Wiltshire Council Planning Consultation Response

ECOLOGY

Officer name:	Max Hemmings
Date:	04/03/2024
Application number:	PL/2023/05919
Proposal:	The erection of a detached 2-bedroom dwelling, hard and soft landscaping, and associated works.
Site address:	The Cedars, The Flashett, Middle Winterslow, Salisbury, SP5 1PR
Case officer:	Amy Houldsworth

Recommendations:

	No Comment
	Support
	No objection
	Condition (no objection subject to conditions)
X	Objection - further information required
	Objection in principle
X	HRA required

Further Information Required:

	Issue	Policy/Legislative Compliance	Date information requested & Further information required	Satisfactorily addressed (Document & Date)
1	Solent Maritime Special Area of Conservation (SAC) - Habitat Regulations Assessment (HRA)	Hab Regs	**04/03/2024** Confirmation of the updated nutrient calculator and the mitigation strategy.	**NO**

The outstanding document(s) listed above are needed to enable the council's ecology team to consider all the relevant impacts and benefits of the proposed scheme. The council's ecologists will provide a further response once all the above information has been submitted via the case officer.
Please Note: When resubmitting a revised document, ALL changes must be highlighted to enable review.

An Ecology assessment has not been submitted to this application therefore this response is based on the aerial imagery and photographs within the submitted documents and aerial imagery.

The proposed development is sited on existing hardstanding and residential garden space. The importance of the site's ecological baseline is considered likely to be insignificant and further surveys are considered to be too onerous.

The proposal includes new "mixed native hedgerow" which is welcomed and will help ensure the continued functionality of the area for biodiversity.

Habitat Regulations Assessment (HRA) – Test of likely significance: *Mottisfont Bat Special Area of Conservation (SAC)*

The application site is within a consultation zone for bats associated with the Mottisfont Bat SAC and therefore has potential to result in significant adverse impact on the special features of that site.

A test of likely significance has been carried out by the relevant Competent Authority (Wiltshire Council) as required by Regulation 63 Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019. This concluded that given the scale and nature of the development, any temporary construction impacts and operational impacts would be de-minimus. **The HRA has concluded that the application is not likely to have significant impacts on Mottisfont Bat SAC and Appropriate Assessment is not required.**

New Forest Protected Sites 13.8km Recreation zone of influence

The development lies within the zone of influence for the New Forest protected sites which includes the New Forest Special Protection Area (SPA), New Forest SAC and New Forest Ramsar site.

It is screened into appropriate assessment under the Habitats Regulations 2017 (as amended) on account of its potential to cause adverse effects through increased recreational pressure, which may occur alone and in-combination with other plans and projects.

Many of the special features afforded protection are vulnerable to increased recreation as demonstrated in Natural England's supplementary advice issued for the SPA on 19 March 2019 and for the SAC on 18 March 2019. The Council has prepared an "Interim recreation mitigation strategy for the New Forest internationally protected sites" (Version 1.1, 21 March 2023) which identifies the zones of influence within which residential and tourism development have the potential to generate additional recreation pressure. The strategy details mitigation required to avoid and reduce impacts. Provision of Suitable Areas of Natural Greenspace (SANGs) will be provided to reduce visitor numbers at protected sites and where visits are unavoidable, strategic access management and monitoring (SAMM) methods will be used to control people's behaviour.

The strategy explains that residential developments of 50 or more homes will be required to directly provide high quality open space while other development will contribute indirectly though allocation of funds from the Community Infrastructure Levy. Together this package of measures has been endorsed by Natural England on 17 April 2023 who consider the strategy to be sufficient to mitigate for development coming forward through the Wiltshire Core Strategy.

The Council therefore concludes that, provided the necessary mitigation is secured by condition or S106 as appropriate, the current application alone and in-combination with other plans and projects will not lead to adverse effects on the New Forest protected sites.

The necessary mitigation for this development is: contributions through CIL towards SAMM.

1. Solent Maritime SAC - Habitat Regulations Assessment (HRA)

Solent Maritime Special Area of Conservation (SAC), Chichester and Langstone Harbours SPA and Ramsar site, Portsmouth Harbour SPA and Ramsar site, Solent and Southampton Water SPA and Ramsar site.

WCS policy CP50 (Biodiversity and Geodiversity) and the NPPF requires the Local Planning Authority to ensure protection of important habitats and species in relation to development and seeks enhancement for the benefit of biodiversity through the planning system. Whilst the application site is not adjacent to any rivers or in any respective flood zones, it is situated within the River Test catchment which drains into the Solent. This region is protected by a number of international designations including the Solent Maritime SAC, Chichester and Langstone Harbours Special Protection Area (SPA) and Ramsar site, Portsmouth Harbour SPA and Ramsar site, Solent and Southampton Water SPA and Ramsar site; as well as the nationally designated Sites of Special Scientific Interest (SSSIs) that underpin these international designations.

The Solent water environment is one of the most important for wildlife in the United Kingdom. It is protected under the Water Environment Regulations and the Conservation of Habitats and Species Regulations 2017 (as amended) as well as through national legislation for many parts of the coastline and adjacent maritime areas. Natural England has confirmed high levels of nitrogen and phosphorus are entering this water environment and that there is sound evidence that this eutrophication is causing excessive growth of plants and algae which reduces oxygen and light levels and is leading to negative effects on the special features for which the European sites are designated. These nutrient inputs mostly come either from agricultural sources or from waste water from existing housing and other development.

Natural England currently advises that every permission for new dwellings in the River Test Catchment Area could result in increased nutrients entering the Solent area (NE776 Edition 5 Nutrient Neutrality and Nutrient Mitigation.pdf) from the increase in waste water and land use change. Accordingly, the Local Planning Authority considers this proposal is likely to lead to significant effects on the European Sites and an Appropriate Assessment (AA) is required.

Nitrogen budget

In line with Natural England's Advice on Nutrient Neutrality, a calculation of the nitrogen burdens of the proposal is required. Natural England has issued guidance and a calculator tool to be used by applicants and this is available here: https://www.wiltshire.gov.uk/planning-bio-phosphorous-nitrogen-mitigation

The applicant has submitted a calculation tool which is welcomed. However, Natural England have released an updated version of the metric. A completed version of the latest calculator tool has been submitted alongside this consultation response. (Nutrient_Calculator_Solent_V_02_PL202305919_DRAFT). **In the first instance, confirmation is required from the applicant that they approve of the inputs used in the updated calculator tool.** Any suggested amendments will need to be suitably justified and supported by evidence.

After the total annual nitrogen load (kg TN/yr) output from the calculator tool is agreed, confirmation will be required from the applicant on the suitable mitigation strategy.

There are various mitigation options available for applicants.
Wiltshire Council has a strategic mitigation scheme to counterbalance the nitrogen burdens from planned development. We can confirm that this option would be applicable for this proposal, provided the nitrogen budget has been approved. The price of nitrogen credits is set at £2650

per 1 kg/N. For applicants wishing to use the Council scheme, a standard payment will be required by unilateral undertaking (UU).

Should the developer wish to use the strategic scheme, please contact nutrientscheme@wiltshire.gov.uk) for further information.

Bespoke Mitigation or Alternative Strategic Scheme
Alternatively, a bespoke scheme of mitigation can be submitted provided this has been agreed with Natural England. Alterative strategic mitigation sites are available in the Solent. The latest information on mitigation options is available on the Partnership for South Hampshire website.

Potential mitigation schemes available to developers - Partnership for South Hampshire (push.gov.uk)

Until a mitigation scheme has been agreed, it is unlikely that an Appropriate Assessment for this development could conclude with sufficient certainty that there will be no adverse effects on the Solent SACs and SPAs, alone and in-combination with other plans and projects.

Section 5.25 of the submitted Planning Statement implies the applicant wishes to use the Council's mitigation strategy. A financial contribution to the Council's mitigation scheme needs to be secured to cover the required mitigation land. **Therefore, confirmation is required that the applicant is willing to enter a UU agreement with the council to pay the Nitrates Mitigation Sum of £8,135.5 (£2,650 x 3.07 kg TN/yr).** There will also be a will be a one-off payment to Legal Services of £350 for drafting the Unilateral Undertaking. Further details of the UU process have been sent to the case officer to share with the applicant.

Ecology will need to be reconsulted once the applicant has confirmed their preferred mitigation option.

In carrying out its statutory function, the LPA must be reasonably sure that the proposal will not result in significant adverse effects on protected habitats or species. The information outlined above must therefore be submitted and reviewed by the LPA's ecology team prior to determination of the application.

DRAFT CONDITIONS: to be finalised when all information detailed above has been submitted and approved.

CONDITIONS: these will be added once the issues above have been addressed

1. **Lighting**

No external light fixture or fitting will be installed within the application site unless details of existing and proposed new lighting have been submitted to and approved by the Local Planning Authority in writing. The submitted details will demonstrate how the proposed lighting will impact on bat habitat compared to the existing situation.

REASON: To avoid illumination of habitat used by bats.

2. Unilateral Undertaking

A signed Nitrogen Mitigation Unilateral Undertaking (River Test Catchment Area)

3. Water Efficiency in River Test Catchments

The overnight development hereby approved shall be designed to ensure it does not exceed 110 litres per person per day water consumption levels (which includes external water usage) and a water efficiency assessment should be submitted. Before the development is brought into use, a water efficiency report certifying that this standard has been achieved shall be submitted to the local planning authority for its written approval.

REASON: To ensure compliance with the prevailing mitigation strategy for nutrient neutrality in the water catchment within which this development is located.

4. Compliance with submitted documents

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

- Drawing: Proposed Site Plan, Ref: 0800/PL/01, Rev: A, Date: 15.09.23 by Larkham Design Ltd

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

Final sign off – all matters addressed:

Ecologist	Date