

Wiltshire Council Planning Consultation Response

ECOLOGY

Officer name:	Elizabeth Burrows, Senior Ecologist
Date:	28/07/2025
Application number:	PL/2025/03888
Proposal:	Formation of slurry reservoir. Infilling of existing slurry reservoir and erection of new barn (part retrospective).
Site address:	Sharcott Pennings Farm, Wilcot Road, Pewsey, SN9 5NL
Case officer:	Jonathan James

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	River Avon SAC: Hampshire catchment (phosphates)	Habitat Regulations. CP50.	- A copy of the current Farm Nutrient Management Plan (NMP) - Confirmation that the additional slurry that would result from the increase in herd size can be accommodated within the farm's NMP without exceeding crop limits for the land. - A bespoke nutrient calculation (submitted using the unlocked excel spreadsheet). - Bespoke mitigation strategy showing the development will achieve nutrient neutrality. - A letter from Natural England demonstrating that the strategy and development proposals submitted for planning have been reviewed by them and found to be compliant with the Habitats Regulations.	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.

Matters Considered:

Thank you for consulting ecology. The following comments are provided following a review of the relevant information and the documents submitted in support of the application, including:

- Prop Barn – Site plan. Drawing no 230327-03. Rev C. (Fowler Architecture and Planning, April 23).
- Natural England Letter reference 516701 (Natural England, 17 July 2025).
- RMA Environmental Letter reference RMA/LC2827 – Sharcott Pennings Fram NMA (9th April 2025, RMA Environmental)

An Ecological Assessment has not been submitted in support of this application. The proposed development is situated within the confines of an existing farmyard and affects an established slurry reservoir. Aerial imagery indicates that the area impacted comprises bare ground with no evident vegetation or semi-natural habitat features.

Given the nature and location of the development, it is considered unreasonable for the Council to require an Ecological Impact Assessment. Such a requirement would be disproportionate to both the scale of the proposed works and the anticipated impact on biodiversity.

Habitat Regulations Assessment

Salisbury Plain SPA

This application lies within the 6.4km zone of influence for recreational impacts on the Salisbury Plain SPA. A test of likely significance has been carried out by the relevant Competent Authority (Wiltshire Council) as required by Regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as amended). This concluded that given the scale and nature (non-residential) of the development combined with the separation of more than 5km between the SPA and the application site, there is no mechanism for adverse effect. The HRA has concluded that the application is not likely to have significant impacts on the Salisbury Plain SPA and subsequently the application is screened out of Appropriate Assessment

River Avon SAC

This development falls within the River Avon catchment and is for agricultural development that supports intensification of livestock numbers (expansion of dairy enterprise increasing from 1281 to 1678 animals). 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 (as amended) (the Habitats Regulations).

Submission of the RMA Environmental Letter reference RMA/LC2827 – Sharcott Pennings Fram NMA (9th April 2025, RMA Environmental) is noted however this does not include the required information to demonstrate nutrient neutrality. The justification referred to in this letter refers relates to Nitrate Vulnerable Zones not phosphates.

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. Please see below a list of further information required. For comprehensive guidance, applicants are advised to consult Natural England's letter dated 17 July 2025 and Wiltshire Councils website (www.wiltshire.gov.uk/articel/6209/Phosphorus-andnitrogen-mitigation):

- A copy of the current Farm Nutrient Management Plan (NMP) for the Estate
- Confirmation that the additional slurry that would result from the increase in herd size can be accommodated within the farm's NMP without exceeding crop limits for the land.
- A bespoke nutrient calculation (submitted using the unlocked excel spreadsheet) will be necessary in this case. 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 applicant 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.

Biodiversity Net Gain

From 12 February 2024 Biodiversity Net Gain (BNG) became mandatory under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021). As this is a retrospective application the biodiversity gain planning condition cannot be applied.

Note to case officer: you should be satisfied that the proposals meet the above criteria and act accordingly. Further information will be required from the applicant prior to determination in the event the application is considered to be subject to mandatory biodiversity net gain.

CONDITIONS:

These will be added once the issues above have been addressed.

Final sign off – all matters addressed:

Ecologist	Date
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