Wiltshire Council Planning Consultation Response

ECOLOGY

Officer name:	Max Hemmings
Date:	20/03/2024
Application number:	PL/2024/00302
Proposal:	Change of Use application from Area of Natural Greenery (ANG) to Paddocks (agricultural) with new vehicle access, car parking and landscaping.
Site address:	Land off Humber Lane, Tidworth, SP9 7BE
Case officer:	Lucy Minting

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	Lack of mitigation	CP50, NPPF, WCA	**20/03/2024** Sufficient and appropriate mitigation measures to be shown on development drawings such as Landscape Plan.	**NO**
2	Habitat Regulations Assessment (HRA): River Avon SAC catchments – agricultural intensification	Hab Regs	**20/03/2024** A nutrient calculation tool and nutrient strategy which is suitable to favourably conclude an Appropriate Assessment.	**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 <u>all</u> 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.

The site is designated mitigation land under the previously planning application 19/09725/VAR (being a variation of condition 2 for 16/05090/FUL). Compliance to the Planting Plan (ACLA/BFJ 03, Date 02/16 by ACLA Ltd) was conditioned under 16/05090/FUL and this was not varied by 19/09725/VAR.

1. **Lack of Mitigation**

The information submitted to this application confirms the conditioned Planting Plan has not been implemented and the proposed development seeks to change the land use from a biodiversity mitigation area to paddocks.

The current proposal conflicts with Core Policy 50 of the adopted Wiltshire Core Strategy 2015 and Paragraphs 185 (b) and 186 (a) of the National Planning Policy Framework December 2023, because sufficient mitigation is not included in the proposal.

The proposed development must provide as much or much functional habitat and connectivity for the range of wildlife that the previous mitigation scheme (drawing ACLA/BFJ 03, Date 02/16 by ACLA Ltd) would have supported.

The location and specification of the proposed habitats and protected species features must be suitably detailed in a Landscape Plan to overcome this reason for refusal.

2. **Habitat Regulations Assessment (HRA) - Hampshire River Avon Special Area of Conservation (SAC) Catchment**

This development falls within the River Avon catchment and is for agricultural development that supports intensification of livestock numbers. It has the potential for adverse effects alone or in combination to the River Avon Special Area of Conservation (SAC) with other developments through increased phosphorous in the catchment.

In order to avoid impacts on the European sites, Natural England advises that all development with the potential to give rise to additional phosphorus should achieve nutrient neutrality before it is permitted. 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 under the Conservation of Habitats and Species Regulations 2017 (the Habitats Regulations).

A scheme for nutrient neutrality has not been submitted with this application and therefore we currently don't have sufficient evidence to conclude that it is compliant with the Habitats Regulations.

A bespoke nutrient calculation will be necessary in this case. Information on calculating the phosphorus budget can be found here: https://www.wiltshire.gov.uk/planning-bio-phosphorous-nitrogen-mitigation. The latest nutrient calculator should be submitted to the case officer for approval. We advise that Natural England is contacted through their Discretionary Advice Service https://www.gov.uk/guidance/developers-get-environmental-advice-on-your-planning-proposals for advice to help calculate the budget and to provide advice on options for mitigation.

The application must submit their own mitigation strategy showing the development will achieve nutrient neutrality, together with a letter from NE demonstrating that the strategy and development proposals submitted for planning have been reviewed by them and found to be compliant with the Habitats Regulations. Until we've got NE's agreement that the development we are permitting is nutrient neutral, we cannot conclude AA's favourably.

Habitat Regulations Assessment (HRA) – Test of likely significance: Salisbury Plain Special Protection Area buffer

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, there is no mechanism for adverse effect. **The HRA has concluded that the application is not likely to have significant impacts on the SPA and Appropriate Assessment is not required.**

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.

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

Final sign off – all matters addressed:

Ecologist	Date