Wiltshire Council Planning Consultation Response

ECOLOGY

Officer name:	Max Hemmings
Date:	~~04/12/2023~~ ~~15/02/2024~~ ~~06/03/2024~~ 20/03/2024
Application number:	PL/2023/08252
Proposal:	Erection of 2 No Dwellings with parking and amenity areas.
Site address:	Land Adjacent Windwhistle, Lopcombe, Salisbury, SP5 1BX
Case officer:	Joe Richardson

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	Ecological Impact Assessment (EcIA)	WCA, NPPF, CP50	**04/12/2023** An Ecological Assessment has been submitted in support of this application however this contains insufficient information to determine potential impacts on the following habitats and protected/ notable species: - Reptiles	**YES** Preliminary Ecological Appraisal, Land at Windwhistle Lopcombe, Date: 21/02/2024 by Vesper Conservation & Ecology Ltd **06/03/2024**
2	Habitat Regulations Assessment (HRA) - River Test Catchment	Hab Regs	**04/12/2023** A nitrogen budget. Once the nitrogen budget is confirmed the suitable mitigation strategy needs to be agreed and an Appropriate Assessment will likely be required.	**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.

The ecology report (Preliminary Ecological Appraisal, Land at Windwhistle Lopcombe, Date: ~~21/09/2023~~ 21/02/2024 by Vesper Conservation & Ecology Ltd) is welcome.

The ecology report confirms the following protected /notable ecological features on the site:

- **Slow-worms**

The trees and hedgerows are of district importance since they provide a green corridor to connect to the wider landscape.

The report also confirms the site has the potential to host:

- **Amphibians**
- **Hedgehogs**
- **Breeding birds**
- **Bats (roosting, foraging and commuting)**

Although no evidence of badger was confirmed they are a mobile species, and it is considered likely for the site hosts suitable habitat for badgers (setts, foraging and commuting). Therefore, the conditioned CEMP (if this application is approved) should include the suitable pre-works construction walk over and other measures to ensure badgers and the other relevant protected species/habitats are suitably protected.

1. **Ecological Impact Assessment (EcIA)**

<u>Reptiles</u>

~~It is unclear if the recommendation for the "*presence absence survey for retiles undertaken on the suitable habitat at the north end of the site in and around the glasshouses*" is meant for this application since there were no other mention of glasshouses and reptile presence was confirmed on the site walkover.~~

~~The report concluded that the site is highly suitable for these species and a small population of reptiles (six slow-worms) was confirmed seemingly from one walkover. Further clarification supported by evidence is required on how the site's importance for reptiles was determined without further survey effort using best practice guidelines.~~

~~The appropriate mitigation can only be approved when the site's importance for reptiles is determined.~~

~~The inclusion of mitigation measures for reptiles on the Proposed Site Plan is welcome. The specification of the proposed reptile refuges needs to be detailed and should follow best practice guidelines for reptile basking and hibernaculum mitigation habitat.~~

~~The reptile translocation receptor site needs to be approved prior to the determination of this application. Information is required on why the receptor site is suitable for the species and anticipated number of individuals and how it will be enhanced to support reptiles.~~

~~**15/02/2024** – The submission of an amended ecology report is welcomed however, there remains uncertainty if further reptile surveys will be conducted. The recommendations on page 5 of the ecology report state "That a presence absence survey for reptiles is undertaken on the~~

~~suitable habitat.". However, further details what those surveys are expected to involve along with the anticipated timelines are not mentioned further in the report.~~

~~In addition, the previous information request for "further clarification supported by evidence is required on how the site's importance for reptiles was determined without further survey effort using best practice guidelines." has not been provided.~~

~~Additional mitigation has been provided but this cannot be determined to be appropriate until the site's importance for reptiles is suitably confirmed. Certain locations within the site might hold higher importance for the existing reptile population and the design of the scheme should seek to retain any areas of importance in the first instance before mitigation is considered~~.

Clarification is required on the proposed landscaping in the south-west corner (see the screen shot below). The reptile mitigation suggests this area will be cleared from scrub to create reptile habitat which conflicts with the habitat connectivity mitigation of creating scrub and trees around the border of the site to ensure the functionality remains for biodiversity including but not limited to breeding birds.



~~In addition, the Species section on page 4 mentions a barn with moderate bat roosting opportunities which isn't discussed further in the report. Clarification is required if this is erroneously added to this report or if further bat surveys are required.~~

06/03/2024 The information request for justification of the site's importance for reptiles and the suitable mitigation strategy has been satisfactorily addressed. The second drawing in Appendix 2 should be included in the conditioned CEMP if this application is approved.

The drawing *Proposed Site Plan, No: P20-70 02-02-01, by Barclay + Phillips Ltd* will need to be revised to show the location of the PTP (see section 2 below) and the drawing should also be amended to show the proposed landscaping and reptile mitigation in the south-west corner as discussed above in the 15/02/2024 Ecology comment. **End of 06/03/2024 comment.**

20/03/2024 The submission of an updated drawing *Proposed Site Plan, No: P20-70 02-02-01, Rev: D, Date 19.03.2024 by Barclay + Phillips Ltd* is welcome however it remains unclear how

the proposed wildflower area in south-western corner will be maintained when a hedgerow prevents access to this area from Plot 1. As mentioned in the 15/02/2024 comment the clearance of the existing scrub in this south-west section conflicts with the habitat connectivity mitigation of creating scrub and trees around the border of the site to ensure the functionality remains for biodiversity including but not limited to breeding birds. Therefore, the current proposals conflict with CP50.

2. **Habitat Regulations Assessment (HRA) - River Test Catchment**

Solent Maritime Special Area of Conservation (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.

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 Special Area of Conservation (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 (Guidance dated June 2020) 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.

A nitrogen calculator has been submitted for the development proposal but it has been filled out. Further information is required - **please submit a completed nitrogen budget for Wiltshire Council's approval.**

15/02/2024 – A Nutrient Budget Calculator has been submitted to this application which is welcomed, however the tool has been onerously completed. A new calculation tool has been created by Natural England, a link to the new tool is on the Council's website (see link above).

Since this application was submitted before the new calculator was published, the tool has been filled out on behalf of the applicant and attached alongside this application response, an updated tool has been submitted in the 20/03/2024 response. **This will need to be checked by the applicant with any amendments suitably justified.**

The calculation tool indicates that the applicant wishes to include a Package Treatment Plant as part of the waste solution for the proposed development. **The ~~location and~~ specification of the PTP and associated infrastructure should be clearly shown on the proposed site plan~~. In addition, the PTP certificate (i.e. the PIA certificate) confirming the totN needs to be submitted.~~**

Non Mains Drainage: Primary responsibility for ensuring sewage systems for new developments are adequate lies with the Building Control Department. We would recommend the case officer is satisfied that a non-mains sewerage system is appropriate and practicable in the circumstances taking into account ground water conditions throughout the year. For further guidance see the National Planning Practice Guidance "Water supply, wastewater and water quality". Any installation of a Package Treatment Plant needs to meet approval of Environment Agency's requirements under their permitting role.

The updated draft calculation tool indicates a nutrient load of ~~3.92~~ 5.30 kg TN/yr is anticipated, therefore mitigation is required.

Wiltshire Council has a strategic mitigation scheme to counterbalance nitrogen burdens. 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.

~~**Should the developer wish to use the strategic scheme, please notify the case officer / ecologist 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.

https://www.push.gov.uk/work/mitigation-schemes-available-to-developers/

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. **End of 15/02/2024 comment**

06/03/2024 – this information request has not been addressed, the key actions to progress this application have been highlighted in bold for ease of reference. **End of 06/03/2024 comment**

20/03/2024 – The PIA certificate has been submitted to this application and is welcomed. The specification of the PTP has not been included in the site plan but the specification (otto graf one2clean) has been confirmed and its installation will need to be secured by an appropriately worded condition if this application is approved.

The applicant has agreed by email confirmation (RE: PL/2023/08252 - Lopcombe Corner, Date Monday, March 18, 2024 12:11 PM) that the Wiltshire Council strategic scheme is the preferred mitigation option. However, the amount of mitigation required needs to be approved before this option can move forward.

An updated Nutrient Calculator was submitted by the applicant and was uploaded to the portal on the 07 March 2024 but the tool has been onerously completed. For example, under the "Nutrients_from_wastewater" tab, column C, row 11 the "current wastewater treatment works N permit (mg TN/litre):" must align to the values given in the PIA certificate which for the otto graf one2clean PTP is 9.1 mg/l. In addition, no justification was provided for the amendments to the previously submitted calculator in the "Nutrients_from_current_land_use" tab. The updated draft calculator tool (Nutrient_Calculator_PL202308252_20022024_draft) has been uploaded to the planning portal alongside this Ecology consutlation response and this will be the last time a calculator tool is completed on behalf of the applicant. **The updated tool will need to be checked by the applicant with any amendments suitably justified and supported by evidence.**

If this information is not provided to the Local Planning Authority, the Appropriate Assessment cannot be favourably concluded. Therefore, the Ecology reason for refusal is due to lack of information that demonstrates that the proposal would be compliant with the Hab Regs and would not result in significant adverse impacts to internationally protected habitats.

This objection could be overcome by submission of an appropriate calculation tool which details and accurate representation of the anticipated nutrient load or the approval of the updated tool "Nutrient_Calculator_PL202308252_20022024_draft".

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 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 New Forest Protected Sites mitigation for this development is: Contributions through CIL towards SAMM.

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.

1. **Construction Environment Management Plan (CEMP)**

Prior to the commencement of works, including demolition, ground works/excavation, site clearance, vegetation clearance and boundary treatment works, a Construction Environmental Management Plan (CEMP) shall be submitted to the local planning authority for approval in writing. The Plan shall provide details of the avoidance, mitigation and protective measures to be implemented before and during the construction phase, including but not necessarily limited to, the following:

a) Identification of ecological protection areas/buffer zones and tree root protection areas and details of physical means of protection, e.g. exclusion fencing.
b) Working method statements for protected/priority species, such as badgers, small mammals, bats, nesting birds and reptiles.
c) Mitigation strategies already agreed with the local planning authority prior to determination, such as for badgers, reptiles; this should comprise the pre-construction/construction related elements of strategies only.
d) 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.
e) Key personnel, responsibilities and contact details (including Site Manager and ecologist/ECoW).
f) Timeframe for provision of compliance report to the local planning authority; to be completed by the ecologist/ECoW and to include photographic evidence.

Development shall be carried out in strict accordance with the approved CEMP.

REASON: To ensure adequate protection and mitigation for ecological receptors prior to and during construction, and that works are undertaken in line with current best practice and industry standards and are supervised by a suitably licensed and competent professional ecological consultant where applicable.

1. **Lighting**

No new external artificial lighting shall be installed at the site unless otherwise agreed in writing by the local planning authority.

REASON: In the interests of conserving biodiversity.

2. **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.

3. **Compliance with submitted documents**

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

- Drawing: Proposed Site Plan, No: P20-70 02-02-01, Date: TBC, Rev: TBC by Barclay + Phillips Ltd.
- Arboricultural Impact Assessment, Project no: 2050, Date: 17th January 2023 by SJ Stephens Associates

The installation of the biodiversity mitigation and enhancement measures will be supervised by a professional ecologist and will continue to be available for wildlife for the lifetime of the development.

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

4. **PTP Condition**

The proposed package treatment plant (otto graf one2clean) and drainage field (Proposed Site Plan, No: P20-70 02-02-01, Date: **TBC**, Rev: **TBC** by Barclay + Phillips Ltd). shall be installed, maintained and operated in accordance with the submitted specification and details hereby approved. Any subsequent replacements shall have an equivalent or improved performance specification. The package treatment plant and drainage field shall be installed, connected and available for use before the development is occupied and they shall be maintained and operated thereafter for the lifetime of the development.

Reason: To provide ongoing and adequate nutrient mitigation for the nutrient neutrality water catchment for the life of the development and to ensure that any future PTP is of an equivalent or improved standard.

5. **Soft Landscaping**

All soft landscaping comprised in the approved details of drawing Proposed Site Plan, (Proposed Site Plan, No: P20-70 02-02-01, Date: **TBC**, Rev: **TBC** by Barclay + Phillips Ltd) shall be carried out in the first planting and seeding season following the first occupation of the building(s) or the completion of the development whichever is the sooner,

- All shrubs, trees and hedge planting shall be maintained in accordance with the Proposed Site Plan for the duration of the development from the commencement of the scheme and shall be protected from damage by vermin and stock.
- Any trees or plants which, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local planning authority.

REASON: To ensure the area remain functional for biodiversity

Final sign off – all matters addressed:

Ecologist	Date