Wiltshire Council Planning Consultation Response

ECOLOGY

Officer name: Mary Holmes MCIEEM
Date: 24/10/2024

Site Address: Auto Services, Carsons Yard, East Street, Warminster, BA12 9NA
Application No: PL/2023/02892
Proposal: Demolition of existing industrial building & erection of three town houses - (Re-Application of 14/02782/FUL)
Case Officer: Jonathon Maidment

Recommendations:

	No Comment
	Support
	No objection
	Condition (no objection subject to conditions)
x	Objection - further information required
	Objection in principle
x	HRA required in respect of the River Avon SAC

Further information – see below for more details

	Issue	Policy / Legislative compliance	Date information requested & Further information required	**Satisfactorily addressed (Document & Date)**
1	Nutrient Neutrality	Habitat Regulations	24/10/2024. Nutrient Neutrality via bespoke mitigation required. **Further information below.**	

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.

River Avon SAC (Hampshire Avon Catchment) Habitat Regulations Assessment

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 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 development should seek to achieve nutrient neutrality via a bespoke mitigation scheme.

A positive conclusion to the Habitats Regulations Assessment must be achieved and requires certainty that the development proposals will not have an adverse effect on the integrity of the European

site. Currently the application does not demonstrate how the impacts of these increases in phosphorus will be mitigated. The following information is required:

- A completed phosphorus nutrient budget must be submitted using the latest excel unlocked spreadsheet.
  Information on calculating the phosphorus budget can be found here:https://www.wiltshire.gov.uk/planning-bio-phosphorous-nitrogen-mitigation

- Nutrient mitigation strategy confirming how measures have been adopted to avoid and mitigate phosphorus burdens.

- Evidence demonstrating that the strategy and development proposals submitted for planning have been reviewed by Natural England and found to be compliant with the Habitats Regulations in the first instance. We advise that developers contact Natural England through their charged advice service https://www.gov.uk/guidance/developers-get-environmental-advice-on-your-planning-proposals.

- Drawings clearly showing the location of mitigation.

- A SuDS schedule that sets out the different treatment drains and long-term management to achieve best practice phosphorus removal must be submitted. Wiltshire Council commissioned CIRIA guidelines for sustainable urban drainage systems (SuDS) designed to minimise the amount of phosphorus that arises from urban run-off have now been published.

- Please note that adopting the SuDS schedule is in line with Core Policy 69 of the Wiltshire Core Strategy, Protection of the River Avon SAC. This policy states that 'development will need to incorporate measures during construction and operation to avoid and prevent pollution' and that 'development will be required to undertake proportionate measures to demonstrate that the proposals would have no adverse effects upon the SAC'.

- The Council, as the competent authority needs to have certainty that the development proposals will not have an adverse effect on the integrity of the European site. Currently the application does not include detailed proposals to mitigate the impacts of these increases in phosphorus and consequently, without such detailed proposals, the Council as a competent authority cannot conclude that there would be no adverse effect on the integrity of this European site as a result of the development.

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

Salisbury Plain Special Protection Area (SPA) Habitat Regulations Assessment

This application lies within the 6.4km 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.

A strategic Appropriate Assessment (AA) has been prepared pertaining to development within the 6.4km zone of influence that could result in a likely significant effect on the SPA as a result of an increase in recreational / visitor pressure. The AA reached a conclusion of no adverse effects on the integrity of the SPA or its qualifying features provided that the council's mitigation strategy continues to be implemented. Annual stone curlew monitoring and protection measures continue to be secured by the Council.

In July 2024 Natural England (NE) confirmed that the 2024 strategic AA for Salisbury Plain SPA continues to be supported by NE.

Detailed Condition(s) to follow and shall include:

Restrictive Water usage

Informative for Bats

Final Sign off – all matters addressed. No

Ecologist			Date