Date: 17 January 2024
Our ref: 461725
Your ref: PL/2023/10364

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Lucy Minting
Case Officer
Wiltshire Council

BY EMAIL ONLY

Dear Ms Minting,

Planning consultation: New modular building single storey teaching facility.
Location: BM21, DSTL Porton Down, The Range, Salisbury, SP4 0JQ

Thank you for your consultation on the above dated 13 December 2023.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

Internationally and nationally designated sites

Porton Down Special Protection Area (SPA), Special Area of Conservation (SAC) and Site of Special Scientific Interest (SSSI)

Habitats Regulations Assessment – Appropriate Assessment
The application site lies within Porton Down SPA/SAC/SSSI and Salisbury Plain SPA/SSSI and therefore has the potential to affect its interest features. European sites are afforded protection under the Conservation of Habitats and Species Regulations 2017, as amended (the 'Habitats Regulations').

In considering the European site interest, Natural England advises that you, as a competent authority under the provisions of the Habitats Regulations, should have regard for any potential impacts that a plan or project may have[1]. The Conservation objectives for each European site explain how the site should be restored and/or maintained and may be helpful in assessing potential impacts.

On the basis of information provided, Natural England's advice is that this proposed development will require mitigation measures intended to avoid or reduce the likely harmful effects on a European site which cannot be taken into account when determining whether or not a plan or project is likely to have a significant effect on a site and requires an appropriate assessment (following the People Over Wind ruling by the Court of Justice of the European Union). For this reason, the proposed

[1] Requirements are set out within Regulations 63 and 64 of the Habitats Regulations, where a series of steps and tests are followed for plans or projects that could potentially affect a European site. The steps and tests set out within Regulations 63 and 64 are commonly referred to as the 'Habitats Regulations Assessment' process.
The Government has produced core guidance for competent authorities and developers to assist with the Habitats Regulations Assessment process. This can be found on the Defra website. http://www.defra.gov.uk/habitats-review/implementation/process-guidance/guidance/sites/

mitigation measures need to be formally checked and confirmed by your Authority, as the competent authority, via an Appropriate Assessment. The following advice is provided to assist your authority to undertake the AA:

Issues concerning the nationally designated nature conservation sites
The Porton Down SSSI and Salisbury Plain SSSI share all of the interest features of the internationally designated site and would be similarly affected by the proposals.

Protected Species – Stone Curlew
It is our view that direct impacts on stone curlew are not likely due to the proximity of the proposed scheme to existing development.

If stone curlew are observed at any point during the construction phase, all activities must cease until the individual/s are no longer present. All measures within the CEMP should be appropriately implemented to ensure impacts on protected species are minimised.

Natural England has produced standing advice[2] to help planning authorities understand the impact of particular developments on protected species. We advise you to refer to this advice.

Comments on Baseline Habitat and Biodiversity Net Gain (BNG)
Although a botanical survey has not been undertaken, we note the species list provided in Table 2 of the Preliminary Ecological Appraisal. Based on this information we are satisfied that the baseline habitat does not qualify as priority habitat. The proposed scheme is small-scale development and located in close proximity to existing development and we advise that it would not have a significant impact on the restoration of the site. Therefore, it is our view that the proposals would not have a likely significant effect on the designation. However, as previously mentioned, the scheme is located within the SPA/SAC, thus your authority must undertake a HRA.

We advise that the scheme should provide BNG opportunities which should be secured by condition with any granted permission. This may be achieved through the creation of bare chalk habitat to allow for natural succession, for example using the chalk spoil from construction of the scheme to create bunds.

To ensure any impacts on the SPA/SAC/SSSI are avoided, a CEMP would need to be agreed with the LPA.

Please note that if your authority is minded to grant planning permission contrary to the advice in this letter, you are required under Section 28I (6) of the Wildlife and Countryside Act 1981 (as amended) to notify Natural England of the permission, the terms on which it is proposed to grant it and how, if at all, your authority has taken account of Natural England's advice. You must also allow a further period of 21 days before the operation can commence.

Further general advice on consideration of protected species and other natural environment issues is provided at Annex A.

Please re-consult us once the HRA has been undertaken.

If you have any queries relating to the above advice please contact me on kyle.conroy@naturalengland.org.uk.

Yours faithfully,

Kyle Conroy
Lead Planning Advisor
Wessex Area Team

[2] https://www.gov.uk/protected-species-and-sites-how-to-review-planning-proposals

Annex A – Additional Advice

Natural England offers the following additional advice:

Landscape

Paragraph 180 of the National Planning Policy Framework (NPPF) highlights the need to protect and enhance valued landscapes through the planning system. This application may present opportunities to protect and enhance locally valued landscapes, including any local landscape designations. You may want to consider whether any local landscape features or characteristics (such as ponds, woodland, or dry-stone walls) could be incorporated into the development to respond to and enhance local landscape character and distinctiveness, in line with any local landscape character assessments. Where the impacts of development are likely to be significant, a Landscape & Visual Impact Assessment should be provided with the proposal to inform decision making. We refer you to the Landscape Institute Guidelines for Landscape and Visual Impact Assessment for further guidance.

Protected Species

Natural England has produced standing advice[3] to help planning authorities understand the impact of particular developments on protected species. We advise you to refer to this advice. Natural England will only provide bespoke advice on protected species where they form part of a Site of Special Scientific Interest or in exceptional circumstances.

Local sites and priority habitats and species

You should consider the impacts of the proposed development on any local wildlife or geodiversity sites, in line with paragraphs 181 and 185 of the NPPF and any relevant development plan policy. There may also be opportunities to enhance local sites and improve their connectivity. Natural England does not hold locally specific information on local sites and recommends further information is obtained from appropriate bodies such as the local records centre, wildlife trust, geoconservation groups or recording societies.

Priority habitats and Species are of particular importance for nature conservation and are included in the England Biodiversity List published under section 41 of the Natural Environment and Rural Communities Act 2006. Most priority habitats will be mapped either as Sites of Special Scientific Interest, on the Magic website or as Local Wildlife Sites. List of priority habitats and species can be found on Gov.uk. Natural England does not routinely hold species data, such data should be collected when impacts on priority habitats or species are considered likely. Consideration should also be given to the potential environmental value of brownfield sites, often found in urban areas and former industrial land, further information including links to the open mosaic habitats inventory can be found here.

Environmental gains

Development should provide net gains for biodiversity in line with the NPPF paragraphs 180(d), 185 and 186. Development also provides opportunities to secure wider environmental gains, as outlined in the NPPF (paragraphs 8, 74, 108, 124,180, 181 and 186). We advise you to follow the mitigation hierarchy as set out in paragraph 186 of the NPPF and firstly consider what existing environmental features on and around the site can be retained or enhanced or what new features could be incorporated into the development proposal. Where onsite measures are not possible, you should consider off site measures. Opportunities for enhancement might include:

- Restoring a neglected hedgerow.
- Creating a new pond as an attractive feature on the site.
- Planting trees characteristic to the local area to make a positive contribution to the local landscape.
- Using native plants in landscaping schemes for better nectar and seed sources for bees and birds.
- Designing lighting to encourage wildlife.

Natural England's Biodiversity Metric 4.0 may be used to calculate biodiversity losses and gains for terrestrial and intertidal habitats and can be used to inform any development project. For small development sites the Small Sites Metric may be used. This is a simplified version of Biodiversity Metric 4.0 and is designed for use where certain criteria are met.

[3] https://www.gov.uk/protected-species-and-sites-how-to-review-planning-proposals

Natural England's Environmental Benefits from Nature tool may be used to identify opportunities to enhance wider benefits from nature and to avoid and minimise any negative impacts. It is designed to work alongside Biodiversity Metric 4.0 and is available as a beta test version.

Rights of Way, Access land, Coastal access and National Trails
Paragraphs 104 and 180 of the NPPF highlight the important of public rights of way and access. Development should consider potential impacts on access land, common land, rights of way and coastal access routes in the vicinity of the development. Consideration should also be given to the potential impacts on the any nearby National Trails. The National Trails website www.nationaltrail.co.uk provides information including contact details for the National Trail Officer. Appropriate mitigation measures should be incorporated for any adverse impacts.

Biodiversity duty
Your authority has a duty to have regard to conserving biodiversity as part of your decision making. Conserving biodiversity can also include restoration or enhancement to a population or habitat. Further information is available here.