

Wiltshire Council Planning Consultation Response

ECOLOGY

Officer name:	Elizabeth Burrows
Date:	06/08/2024 ECO3
Application number:	PL/2022/03103
Proposal:	Outline Application for up to 30 dwellings (as amended) with all matters reserved (except access)
Site address:	Land to the East of Wagtails, Southampton Road, Alderbury , SP5 3AF
Case officer:	Lynda King

Recommendations:

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

Further Information Required:

	Issue	Policy/Legislative Compliance	Date information requested & Further information required	Satisfactorily addressed (Document & Date)
1	Baseline information and impact on biodiversity	CP50, NPPF	Amended ecological impact assessment to include, but not exclusively: Assessment of pond. Pond has been removed. Botanical survey. Yes Reptile survey (yes) and mitigation strategy (no). Amended tree impact assessment. Mitigation and enhancement plan to achieve no net loss of biodiversity. This must align with the EPP. No, compensation strategy required	Yes (assuming applicant agrees to contribute to council led scheme).
2	Net loss in Biodiversity	CP50, NPPF	Evidence of no net loss in biodiversity. Unlocked BNG spreadsheet. Condition assessment sheets used in the site assessment. Plan/s (EPP) demonstrating where proposed for mitigation or for BNG will be provided.	Yes (assuming applicant agrees to contribute to council led scheme).

			No, compensation strategy required	
3	Mitigation	CP50, NPPF	Ecological Parameters Plan (EPP).	Yes. Amended Site Plan 13 January 2023.
4	River Avon SAC	Habitat Regulations, CP50, CP69, NPPF	Nutrient calculation. Excel format. SUDS statement.	Yes A 2.96 kg per yr Nutrient_Calculators_River_Avon June 24.

Matters Considered:

Thank you for re-consulting ecology. These comments address remaining ecological issues raised in previous consultation response from Ecology dated 09/11/2022, 14/06/2023 and 11/10/2023.

The following submissions have been reviewed:

- Amended Site Plan 13 January 2023.
- Biodiversity Metric 3.00. Assessor MPG. Assessment Date (02.03.22).
- A 2.96 kg per yr Nutrient_Calculators_River_Avon June 24

Items 1 and 2

This application was submitted prior to Biodiversity Net Gain (BNG) becoming mandatory on 12th February 2024, therefore BNG *per se* is not obligatory. However, Core Policy 50 of the Wiltshire Core Strategy requires all development to demonstrate no net loss of biodiversity and to seek opportunities to enhance biodiversity. The NPPF also encourages applications to deliver measurable net gains (para 186 d).

The submitted metric predicts a net loss of -2.53 habitat units. In order to demonstrate compliance with Core Policy 50 and deliver '*no net loss of the local biodiversity resource, and secure the integrity of local ecological networks*' details of a compensation package that benefits local biodiversity resource is required.

The requested developer compensation strategy has not been forthcoming. In the interest of moving this application forward the council considers that the deficit can be acceptably addressed through financial contribution to a council led scheme at a cost of £30,000 per habitat unit. The contribution must be secured by legal agreement.

As an absolute minimum the Biological Mitigation/ Natural Areas shown on the Amended Site Plan must be delivered in full at reserve matters. A reserve matters application that results in the loss, reduction or fragmentation of Biological Mitigation/ Natural Areas shown on the Amended Site Plan will not be acceptable.

Habitat Regulations Assessment: Hampshire River Avon Special Area of Conservation (SAC) Catchment (Item 4)

This development falls within the catchment of the River Avon SAC and has potential to cause adverse effects alone or in combination with other developments through discharge of phosphorus in wastewater. Appropriate Assessment under Section 63 of the Habitats Regulations must be carried out by the relevant Competent Authority (the LPA) to determine the potential significant effects and the suitability of any measures proposed to avoid or mitigate those effects.

The Council's current strategic mitigation approach has now changed following a cabinet report in early February. The Council-led scheme will only be available for planned development where

there is a supply of mitigation credits for the relevant sub-catchment, and the credits will only be allocated to applications that are advanced in the planning system. Developer contributions via planning obligations are sought for planning applications that wish to use the Council-led scheme.

A Hampshire Avon Credit Screening Approval Certificate will be supplied to the case officer alongside this response. Once the applicant receives this certificate they can apply to the Council-led scheme via the website [Development Applications in the Hampshire Avon](#).

A phosphorus budget has been submitted and reviewed by Wiltshire Council. **The total annual phosphorus load to mitigate is 2.96 kg TP/yr.**

Compliance with the Council-led scheme, or provision of an alternative approved mitigation package, will be secured via condition (see below). It is considered that this approach delivers the required level of certainty to secure effective mitigation for the phosphorus burdens of this planning application. There will be no in combination effects with other developments, therefore it is concluded that there would be no adverse effect on the integrity of the above European sites as a result of the development.

A strategic Appropriate Assessment is being progressed for applications using the Council-led scheme. The recommendation of 'no objection – subject to conditions' is based on sign off of this Appropriate Assessment which is expected imminently.

The applicants have also investigated alternative off-site mitigation with Burrows Environmental Ltd. A positive Habitat Regulations Assessment will require evidence that this mitigation has been endorsed by Natural England (NE). This evidence must be provided by the applicant it will not be acceptable to rely on endorsement of the council's own scheme.

The applicant should be directed to the Guidance Note for Completing Agreements Under S.111 of the Local Government Act 1972

New Forest protected sites

The proposed development site lies within the 13.8km zone of influence for the New Forest protected sites, which comprises the New Forest SPA, New Forest SAC and New Forest Ramsar site. Therefore, the application is screened into appropriate assessment under the Habitats Regulations 2017 (as amended) on account of its potential to cause adverse effects on the New Forest protected sites through increased recreational pressure which may occur alone and in combination with other plans and projects. Many of the special features of the New Forest protected sites afforded protection are vulnerable to adverse effects associated with an increase in 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.

Following a Cabinet decision on 7 May 2024, Wiltshire Council's "Interim recreation mitigation strategy for the New Forest internationally protected sites" (Version 1.1, 21 March 2023) is being revised. Cabinet approved revised mitigation measures to manage recreational pressures on the New Forest protected sites, including the cessation of use of Community Infrastructure Levy (CIL) to fund Strategic Access Management and Monitoring (SAMM) measures for minor residential development (1-49 dwellings) and tourism / visitor accommodation within the 13.8km zone of influence. Instead, SAMM measures are to be funded by developer contributions at a rate of £600 (plus legal and admin fees) per unit of residential or tourism accommodation. This revision applies to all development that will result in a net increase in accommodation units within the 13.8km zone of influence from the New Forest protected sites and therefore applies to this application. Evidence for the revised approach derives from the New Forest SAMM Report

(Footprint Ecology, October 2023) which can be found here: [Research into recreational use of the New Forest's protected habitats - New Forest National Park Authority \(newforestnpa.gov.uk\)](https://www.newforestnpa.gov.uk/research-into-recreational-use-of-the-new-forest-protected-habitats).

The New Forest SAMM Report was commissioned by all the local planning authorities with areas lying within the 13.8km zone, in order to identify and implement a consistent strategic approach to mitigation across the zone of influence.

It will therefore be necessary for developer contributions of £600 per dwelling / tourism unit (plus legal and admin fees) to be secured via s111 agreement, unilateral undertaking or s106 agreement for this application to ensure the necessary mitigation is secured. This will enable the Council to conclude, subject to endorsement from Natural England, that the development proposed by means of this application will not lead to significant adverse effects on the New Forest protected sites alone or in-combination with other plans and projects.

Legal agreement requirements.

- **Developer contribution of £75,900 for delivery of biodiversity units.**
- **Developer contributions of £600 per dwelling / tourism unit (plus legal and admin fees)**

CONDITIONS:

The following, or similarly worded, conditions are recommended.

1. The development hereby permitted shall not commence until evidence of compliance to the Wiltshire Council River Avon Special Area of Conservation Mitigation scheme, or an alternative approved mitigation package addressing the additional nutrient input arising from the development, has been submitted to, and approved in writing by the Local Planning Authority.

Reason: To accord with the Conservation of Habitats and Species Regulations 2017, and Wiltshire Core Strategy Core Policy 69.

2. 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. 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 nesting birds and reptiles.
- c) 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.

- d) Key personnel, responsibilities and contact details (including Site Manager and ecologist/ECoW).
- e) 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.

4. Prior to the start of construction, a Landscape and Ecology Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority. The LEMP will include long term objectives and targets, management responsibilities and maintenance schedules for each ecological feature within the development, together with a mechanism for monitoring success of the management prescriptions, incorporating review and necessary adaptive management in order to attain targets.

The LEMP shall also include details of the legal and funding mechanism(s) by which long-term implementation of the plan will be secured. The LEMP shall be implemented in full and for the lifetime of the development in accordance with the approved details.

REASON:

To ensure the long-term management of landscape and ecological features retained and created by the development, for the benefit of visual amenity and biodiversity for the lifetime of the scheme.

5. Prior to the start of construction, a Reptile Mitigation and Enhancement Strategy Plan shall be submitted to and approved in writing by the Local Planning Authority. The strategy will include long term objectives and targets, management responsibilities and maintenance schedules for reptiles and their habitat within the development, together with a mechanism for monitoring success of the management prescriptions, incorporating review and necessary adaptive management in order to attain targets.

REASON:

To ensure the long-term management of landscape and ecological features retained and created by the development, for the benefit biodiversity for the lifetime of the scheme.

6. Compliance with submitted documents

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

- Amended Site Plan 13 January 2023.

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

INFORMATIVE:

Phosphorus Mitigation Strategy

Evidence of compliance to the Wiltshire Council River Avon Special Area of Conservation Mitigation Scheme means the certificate of allocation of credits and confirmation of financial

contribution to the scheme. An alternative mitigation package must be approved by the local planning authority and Natural England with evidence of allocation to the scheme.

Non-mains Drainage

A non-mains sewerage system is proposed. The area in which the development is located is within close proximity to the River Avon and may experience flooding and ground water conditions of concern. Primary responsibility for ensuring sewage systems for new developments are adequate lies with the Building Control Department. We would recommend you satisfy yourself 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.

Protected Species

The applicant should note that under the terms of the Wildlife and Countryside Act 1981 (as amended) and the Habitats Regulations 2017 (as amended) it is an offence to disturb or harm any protected species including for example, breeding birds and reptiles. The protection offered to some species such as bats, extends beyond the individual animals to the places they use for shelter or resting. Please note that this consent does not override the statutory protection afforded to any such species. In the event that your proposals could potentially affect a protected species you should seek the advice of a suitably qualified and experienced ecologist and consider the need for a licence from Natural England prior to commencing works. Please see Natural England's website for further information on protected species.

Final sign off – all matters addressed:

Ecologist	Date
Elizabeth Burrows	07/08/2024