RTPI
Chartered Town Planners

ATLAS
PLANNING GROUP

# PLANNING STATEMENT

## BARN AT GREAT DURNFORD, GREAT DURNFORD, SALISBURY, SP4 6AZ

**JULY 2023**

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## INTRODUCTION

1.1 This Statement has been prepared by Atlas Planning Group in support of an application seeking full planning permission for the demolition of two buildings (one of which has an approved residential use), and their replacement with one residential dwelling.

## SITE DESCRIPTION

2.1 The application site is occupied by two agricultural barns, accessed from an existing track in Great Durnford (Figure 1).

2.2 The smaller of the two barns has permission to be converted into a residential dwelling under a recent Prior Approval Application (LPA Ref: PL/2022/08110). The larger barn is proposed to be demolished as part of that extant consent.

2.3 The site is surrounded by agricultural land to the north, south and west. North Farmhouse and the Great Durnford Estate is positioned to the east, which comprises agricultural buildings and shoot lodge.




**Figure 1- Location of existing agricultural buildings**

## RELEVANT PLANNING HISTORY

### PL/2022/08110

3.1 In December 2022, a Prior Approval application was granted for the 'Conversion of Existing Grain Drying Barn to C3 Residential Use to Create One New Dwelling.' The dwelling approved comprised 4 large bedrooms with integrated garage.

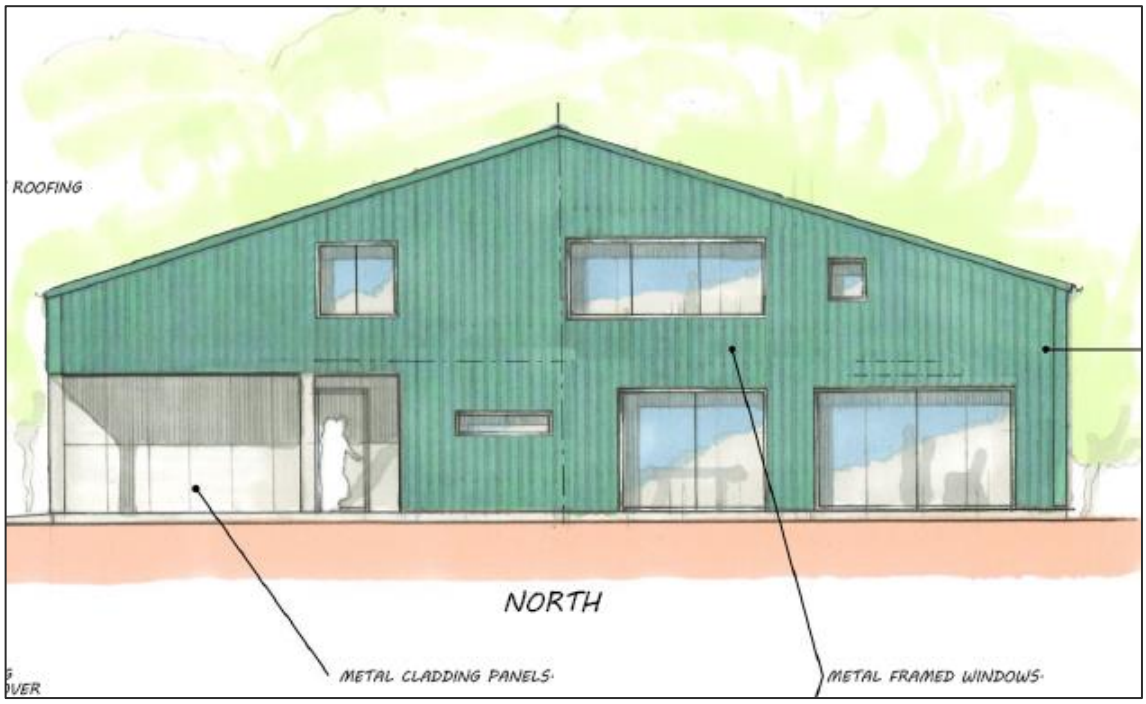


**Figure 2- Approved Elevations**

## THE PROPOSAL

4.1 The description of development is as follows:

*"Demolition of existing buildings and the erection of one detached dwelling (Use Class C3), hard and soft landscaping and associated works".*

4.2 The new dwelling has been designed utilising materials that reflect the local vernacular (brick and flint, black timber boarding) and in a style appropriate for its rural setting.

4.3 Access will remain as existing and new landscaping is proposed.




**Figure 3-Proposed Front Elevation**




**Figure 4- Proposed Landscaping Plan**

## PLANNING CONSIDERATIONS

5.1 Wiltshire Council's Core Strategy (2015) is the Council's primary Development Plan Document, and the starting point for determining planning decisions, in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004. There are also several Saved Policies of relevance from the Salisbury District Plan (2011).

5.2 The National Planning Policy Framework (NPPF) (2021) provides a national tier of policy and decision-making guidance for the planning system and forms a material consideration for planning decisions.

5.3 The policy and guidance contained within the statutory Development Plan Documents and all other relevant material considerations have been reviewed to ensure the proposal is an appropriate form of development for the application site.

5.4 At the heart of the NPPF is a presumption in favour of sustainable development, Paragraph 11 of the NPPF requires proposals that accord with the Development Plan to be approved without delay.

### PRINCIPLE OF DEVELOPMENT

5.5 Core Policy 1 of the Wiltshire Core Strategy sets out the 'Settlement Strategy' for the county and identifies four tiers of settlement - Principal Settlements, Market Towns, Local Service Centres, and Large and Small Villages. Only the Principal Settlements, Market Towns, Local Service Centres and Large Villages have defined limits of development/settlement boundaries.

5.6 Core Policy 2 of the Wiltshire Core Strategy sets out the 'Delivery Strategy'. It identifies the scale of growth appropriate within each settlement tier, stating that within the limits of development, as defined on the policies map, there is a presumption in favour of sustainable development at the Principal Settlements, Market Towns, Local Service Centres and Large Villages.

5.7 The application site lies 1.3 kilometres to the east of the Small Village of Great Durnford and is therefore in designated open countryside in planning policy terms. Whilst new residential development is normally restricted in the open countryside under Core Policy 1 and 2, the application site benefits from an extant consent for one of the barns to be converted into a residential dwelling (LPA Ref: PL/2022/08110).

5.8 Since there will not be a net increase in dwellings on the site, the principle of one dwelling in this location has been established, particularly as implementing the extant scheme is a realistic fall-back.

5.9 Fallback positions are well established in case law and are a significant material consideration in the determination of a planning application. With regards to the Wiltshire Core Strategy, Inspectors have confirmed "*any harm, therefore, in terms of a policy conflict with Core Policies 1 and 2 of the CS would be reduced by the fact that permission for a dwelling on the site of the barn already exists. I note that Core Policy 60 of the CS seeks to reduce the need to travel and that the site is not particularly accessible by alternative modes of transport to the private car…. However, again the proposed dwelling would be in the same location as the 'fallback position' therefore any harm in this regard would also be diminished."*[1]

5.10 Where there is a greater than theoretical possibility that the fall-back position would be implemented, Inspectors are only assessing if the proposed replacement dwelling would result in any significant impacts over and above the permitted scheme.

5.11 As outlined below, the new dwelling would not result in any significant impacts over and above the permitted scheme.

## 5 YEAR HOUSING LAND SUPPLY

5.12 The latest Housing Land Supply Statement has been prepared and covers each Housing Market Area (HMA) in Wiltshire, as set out in the Wiltshire Core Strategy. The housing land supply position for Wiltshire is 4.41 years and thus, is below the 5-year target set by the Government[2]. Commenting on an appeal for new housing in Wiltshire in January 2022, the Planning Inspectorate noted that "*providing more housing is one of, if not the most important, aspiration of local and national planning policy. As set out above, the Council is failing to meet its requirement to provide a five year housing land." (Appeal Ref: 3278256).*

5.13 Paragraph 11d) of the NPPF states where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or

ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

[1] Appeal Decision APP/Y3940/W/18/3200095

[2] Appeal Ref: APP/Y3940/W/21/3278256

5.14 The proposal does not impact any protected areas or assets of particular importance. This Statement also demonstrates that the proposal does not have any harmful impacts on the environment, residential amenity or highway safety. Therefore, planning permission should be granted, in line with paragraph 11 of the NPPF.

5.15 For the above reasons, the principle of development should be considered acceptable, despite its technical conflict with Core Policy 1 and 2 of the Development Plan.

## CHARACTER AND APPEARANCE OF THE AREA

5.16 Core Policy 51 requires development to protect, conserve and where possible enhance landscape character and must not have a harmful impact upon landscape character. It also requires proposals to demonstrate that landscape character is conserved and where possible enhanced through sensitive design, landscape mitigation and enhancement measures.

5.17 Core Policy 57 requires a high standard of design for all new developments. Amongst other criteria, new developments must show that they enhance local distinctiveness; respond positively to the existing townscape; be sympathetic to and conserve historic buildings; and have regard to the impact on amenities of existing occupiers.

5.18 The existing site is occupied by two agricultural barns, one of which has prior approval to be converted into a residential dwelling. Whilst the Prior Approval Application was architect led due to previous refusals on design grounds, the conversion approved is still constrained by the size, scale, and position of the existing barn, along with the materials available. Accordingly, the applicant seeks to provide a dwelling on site of a differing design and positioning so that the scheme can be both landscape and architect led.

5.19 It is now proposed for both barns to be demolished and for a dwelling in a farmhouse style to be erected. The materials, being brick and flint with timber boarding under a slate roof, will reflect the vernacular, along with the chosen architectural style.




**Figure 5- Approved Elevations**

5.20 Paragraph 130 of the NPPF states that planning policies and decisions should ensure that developments:

(a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;

(b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;

(c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);

5.21 Whilst the approved barn conversion was well designed under the constraints of Class Q, the proposed dwelling would be equally sympathetic to local character and history. The proposed dwelling has been designed to the highest quality and will be visually attractive and would function well over the lifetime of the development.

5.22 Indeed, due to the rural vernacular and agricultural landscape, farmhouses such as that proposed are not uncommon. Below are just a few examples:

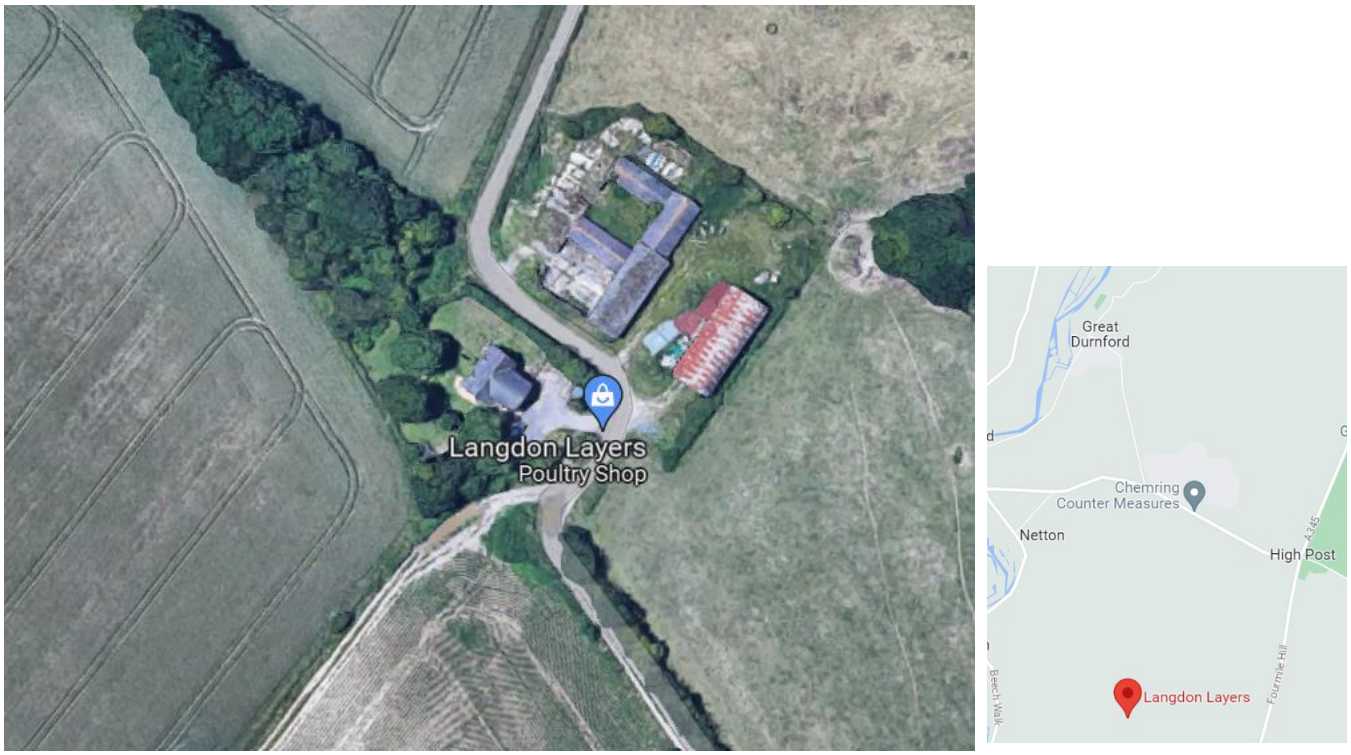


**Figure 6- Isolated farmhouse to the south Great Durnford**




**Figure 7- Isolated farmhouse to the south Great Durnford**

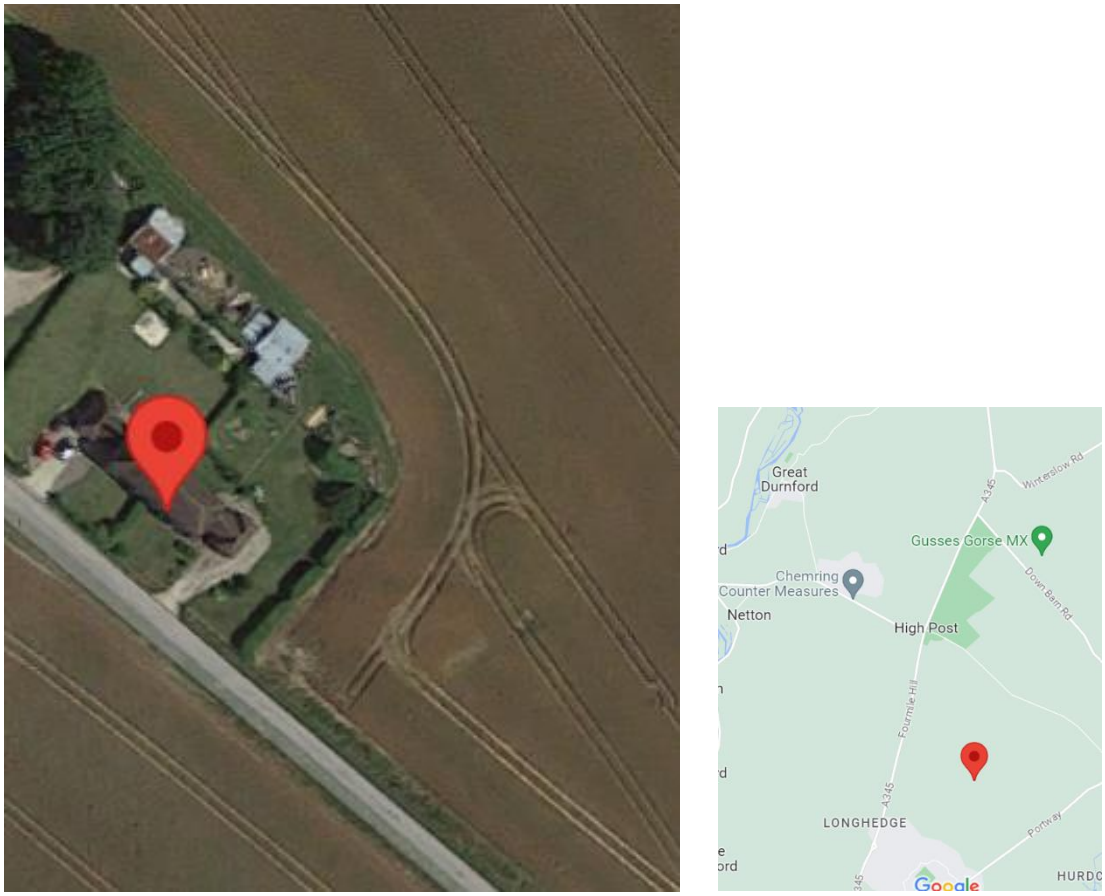


**Figure 8- Isolated farmhouse to the south-east Great Durnford**




**Figure 9- Isolated farmhouse to the south Great Durnford**

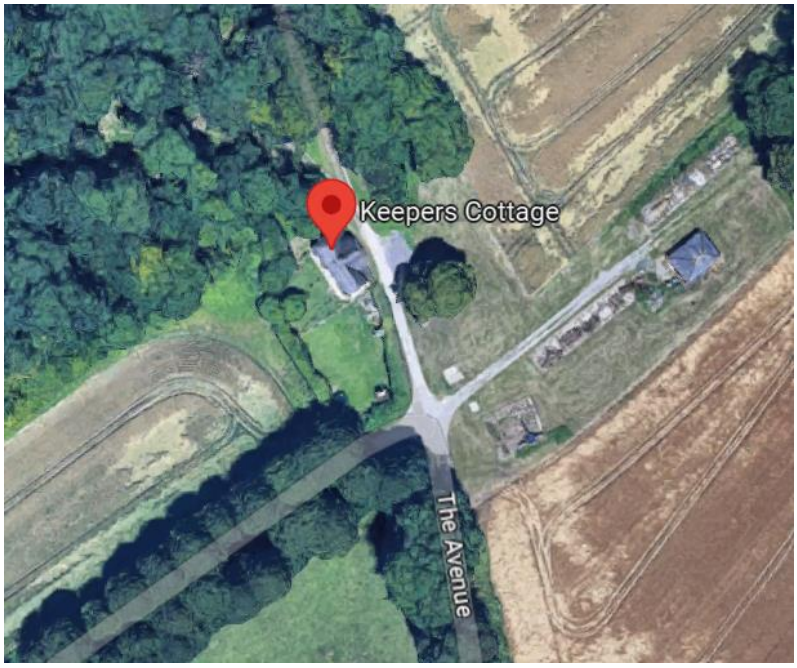





**Figure 10- Isolated farmhouse to the south Great Durnford**

5.23 Even opposite the site lies a farmhouse built in flint, accompanied with a timber cladded garage. Accordingly, the design and external materials would be in keeping with the local vernacular.



**Figure 11- North Farmhouse opposite the application site**

5.24 The size of the application site is also such that it would result in the development being proportionate and able to accommodate landscaping to help facilitate the proposed dwelling blending with the local landscape. In the case of landscaping, this revised scheme is much improved. As evidenced on the approved plans of the Prior Approval application, there was an absence of landscaping due to the nature of the application. However, in contrast, a detailed scheme has been provided as part of this re-design.

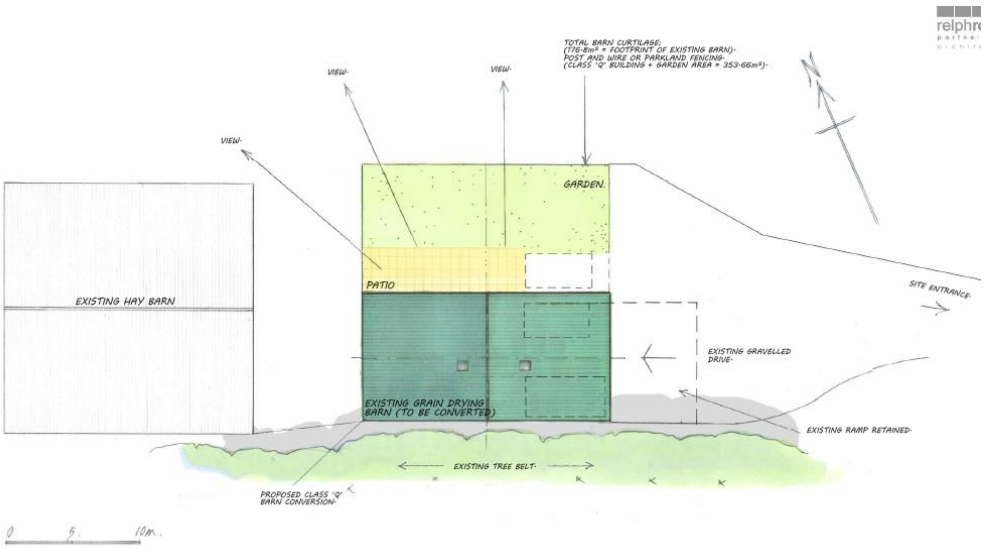


**Figure 12- Approved Site Plan**

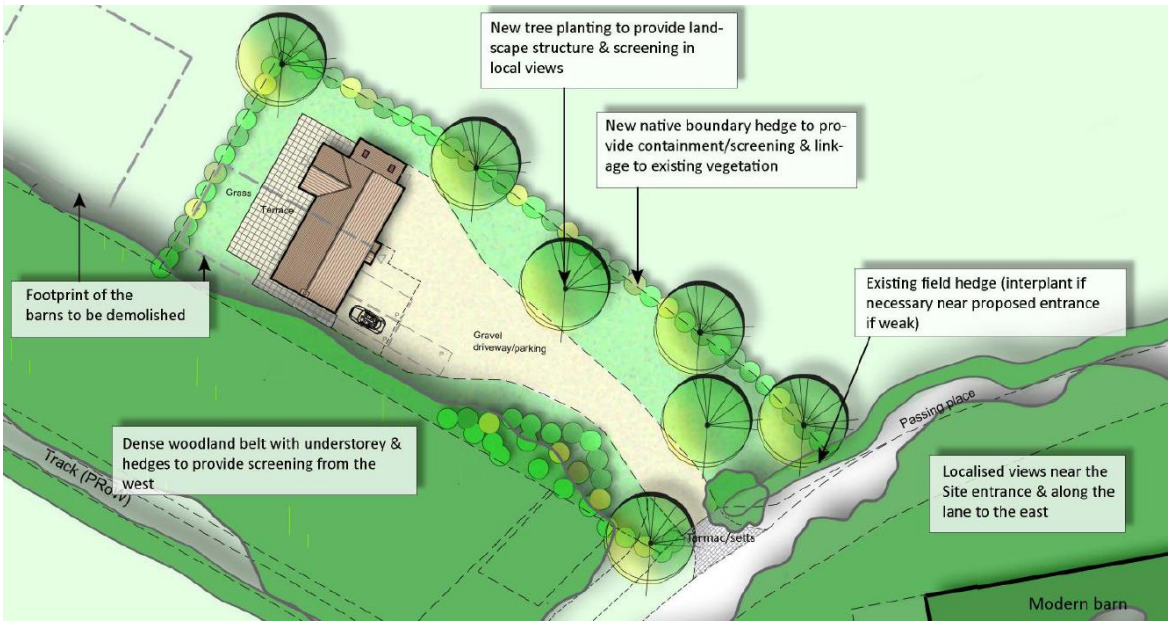


**Figure 13- Proposed Site Plan**

5.25 The upgraded landscaping and revised orientation would mean that the garden and any domestic paraphernalia would be well hidden from the roadside. This is a stark contrast between the extant scheme, as seen above.

5.26 The landscaping will effectively assimilate the proposal into the landscape, but even then, the proposed dwelling would not be a prominent addition since it is set back and well contained. The application is accompanied by a Landscape Visual Impact Assessment undertaken by ACLA Ltd. This confirms that from the north, due to the intervening ridge, belts of trees and lack of publicly accessible locations, no views have been identified towards the Site from this direction. From the east, due to the roadside hedges, intervening ridges, and lack of publicly accessible locations, again views are limited to a close distance from gaps in the dense hedges on the rural lane running north-eastwards from the Site. Elsewhere, due to the enclosure by vegetation along the lane to the south, views towards the barns on the Site do not extend beyond close distance on the rural lane and to the west, due to the dense tree belt along the Site boundary, no views have been identified in the landscape to the west.

5.27 The LVIA therefore concludes that the site is not visible in the wider rural landscape and will only be a recognisable change at a local level. Yet at a local level, there would not be harmful impact because a domestic dwelling would be seen irrespective of this application, particularly given that the approved scheme has its garden positioned to the side with a lack of landscaping.

5.28 As outlined above, brick and flint farmhouses are commonplace to the area and with new landscaping, providing effective screening, the proposal would sit seamlessly into the surrounding area. It is therefore considered that the scheme accords with Core Policy 51 and 57 of the Wiltshire Core Strategy.

## RESIDENTIAL AMENITY

5.29 Paragraph 117 of the NPPF states that planning decisions should promote an effective use of land in meeting the need for homes, while safeguarding and improving the environment and ensuring safe and healthy living conditions.

5.30 Moreover, decisions should ensure that developments optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development, and create places which promote health and well-being, with a high standard of amenity for existing and future users (Paragraph 127 of the NPPF).

5.31 Core Strategy Policy 57 '*Ensuring High Quality Design & Space Shaping'* requires development to ensure the impact on the amenities of existing occupants/neighbours is acceptable and also ensure that appropriate levels of amenity are achievable within the development itself.

5.32 The proposed development makes effective use of land by providing a high standard of living accommodation and amenity space. Future occupants will be able to enjoy high levels of sunlight and daylight and their amenity space and privacy will be improved over and above the extant scheme through its reposition. The proposed dwelling is also at a sufficient distance away from other neighbouring properties for there to be any issues.

5.33 For the above reasons, it is considered that the proposal accords with Core Policy 57.

## HIGHWAYS

5.34 Paragraph 103 of the NPPF recognises that opportunities to maximise sustainable transport solutions will vary between urban and rural areas. Additionally, Paragraph 109 of the NPPF sets out how development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

5.35 Core Strategy Policy 61 requires new development to be located and designed to reduce the need to travel particularly by private car, and to encourage the use of sustainable transport alternatives.

5.36 The site has extant planning permission for a four-bedroom dwelling and the proposed will also have equal number of bedrooms.

5.37 Wiltshire's Car Parking Strategy (2011) stipulates a minimum of 3 car parking spaces for dwellings of 4 or more bedrooms. The proposed development provides ample car parking and manoeuvring space for cars to turn to allow entry from and exit to the public highway in a forward gear.

5.38 Under application PL/2022/08110, the Highways Officer raised no objection subject to the development provided the correct visibility splays which reflected a traffic survey undertaken. The Officer commented that according to accident data, no accidents have occurred in the vicinity of this site. The existing access is currently utilised by agricultural vehicles which tend to be larger vehicles and slower moving. Taking account of the existing use and types of vehicles compared to the proposed use and types of vehicles, and speeds of vehicles using the road, it is considered that the vehicle access and visibility demonstrated for the previous application is adequate for the proposal.

5.39 The same comments and conditions would apply to this scheme given that the scheme is a re-design of the extant consent.

## ECOLOGY & TREES

5.40 Paragraph 170 of the NPPF requires decisions to contribute to and enhance the natural and local environment. Core Strategy Policy 50 '*Biodiversity and Geodiversity'* requires proposals to demonstrate how they protect features of nature conservation and geological value as part of the design rationale. The policy also requires all proposals to incorporate appropriate mitigation measures to avoid and reduce disturbance of sensitive wildlife species and habitats. All development should also seek opportunities to enhance biodiversity.

5.41 The existing building has been found to have a negligible impact on bats due to its corrugated metal roofing. However, ecology on site would be enhanced on the site through the introduction of new landscaping. The proposal would therefore accord with Core Policy 50 and the wider objectives of the NPPF to conserve and enhance the natural environment.

## RIVER AVON - PHOSPHATE

5.42 Core Policy 50 of the Wiltshire Core Strategy and the National Planning Policy Framework requires that the planning authority ensures the protection of important habitats and species in relation to development and seeks enhancement for the benefit of biodiversity through the planning system.

5.43 The site is within the catchment of the River Avon Special Area of Conservation (SAC). SACs are protected under The Conservation of Habitats and Species (Amendment) Regulations 2019. These are a network of sites designated for supporting habitats or species of high nature conservation importance in the European context. Any activity that has a detrimental effect on these European sites is made an offence under the Regulations. As this site falls within the catchment of the River Avon SAC, the proposal has the potential to cause adverse effects alone or in combination with other developments through the discharge of phosphorus in wastewater.

5.44 In the absence of national guidelines, or local guidelines for Wiltshire, Somerset Council's *Interim Guidelines on Small Scale Thresholds and Nutrient Neutrality Principles for the Somerset levels and Moors Ramsar Catchment* are being accepted as a model of good practice defining whether a project will have a likely significant effect on this catchment (**Appendix A**).

5.45 Within Somerset Council's guidelines there is an exception to the need to plan mitigation for discharges of phosphorous to the ground by package treatment plants. To demonstrate that the development would generate 'insignificant levels of phosphorus' eight criterion need to be met. Table 1 below demonstrates that each of these are met:

**Table 1 – Small scale Thresholds Assessment Criteria**

| Criteria | Assessment |
|---|---|
| Small discharges to ground i.e. less than 2m3/day that are within the surface or groundwater catchment of a designated site will present a low risk that the phosphorus will have a significant effect on the designated site where certain conditions are met. | The applicant proposes the use of a Rewatec Solido SMART + P package treatment plant. This has a hydraulic daily load of 0.6m3/day. |
| a) The drainage field is more than 50m from the designated site boundary (or sensitive interest feature) | Criteria met – the drainage field is more than 50m from the designated site boundary. |
| b) The drainage field is more than 40m from any surface water feature e.g. ditch, drain, watercourse | Criteria met – the drainage field is more than 40m from a surface water feature. |
| c) The drainage field in an area with a slope no greater than 15% | Criteria met – the drainage field slopes at a gradient of 3.84% |
| d) The drainage field is in an area where the high water table groundwater depth is at least 2m below the surface at all times | Criteria met – Wilshire's SFRA shows groundwater in the area to be at least 5m below surface level. |
| e) The drainage field will not be subject to significant flooding, e.g. it is not in flood zone 2 or 3 **and**; | Criteria met – the drainage field is within Flood Zone 1. |
| f) There are no other known factors which would expedite the transport of phosphorus for example fissured geology, known sewer | Criteria met – no known features existing on site. |

| | |
|---|---|
| flooding, conditions in the soil/geology that would cause remobilisation phosphorus, presence of mineshafts, etc **and**; | |
| g) To ensure that there is no significant in combination effect, the septic tank should be at least 200m from any other septic tank. | The drainage field is more than 200m from any other septic tank. |
| h) The percolation test has been performed of the proposed location of the drainage field with the resulting value lying within the required range under Building Regulations 2010, which specify an average Vp value of between 12 and 100. | Percolation test not yet undertaken, but it is very likely this would be passed given Soilscapes shows the site as 'shallow lime rich soils over chalk or limestone' which are 'freely draining'. |

## CONCLUSION

6.1 This application seeks planning permission for the demolition of two buildings, (one of which has an extant permission for a residential conversion), and the erection of one detached dwelling.

6.2 The site currently benefits from Prior Approval to convert one of the existing barns into a large four-bedroom dwelling. Whilst the Class Q application was design led, the clients seek to erect a purpose built and more sustainable dwelling on site. As such, this application seeks to redevelop the site by demolishing the existing barns and erecting a farmhouse style dwelling constructed in brick and flint under a slate roof.

6.3 Core Policy 57 seeks a high standard of design in new developments, whilst Core Policy 51 seeks to protect the landscape. The proposed dwelling has been well-designed considering the local vernacular. This Statement has demonstrated that large farmhouses interspersed amongst agricultural land is quite commonplace.

6.4 The proposed dwelling would not be a prominent addition to the landscape character, and this has been shown through a LVIA. Only glimpsed views would be achievable at the entrance, but even then, the site has permission for a dwelling and a prominent garden and therefore, a domestic dwelling would exist on site regardless of the outcome of this application. Any localised views will also be minimised through new landscaping.

6.5 As the site would comply with the agreed guidelines on small scale thresholds, the development would not result in impact upon the integrity of the River Avon SAC.

6.6 Accordingly, this Statement has demonstrated that the proposal will not have any significant visual, landscape, ecological, amenity or highways effects that would warrant refusal. As such, we commend this proposal to you.

# Appendix A - Interim guidelines on small scale thresholds and nutrient neutrality principles for the Somerset Levels and Moors Ramsar catchment.

**Somerset County Council**
**County Hall, Taunton**
**Somerset, TA1 4DY**

**Interim guidelines on small scale thresholds and nutrient neutrality principles for the Somerset Levels and Moors Ramsar catchment.**

**May 2021**

The following are interim guidelines agreed between Somerset Ecology Service and Natural England, in lieu of national guidelines

*The extracts below cover information that may assist you in:*

1. *Determining whether a project will have a likely significant effect (LSE), alone or in combination, including suggested thresholds and evidence for informing judgments (local evidence will also need to be considered)*
2. *Considering 'nutrient neutrality', by applying a number of suggested principles.*

## 1. Assessment of Likely Significant Effects and thresholds for insignificant effects

*In our opinion, a conclusion of no LSE could be reached and therefore no Appropriate Assessment (AA) would be necessary, where:*

(a) there is clearly no connectivity or pathway between the plan or project and the sensitive designated site interest features, and therefore the nutrients cannot impact the site interest features, or
(b) there is a pathway, but either the plan or project will not increase nutrient levels or would reduce them from the existing situation, and maintaining the current or reduced nutrient levels would not undermine the objective of restoring the site to favourable conservation status, or
(c) there is a pathway, but any additional nutrient contribution will clearly be insignificant alone and in-combination (see suggested thresholds below).

## 2. Thresholds for Insignificant Effects

*Waddenzee*[1] established that an AA is required where there is a "probability or a risk" of a significant effect on the site concerned. In light of the precautionary principle, a plan or project is likely to have a significant effect if the risk cannot be excluded on the basis of objective evidence. Any site-specific rationale or thresholds to demonstrate the insignificance of effects would need to ensure that the risk of LSE

[1] CURIA - List of results (europa.eu)

(alone or in combination) can be excluded. Where evidence is not currently available or it is uncertain, it would be more appropriate to take the plan or project through to AA for further consideration.

Natural England currently considers that it is difficult to make robust arguments around generic standardised thresholds for levels of water quality impacts that exclude the risk of likely significant effects (alone and in combination) for all sites and situations. There are a number of different factors that are variable between sites which can influence the risk of cumulative effects and the sensitivity and vulnerability of the site and therefore what might be significant.

## 3. Thresholds for insignificant levels of phosphorus discharges to ground – Septic Tanks or Package Treatment Plants

Natural England considers that there is an exception to this position on generic thresholds in relation to discharges of phosphorus to ground.

*Summary of evidence*

Septic tank systems or package treatment plants that discharge to ground via a drainage field should pose little threat to the environment, because much of the Phosphate (P) discharged is removed from the effluent as it percolates through the soil in the drainage field. The risk of water pollution by these types of discharges to ground depends on a range of factors that affect their success or failure and can be summarised by three key factors[2]:

1. improper location
2. poor design
3. incorrect management

Phosphorus is removed from the effluent within the drainage field through sorption to soil particles within the aerated soil zone. How much phosphorus is removed within the aerated soil zone will depend on the soil type and the soil phosphorus characteristics, pH, texture, and the hydraulic loading rate. P sorption can be reversed and P desorption can occur in certain conditions e.g. change in redox conditions[3].

For the drainage field to work effectively the drainage field needs to have acceptable year-round percolation rates which will be influenced by the soil type, as if they drain too quickly or to slowly effective phosphorus removal will not take place. In addition, if infiltration rates are lower than the loading rate of the effluent into the drainage

[2] MAY, L., PLACE, C., O'MALLEY, M. & SPEARS, B. 2015. *The impact of phosphorus inputs from small discharges on designated freshwater sites*. Natural England Commissioned Reports, NECR 170.

[3] Mary G. Lusk, Gurpal S. Toor, Yun-Ya Yang, Sara Mechtensimer, Mriganka De & Thomas A. Obreza. 2017. *A review of the fate and transport of nitrogen, phosphorus, pathogens, and trace organic chemicals in septic systems*, Critical Reviews in Environmental Science and Technology, 47:7, 455-541,

field then hydraulic failure can occur which results in the effluent being discharged over the soil surface. Therefore, correct design of the system is important.

The Building Regulations[4] set out design and construction standards for septic tanks, package treatment plants and drainage fields. In relation to drainage fields they include the need for a percolation test, a method for how this should be undertaken and the minimum and maximum percolation values (Vp) which ensure that the drainage field effectively removes pollutants. This is then used to calculate the size of the drainage field required for the size of the household it will be serving.

As the evidence has shown that it is the aerated soil zone of the drainage field which provides the function in terms of removing the phosphorus from the effluent before it enters a receiving waterbody (surface or groundwater), any enhanced connectivity to a waterbody, which short circuits this process, is probably one of the main factors that causes pollution of SSSIs by these systems[5] [6]. Therefore it will be important that the drainage field is sited far enough away from any watercourse, ditch, drain etc as well as that it is not in a location where the groundwater is high enough that comes into connection with this aerated zone. In addition, seasonal flooding can wash out the contents of the tanks. Slope also affects the way the drainage field functions, with steeper slopes having a higher risk of run off.

There is also some evidence that density (i.e. number) of these types of systems in an area also has a bearing on the risk of pollution. In general, lower densities of tanks tend to cause less contamination of downstream waterbodies than higher densities of tanks.

*Proposed thresholds*

Small discharges to ground i.e. less than $2m^3$/day[7] that are within the surface or groundwater catchment of a designated site will present a low risk that the phosphorus will have a significant effect on the designated site where certain conditions are met:

a) The drainage field is more than 50m from the designated site boundary (or sensitive interest feature)[8] **and**;
b) The drainage field is more than 40m from any surface water feature e.g. ditch, drain, watercourse[9] **and**;

[4] Building Regulations, Drainage and Waste disposal (2015), Document H, Section H2.
[5] MAY, L., WITHERS, P.J., STRATFORD, C., BOWES, M., ROBINSON, D. & GOZZARD, E. 2015. *Development of a risk assessment tool to assess the significance of septic tanks around freshwater SSSIs: Phase 1 – Understanding better the retention of phosphorus in the drainage field*. Natural England Commissioned Reports, NECR171
[6] MAY, L., DUDLEY, B.J., WOODS, H. & MILES, S. 2016. *Development of a Risk Assessment Tool to Evaluate the Significance of Septic Tanks Around Freshwater SSSIs.* NECR 222
[7] A limit of 2m3/day is used based on this being the size used for discharges to ground in the General Binding Rules and is representative of the size of the majority of the septic tanks investigated within NECR171, from which most of the criteria are based.
[8] 50m is the distance as which no phosphorus signal was detected at this distance (NECR171 and NECR222)
[9] 40m is the distance that represents a low risk, based on there was a weak phosphorus signal this distance for some of the small discharges (NECR171 and NECR222)

c) The drainage field in an area with a slope no greater than 15%[10], **and**;
d) The drainage field is in an area where the high-water table groundwater depth is at least 2m below the surface at all times **and**;
e) The drainage field will not be subject to significant flooding, e.g. it is not in flood zone 2 or 3[11] **and**;
f) There are no other known factors which would expedite the transport of phosphorus[8] for example fissured geology, insufficient soil below the drainage pipes, known sewer flooding, conditions in the soil/geology that would cause remobilisation phosphorus, presence of mineshafts, etc **and**;
g) To ensure that there is no significant in combination effect, the discharge to ground should be at least 200m from any other discharge to ground[12] **and**
h) The percolation test has been performed of the proposed location of the drainage field with the resulting value lying within the required range under the Building Regulations 2010, which specify an average Vp value of between 12 and 100[3].

The Somerset LPAs have access to a GIS layer provided by Natural England which looks at conditions b, c and d above only. Where there is a high or medium risk identified, then one or more of the three conditions (b, c & d) will not be met. This GIS layer can be shared with the EA and Local Authorities with the relevant data licence via our GI team, but not with developers due to the terms in the data licence. If site specific monitoring/modelled data is presented for conditions b, c or d which provides greater certainty than the national dataset used to produce the risk map, then this can override the risk map. It may be time consuming and/or costly to undertake site-specific monitoring that provides sufficient certainty for some of the conditions such as groundwater depth, due to the inherent variability over time and therefore the need for any monitoring to cover a long enough time period (several years) and to a sufficient frequency to determine the highest groundwater depth is required. It is therefore acceptable to rely on modelled or national dataset where these are the best available data and sufficiently scientifically robust.

To consider the other three conditions (a, e and f) other data sources will need to be considered. Condition 'a' can be looked at through using the designated site data layer and calculating the distance from the site boundary. Condition e can use the EA flood risk maps (https://flood-map-for-planning.service.gov.uk/). Condition f should make use of any sewer flood data, information on local geology, groundwater phosphorus concentration monitoring within the catchment or other local information which it is readily available. Elevated concentrations of phosphorus in

[10] 15% is the slope that represents a low risk based on the methodology outlined in NECR222.
[11] 2m is the groundwater depth that represents a low risk, based on very low levels being detected in soil at depth below this (NECR171 and NECR222)
[12] The 200m is based on the 50m distance where no phosphorus signal was detected (NECR171) for each septic tank. So for two drainage field areas not to overlap they need to be at least 100m apart. A safety factor of two is then applied to ensure that in the long term there will be the certainty that the effective drainage field phosphorus retention areas don't overlap. This also ensures that the maximum density of these systems is no more than one for every 4ha (or 25 per km2), as identified in NECR170.

groundwater would indicate phosphorus transport being expedited in that the phosphorus is not being absorbed to the soil effectively or being remobilised. It can be assumed that phosphorus is not remobilised unless there is existing evidence at the discharge location or within the wider catchment which suggest that this may be occurring in the same conditions to those present at the location of the proposed discharge. Such evidence could include investigations, known soil or geological conditions or groundwater water quality data from similar soil/geological conditions within the catchment.

As not all of the phosphorus will be retained by the soil, condition g is to ensure that there is no in combination or cumulative effect from a number of these discharges in an area which together could add up to have a significant effect.

If conditions a to h are all met this represents a low risk that phosphate will reach the site, and not zero risk. There will be further processes of dilution and attenuation between the drainage field and the site, which will provide further reduction and the current evidence would suggest that the scale of any inputs from these sources would not be significant.

Where best available evidence indicates that these conditions are met, Natural England can advise that, in its view, a conclusion of no LSE alone and in combination for phosphorus can be reached in these circumstances. Where uncertainty remains so LSE cannot be ruled out or evidence exists that there is a risk of phosphate from small discharges to ground causing a significant effect to a designated site (e.g. from SAGIS modelling or monitoring investigations), then our advice should be that there is a LSE or LSE cannot be ruled out and an AA should be undertaken. Where evidence is presented which provides sufficient certainty that there will be no LSE even though these conditions are not met e.g. better local information, then we can advise no LSE. This will be determined on a case by case basis.

The competent authority, in this case the Local Planning Authority, as the decision maker, will need to determine whether it agrees with NEs advice.

For developments which allow for increases in the number of people that will be served by an existing discharge to a drainage field, it will be important to consider whether the existing system has sufficient capacity in its design to accommodate the increase, without increasing the risk of pollution.

The evidence underpinning these thresholds will be periodically reviewed and the thresholds will be amended as necessary to take account of any new evidence. This approach does not apply to nitrogen as it does not get taken up by the soil like phosphorus.

Further work is necessary to review the evidence and determine if it is possible to establish any other generic insignificance thresholds for other development or discharge types.

*Information to be submitted to demonstrate this to the Local Planning Authority:*

Where **Package Treatment Plants (PTP), or bespoke treatment or storage methods** (Septic tanks) are proposed a detailed scheme for such a system will need to be submitted for consideration to demonstrate that the proposed system complies with the information above.

The detailed scheme shall also include design, location, layout and location on the site, details of any watercourse to be used for discharge and/or information on field ground conditions plus information on the efficiency of the specific equipment or method of treating phosphates, such as percentage figure e.g., 90%. Percolation tests will also be required.

A statement to confirm that the Applicant is satisfied that the proposed sewage treatment system will achieve the appropriate Building Regulations and/or Environment Agency permits, or confirm that one is not required, shall also be submitted.

Please note, the EA and the Building Regulations will only permit PTP's where a connection to the public sewer is not present or reasonable[13] [14].

## 4. Site-specific thresholds for insignificant effects

It may be possible, particularly taking into account the site/catchment specifics in some cases to provide a site/development specific rationale or develop site specific thresholds for certain types of development. These should be based on evidence and where assumptions are used these should be well-founded. Any criteria or thresholds would need to take account of both alone and in combination effects.

If a rationale is put forward for ruling out a plan or project based on its insignificant effect, then it should ensure that all of the following factors have been taken into account:

- Sensitivity of the designated site features – Different interest features will have varying sensitivities to different water quality pollutants. The sensitivity of a site to a specific pollutant will be reflected by any water quality targets or ecological targets that are affected by water quality that are set for the designated site. These targets can be found in the conservation objective supplementary advice and are based on Common Standards Monitoring guidance (CSMG). Any rationale or thresholds should be based on its potential significance in relation to these targets and not to the current concentration or level within the site.

[13] Advice for local authorities on non-mains drainage from non-major development (planningportal.co.uk)
[14] Septic tanks and treatment plants: permits and general binding rules: You have a septic tank or small sewage treatment plant - GOV.UK (www.gov.uk)

- Vulnerability of the site - Different habitats will have varying vulnerability to the accumulation of pollutants which will affect how significant any pollutant contribution is. Habitats with short residence times such as fast flowing rivers are less likely to accumulate pollutants than habitats that have long residence times, such as lakes. The same pollutant contribution therefore can have a greater impact on a site that has longer residence times, than on a site which has shorter residence times, as there is the potential for greater accumulation of the pollutant over time. Terrestrial wetland sites, in particular, are extremely vulnerable as they tend to store pollutants and the pollutant is not readily lost unless specific management is undertaken e.g. vegetation cutting and removal.
- Contribution from the plan or project – Both the volume and concentration of the discharge/run off will affect the contribution that the plan or project will have. In addition the contribution from the plan or project could be affected by the location of the input in relation to the European site/designated features (within or distance upstream) and therefore any potential for decay or loss before it reaches the European site. Also the dilution may affect the significance of the contribution in relation to concentration changes it may have, however it should be noted that dilution will not reduce the load contribution that the plan or project will have to the European site. The nature of the discharge, whether it is continuous or intermittent and the timing may also affect the potential impact that its contribution might have on the ecological interest features.
- Potential for cumulative effects and risk of proliferation - The potential future risk of proliferation of plans and projects will vary from site to site as development pressure is variable in different locations. This means that the potential risk of future cumulative effects (i.e. the number of new plans and projects that are likely to come forward in the future) will also vary. The scale of contribution which might be considered to be insignificant alone and in combination will be influenced by the scale of the potential cumulative effect. For example, a site in a very small catchment which is largely agricultural where there are very few plans or projects will have a lower risk of proliferation, and therefore the contribution that might be considered insignificant may be higher than a site in a large catchment with many plans or projects, which will have a higher risk of proliferation.

For the Somerset Levels and Moors Ramsar site (and any other European site impacted), effects from specific types of development such as commercial development (e.g. offices, shops etc) have been considered insignificant on the basis that the people using these types of development, are likely to live in the catchment and therefore their contribution will either already be accounted for in the existing background or will be taken into account through a HRA for any new residential development. This assumption should however be considered on a case by case basis to ensure that it is appropriate. For some sites (or types/location of development) it may not be reasonable to assume that the users will live in the same catchment and therefore there could still be an increase in the loading due to the commercial development.

For the Somerset Levels and Moors Ramsar site (and any other European site impacted), the spatial location of the contribution within the catchment is important, so the fact that people might be living and working in the same catchment doesn't mean the contribution from these will be in the same location and therefore the specific spatial impacts from both need to be fully taken into account. It will be important that where a rationale or site-specific threshold for insignificance is used for commercial development, the evidence and justification has been provided that this assumption is valid.

Further work is needed to determine if it is possible to establish any site-specific criteria on an insignificance level based on the best available evidence.

## 5. Nutrient Neutrality Principles

Where a project or plan is judged to have a LSE, one way that an adverse effect on integrity of the protected site can be ruled out is where 'nutrient neutrality' can be demonstrated, i.e. where a nutrient budget shows that the introduction of certain mitigation measures means that there is no net increase in nutrients.

Any neutrality measures relied on in an AA should:

1. Have sufficient scientific certainty at the time of the AA that the measures will deliver the required reduction to make the plan or project 'neutral';
2. Have sufficient practical certainty at the time of the AA that the measures will be implemented and in place at the relevant time, e.g. secured and funded for the lifetime of the development's effects;
3. Be preventive in nature so as to avoid effects in the first place rather than offset or compensate for damage. Consideration will therefore need to be given as to (i) when the measures will come online and into effect and (ii) when the pollutants come online as the impact may be phased and take place over the lifetime of a development, rather than on day one. It may be that a range of measures may be needed to address impacts over time;
4. Not undermine the objective of restoring the site to favourable conservation status by making the 'restore' objective appreciably more difficult or prejudicing the fulfilment of that objective. For example, where there is only a limited pool of measures available for addressing an existing exceeded threshold and these are used to enable growth rather than bring the site into favourable condition, this may undermine the 'restore' objective. The key question would be whether, in fact, there is actually a limited pool of measures in the relevant circumstances;
5. Not directly use or double count measures that are already in place or must be put in place to protect, conserve or restore the site (to meet article 6(1)(2) requirements) in order to justify new growth. For example, those measures that have been identified in a Domestic Water Protection Plan as needed to restore

the site (such as wastewater treatment work upgrades that do not take account of growth) cannot also be used as mitigation for development;

6. Be carefully justified together with calculations of the change in the nutrient contribution before and after the development taking account of any mitigation on land outside the development. Over-estimating the existing nutrient contribution from development land or mitigation land outside the development site and/or under-estimating the nutrient contribution from the development to reduce the scale of nutrient reduction mitigation needed to meet 'nutrient neutrality' would not satisfy the precautionary requirements of the Habitats Regulations. The nutrient neutrality methodology for Stodmarsh and the Solent are examples of how calculations can be undertaken;
7. Ensure that there is no real risk that the existing land use, which may be maintained by neutrality (or betterment), undermines the conservation objective to 'restore' the site to favourable conservation status. This applies to the existing land use at the development site and at any off-site mitigation land.

This document is subject to change, as and when new information becomes available. Please ensure that you are using the current version.