Wiltshire Council Planning Consultation Response

ECOLOGY

Officer name:	Max Hemmings
Date:	05/07/2024
Application number:	PL/2023/10100
Proposal:	Variation of conditions 2, 3, 4, 5, 6, 7, 9, 12, 13 and 15 of 20/07754/FUL relating to the agricultural building - To allow removal of rooflights and replacement with 4no. windows on western elevation and 6no. windows on east elevation, removal of open sided hay and straw store to the southern end and replacement with open lean-to structure of same width extending to 5.5m in length, removal of open sided Alpaca Area on western elevation, change to positioning of roller shutter on north elevation to central position and reduction in size, installation of steel door to northern elevation, installation of additional roller shutter door on west elevation to provide additional access
Site address:	Oak Tree Farm, Crawlboys Lane, Ludgershall, Andover, SP11 9PL
Case officer:	Georgina Wright

Recommendations:

	No Comment
	Support
	No objection
X	Condition (no objection subject to conditions)
	Objection - further information required
	Objection in principle
X	HRA required – As required by the Habitats Regulations an Appropriate Assessment has been completed by the LPA with a favourable conclusion. The AA has been sent to Natural England (05/07/2024) and the application must not be determined until they have agreed with the LPAs conclusion.

Salisbury Plain Special Protection Area (SPA) 6.4km buffer.

This application lies within the 6.4km buffer zone of influence of the Salisbury Plain SPA and in light of the HRA for the Wiltshire Core Strategy and the HRA for the Wiltshire Housing Site Allocations Plan it is screened into Appropriate Assessment due to the potential impact of recreational pressure on stone curlew in combination with other plans and projects.

That Appropriate Assessment reached a conclusion of no adverse effects on site integrity for development within 6.4km of the SPA boundary provided that the mitigation scheme continues to be implemented. Annual stone curlew monitoring and protection measures continue to be secured by the Council.

In April 2023 Natural England (NE) confirmed that the 2018 Appropriate Assessment for Salisbury Plain continues to be supported by NE.

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 SAC, Chichester and Langstone Harbours 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.

The applicant has submitted a bespoke mitigation strategy (*Technical Note 1: Nutrient Neutrality, 1947 – Oak Tree Farm, Date: 03 June 2024 by Condon Drew Associates Ltd*) which is summarised below:

Impact:

- The total change of land use encompasses an area of 0.51 ha.
- The proposed development comprises five residential dwellings that will change the land use from existing lowland grazing to residential urban land.
- All the residential dwellings will be connected to their own Package Treatment Plant (PTP), see Appendix E of the Technical Note for the drainage strategy.
- The proposed PTPs are all Bio Easy Flow PTP by HABA which has an effluent TN rate of 5.6 mg/l (the PTP certificate is included in Appendix C).
- As summarised in Table 3.1, the submitted nutrient budgets (1947-Solent Calcs-Plot 1-5) confirm **the total annual nitrogen load to mitigate is 3.94kg/TN/yr**

Mitigation:

Outside of the application's redline boundary but within the blue line boundary, an existing residential property is served by a septic tank with unknown specifications. The "N permit" value is "Septic Tank Default" and the submitted nutrient budget (1947-Solent Calcs-Existing House) confirms the existing total annual nitrogen load is 12.16 kg/TN/yr

The proposed mitigation includes the replacement of the existing septic tank with a BIO EASY FLOW PTP by HABA. The submitted nutrient budget (1947-Solent Calcs-Existing House - PTP) confirms if this mitigation is implemented the total annual nitrogen load will be 0.46 kg/TN/yr resulting in a net reduction of 11.70 kg/TN/yr.

When the net reduction of 11.70 kg/TN/yr resulting from the mitigation is considered with the anticipated burden of 3.94 kg/TN/yr from the operational use of the five proposed dwellings the **total annual nitrogen load will be reduced by 7.76 kg/TN/yr.**

If this application is approved, the proposed nutrient strategy will be secured by the conditions shown at the end of this ecology response.

As required by the Habitats Regulations an Appropriate Assessment has been completed by the LPA with a favourable conclusion. The AA has been sent to Natural England (05/07/2024) and the application must not be determined until they have agreed with the LPAs conclusion.

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

1. **Compliance with submitted documents**

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

- Technical Note 1: Nutrient Neutrality, 1947 – Oak Tree Farm, Date: 03 June 2024 by Condon Drew Associates Ltd

REASON: To ensure the development is complaint with the Habitat Regulations

2. **Water efficiency**

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.

A water efficiency calculation will be needed to discharge this condition. For guidance on how to do this and what is required, please refer to the following document: 'The Building Regulations 2010 – Sanitation, hot water safety and water efficiency', Appendix A (p36-44).

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/504207/BR_PDF_AD_G_2015_with_2016_amendments.pdf

3. Replacement PTP

Prior to the first occupation of the two new dwellings hereby approved, the existing septic tank that serves the existing dwelling at Oak Tree Farm located within the blue line of the Location Plan (Appendices A & E of the report*: Technical Note 1: Nutrient Neutrality, 1947 – Oak Tree Farm, Date: 03 June 2024 by Condon Drew Associates Ltd*) shall be removed and replaced with the proposed package treatment plant (Bio Easy Flow by HABA). Any subsequent replacements shall have an equivalent or improved performance specification. The replacement package treatment plant for the existing dwelling (Oak Tree Farm) 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.

4. 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.

The plans will be in accordance with the appropriate Environmental Zone standards set out by the Institution of Lighting Professionals (ILP) Guidance Notes on the Avoidance of Obtrusive Light (GN 01/2021) and Guidance note GN08/23 “Bats and artificial lighting at night”, issued by the Bat Conservation Trust and Institution of Lighting Professionals.

REASON: To avoid illumination of habitat used by bats.

Final sign off – all matters addressed:

Ecologist	Date