be used by relatively few bats. The western part of the appeal site would be left as open space which would allow movement of wildlife to/from Southwick Country Park on the other side of the A361.
79. A Construction Environmental Management Plan (CEMP) condition would be necessary to ensure the building operations safeguard the existing habitat and species and the Landscape Ecology Management Plan (LEMP) condition would assist in the longer term habitat maintenance.
80. The proposal would increase the number of people living within theoretical walking and cycling distances of the three woods in the SAC. To discourage both existing and new residents visiting the three woods, Suitable Alternative Natural Greenspace (SANG) needs to be provided. The proposal would increase recreational opportunity through public access into the western part of the appeal site and a new crossing point of the A361 to Southwick Country Park.
81. The western area of the appeal site would be left for informal recreation with a hard surface path readily accessible to existing and new residents. This considerable open space would alleviate at least some of the demand for other

²⁶ Paragraph 4.3 Engain Assessment Appendix NM2 Proof of Evidence Mr Nick Matthews

SANG, particularly for dog walking being adjacent and readily accessible to the new housing. Under the offsetting requirements 8ha of land per 1000 population is needed and allowing for an average 2.3 people per dwelling, 3.12ha of alternative greenspace is required; the appeal proposal provides approximately 12ha of such space on site²⁷.

82. The Council would contribute £641.48 per dwelling from the Community Infrastructure Levy receipts towards management of recreational pressures. The contributions would be used to fund measures to promote the species and their habitat as well as visitor management measures such as signage, fencing, education/information and footpath. The TBMS also points to the potential for increasing visitor capacity and habitat enhancements at Southwick Country Park.
83. The contributions would be directly related to the impacts of the proposal on the SAC and necessary to make the development acceptable. Moreover, the contributions would be fairly and reasonably related in scale and kind to the development, as they follow the methodology for calculating them in the Council's strategy.
84. The Appellant has provided a unilateral undertaking which commits to making a financial contribution towards mitigation: £777.62 per dwelling for woodland and hedgerow planting enhancement measures for bats. I consider that the undertaking meets the tests set out in Regulation 122 of the Community Infrastructure Levy Regulations 2010 and therefore carries weight.
85. A third party respondent²⁸ promoted the use of a Grampian condition to allow for the wider use of measures to mitigate this proposal and others planned which should be in place prior to development. Such a Grampian condition was reputedly included in a committee report for a site in Wokingham in relation to the Thames Basin Heaths Special Protection Area. A legal opinion was also provided which questioned the certainty of delivery in the Council's approach.
86. The appeal proposal makes provision for on-site ecological enhancements of protected species as well as alternative greenspace. In addition, the TBMS credits Southwick Park as good potential for attracting visitors away from the three woods. It does acknowledge recreational pressures and the specific measures could be designed around visitor and wildlife and the Park is a large area, with different areas whereby such different needs could be zoned. Indeed, the Council has the ability to use CIL monies to help manage visitors. The TBMS is a recent document, published February 2020 and would not be expected to be out of date so soon. It was also specifically produced as a SPD to mitigate the housing allocations in Trowbridge.
87. Bearing in mind the proposal and the evidence before the Inquiry I do not find a Grampian condition is necessary. In conclusion, subject to the mitigation secured through the planning obligation and conditions, the scheme would not adversely affect the integrity of the SAC in the light of the objectives in the TBMS. I am satisfied that these measures would result in suitable mitigation such that the development would avoid having any significant adverse effect on the SAC. The Council undertook their own assessment²⁹ which considered the

²⁷ Paragraph 4.36 Engain Habitats Regulation Assessment

²⁸ Mr Richard Walker Director Lightwood Strategic

²⁹ 8 February 2023 and reported to the Planning Committee

mitigation measures as above and came to the same conclusion which was endorsed by Natural England. From the evidence before the Inquiry, I find that there is certainty of the delivery of the mitigation for the protection of the species.

88. The Ecology Technical Note was submitted to review the earlier surveys on the appeal site to provide an update on protected species and habitat. It concludes that the ecological characteristics have not significantly changed.
89. The appeal site is largely species poor grassland³⁰, and the submissions show that a biodiversity net gain can be achieved by wildflower planting, new tree and shrub planting including hedgerows, management of existing woodland, provision of bat and bird boxes, and creation of wetland features.
90. Policy H.2.6 requires that the development is in compliance with the TBMS, in terms of its on and off site measures. Core Policy 50 seeks the protection and enhancement of protected species. The explanatory text makes reference to the SAC and also requires major development to restore, enhance and create habitat leading to a net gain in biodiversity. The Southwick Neighbourhood Development Plan Policy 2 promotes bat conservation and Policy 3 supports the continuing recreational and biodiversity promotion of Southwick Country Park. The adjacent North Bradley Neighbourhood Plan Policy 5 similarly seeks the protection of bats. The proposal would accord with the above policies.

Other Matters

91. Comments were made about the ecological connectivity of the appeal site with Southwick Country Park. Additionally, The Friends of Southwick Country Park emphasise the biodiversity of Lambrok Stream including water voles, otters, dragonflies, damselflies and white clawed crayfish. The A361 is a barrier for the movement of some species, but the Lambrok Stream does provide a connection. However, the proposed housing, access road and foot-cycleway would be separate from the stream, with a buffer area of landscaping intervening. They would be within what one respondent described as 'somewhat sterile farmland'. There was no evidence before the Inquiry to clearly show any harm to protected species or habitat.
92. Concern was raised about flooding. However, the water courses and the impact of the development have been researched in a Flood Risk Assessment having regard to the land levels and the specialist Council officer had no objection. There is also potential to hold surface water run-off on site within a dedicated drainage pond.
93. Comments were made about the public amenity of the appeal site. The limited public rights of way near or through the appeal site would be maintained and moreover a new 3m foot-cycleway would be created and a substantial area of public open space would be left. The new housing would be sufficiently distanced from the existing to avoid impairment of living conditions.
94. Comments were made on the potential for the proposal to diminish the gap between Southwick village and Trowbridge. The Southwick Neighbourhood Development Plan Policy 1 highlights the importance of maintaining the 'landscape setting gap' between Trowbridge and Southwick. The North Bradley Neighbourhood Plan Policy 1 has a similar policy on the landscape setting gap.

³⁰ Paragraph 4.3 Engain Assessment Appendix NM2 Proof of Evidence Mr Nick Matthews

As this proposal would only develop part of the appeal site and substantial open space would be left thereby maintaining their separate identities and settings³¹ there would be no conflict with either Plan policy.

95. It was suggested that the safety of the A361 would be impaired by the creation of another junction and the additional traffic arising from the development. However, the visibility and nature of the A361 were considered in a Transport Assessment in relation to the traffic generation and there was no evidence before the Inquiry to dispute the Local Highway Authority conclusion that it would be safe. The size of the area for the bus shelter/stop was questioned in relation to the Manual For Streets recommendations. However, this is clearly shown on the submitted access drawing as well within highway authority controlled land. It is also not shown directly opposite the refuge crossing, so would not be affected by a 3m wide central refuge. There was no evidence before the Inquiry to demonstrate why a bus stop in this vicinity would not be safe and achievable.
96. The Friends of Southwick Court Fields questioned the safety of the 4.8m width of the proposed access road. However, I find this would nonetheless help keep traffic slow.
97. Cllr. Hill questioned whether effective engagement with residents during the application process had been undertaken in accordance with the Framework. I note the procedural consultation requirements were undertaken and beyond that the nature of the engagement is not a matter for my consideration.

Planning Obligations

98. The 2010 CIL Community Infrastructure Levy Regulations (CIL) and paragraph 57 of the Framework provide the legal and policy tests for obligations. These tests require that planning obligations should only be sought where they are: a) necessary to make the development acceptable in planning terms; b) directly related to the development; and c) fairly and reasonably related in scale and kind to the development.
99. The provision of 30% of the housing as affordable is necessary to ensure that the development provides for the need of the community as a whole. This accords with Core Policy 43.
100. The undertaking allows for the improvement and upgrade of existing rights of way within the appeal site. In addition, I concluded above the relocation of the bus stop and shelter would be necessary to support non-private vehicular access and the undertaking commits to £40,000. Similarly, the undertaking would contribute £102,147 towards the Pedestrian-Cycle scheme PC09. These are necessary to promote non-vehicular access in accordance with Core Policy 61 and WHSAP Policy H.2.6.
101. A £54,000/£300 per dwelling public art contribution would be used within the public realm on the new development. This would enhance the quality of the development and stimulate cultural interest, in accordance with Core Policy 3 to support place making.
102. A £18,189 waste and recycling contribution is necessary to ensure that this basic service is managed efficiently for the amenity of the community and the

³¹ Page 12 of the Design and Access Statement plots the villages and the development on an aerial photograph.

environment. This would be in conformity with the Wiltshire Waste Collection Guidance for New Development and is listed as a requirement in Core Policy 3.

103. A £10,000 air quality contribution would be used for air quality monitoring equipment which would offset the increased emissions arising from the development. Core Policy 55 seeks a positive contribution to the aims of air quality.
104. The leisure contribution of £42,480 would go towards the upgrading of Woodmarsh Sports Ground and/or sports or ancillary provision within the vicinity. This would be necessary to support the social and well-being of the new residents. Similarly, the undertaking commits to a play area (LAP) within the development. Saved Policy LP4 of the Leisure and Recreation DPD states contributions will be needed where development increases recreational need.
105. The above obligations are intended to mitigate the needs and impact of the intended occupants of 180 additional houses, to avoid placing undue pressure on the existing community facilities. The requirements were based on calculating the resulting new residents and the likely need for the particular facilities. The education facilities in the area were surveyed and found to have sufficient capacity to accommodate the children arising from the new development and such a contribution is not necessary.
106. The Council's committee report provides justification of each obligation. I am satisfied that each obligation below would meet the tests in that they are all necessary to make the development acceptable, directly related and fairly and reasonably related in kind and scale. Provision is also necessary to accord with the relevant Development Plan Policies. I therefore find that the obligations contained in the undertaking would be necessary and reasonable.

Planning Benefits

107. The proposal, up to 180 houses, would form part of the housing land supply trajectory, delivering from 2027 onwards, which is particularly significant as the Council is not currently meeting its 5 year housing land supply requirements. The Council suggests it has currently 4.6 years supply³², although the Appellant asserts it is lower, the matter was not contested. Even taken as a ballpark, the shortage of housing land highlights a significant unmet need, and I was not presented with convincing evidence that this will be remedied soon.
108. There has also been a persistent shortfall of affordable housing delivery in the area³³ and the Council's Housing Waiting List has grown by 158% since 2015³⁴. The proposal provides 30% of the dwellings for affordable housing which would be very significant given this pressing context.
109. The proposal would develop an allocated site and these new market and affordable homes have been identified as necessary for the social and economic well-being of the area. The new houses would be in a location where everyday facilities could be accessed by non-vehicular means or buses (albeit with conditions and the obligations) and the increased footfall arising from new residents would support the vitality and viability of the town. There would also

³² Statement of Common Ground

³³ Mr Nick Matthews Proof of Evidence Figure 4

³⁴ Mr Nick Matthews Proof of Evidence paragraph 5.23

be economic benefits from the construction. The proposal would provide ecological and habitat improvements, which is also a benefit.

110. I therefore find that the benefits of the proposal would be considerable.

Heritage Balance

111. The parameters of the access in terms of kerbing, surfacing and crossing of the stream are known and their precise details could be controlled by the submission and approval via conditions. A suggested condition also precludes lighting. Whilst some signage could be needed for safety reasons which would be intrinsic to the road adoption process, it would be reasonably expected to be very limited and not in positions or extent to undermine the openness and agricultural setting to the heritage assets. All the above would minimise the impact of the proposal, which tallies with the SOCG³⁵ between the Council and Historic England for the WHSAP: signage to be kept to a minimum and particular attention is given to reducing any adverse impacts of lighting.

112. Indeed, the Council's Statement of Case³⁶ states that the point of access with Frome Road and the junction details are to be considered as part of this appeal, and the section of road connecting the scheme with Frome Road is to be considered under the reserved matter of layout. Mr Ayton, representing the Council, also accepted in cross examination³⁷ that harm could be minimised by conditions. Historic England noted the sympathetic design proposed.

113. I find that the foot-cycleway would result in very limited harm for the same reasons as the access road. Whilst the Council did not object to the new housing, I find that it would cause very limited harm to the setting of the designated assets due to the loss of the agricultural fields.

114. As I have found above the proposal would harm the settings of designated heritage assets, contrary to section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. That harm would be less than substantial; however, it still warrants considerable importance and weight. Paragraph 205 of the Framework advocates great weight to the asset's conservation and also states the more important the asset, the greater the weight should be: this proposal effects the setting of two Grade II* assets.

115. Paragraph 208 of the Framework states where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate securing its optimum viable use.

116. The proposal would lead to less than substantial harm to the significance of designated heritage assets. I give this great weight. Balanced against this are the positive benefits of the scheme associated with the provision of up to 180 new dwellings, including affordable provision, in this accessible location (albeit that is subject to necessary conditions and obligations), together with the ecological benefit. I conclude that taking the above benefits together as a whole they would be of sufficient weight to outweigh the harm identified to the significance and special interest of the designated heritage assets.

³⁵ Paragraph 19 Statement of Common Ground April 2019

³⁶ Paragraph 6.14

³⁷ Appellant closings paragraphs 13 and 15

Planning Balance

117. The Inspector examining the WHSAP considered the proposed housing development and the access, noting the Council's preference for access from the A361 and that Historic England did not object, reflecting that there had been ongoing discussions to minimise impacts. Indeed, the resulting policy, H.2.6, specifically allocates the site for development served by access from the A361.
118. The policy wording accepts some heritage impact and seeks to minimise harm, thereby supporting new housing and acknowledging some harm: it effectively reflects a heritage balance.
119. This proposal is for up to 180 dwellings and access from the A361 which accords with those principles in the WHSAP Policy H.2.6. In addition, the alignment of the access shown in the parameter plans tallies with the submissions to the examination of the plan and the highway officer comments on the collaboration undertaken.
120. Policy H.2.6 in the context of the access and the setting of the historic buildings states signage should be kept to a minimum and lighting requires particular attention. Both elements have been the subject of ongoing discussions with the relevant bodies, and it is agreed that they can be minimised. A suggested condition precludes lighting the access road. Equally whilst some signage would be likely to be essential for safety this would be minimal in terms of the quantum and its siting. In terms of lighting and signage the proposal accords with Policy H.2.6.
121. The other considerations of the access road such as fencing, surfacing, the bridge and width are understood, and conditions can be imposed to require the submission, approval and implementation of the details, thereby not conflicting with Policy H.2.6. It also requires a comprehensive approach to landscaping to enhance the urban edge of the town and the parameter plans show significant areas of landscaping and open space to achieve this objective.
122. The proposal would conflict with Core Policies 51, 57 and 58, but these are generic and need to be considered together with the WHSAP, which specifically considered the site characteristics, the scale of development and the access. The WHSAP allocates the site for development subject to unacceptable harm not arising. I therefore find that in terms of this issue the proposal accords with H.2.6 due to the resulting level of harm and when taken together with Core Policies 51, 57 and 58 accords as a whole.
123. The proposal albeit with the obligations in the undertaking and conditions, including the 3m wide refuge would make provision to encourage non private vehicular access to everyday local services in this accessible location. As such it would accord with Core Policies 60 and 61 and WHSAP Policy H.2.6.
124. The proposal would not harm protected species or habitats as the on-site measures and undertaking make provision for mitigation to address the development and the potentially increased visitor pressure, including provision of public access to open space and habitat enhancement. Similarly, the proposal shows the potential for biodiversity net gain on site. The proposal therefore accords with Core Policy 50 and H.2.6.

125. I therefore find that the proposal accords with the Development Plan when taken as a whole. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states determination must be made in accordance with the plan unless material considerations indicate otherwise. This is re-iterated in paragraph 2 of the Framework.
126. The Council referred to an appeal case³⁸ on land west of Drynham Lane, Trowbridge whereby that Inspector dismissed a proposal for 91 dwellings on an allocated site. However, in that case the proposal was not found to be in accordance with the Development Plan as a whole, which is not the situation here and so it does not lead me to a different decision.
127. As I have found above the planning benefits of the proposal would be considerable, in particular delivering significant market and affordable housing in a location whereby measures can ensure accessibility to everyday facilities. The planning benefits support the proposal and these benefits, as the heritage balance clearly shows, outweigh the harms identified.
128. As the proposal accords with the Development Plan when taken as a whole and material considerations do not indicate otherwise, I therefore find the proposal should be approved.

Conditions

129. Paragraph 56 of the Framework and the Planning Practice Guidance, Use of planning conditions, provide the tests for the imposition of conditions. Whilst there was considerable agreement on the wording of conditions, there was some dispute between the four parties on several conditions, which I consider below. In any event, the Framework is clear that planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning, and to the development to be permitted, enforceable, precise and reasonable in all other respects. I have assessed the suggested conditions accordingly.
130. Conditions on the timing, dates for submission of reserved matters and approved plans help clarity. For that same reason, the wording of unless otherwise agreed by the Local Planning Authority is not included. The suggested wording also foresees the development in a single phase, and this would be likely to be least disruptive to wildlife and the site is not unduly large.
131. As I found earlier the alignment of the road minimises the impact on the setting of the listed buildings and accordingly, the relevant plan is included in the approved list of plans. Details of the access road including kerbing, surfacing, drainage, stream crossing, camber and any embankment/cutting/retaining structures should be the subject of reserved matters details and therefore included in that condition. The latter may well be considered in representational cross sectional drawings throughout the length of the road. The same considerations are also pertinent to the foot-cycleway linking the housing to the A361 and accordingly included.
132. As I concluded above a 3m wide refuge crossing point to the A361 would be necessary to encourage the non-vehicular use of that opportunity. As a result, the submitted access drawing would need to be amended accordingly and its

³⁸ APP/Y3940/W/22/3295577

details submitted to and approved by the Local Planning Authority and implemented as such. This is reflected in the particular condition imposed.

133. The suggested condition on the way-marking and signage of routes to the town centre has been amended to require approval by the planning authority rather than the highway authority since the former is responsible for the discharging of conditions. An implementation clause is also added, and the submission of details is changed from pre-commencement to pre-occupation. The condition is necessary to promote sustainable access to local facilities and similarly the condition on the implementation and details of footpath connections and the Travel Plan.
134. The suggested condition requiring a road safety audit is not necessary as this would be considered under the Section 278 process.
135. As I found earlier conditions requiring the submission and approval of fencing and precluding lighting of the access road are necessary in the interests of the setting of the listed buildings. The condition on lighting for the housing part of the development is needed to safeguard bats.
136. As I found earlier CEMP and LEMP conditions are necessary to protect and enhance biodiversity. The CEMP includes the suggestions, albeit re-worded, from the Rule 6 party on monitoring water quality of the Lambrok Stream and mitigation planning for protected species as this safeguards the ecosystem. The 'etc' in the communication methods is not included as it creates uncertainty, and a web site is added to reflect contemporary means.
137. The condition on surface water management is needed to ensure that the new and existing residents are not adversely effected by water run-off from the development. Similarly, the condition on floor levels and compliance with the Flood Risk Assessment is needed.
138. The suggested condition on water efficiency whilst well intentioned, is not justified by any exceptional circumstance to deviate from the standard Building Regulations requirement and therefore does not meet the necessary test.
139. The Friends of Southwick Court Fields suggest the archaeological condition includes investigation at the A361 and the eastern end of the appeal site as a priority. However, the condition has been agreed by the Council's specialist officer and there is no clear evidence for this additional requirement being necessary which would be likely to delay implementation of the development. The above Rule 6 Party suggest that the LEMP precludes the use of glyphosate to protect the water environment, which is added. They also suggest a condition to preclude the opening of the emergency access until construction of the first dwelling to prevent use by construction vehicles. This measure is added to the CEMP where such management of the construction process can be detailed. The access is necessary to assist the emergency services in response to a potential incident.

Conclusion

140. I therefore conclude that the appeal should be allowed, subject to the conditions in the conditions annexe below and the unilateral undertaking.

John Longmuir INSPECTOR

Appearances

For the Appellant

Mr Charles Banner Kings Counsel	Keating Chambers
Mr Robert Sutton BSc(Hons) MCIFA	Director of Heritage Cotswold Archaeology
Mr Nick Matthews MA MTCP MRTPI	Director Savills
Mr Neil Thorne BSc MSc MCILT MCIHT MTPS	Transport Planning Director Rappor
Mr David Richardson LLP	Partner Ashfords

For the Council

Mr Gary Grant Counsel	Kings Chambers
Mr Robert Ayton IHBC MRTPI Insall Assocaites	Senior Historic Buildings Advisor Donald
Mr Graeme Free MA MRTPI	Associate Director DLP Planning
Mr James Neville BSc(Hons) MTPS	Associate Director DLP Planning
Mr Ruairidh O'Donoghue BA(Hons) MA	Senior Planning Officer

Rule 6 Party: Friends of Southwick Court Fields

Mr David Vigar

Rule 6 Party:

Cllr. Graham Hill Trowbridge Town Council

Interested Parties

Mr Blair Keltie	Local resident
Mr David Goodship	Local resident
Mr Ian Bushell	Friends of Southwick County Park
Ms Janice Costley	Local resident
Ms Rachel Hunt	Local resident
Mr Simon Tesler	Local resident
Mrs Carey Tesler	Local resident
Mr Richard Walker	Director Lightwood Strategic

Documents Submitted to the Inquiry

ID1 Opening statement: Appellant
ID2 Opening Statement: Council
ID3 Opening Statement: Rule 6
ID4 Heritage Presentation by Mr David Vigar
ID5 Wiltshire Council Principal Conservation Officer comments
ID6 Closing statement : Rule 6 Friends of Southwick Court Fields
ID7 Closing statement : Cllr. Graham Hill Trowbridge Town Council
ID8 Closing statement: Council
ID9 Closing statement: Appellant
ID10 Suggested conditions

Conditions Annexe

1. The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

2. An application for approval of the reserved matters specified in Condition 3 below, must be made to the Local Planning Authority before the expiration of three years from the date of this permission.

3. No development shall commence until details of the following matters (in respect of which approval is expressly reserved) have been submitted to, and approved in writing by, the Local Planning Authority:

- (a) The scale of the development;
- (b) The layout of the development;
- (c) The access road and the 'foot-cycleway' connecting the housing with the A361: including kerbing, any cutting/embankment/retaining structures, camber, surfacing, drainage and the stream crossing;
- (d) The external appearance of the development;
- (e) The landscaping of the site.

The development shall only be carried out in accordance with the approved details. The reserved matters shall be submitted showing the development as a single phase.

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

- Dwg Ref: 150202 PP 01 Rev E Location Plan
- Dwg Ref: 150202 PP 02 Rev Q Access, land use and building heights
- Dwg Ref: 150202 PP 03 Rev U Green Infrastructure Plan
- Dwg Ref: 150202 PP 04 Rev R Lighting
- Dwg Ref: 37912/5501/005 Rev A Emergency Access

5. The development hereby permitted shall be carried out in general accordance with the design and layout principles in the following:

- Dwg Ref: 150202 PP05 Rev B Design Principles
- Dwg Ref: 150202 R01 Rev P Design and Access Statement
- Dwg Ref: 37912/5501/010 Rev G Proposed Internal Access Road

6. No dwelling shall be occupied until a wayfinding and signage scheme to show and promote appropriate routes through the residential areas to the north of the site and the facilities in Trowbridge, including a timetable for implementation, has been submitted to and approved by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details and timetable.

7. No external lighting shall be installed within the area shaded in orange on the Access, Land Use and Building Heights Parameters Plan until details showing the type of light appliance, the height and position of fitting, illumination levels and light spillage have been submitted to and approved in writing by the Local Planning Authority. The plans will be in accordance with the appropriate Environmental Zone standards set out by the Institute of Lighting Engineers in their publication GN01:2011, 'Guidance for the Reduction of Obtrusive Light' (ILP, 2011), and Guidance note GN08-18 'Bats and artificial lighting in the UK', issued by the Bat Conservation Trust and Institution of Lighting Professionals. Lighting levels shall be in accordance with those defined on the approved Lighting Parameter Plan (Ref 150202 PP 04 Rev Q).

The approved lighting shall be installed and maintained in accordance with the approved details and no other external lighting shall be installed.

A post-installation lighting survey shall be conducted (in accordance with section 8.3.4 of the Trowbridge Bat Mitigation Strategy) and submitted to the Local Planning Authority within one month of its first use. This survey must demonstrate that the lighting levels comply with the approved Lighting Parameter Plan.

8. The proposed access road and foot-cycleway shall not be illuminated by any form of lighting between the A361 junction and the new housing.

9. No development shall commence on site until a scheme for the discharge of surface water from the site has been submitted to and agreed in writing by the Local Planning Authority. This should address the matters raised in the Council's letter, as Lead Local Flood Authority dated 9th November 2022.

10. The development hereby approved shall not commence until a Construction and Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include details of the following relevant measures:

- i. An introduction consisting of a construction phase environmental management plan, definitions and abbreviations and project description and location;
- ii. A description of management responsibilities;
- iii. A description of the construction programme;
- iv. Site working hours and a named person for residents to contact;
- v. Detailed site logistics arrangements;

- vi. Details regarding parking, deliveries, and storage;
- vii. Details regarding dust mitigation;
- viii. Details of the hours of works and other measures to mitigate the impact of construction on the amenity of the area and safety of the highway network;
- ix. Communication procedures with the Local Planning Authority and local community regarding key construction issues using newsletters, fliers, web site;
- x. Details of how surface water quantity and quality will be managed throughout construction;
- xi. Details of the safeguarding measures to deal with the following pollution risks:
 - the use of plant and machinery
 - wheel washing and vehicle wash-down and disposal of resultant dirty water
 - oils/chemicals and materials
 - the use and routing of heavy plant and vehicles
 - the location and form of work and storage areas and compounds
 - the control and removal of spoil and wastes
- xii. Details of safeguarding measures to highway safety to include:
 - A Traffic Management Plan (including signage drawing(s))
 - Routing Plan
 - Details of temporary/permanent Traffic Regulation Orders
 - pre-condition photo survey showing any highway dilapidation
 - Number (daily/weekly) and size of delivery vehicles.
 - Number of staff vehicle movements
 - The timing and methodology of the opening of the emergency access.
- xiii. In addition, the Plan shall provide details of the ecological avoidance, mitigation and protective measures to be implemented before and during the construction phase, including but not necessarily limited to, the following:
 - Pre-development species surveys including but not exclusively roosting bats, otter, water vole and birds.
 - Phasing plan for habitat creation and landscape works including advanced planting proposals including pre-development provision of TBMS zones A and B and predevelopment provision of hedgerow mitigation/ translocation along Firs Hill A361.
 - Identification of ecological protection areas/buffer zones and tree root protection areas and details of physical means of protection, e.g. protection fencing.
 - Method statement to include pollution prevention measures for construction of causeway over Lambrok Stream to minimise harm to the watercourse and

protected and notable species with monitoring undertaken in accordance details submitted to and agreed by the Local Planning Authority.

- Working method statements for protected/priority species, such as nesting birds, reptiles, amphibians, roosting bats, otter, water vole, badger and dormice with regular monitoring.
- Mitigation schemes for each endangered species should be planned and assessed in accordance with the spring 2022 revision of the Wildlife and Countryside Act.
- Work schedules for activities with specific timing requirements in order to avoid/reduce potential harm to ecological receptors; including details of when a licensed ecologist and/or ecological clerk of works (ECoW) shall be present on site.
- Key personnel, responsibilities and contact details (including Site Manager and ecologist/ECoW).
- Timeframe for provision of compliance report to the local planning authority; to be completed by the ecologist/ECoW and to include photographic evidence.

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

Construction hours shall be limited to 0730 to 1800 hrs Monday to Friday, 0730 to 1300 hrs Saturday and no working on Sundays or Bank Holidays.

The development shall subsequently be implemented in accordance with the approved details of the CEMP.

11. The development shall be carried out in accordance with the submitted Flood Risk Assessment (July 2022 Addendum 4 To Level 2 Flood Risk Assessment Land South of Trowbridge, Ref. 447/Fra2/Addm4, V1 – 21.07.22 and Appendix 2 Modelling Report including drawings FRA10 – FRA14) and the following mitigation measures it details:

- In accordance with page 5 of the FRA the bridge soffit shall be set 600mm above the design flood with a 39% allowance for climate change.

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/ phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

12. Prior to the start of construction ground works/excavation, site clearance, vegetation clearance and boundary treatment works, a Landscape and Ecology Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority. This shall preclude the use of glyphosate.

The LEMP shall detail long term objectives and targets, management responsibilities and maintenance schedules for each ecological feature within the development (other than small, privately owned, domestic gardens) including, but not exclusively: Wildlife ponds and wetland for SUDS, Floodplain Wetland Mosaic (wet grassland, scrapes, reedbed), native tree and scrub planting, semi-natural neutral meadow grassland and retained hedge, scrub and trees.

The LEMP will include:

- A phasing plan demonstrating the timing of habitat creation works in relation to

- Zone A and Zone B TBMS landscape buffers, new landscape edge along the southern boundary, grassland and translocation of hedge/ hedge planting will be completed in advance of or alongside vegetation stripping.
- A plan specifying the location and type of integral bird nesting features (including for swift) and bat roosting features to be provided. Numbers to be provided in line with best practice guidelines.
- Distinguishing between formal and informal open space and land required to meet mitigation and BNG objectives.
- Details of how habitats are created will be managed to achieve predicted BNG gains for the duration of the development.
- A mechanism for monitoring the success of the management prescriptions, incorporating review and necessary adaptive management in order to attain targets.
- Details of the legal and funding mechanism(s) by which long-term implementation of the plan will be secured.

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

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

Step (i) Site Characterisation:

An investigation and risk assessment must be completed to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings submitted to and approved in writing by the Local Planning Authority. The report of the findings must include:

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

- groundwater and surface waters,
- ecological systems,
- archaeological sites and ancient monuments;

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

Step (ii) Submission of Remediation Scheme:

If any unacceptable risks are identified as a result of the investigation and assessment referred to in step (i) above, a detailed remediation scheme to bring the site to a condition suitable for the intended use must be prepared. This should detail the works required to remove any unacceptable risks to human health, buildings and other property and the natural and historical environment, should be submitted to and approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, a timetable of works and site management procedures.

Step (iii) Implementation of Approved Remediation Scheme:

The approved remediation scheme under step (ii) must be carried out in accordance with its requirements. The Local Planning Authority must be given at least two weeks written notification of commencement of the remediation scheme works.

Step (iv) Reporting of Unexpected Contamination:

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

Step (v) Verification of remedial works:

Following completion of measures identified in the approved remediation scheme a verification report should be submitted to the Local Planning Authority. The report should demonstrate the effectiveness of the remedial works.

A statement should also be provided by the developer which is signed by a person who is competent to confirm that the works detailed in the approved scheme have been carried out (The Local Planning Authority can provide a draft Remediation Certificate when the details of the remediation scheme have been approved at stage (ii) above).

The verification report and signed statement should be submitted to and approved in writing of the Local Planning Authority.

Step (vi) Long Term Monitoring and Maintenance:

If a monitoring and maintenance scheme is required as part of the approved remediation scheme, reports must be prepared and submitted to the Local Planning Authority for approval at the relevant stages in the development process as approved by the Local Planning Authority in the scheme approved pursuant to step (ii) above, until all the remediation objectives in that scheme have been achieved.

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

14. Notwithstanding the details shown on Drawing 37912/5501/006 Rev B Concept Site Access Plan, prior to occupation, details of the vehicle access junction including a 3m wide refuge crossing over the A361 Frome Road/Firs Hill shall be submitted to and approved in writing by the Local Planning Authority. No part of the development hereby approved shall be occupied until the vehicle access and 3m wide refuge crossing has been constructed in accordance with the approved details. The visibility splays serving the access and the refuge crossing shall be maintained free of any obstruction exceeding 600mm above the adjacent nearside carriageway level. The access provision and refuge crossing, and associated visibility splays shall be maintained as such thereafter.

15. Prior to first occupation of the development an updated Travel Plan shall be submitted to and approved in writing by the Council. Such a Travel Plan shall include details of:

- Predicted travel to and from the site and targets to reduce car use
- Details of existing and proposed transport links, to include links to both pedestrian, cycle and public transport networks
- Proposals and measures to minimise private car use and facilitate walking, cycling and use of public transport
- Timetable for implementation of measures designed to promote travel choice
- Plans for monitoring and review, annually for a period of 5 years at which time the obligation will be reviewed by the planning authority
- Details of provision of cycle parking in accordance with Council guidelines
- Details of marketing and publicity for sustainable modes of transport to include site specific welcome packs. Welcome packs to include:
 - o Walking, cycling, public transport and rights of way information. Site specific travel information.
 - o Travel vouchers
 - o Details of relevant pedestrian, cycle and public transport routes to/ from and within the site
 - o Copies of relevant bus and rail timetables
 - o Details of the appointment of a travel plan co-ordinator

No part of the development shall be occupied prior to implementation of those parts identified in the Travel Plan as capable of being implemented prior to

occupation. Those parts of the approved Travel Plan that are identified as being capable of implementation after occupation shall be implemented in accordance with an agreed timetable and shall continue to be implemented as long as any part of the development is occupied.

16. No development shall commence on site until a Written Scheme of Investigation for the further archaeological investigations recommended in the Archaeological Evaluation Report (July 2023) has been submitted to and approved in writing by Wiltshire Council. The Written Scheme of Investigation will include a plan showing the relevant area to be investigated. The plan should cover the land which is bordered by Trench 36 to the north west and a line formed by Trenches 6, 7 and 11 to the south-east, and by Trenches 11, 13 and 16 to the south-west and Trenches 7, 20, 23 and 29 to the north-east (as shown on the plan attached to the Archaeological Evaluation Report (July 2023)), where there is proposed to be ground disturbance through building and/or strategic landscaping. The works specified in the Written Scheme of Investigation must be undertaken prior to any development (including strategic landscaping) taking place on the relevant area to which the Written Scheme of Investigation applies.

The WSI shall include the methodology for the analysis of the results, publication to an appropriate level, and deposition of the site archive and finds.

17. In addition to the emergency access connection (as detailed on Dwg Ref: 37912/5501/005 Rev A Emergency Access), reserved matters proposals for the site must include suitable pedestrian footpath connections to the 'potential connections to existing areas' as identified on the Design Principles Plan (Dwg Ref: 150202 PP05 Rev B) to enable pedestrian access into the adjacent street network of Trowbridge. The aforementioned 'potential connections to existing areas' and the walkway between the A361 and housing shall be wholly completed and made conducive to unfettered public access prior to the occupation of the first dwelling.

18. No fencing shall be erected on the area shaded in green on the Access, Land Use and Building Heights Parameters Plan without the permission of the Local Planning Authority.

End of conditions annexe

