Wiltshire Council

Wiltshire Council Planning Consultation Response

ECOLOGY

Officer name:	Elizabeth Burrow (Senior Ecologist)
Date:	16/07/2025
Application number:	APP/Y3940/W/24/3356285 Beehive Cottage, Portway, Salisbury PL/2023/07727
Proposal:	Erection of a new dwelling, landscaping and associated works
Site address:	Beehive Cottage, Portway, Old Sarum, Salisbury, SP4 6BL
Case officer:	Richard Hughes, Sarah Hill

The Inspector for APP/Y3940/W/24/3356285 has requested following information (refer to email dated11/07/2025) in relation to the River Avon Special Area of Conservation: Hampshire Catchment:

1. Any evidence the Council has produced in respect of the SAC e.g. any Habitat Regulations Assessment undertaken as part of the development plan;
2. Any relevant Supplementary Planning Document and development plan policies;
3. A copy of any appropriate assessment carried out by the Council prior to determining the application;
4. Any other evidence the Council considers relevant to the conservation objectives of the SAC; and
5. Any relevant correspondence with Natural England regarding the appeal scheme and any agreed framework for development proposals affected by the SAC.

The following information is provided below in response to this request.

1. Due to work pressures Ecology was unable to provide a consultation response to PL/2023/07727 prior to determination of the application and as a result a Habitat Regulations Assessment was not undertaken. The development proposes to upgrade the existing septic tank of the existing house and install a package treatment plant for both dwellings to share. This aims to result in an overall reduction of phosphates entering the River Avon system. Comments in relation to this are provided below.

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

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 submitted nutrient calculation (25 September 2025) does not use the current version of the nutrient calculation therefore is no longer accepted. Using the current nutrient calculator the calculated a total phosphorus budget for the existing is of 1.46 kg TP/year [reference Nutrient_Calculator_River_Avon_SAC_V_03_01_6 PL 2023 07727 Existing WC].

Using the current nutrient calculator the calculated a total phosphorus budget for the proposed is of 2.45 kg TP/year [reference Nutrient_Calculator_River_Avon_SAC_V_03_01_6 PL 2023 07727 Proposed WC].

Using these calculations the total phosphorus budget for the development would be 0.99 kg TP/year (calculated by subtracting the proposed kg TP/year from the exiting kg

TP/year) and mitigation is required. This budget would be accepted by the council's ecology team.

Details of the Package Treatment Plant (PTP) to be used have not been provided. The current proposed calculation assumes the Water Treatment Works will be a PTP default. A reduced total phosphorus budget for the development could be achieved by using a user defined PTP. If a user defined PTP is to be used it must be one from Natural England's approved list (List of Certified Small Wastewater Treatment Systems Up to 50PT). **If a user defined PTP from Natural England's approved list is to be used the following information would be required to approve the budget:**

- **Specification of PTP to be used.**
- **The PIA certificate for the PTP.**
- **Calculations amended to reflect PTP.**
- **Plan to specify the type and location of the PTP.**

The phosphorus budget must be agreed before the development is permitted. Once the phosphorus budget has been accepted by both parties and if a phosphorous burden remains a Council-led scheme of phosphorus credits will be available for development which meets certain criteria at a fixed cost per kilogram of phosphorus, provided supply of mitigation is available. A completed Hampshire Avon Credit Screening Approval Certificate is required to apply for this scheme (Appendix 3). Once the nutrient calculation has been approved the ecology section of this certificate can be completed by the Council's ecology team for this application. This certificate can only be issued by the case officer if the application meets the two deliverability tests. Further details of the Council-led scheme, including eligibility criteria, current cost to purchase credits, and details of how to apply, is available on our website Phosphorus and nitrogen mitigation - Wiltshire Council.

Appropriate Assessment

These comments assume that this application qualifies for and will be proceeding with the Council-led scheme. A strategic Appropriate Assessment (AA) (Appendix 5) has been prepared for qualifying planning applications for residential and non-residential development, within sewered and non-sewered areas of the River Avon SAC catchment. The AA reached a conclusion of no adverse effects on the integrity of the SAC or its qualifying features and has been endorsed by Natural England (NE) provided that the council's mitigation strategy continues to be implemented.

The mitigation fee and administration charge for the scheme can be paid by a section 111 agreement. It is also possible to pay the mitigation fee through a section 106 agreement or unilateral undertaking.

NEXT STEPS:

- The phosphorus budget must be agreed.
- The case officer will provide the credit screening approval certificate
- Once you have received this you can apply directly via this form: Development Application in the Hampshire Avon Catchment
- You will then be emailed directly when credits are available (expected 2 weeks)
- There is then the option of securing credits via a Section 111 form which will be sent to you.

2. Further details of nutrient neutrality including the Council-led scheme is available on Wiltshire Council's website Phosphorus and nitrogen mitigation - Wiltshire Council. Please refer to Appendix 3 for the 6 February 2024 Revised Nutrient Neutrality Strategy and Appendix 4 for the River Avon SAC Updated Strategic Appropriate Assessment.

3. Due to work pressures Ecology was unable to provide a consultation response to PL/2023/07727 prior to determination of the application and as a result an Appropriate Assessment was not undertaken. If the application qualifies for and will be proceeding with the Council-led scheme the strategic Appropriate Assessment (AA) can be applied (refer to Appendix 4). This AA reached a conclusion of no adverse effects on the integrity of the SAC or its qualifying features and has been endorsed by Natural England (NE) provided that the council's mitigation strategy continues to be implemented.

If the application does not qualify for the Council-led scheme, or the applicant decides not to proceed with the scheme, details of an alternative mitigation strategy must be submitted and be subject to a bespoke Appropriate Assessment.

4. Further details of nutrient neutrality including the Council-led scheme is available on our website Phosphorus and nitrogen mitigation - Wiltshire Council.

5. Council records show there is no correspondence with Natural England regarding the appeal scheme. Natural England have approved and River Avon SAC Updated Strategic Appropriate Assessment.

Appendix 1 Nutrient_Calculator_River_Avon_SAC_V_03_01_6 PL 2023 07727 Existing WC
Appendix 2 Nutrient_Calculator_River_Avon_SAC_V_03_01_6 PL 2023 07727 Proposed WC
Appendix 3 Copy of Hampshire Avon Credit Screening Approval Certificate
Appendix 4 Cabinet: 6 February 2024 Revised Nutrient Neutrality Strategy
Appendix 5 River Avon SAC Updated Strategic Appropriate Assessment

6. What harm would there be without mitigation?

Development that 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. Without mitigation this increase in nutrients causes harm to wildlife within the River Avon SAC including significant adverse effects on the qualifying features of the SAC.

7. What mitigation is required?

The development must deliver nutrient neutrality. Nutrient neutrality is a concept promoted by Natural England as a means of ensuring that development does not add to existing nutrient burdens. This provides certainty that the whole of the scheme is deliverable in line with legislation (Conservation of Habitats and Species Regulations 2017.

Nutrient neutrality involves the calculation of a nutrient burden from a development. If there is an increase, mitigation through land use change or wetlands is needed to remove nutrients and counterbalance the output from development. Mitigation can be delivered by the developer or through strategic mitigation schemes.

8. Where, when and how would this mitigation take place?

Mitigation can be delivered by the developer, as in this case, through upgrading the waste water treatment works on-site, through strategic mitigation schemes or a combination of both.

9. How would the mitigation be secured?

Mitigation must be secured by planning obligation and legal agreements

CONDITIONS:
These recommended conditions assume that this application qualifies for and will be proceeding with the Council-led scheme. If bespoke mitigation is required alternative conditions will be required.

Compliance with submitted documents

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

- PTP specification and location plan [TBC]

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

Water Efficiency Minor applications
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

Replacement PTP

The existing septic tank within the redline shall be removed and a proposed package treatment plant and drainage field 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 associated new dwelling 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 package treatment plant is of an equivalent or improved standard.

River Avon Phosphorus Mitigation

CONDITION:

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.

INFORMATIVE:

Hampshire Avon Phosphorus Mitigation

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.

Natural England Nutrient Neutrality budget calculator for the River Avon SAC

This calculator was created by Ricardo Energy and Environment.

This calculator contains 6 worksheets with 9 tables in total.

This is the instructions cover sheet. It tells you how to use the calculator and gives an overview of each worksheet.

You can move between worksheets using the tabs at the bottom of the page.

If you use screen reading software, you can use 'Ctrl' + 'Page Down' keys to move between the tabs.

If you use a keyboard only, to open any link in this form first select the cell with the link and then press the 'Shift' + 'F10' keys or the 'Fn' + the 'Menu' keys, then press the letter 'O' twice to highlight 'Open Hyperlink' and press 'Enter'.

If you use a keyboard only, access dropdown lists by clicking the dropdown arrow or pressing the 'Alt' + 'Down' keys when the cell is selected.

Table of contents

Topic of each table

Worksheet 1 Nutrient loading from additional wastewater

Worksheet 2 Nutrient loading from current land use

Worksheet 3 Nutrient loading from future land use

Worksheet 4 Nutrient loading from future land use after treatment through a sustainable urban drainage system (SuDS)

Worksheet 5 Nutrient budget calculations

General information about the calculator

This calculator helps you calculate the nutrient budget for a new residential development.

The nutrient budget for a site is calculated in 4 key stages with an additional optional stage in which information about the SuDS features on the site can be entered. Each stage is implemented in worksheets 1-5 of this calculator.

Each worksheet is connected through a set of formulas which calculate the nutrient budget. As such, all sheets which represent the four key stages require data inputs in order to calculate the nutrient budget.

The total nutrient budget is calculated automatically by adding the values from the 'Nutrients_from_wastewater' and the outputs from the 'Nutrients_from_future_land_use' minus the 'SuDS' (if applicable), and then subtracting the values from the 'Nutrients_from_current_land_use', then adding a 20% precautionary buffer to the result. This calculation is completed in the 'Final_nutrient_budgets' worksheet.

Before a nutrient budget can be completed using the methodology, certain site-specific details for the development site need to be determined.

The guidance to this calculator and gives further information on the user inputs required.

The instructions for completing each stage of the nutrient budget methodology are shown in cell A2 of each worksheet.

This calculator uses a set of lookup tables to find relevant values in a hidden spreadsheet titled the 'Value_look_up_tables' worksheet.

It is advisable to retain a blank copy of this calculator and 'Save as' a new copy each time you calculate a budget to minimise the risk of using incorrect data inputs and to ease the calculation of new nutrient budgets.

The values already included have been chosen based on research to determine suitable inputs to the nutrient budget that meet the Habitat Regulations Assessment (HRA) tests of beyond reasonable scientific doubt, in perpetuity (practically speaking this is 80 to 125 years) and in accordance with the precautionary principle.

If editing any values in this calculator, you must make sure there is a sufficient evidence base to justify these changes and that the new inputs are selected in accordance with the precautionary principle.

Notes about the nutrients from wastewater worksheet

This sheet contains 2 tables.

The table under the heading 'Water infrastructure information' allows the user to enter key information about the wastewater generated and water infrastructure on the site. This table contains a mix of user specified values and values that are calculated automatically depending on the user selected inputs.

The date of first occupancy is required because some wastewater treatment works (WwTW) may be due an upgrade in 2025 or 2030 which will change the nutrient concentration permit values. This will be shown through 2 or 3 values for the permits and nutrients load from before and after the upgrade.

The amount of wastewater generated as a result of the population needs to be calculated using the following:

- an average occupancy rate
- a per capita water usage figure
- the number of new developments

The default water usage value is preset in the worksheet. The default setting for the average occupancy rate is preset in the worksheet and is the national occupancy rate of 2.4 people per dwelling or unit. Only change this value if there is sufficient evidence that the development will be different to the national average. The number of new developments is

If it is uncertain what WwTW the development will drain into, find this information from your sewerage company before completing the calculator. If it is not feasible to connect to a WwTW and a septic tank or package treatment plant is being used, select this option.

If the total phosphorus (TP) final effluent concentrations (in mg/l) are specified by the manufacturer, select 'Septic Tank user defined' or 'Package Treatment Plant user defined' and enter the manufacturer specified value in the cell where prompted.

The table under the heading 'Final calculation of nutrient load from wastewater' contains the calculation of the nutrient load from additional wastewater. This table may present up to 3 different values for the nutrient load.

If a nutrient permit is changing for the selected WwTW as of 01/01/2025, or 01/04/2030, the table will be broken down into up to 3 parts:

- post-2030 wastewater nutrient loading
- pre-2030 wastewater nutrient loading
- pre-2025 wastewater nutrient loading

If applicable, 3 nutrient budgets will be calculated for the loading before and after the 2030 and 2025 WwTW permit upgrades, and will be presented in cells B18, B20 or B22.

Notes about the nutrients from current land use worksheet

This worksheet contains two tables that are used for calculating the annual nutrient load from existing (pre development) land use on the development site. Environmental information about the current site is required for the first table. The second table requires the user to input the existing type(s) and area(s) of landcover present in order to generate nutrient loads associated with the current landcovers on the site. Only landcovers for the land that is being altered by the development should be entered.

The dropdown list of landcover types contains up to 8 agricultural landcover types and 8 different non-agricultural landcover types. The full list of landcovers can be found in the calculator guidance (link incoming) or in the dropdown list. Find out what landcover types are within the development before completing this table. If there is a landcover within the development area that is not in the list select the most similar landcover type.

The calculator guidance gives further information about the landcover types used.

Sources of information required for nutrients from current land use worksheet

Description of the information:

The operational catchment within which the development is located can be found using the Environment Agency Catchment Data Explorer

The drainage associated with the predominant soil type within the development site can be found using the Soilscapes Map

The annual average rainfall that the development will receive can be found using the National River Flow Archive for the '43021 - Avon at Knapp Mill

Whether the development is located within a nitrate vulnerable zone (NVZ) can be found using the UK Soil Observatory 'Nitrate Vulnerable Zones - England' map

Notes about the nutrients from future land use worksheet

This worksheet contains one table which is used to calculate the annual nutrient load from new (post-development) land use on the development site. The type(s) and area(s) of landcover present on the new development is required to generate nutrient loads associated with the current landcovers on the site.

The type(s) of landcover present on the new development site can be selected from a list of 8 different landcover types:

- greenspace
- woodland
- shrub
- water
- residential urban land
- commercial or industrial urban land
- open urban land
- community food growing

Find out what landcover types will be within the development site before completing this table. If there is a landcover within the development site that is not in the list select the most

The calculator guidance gives further information about the landcover types used in this calculator.

Notes about the SuDS worksheet

This worksheet contains one table in which the user can enter key information about the use of SuDS to treat the runoff from the site and reduce the nutrient loading from future land uses.

The table allows the user to enter the SuDS features or SuDS management trains that are proposed to treat the nutrient loading from future land uses. The land covers within the SuDS catchment area and the areas of these landcovers can be entered. Only landcovers entered into the 'Nutrients from future land use' worksheet can be selected. The nutrient loads associated with these landcovers are automatically calculated using the values from the worksheet 'Nutrients from future land use'.

The user must enter the percentage of flow that will be directed through the SuDS. Any numerical value less than or equal to 100% can be entered for the percentage of flow.

Any numerical value less than or equal to 100% can be entered for the removal rates. However, the user will be required to present all evidence of these removal rates to the competent authority. As such, the most up to date SuDS guidance on SuDS for nutrient

Notes about the final nutrient budgets

This final stage automatically calculates the results from worksheets 1-5.

The value(s) shown represent the nutrient mitigation required in kilograms per year to achieve nutrient neutrality.

If there are 2 or 3 values due to changing permits, the calculator will show the total amount of nutrient mitigation that is needed before and after the changing permit date.

Link to each worksheet
Nutrients from wastewater
Nutrients from current land use
Nutrients from future land use
SuDS
Final_nutrient_budgets

Nutrients from wastewater

This sheet contains 2 tables. The tables are separated by a heading, which describes the following table.
Note: You will need to fill in cells B5 to B9 in the first table 'Water infrastructure information'. Cells B10 is automatically calculated and will state '0.00' unless the user inputs have been entered. Cells A11 to A12 and B11 to B12 are automatically generated and will state 'Not applicable' depending on the inputs to cells B5 and B9. You may need to fill in cell C10 depending on the information you entered in cell B9. Cells C5 to C9 and cells C11 to C12 are intentionally blank cells.
You do not need to fill in any cells in the second table 'Final calculation of nutrient load from wastewater'. Cells B16 to B18 are automatically calculated and will state '0.00' unless the user inputs have been entered to the first table 'Water infrastructure information'. Cells A19 to A22, cells B20 and B22 are automatically generated and will state 'Not applicable' depending on the user inputs to the first table 'Water infrastructure information'. Cell B15, cell B19 and cell B21 are intentionally blank cells.
How to fill in the table 'Water infrastructure information'
Cell B5: Enter the date of first occupancy.
Cell B6: Enter the average occupancy rate of the development. The default rate is 2.4, this should not be edited without sufficient evidence.
Cell B7: Enter the water usage. This value should be kept at 120 unless other efficiency measures are used.
Cell B8: Enter the total number of dwellings or units that will be within the development site as of the project completion date.
Cell B9: Choose the receiving wastewater treatment works (WwTW) from the dropdown list. If you select 'Package Treatment Plant user defined' or 'Septic Tank user defined', you must enter their certified value of total phosphorus (TP) in cell C10. Otherwise the default values will be used in the calculation of the nutrient load associated with wastewater.
Nutrient permits may be changing for the WwTW you select, from 01/01/2025, or

Water infrastructure information

Description of required information
Date of first occupancy (dd/mm/yyyy):
Average occupancy rate (people/dwelling or people/unit):
Water usage (litres/person/day):
Development proposal (dwellings/units):
Wastewater treatment works:
Current wastewater treatment works P permit (mg TP/litre):
Not applicable

Not applicable
Final calculation of nutrient load from wastewater
Description of values generated
Wastewater nutrient loading
Additional population (people):
Wastewater by development (litres/day):
Annual wastewater TP load (kg TP/yr):
Not applicable
Not applicable
Not applicable
Not applicable

Data entry column - user inputs required	Additional data entry column - user inputs may be required
15/03/2025	
2.40	
120	
1	
Septic Tank default	
11.60	
Not applicable	

Not applicable	

Values generated
2.40
288.00
1.22
Not applicable
Not applicable

Nutrients from current land use

This sheet contains 2 tables. The tables are separated by a heading, which describes the following table.
Note: You will need to fill in cells B5 to B8 in the first table 'Current land use information'. You will need to fill in cells A11 to A27, and B11 to B27 in the second table 'Current land uses'. Cells B28, C11 to C28 are automatically calculated and will state '0.00' unless the user inputs have been entered. Cells D11 to D27 are automatically generated and will state 'Not applicable' depending on automatically generated data in cells C11 to C27. Row 28 is a Total Row. The Total Row states 'Totals:' in cell A28 and automatically calculates the total sum of cells B11 to B27 in cell B28 and C11 to C27 in cell C28. Cell D28 is intentionally blank.
How to fill in the table 'Current land use information'
Cell B5: Choose the operational catchment the site is located within from the dropdown list.
Cell B6: Choose the soil drainage type associated with the predominant soil type within the development site from the dropdown list.
Cell B7: Choose the annual average rainfall the development will receive from the dropdown list. If the rainfall volume is not on the list, select the nearest value.
Cell B8: Choose whether the development is in a nitrate vulnerable zone (NVZ) from the dropdown list.
How to fill in the table 'Current land uses'
Cell A11-A27: Choose the existing (pre-development) land use type(s) from the dropdown list.
Cells B11-B27: Enter the area in hectares of each land use type.
The nutrient load from current land uses is shown in cells C11-C27 for total phosphorus (TP).
The total nutrient load from current land uses is shown in cell C28 for TP.

Current land use information

Description of required information
Operational catchment:
Soil drainage type:
Annual average rainfall (mm):
Within nitrate vulnerable zone (NVZ):

Current land uses

Existing land use type(s) - user inputs required
Residential urban land

Totals:

Data entry column - user inputs required
Avon Hampshire
Freely draining
700.1 - 750
Yes

Area (ha) - user inputs required	Annual phosphorus export (kg TP/yr)
0.01	**0.01**
	0.00
	0.00
	0.00
	0.00
	0.00
	0.00
	0.00
	0.00
	0.00
	0.00
	0.00
	0.00
	0.00
	0.00
	0.00

	0.00
0.01	0.01

Notes on data
Not applicable
Not applicable
Not applicable
Not applicable
Not applicable
Not applicable
Not applicable
Not applicable
Not applicable
Not applicable
Not applicable
Not applicable
Not applicable
Not applicable
Not applicable
Not applicable

Not applicable

Nutrients from future land use

This sheet contains one table.

Note: You will need to fill in cells A5 to A21 and B5 to B21. Cells B22 and C5 to C22 are automatically generated calculations and will state '0.00' unless the user inputs have been entered. Row 22 is a Total Row. The Total Row states 'Totals:' in cell A22 and automatically calculates the total sum of cells B5 to B21 in cell B22 and C5 to C21 in cell C22.

How to fill in the table 'Future land uses'

Cells A5-A21: Choose the future (post-development) land use type(s) of landcover present on the new site from the dropdown list
Cells B5-B21: Enter the area in hectares of each land use type.

The nutrient load from future land uses is shown in cells C5 to C21 for total phosphorus (TP).

The total nutrient load from future land uses is shown in cell C22 for TP.

Future land uses

New land use type(s) - user inputs required
Residential urban land

Totals:

Area (ha) - user inputs required	Annual phosphorus export (kg TP/yr)
0.01	**0.01**
	0.00
	0.00
	0.00
	0.00
	0.00
	0.00
	0.00
	0.00

	0.00
	0.00
	0.00
	0.00
	0.00
	0.00
	0.00
	0.00
0.01	0.01

Nutrients from future land use after sustainable urban drainage system (SuDS) treatment

This sheet contains one table.

Note: You will need to fill in cells A5 to A29, cells B5 to B29, cells C5 to C29, cells E5 to E29 and cells F5 to F29 if you are including SuDS to remove nutrients from the surface runoff. Cells B30, D5 to D30 and cells G5 to G30 are automatically calculated and will state '0.00' unless the user inputs have been entered. Cells H5 to H29 are automatically generated and will state 'Not applicable' unless the total area of the landcover entered is larger than the total area of the landcover entered into the worksheet 'Nutrients_from_future_land_use'. Row 30 is a Total Row. The Total Row states 'Totals:' in cell A30 and automatically calculates the total sum of cells B5 to B29 in cell B30, cells D5 to D29 in cell D30 and cells G5 to G29 in cell G30. Cell C30, cell E30, cell F30 and cell H30 are intentionally blank.

How to fill in the table 'SuDS information'

Cells A5 to A29: Choose the future (post-development) land use type(s) of landcover present on the new site within the SuDS catchment area from the dropdown list. Only landcovers entered into the worksheet titled 'Nutrients_from_future_land_use' can be entered.

Cells B5 to B29: Enter the area in hectares of each new land use type within the SuDS catchment area.

Cells C5 to C29: Enter the percentage of the flow entering the SuDS feature. If all flow is being diverted to the SuDS feature then this value should be set to 100%.

The annual total phosphorus (TP) loads associated with the landcovers in the SuDS catchment area are automatically calculated in cells D5 to D29.

Cells E5 to E29: Enter the name of the SuDS features used to intercept surface flows can be entered in. Any text can be entered into these cells.

Cells F5 to F29: Enter the nutrient removal rates associated with the SuDS features for TP. Values for column F must be identified by the user and must be specific to the SuDS features being implemented.

SuDS information

New land use type(s) within SuDS catchment area - user inputs required

Totals:

SuDS catchment area (ha) - user inputs required	Percentage of flow entering the SuDS (%) - user inputs required	Annual phosphorus inputs to SuDS feature(s) (kg T/yr)
		0.00
		0.00
		0.00

		0.00
		0.00
		0.00
		0.00
		0.00
		0.00
		0.00
		0.00
		0.00
		0.00
		0.00
		0.00
		0.00
		0.00
		0.00
		0.00
		0.00
		0.00
		0.00
		0.00
		0.00
		0.00
		0.00

		0.00
0.00		**0.00**

Name of SuDS feature(s) - user inputs required	TP removal rate for features - user specified (%) - user inputs required

Annual phosphorus load removed by SuDS (kg TP/yr)
0.00
0.00
0.00

0.00
0.00
0.00
0.00
0.00
0.00
0.00
0.00
0.00
0.00
0.00
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0.00

Notes on data
Not applicable
Not applicable
Not applicable

Not applicable
Not applicable
Not applicable
Not applicable
Not applicable
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Not applicable
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Not applicable
Not applicable
Not applicable
Not applicable
Not applicable
Not applicable
Not applicable
Not applicable
Not applicable
Not applicable
Not applicable
Not applicable
Not applicable
Not applicable
Not applicable

Not applicable

Final nutrient budgets

This worksheet contains one table. This table is automatically populated using the outputs from the previous worksheets.

Note: You do not need to fill in any cells in the table.
Cells B5 to B8 and cells B10 are automatically calculated and will state '0.00' unless the user inputs have been entered to all of the required worksheets.
Cells A11 to A14, cell B12 and cell B14 are automatically generated and will state 'Not applicable' depending on the user inputs to the worksheet 'Nutrients_from_wastewater'.
Cell B9, B11 and B13 are intentionally blank.

This table presents calculations that underpin the final annual nutrient budget for the development site. Up to 3 values for the nutrient budget may be presented in cells B10, B12 and B24 for total phosphorus (TP).

Total nutrient budget calculations

Description of values generated
Wastewater TP load (kg TP/year):
Net land use TP change (kg TP/year):
TP budget:
TP budget + 20% buffer:
Annual nutrient budget
The total annual phosphorus load to mitigate is (kg TP/yr):
Not applicable
Not applicable
Not applicable
Not applicable

Values generated
1.22
0.00
1.22
1.46
1.46
Not applicable
Not applicable

Natural England Nutrient Neutrality budget calculator for the River Avon SAC

This calculator was created by Ricardo Energy and Environment.

This calculator contains 6 worksheets with 9 tables in total.

This is the instructions cover sheet. It tells you how to use the calculator and gives an overview of each worksheet.

You can move between worksheets using the tabs at the bottom of the page.

If you use screen reading software, you can use 'Ctrl' + 'Page Down' keys to move between the tabs.

If you use a keyboard only, to open any link in this form first select the cell with the link and then press the 'Shift' + 'F10' keys or the 'Fn' + the 'Menu' keys, then press the letter 'O' twice to highlight 'Open Hyperlink' and press 'Enter'.

If you use a keyboard only, access dropdown lists by clicking the dropdown arrow or pressing the 'Alt' + 'Down' keys when the cell is selected.

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Worksheet 2 Nutrient loading from current land use

Worksheet 3 Nutrient loading from future land use

Worksheet 4 Nutrient loading from future land use after treatment through a sustainable urban drainage system (SuDS)

Worksheet 5 Nutrient budget calculations

General information about the calculator

This calculator helps you calculate the nutrient budget for a new residential development.

The nutrient budget for a site is calculated in 4 key stages with an additional optional stage in which information about the SuDS features on the site can be entered. Each stage is implemented in worksheets 1-5 of this calculator.

Each worksheet is connected through a set of formulas which calculate the nutrient budget. As such, all sheets which represent the four key stages require data inputs in order to calculate the nutrient budget.

The total nutrient budget is calculated automatically by adding the values from the 'Nutrients_from_wastewater' and the outputs from the 'Nutrients_from_future_land_use' minus the 'SuDS' (if applicable), and then subtracting the values from the 'Nutrients_from_current_land_use', then adding a 20% precautionary buffer to the result. This calculation is completed in the 'Final_nutrient_budgets' worksheet.

Before a nutrient budget can be completed using the methodology, certain site-specific details for the development site need to be determined.

The guidance to this calculator and gives further information on the user inputs required.

The instructions for completing each stage of the nutrient budget methodology are shown in cell A2 of each worksheet.

This calculator uses a set of lookup tables to find relevant values in a hidden spreadsheet titled the 'Value_look_up_tables' worksheet.

It is advisable to retain a blank copy of this calculator and 'Save as' a new copy each time you calculate a budget to minimise the risk of using incorrect data inputs and to ease the calculation of new nutrient budgets.

The values already included have been chosen based on research to determine suitable inputs to the nutrient budget that meet the Habitat Regulations Assessment (HRA) tests of beyond reasonable scientific doubt, in perpetuity (practically speaking this is 80 to 125 years) and in accordance with the precautionary principle.

If editing any values in this calculator, you must make sure there is a sufficient evidence base to justify these changes and that the new inputs are selected in accordance with the precautionary principle.

Notes about the nutrients from wastewater worksheet

This sheet contains 2 tables.

The table under the heading 'Water infrastructure information' allows the user to enter key information about the wastewater generated and water infrastructure on the site. This table contains a mix of user specified values and values that are calculated automatically depending on the user selected inputs.

The date of first occupancy is required because some wastewater treatment works (WwTW) may be due an upgrade in 2025 or 2030 which will change the nutrient concentration permit values. This will be shown through 2 or 3 values for the permits and nutrients load from before and after the upgrade.

The amount of wastewater generated as a result of the population needs to be calculated using the following:

- an average occupancy rate
- a per capita water usage figure
- the number of new developments

The default water usage value is preset in the worksheet. The default setting for the average occupancy rate is preset in the worksheet and is the national occupancy rate of 2.4 people per dwelling or unit. Only change this value if there is sufficient evidence that the development will be different to the national average. The number of new developments is

If it is uncertain what WwTW the development will drain into, find this information from your sewerage company before completing the calculator. If it is not feasible to connect to a WwTW and a septic tank or package treatment plant is being used, select this option.

If the total phosphorus (TP) final effluent concentrations (in mg/l) are specified by the manufacturer, select 'Septic Tank user defined' or 'Package Treatment Plant user defined' and enter the manufacturer specified value in the cell where prompted.

The table under the heading 'Final calculation of nutrient load from wastewater' contains the calculation of the nutrient load from additional wastewater. This table may present up to 3 different values for the nutrient load.

If a nutrient permit is changing for the selected WwTW as of 01/01/2025, or 01/04/2030, the table will be broken down into up to 3 parts:

- post-2030 wastewater nutrient loading
- pre-2030 wastewater nutrient loading
- pre-2025 wastewater nutrient loading

If applicable, 3 nutrient budgets will be calculated for the loading before and after the 2030 and 2025 WwTW permit upgrades, and will be presented in cells B18, B20 or B22.

Notes about the nutrients from current land use worksheet

This worksheet contains two tables that are used for calculating the annual nutrient load from existing (pre development) land use on the development site. Environmental information about the current site is required for the first table. The second table requires the user to input the existing type(s) and area(s) of landcover present in order to generate nutrient loads associated with the current landcovers on the site. Only landcovers for the land that is being altered by the development should be entered.

The dropdown list of landcover types contains up to 8 agricultural landcover types and 8 different non-agricultural landcover types. The full list of landcovers can be found in the calculator guidance (link incoming) or in the dropdown list. Find out what landcover types are within the development before completing this table. If there is a landcover within the development area that is not in the list select the most similar landcover type.

The calculator guidance gives further information about the landcover types used.

Sources of information required for nutrients from current land use worksheet

Description of the information:

The operational catchment within which the development is located can be found using the Environment Agency Catchment Data Explorer

The drainage associated with the predominant soil type within the development site can be found using the Soilscapes Map

The annual average rainfall that the development will receive can be found using the National River Flow Archive for the '43021 - Avon at Knapp Mill

Whether the development is located within a nitrate vulnerable zone (NVZ) can be found using the UK Soil Observatory 'Nitrate Vulnerable Zones - England' map

Notes about the nutrients from future land use worksheet

This worksheet contains one table which is used to calculate the annual nutrient load from new (post-development) land use on the development site. The type(s) and area(s) of landcover present on the new development is required to generate nutrient loads associated with the current landcovers on the site.

The type(s) of landcover present on the new development site can be selected from a list of 8 different landcover types:

- greenspace
- woodland
- shrub
- water
- residential urban land
- commercial or industrial urban land
- open urban land
- community food growing

Find out what landcover types will be within the development site before completing this table. If there is a landcover within the development site that is not in the list select the most

The calculator guidance gives further information about the landcover types used in this calculator.

Notes about the SuDS worksheet

This worksheet contains one table in which the user can enter key information about the use of SuDS to treat the runoff from the site and reduce the nutrient loading from future land uses.

The table allows the user to enter the SuDS features or SuDS management trains that are proposed to treat the nutrient loading from future land uses. The land covers within the SuDS catchment area and the areas of these landcovers can be entered. Only landcovers entered into the 'Nutrients from future land use' worksheet can be selected. The nutrient loads associated with these landcovers are automatically calculated using the values from the worksheet 'Nutrients from future land use'.

The user must enter the percentage of flow that will be directed through the SuDS. Any numerical value less than or equal to 100% can be entered for the percentage of flow.

Any numerical value less than or equal to 100% can be entered for the removal rates. However, the user will be required to present all evidence of these removal rates to the competent authority. As such, the most up to date SuDS guidance on SuDS for nutrient

Notes about the final nutrient budgets

This final stage automatically calculates the results from worksheets 1-5.

The value(s) shown represent the nutrient mitigation required in kilograms per year to achieve nutrient neutrality.

If there are 2 or 3 values due to changing permits, the calculator will show the total amount of nutrient mitigation that is needed before and after the changing permit date.

Link to each worksheet
Nutrients from wastewater
Nutrients from current land use
Nutrients from future land use
SuDS
Final_nutrient_budgets

Nutrients from wastewater

This sheet contains 2 tables. The tables are separated by a heading, which describes the following table.
Note: You will need to fill in cells B5 to B9 in the first table 'Water infrastructure information'. Cells B10 is automatically calculated and will state '0.00' unless the user inputs have been entered. Cells A11 to A12 and B11 to B12 are automatically generated and will state 'Not applicable' depending on the inputs to cells B5 and B9. You may need to fill in cell C10 depending on the information you entered in cell B9. Cells C5 to C9 and cells C11 to C12 are intentionally blank cells.
You do not need to fill in any cells in the second table 'Final calculation of nutrient load from wastewater'. Cells B16 to B18 are automatically calculated and will state '0.00' unless the user inputs have been entered to the first table 'Water infrastructure information'. Cells A19 to A22, cells B20 and B22 are automatically generated and will state 'Not applicable' depending on the user inputs to the first table 'Water infrastructure information'. Cell B15, cell B19 and cell B21 are intentionally blank cells.
How to fill in the table 'Water infrastructure information'
Cell B5: Enter the date of first occupancy.
Cell B6: Enter the average occupancy rate of the development. The default rate is 2.4, this should not be edited without sufficient evidence.
Cell B7: Enter the water usage. This value should be kept at 120 unless other efficiency measures are used.
Cell B8: Enter the total number of dwellings or units that will be within the development site as of the project completion date.
Cell B9: Choose the receiving wastewater treatment works (WwTW) from the dropdown list. If you select 'Package Treatment Plant user defined' or 'Septic Tank user defined', you must enter their certified value of total phosphorus (TP) in cell C10. Otherwise the default values will be used in the calculation of the nutrient load associated with wastewater.
Nutrient permits may be changing for the WwTW you select, from 01/01/2025, or

Water infrastructure information

Description of required information
Date of first occupancy (dd/mm/yyyy):
Average occupancy rate (people/dwelling or people/unit):
Water usage (litres/person/day):
Development proposal (dwellings/units):
Wastewater treatment works:
Current wastewater treatment works P permit (mg TP/litre):
Not applicable

Not applicable
Final calculation of nutrient load from wastewater
Description of values generated
Wastewater nutrient loading
Additional population (people):
Wastewater by development (litres/day):
Annual wastewater TP load (kg TP/yr):
Not applicable
Not applicable
Not applicable
Not applicable

Data entry column - user inputs required	Additional data entry column - user inputs may be required
15/03/2025	
2.40	
120	
2	
Package Treatment Plant default	
9.70	
Not applicable	

Not applicable	

Values generated
4.80
576.00
2.04
Not applicable
Not applicable

Nutrients from current land use

This sheet contains 2 tables. The tables are separated by a heading, which describes the following table.
Note: You will need to fill in cells B5 to B8 in the first table 'Current land use information'. You will need to fill in cells A11 to A27, and B11 to B27 in the second table 'Current land uses'. Cells B28, C11 to C28 are automatically calculated and will state '0.00' unless the user inputs have been entered. Cells D11 to D27 are automatically generated and will state 'Not applicable' depending on automatically generated data in cells C11 to C27. Row 28 is a Total Row. The Total Row states 'Totals:' in cell A28 and automatically calculates the total sum of cells B11 to B27 in cell B28 and C11 to C27 in cell C28. Cell D28 is intentionally blank.
How to fill in the table 'Current land use information'
Cell B5: Choose the operational catchment the site is located within from the dropdown list.
Cell B6: Choose the soil drainage type associated with the predominant soil type within the development site from the dropdown list.
Cell B7: Choose the annual average rainfall the development will receive from the dropdown list. If the rainfall volume is not on the list, select the nearest value.
Cell B8: Choose whether the development is in a nitrate vulnerable zone (NVZ) from the dropdown list.
How to fill in the table 'Current land uses'
Cell A11-A27: Choose the existing (pre-development) land use type(s) from the dropdown list.
Cells B11-B27: Enter the area in hectares of each land use type.
The nutrient load from current land uses is shown in cells C11-C27 for total phosphorus (TP).
The total nutrient load from current land uses is shown in cell C28 for TP.

Current land use information

Description of required information
Operational catchment:
Soil drainage type:
Annual average rainfall (mm):
Within nitrate vulnerable zone (NVZ):

Current land uses

Existing land use type(s) - user inputs required
Residential urban land

Totals:

Data entry column - user inputs required
Avon Hampshire
Freely draining
700.1 - 750
Yes

Area (ha) - user inputs required	Annual phosphorus export (kg TP/yr)
0.01	**0.01**
	0.00
	0.00
	0.00
	0.00
	0.00
	0.00
	0.00
	0.00
	0.00
	0.00
	0.00
	0.00
	0.00
	0.00
	0.00

	0.00
0.01	0.01

Notes on data
Not applicable
Not applicable
Not applicable
Not applicable
Not applicable
Not applicable
Not applicable
Not applicable
Not applicable
Not applicable
Not applicable
Not applicable
Not applicable
Not applicable
Not applicable
Not applicable

Not applicable

Nutrients from future land use

This sheet contains one table.

Note: You will need to fill in cells A5 to A21 and B5 to B21. Cells B22 and C5 to C22 are automatically generated calculations and will state '0.00' unless the user inputs have been entered. Row 22 is a Total Row. The Total Row states 'Totals:' in cell A22 and automatically calculates the total sum of cells B5 to B21 in cell B22 and C5 to C21 in cell C22.

How to fill in the table 'Future land uses'

Cells A5-A21: Choose the future (post-development) land use type(s) of landcover present on the new site from the dropdown list
Cells B5-B21: Enter the area in hectares of each land use type.

The nutrient load from future land uses is shown in cells C5 to C21 for total phosphorus (TP).

The total nutrient load from future land uses is shown in cell C22 for TP.

Future land uses

New land use type(s) - user inputs required
Residential urban land

Totals:

Area (ha) - user inputs required	Annual phosphorus export (kg TP/yr)
0.01	**0.01**
	0.00
	0.00
	0.00
	0.00
	0.00
	0.00
	0.00
	0.00

	0.00
	0.00
	0.00
	0.00
	0.00
	0.00
	0.00
	0.00
0.01	0.01

Nutrients from future land use after sustainable urban drainage system (SuDS) treatment

This sheet contains one table.

Note: You will need to fill in cells A5 to A29, cells B5 to B29, cells C5 to C29, cells E5 to E29 and cells F5 to F29 if you are including SuDS to remove nutrients from the surface runoff. Cells B30, D5 to D30 and cells G5 to G30 are automatically calculated and will state '0.00' unless the user inputs have been entered. Cells H5 to H29 are automatically generated and will state 'Not applicable' unless the total area of the landcover entered is larger than the total area of the landcover entered into the worksheet 'Nutrients_from_future_land_use'. Row 30 is a Total Row. The Total Row states 'Totals:' in cell A30 and automatically calculates the total sum of cells B5 to B29 in cell B30, cells D5 to D29 in cell D30 and cells G5 to G29 in cell G30. Cell C30, cell E30, cell F30 and cell H30 are intentionally blank.

How to fill in the table 'SuDS information'

Cells A5 to A29: Choose the future (post-development) land use type(s) of landcover present on the new site within the SuDS catchment area from the dropdown list. Only landcovers entered into the worksheet titled 'Nutrients_from_future_land_use' can be entered.

Cells B5 to B29: Enter the area in hectares of each new land use type within the SuDS catchment area.

Cells C5 to C29: Enter the percentage of the flow entering the SuDS feature. If all flow is being diverted to the SuDS feature then this value should be set to 100%.

The annual total phosphorus (TP) loads associated with the landcovers in the SuDS catchment area are automatically calculated in cells D5 to D29.

Cells E5 to E29: Enter the name of the SuDS features used to intercept surface flows can be entered in. Any text can be entered into these cells.

Cells F5 to F29: Enter the nutrient removal rates associated with the SuDS features for TP. Values for column F must be identified by the user and must be specific to the SuDS features being implemented.

SuDS information

New land use type(s) within SuDS catchment area - user inputs required

Totals:

SuDS catchment area (ha) - user inputs required	Percentage of flow entering the SuDS (%) - user inputs required	Annual phosphorus inputs to SuDS feature(s) (kg T/yr)
		0.00
		0.00
		0.00

		0.00
		0.00
		0.00
		0.00
		0.00
		0.00
		0.00
		0.00
		0.00
		0.00
		0.00
		0.00
		0.00
		0.00
		0.00
		0.00
		0.00
		0.00
		0.00
		0.00
		0.00
		0.00
		0.00

		0.00
0.00		**0.00**

Name of SuDS feature(s) - user inputs required	TP removal rate for features - user specified (%) - user inputs required

Annual phosphorus load removed by SuDS (kg TP/yr)
0.00
0.00
0.00

0.00
0.00
0.00
0.00
0.00
0.00
0.00
0.00
0.00
0.00
0.00
0.00
0.00
0.00
0.00
0.00
0.00
0.00
0.00
0.00
0.00

0.00
0.00

Notes on data
Not applicable
Not applicable
Not applicable

Not applicable
Not applicable
Not applicable
Not applicable
Not applicable
Not applicable
Not applicable
Not applicable
Not applicable
Not applicable
Not applicable
Not applicable
Not applicable
Not applicable
Not applicable
Not applicable
Not applicable
Not applicable
Not applicable
Not applicable
Not applicable
Not applicable
Not applicable

Not applicable

Final nutrient budgets

This worksheet contains one table. This table is automatically populated using the outputs from the previous worksheets.

Note: You do not need to fill in any cells in the table.
Cells B5 to B8 and cells B10 are automatically calculated and will state '0.00' unless the user inputs have been entered to all of the required worksheets.
Cells A11 to A14, cell B12 and cell B14 are automatically generated and will state 'Not applicable' depending on the user inputs to the worksheet 'Nutrients_from_wastewater'.
Cell B9, B11 and B13 are intentionally blank.

This table presents calculations that underpin the final annual nutrient budget for the development site. Up to 3 values for the nutrient budget may be presented in cells B10, B12 and B24 for total phosphorus (TP).

Total nutrient budget calculations

Description of values generated
Wastewater TP load (kg TP/year):
Net land use TP change (kg TP/year):
TP budget:
TP budget + 20% buffer:
Annual nutrient budget
The total annual phosphorus load to mitigate is (kg TP/yr):
Not applicable
Not applicable
Not applicable
Not applicable

Values generated
2.04
0.00
2.04
2.45
2.45
Not applicable
Not applicable

CREDIT SCREENING APPROVAL CERTIFICATE

Location of Site	Beehive Cottage, Portway, Old Sarum, Salisbury, SP4 6BL
Full name and address of applicant	
Proposed Development	Erection of a new dwelling, landscaping and associated works
Planning application number	APP/Y3940/W/24/3356285 PL/2023/07727
Name of Case Officer	Richard Hughes/ Sarah Hill
Planning officer approval –- Deliverability test Application complies with saved housing site allocation policies (Appendix D, Wiltshire Core Strategy) and / or Core Policy 2 (Delivery Strategy) of the Wiltshire Core Strategy (excluding Core Policy 37 (Military Establishments)), Wiltshire Housing Site Allocation Plan (2020), made Neighbourhood Plans, Core Policy 39, Core Policy 40, Core Policy 44 (rural Exception sites), Core Policy 46, Core Policy 47 and Core Policy 48, or other exceptional circumstances.	
Planning officer approval –- Deliverability test 2 Planning application has no significant matters outstanding for planning application.	
Ecology officer approval Approval of Nutrient Budget	**0.99 kg TP/year**
Any other matters / Notes	

Wiltshire Council

Cabinet

6 February 2024

Subject: **Revised Nutrient Neutrality Strategy**

Cabinet Member: **Cllr Nick Botterill - Cabinet Member for Finance, Development Management and Strategic Planning**

Key Decision: **Key**

Executive Summary

Approval is sought to update the council's strategic approach to securing phosphorus neutral development in the catchment area of the River Avon (Hampshire) Special Area of Conservation (SAC).

The River Avon (Hampshire) is an internationally important wildlife site protected by law. For planning applications that could adversely affect the SAC (in this case where it would lead to a further decline in water quality through phosphorus entering the River Avon via sewerage treatment works), appropriate assessments must be carried out by Wiltshire Council in line with the Conservation of Habitats and Species (England and Wales) Regulations 2017 (as amended) (the Habitats Regulations). To enable such applications to be approved and appropriate assessments concluded favourably, it must be certain that phosphorus neutral development will be delivered. Appropriate Assessments are required at every planning decision stage – outline, full, reserved matters and discharge of condition stage.

In January 2021, the approval of the interim strategic approach allowed planned applications to continue to be permitted in the catchment, following a 9-month moratorium. This was always an interim approach to be reviewed by the Council and Natural England as evidence and legislation / policy changed.

Following recent changes to guidance and legislation including; the Levelling Up and Regeneration Act 2023 and a statement from the Minister of State, Lee Rowley MP, on 19 December relating to nutrient neutrality, it is necessary for the Council's interim nutrient neutrality approach to be updated.

The Government's announcement in December 2023 confirmed that the Council has been awarded up to £9.8m for capital projects via the Local Nutrient Mitigation Fund to help pump-prime nutrient neutrality interventions in the River Avon (Hampshire) catchment. This capital fund will also be supported with revenue funding to help deliver the mitigation projects. This grant has been awarded on behalf of all local authorities in the catchment and helps the council to continue to work proactively and strategically in the catchment to deliver mitigation projects that may be able to help some applicants.

The conditions of the grant are that it must be replenished to deliver more mitigation projects in the catchment and continue to help support, where possible, the delivery of development in the catchment. It is proposed that developer contributions via planning obligations are sought for planning applications that are able to use the Council-led scheme. Fees and charges for this are subject to approval by Council on 20 February 2024 as part of the annual budget setting process.

The Council-led scheme is one option that development can potentially use to achieve phosphorus neutrality. It will form part of the solution to achieving phosphorus neutral development in the catchment. Other options such as securing mitigation through private providers, as well as delivery of bespoke solutions on-site, where possible, can also be progressed by developers.

The revised strategy comes into effect immediately for all residential and overnight development seeking outline, full, reserved matters and discharge of conditions approval in the Hampshire Avon catchment (referred to as “qualifying development”).

One way that the Council will look to deliver nutrient interventions in the catchment using the capital grant awarded, is to upgrade domestic sewage systems by replacing septic tanks with more efficient package treatment plants. A Local Development Order allowing wider ‘permitted development’ entitlements beyond those specified in the Town and Country Planning (General Permitted Development) Order may be used to help streamline the planning process for these upgrades and would support the efficient delivery of mitigation projects.

The recent changes to legislation also help to stop pollution at source. This will reduce the long-term nutrient burden that needs to be delivered. The Levelling-up and Regeneration Act 2023 creates a new duty on water companies to upgrade wastewater treatment works (WwTW) by 1 April 2030, in catchments of Habitats Sites identified by the Secretary of State as being in an unfavourable condition due to nutrient pollution. This duty will be in effect from 26 January 2024. These upgrades will significantly reduce nutrient loads from WwTW in designated catchments, while also reducing the average costs of nutrient mitigation for developers. However, until these upgrades are completed in 2030, the high levels of mitigation will still need to be found and delivered. Also, some WwTWs in the catchment will be exempted from these upgrades.

The Council awaits more detail on these upgrades and, once available, this evidence will further inform the Council’s evolving nutrient neutrality strategy.

Proposals

That Cabinet

I. Confirms that the Council will, until such time as the responsibility falls to others, continue to deliver a Council-led strategic approach (as set out in (ii and iii)) to secure in perpetuity measures to ensure qualifying development is phosphorus neutral in the catchment for the River Avon (Hampshire) Special Area of Conservation.

II. Agrees that developer contributions via planning obligations will be sought from developers wishing to use the Council-led scheme where mitigation is available.

III. Agrees that in accordance with the requirements of the Habitats Regulations and case law the revised strategic approach applies to all housing and overnight accommodation (and other qualifying development) in the River Avon SAC catchment seeking outline, full, reserved matters and discharge of condition approval.

IV. Delegates authority for the Corporate Director of Place in consultation with the Cabinet Member for Finance, Development Management and Strategic Planning approval to:

a. oversee delivery of this strategic approach including approving any policy/process documents needed to support implementation of the revised strategy.
b. accept the Local Nutrient Mitigation Fund grant as lead authority for the Hampshire Avon catchment.
c. spend of the Local Nutrient Mitigation Fund and delivery of nutrient interventions in line with grant conditions.
d. oversee and approve the preparation and public consultation of a Local Development Order (LDO) to replace septic tanks with package treatment plants.

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Reason for Proposals

To demonstrate the council's commitment to the delivery of a revised strategic solution to secure phosphorus neutral development.

Terrence Herbert
Chief Executive

Wiltshire Council

Cabinet

6 February 2024

Subject: **Revised Nutrient Neutrality Strategy**

Cabinet Member: **Cllr Nick Botterill - Cabinet Member for Finance, Development Management and Strategic Planning**

Key Decision: **Key**

Purpose of Report

1. The purpose of this report is to:

   (i) To update Members on recent Government announcements and changes to legislation in relation to nutrient neutrality.

   (ii) Agree to update the council's strategic approach to securing phosphorus neutral development in the catchment area of the River Avon (Hampshire) Special Area of Conservation to support delivery of development, particularly new homes.

Relevance to the Council's Business Plan

2. The Business Plan 2022-2023 'Sustainable Environment' seeks to improve and protect biodiversity and to promote and encourage sustainable sympathetic development. Delivery of new homes where they are needed through implementation of the Wiltshire Core Strategy and Local Plan Review in a way to ensure a 'Thriving Economy'.

Background

3. The council as Local Planning Authority is required under the Conservation of Habitats and Species (England and Wales) Regulations 2017 (as amended) (the Habitats Regulations) to ensure that any adverse impacts arising from development can be mitigated to avoid harm to internationally important nature conservation sites, which are protected by law. This requirement applies at all stages of both plan-making and decision-taking.

4. Ecologists use 'Appropriate Assessment' to test whether proposals meet the requirements in the Habitats Regulations. It is unlawful for the council to permit planning applications unless these assessments can be concluded favourably. The council as competent authority under the Habitats Regulations, must consult Natural England and have regard to their advice in preparing assessments.

5. In 2018, a Memorandum of Understanding was signed between Wiltshire Council, New Forest District Council, New Forest National Park Authority, Natural England, Wessex Water and the Environment Agency. The signatories agreed to deploy a range of measures to ensure development between March 2018 and March 2026 will be phosphorus neutral. It was originally envisaged that the entire load would be offset by a performance commitment (Outcome Delivery Incentive - ODI) which was being sought by Wessex Water through the water company Price Review (PR19).

Although Ofwat agreed the principle of the ODI, it did not consider it should be funded entirely by water customers. As a result, third parties need to provide for offsetting for developments to be able to proceed.

6. This work was superseded in March 2020 when Natural England formally advised affected LPAs that all development that provides new overnight accommodation must achieve phosphorus neutrality prior to occupation. Following this, and a 9-month moratorium of housing growth, Wiltshire Council set up an interim strategic solution to address the phosphorus neutrality requirement.

7. In January 2021 Cabinet confirmed the council's strategic approach to help to secure phosphorus neutral development in the catchment area of the River Avon and agreed to ring fence and commit an initial sum of money from the Community Infrastructure Levy strategic fund to start the delivery of mitigation measures to help secure phosphorus neutrality development in the period up to 2026.

8. In August 2023, government reforms were announced to make a targeted and specific change to the law so that housing development could proceed in areas currently affected by nutrient neutrality. However, the proposed necessary amendments to the Levelling Up and Regeneration Bill did not receive sufficient support in the House of Lords and were not added to the Bill. The Government has advised that in the near term, it is important that planning decision-making continues in areas affected based on current legal framework.

9. The Government's announcement in December 2023 confirmed that the council has been awarded, as lead authority for the Hampshire Avon catchment, up to £9.8m for capital projects via the Local Nutrient Mitigation Fund to help pump-prime nutrient neutrality interventions in the catchment. This capital fund will also be supported with revenue funding to help deliver the mitigation projects. The condition of the funding is that it is replenished to deliver further mitigation to continue to support the delivery of growth. Developer contributions via planning obligations (section 106 legal agreements, section 111 agreements, Unilateral Undertakings) will be sought for planning applications able to use the council-led scheme.

10. The grant has been awarded on behalf of all the local authorities in the Hampshire Avon catchment – New Forest District Council, New Forest National Park Authority, Dorset Council, Bournemouth Christchurch and Poole Council, and Test Valley Borough Council– and will be used to deliver projects in all those areas. It will be used to pump prime the supply of mitigation projects in the catchments to help progress this revised strategy.

11. This revised approach comes into effect immediately and is led by the supply of mitigation projects in the catchment and funded by developer contributions via planning obligations. Fees and charges related to this will be considered as part of the annual budget setting process and will be subject to approval by Council on 20th February 2024. It will apply to all housing and overnight tourism accommodation (and other qualifying development) in the River Avon SAC catchment seeking outline, full, reserved matters and discharge of condition approval. The council-led scheme will only be available in parts of the catchment where there is a sufficient supply of mitigation projects.

12. The council-led scheme is one option that development can potentially use to help achieve phosphorus neutrality. It will form part of the solution to achieving phosphorus neutral development in the catchment. Other options such as securing mitigation through private providers, as well as delivery of bespoke solutions on-site where possible can also be progressed by developers.

Main Considerations for the Council

13. Until such time as alternative solutions are found to improve water quality in the River Avon SAC and the responsibility falls to others (for example increased phosphorus stripping at source from sewage treatment works or greater controls exerted over farming to prevent phosphorus entering the watercourses) planning decisions will need to ensure qualifying developments are phosphorus neutral.

14. The recent changes to legislation help to stop pollution at source and reducing the long-term nutrient burden that needs to be delivered. The Levelling-up and Regeneration Act 2023 creates a new duty on water companies to upgrade wastewater treatment works (WwTW) by 1 April 2030, in catchments of Habitats Sites identified by the Secretary of State as being in an unfavourable condition due to nutrient pollution. This duty will be in effect from 26 January 2024.

15. These upgrades will significantly reduce nutrient loads from WwTW in designated catchments, while also reducing the average costs of nutrient mitigation for developers. However, until these upgrades are completed in 2030, the high levels of mitigation will still need to be found and delivered. Also, some WwTWs in the catchment will be exempted from these upgrades. The council awaits more detail on these upgrades and, once available, this evidence will further inform the council's evolving nutrient neutrality strategy.

16. The council is committed to enabling a delivery programme in all parts of the catchment. A portfolio of projects will be progressed which includes council-owned sewage upgrades, householder sewage upgrades and first-time sewerage, wetlands, woodland planting and water efficiency measures.

17. To help streamline the delivery of nutrient interventions in the catchment, a Local Development Order may be progressed for the replacement of septic tanks with more efficient package treatment plants. A Local Development Order allows wider 'permitted development' entitlements beyond those specified in the Town and Country Planning (General Permitted Development) Order and will be subject to public consultation. This report seeks delegated authority to oversee and approve the progression of a Local Development Order for these projects to streamline the approval process.

18. The council-led scheme is one potential option that development can potentially use to achieve phosphorus neutrality. All developers would still have the option to find bespoke mitigation projects or to purchase credits from a 3rd party (rather than purchasing from the council-led scheme or where credits in that locality are not available within the council-led scheme) Facilitating a private market of mitigation solutions helps to increase supply available to developers.

19. A policy document that details a clear approach for decision-making in the allocation of available capacity will be put in place. This will recognise the role of on-site and 3rd party mitigation solutions in providing mitigation, alongside the council-led scheme.

Overview and Scrutiny Engagement

20. A briefing with the Environment Select Committee chairs was undertaken on 7 December 2023. Future monitoring and evaluation reporting will be presented to the Environment Select Committee.

Safeguarding Implications

21. There are no safeguarding implications associated with the proposal.

Public Health Implications

22. There are no direct public and health wellbeing implications associated with the proposals. However, the ability to secure provision of housing while protecting the integrity of wildlife sites helps meet the needs of a growing population in a sustainable way supporting the well-being of communities.

Procurement Implications

23. Procurement will be undertaken in line with corporate procedures.

Equalities Impact of the Proposal

24. There are no equalities impact implications in relation to the proposal.

Environmental and Climate Change Considerations

25. The proposal will ensure that there are no adverse effects from phosphorus on the integrity of internationally important wildlife sites. Land secured for phosphate strategic mitigation may also be used to meet other local and central government objectives unrelated to phosphorus e.g. securing biodiversity net gain, natural flood management, carbon sequestration or public open space to avoid recreational pressures on other wildlife areas.

Risks that may arise if the proposed decision and related work is not taken

26. The council would not be able to accept the Local Nutrient Mitigation Fund grant if there is not a mechanism for it to be replenished. The grant also allows the council to pump priming mitigation projects across the catchment to increase the supply of options and meet the demand for housing delivery. No other funding pots are available for pump priming nutrient interventions.

27. Without the required level of certainty that mitigation projects can be found and funded, the council, as Local Planning Authority, will not be able to approve planning permissions within the River Avon SAC catchment, nor move forward with the Local Plan Review.

Risks that may arise if the proposed decision is taken and actions that will be taken to manage these risks

28. A financially sustainable solution is required to replenish the Local Nutrient Mitigation Fund grant and continue to support development within the catchment area. The proposed changes to the approach may lead to delays dealing with planning applications, especially if there are challenges relating to viability. In this situation, there would be a reputational risk for the council. These impacts could be mitigated through effective negotiation with developers and through agreeing on-site mitigation.

29. A policy document that details a clear approach for decision-making in the allocation of available mitigation will be in place to minimise reputational impact. Information will also be provided on the council's website including explanation videos to help with the process. Template agreements will be progressed to make the system as streamlined as possible.

30. The council is also working with partners to help increase the availability of private mitigation solutions in the catchment to supplement the council-led delivery. If supply for council-led projects in some of the areas take time to come forward, developers can opt for bespoke mitigation solutions or private mitigation providers where available.

Financial Implications

31. The acceptance of the Local Nutrient Mitigation Fund grant will have financial implications for the council. The fund will be added to the capital programme. This report seeks approval for delegated authority to oversee and approve the grant acceptance and spend in line with grant conditions. The governance arrangements between the relevant local authorities will be progressed.

32. Staff resource costs to deliver the projects for the scheme were initially covered by CIL but since January 2023 a Department for Levelling Up, Housing and Communities grant is being used to fund an officer until January 2026. The new Local Nutrient Mitigation Fund grant includes revenue funding and this will be used on an interim basis until this is fully covered by charges associated with the council-led scheme.

33. The financial risk of repayment of developer contributions via planning obligations applies in accordance with the usual provisions of a planning obligation if the payments are not allocated within the reasonable period (usually 10 years).

Legal Implications

34. The Conservation of Habitats and Species (England and Wales) Regulations 2017, referred to as the 'Habitats Regulations' place significant responsibilities on the council as competent authority for the protection of ecology. Regulation 63 requires competent authorities to undertake an 'Appropriate Assessment' before granting an authorisation for planning permission if it is likely to have a significant effect on a site protected under the Habitats Regulations.

35. In of CG Fry & Son Ltd v Secretary of State and Somerset Council [2023] EWHC 1622 the Court held that the requirements imposed under Regulation 63 of the Habitat Regulations 2017 to ascertain that the proposal will not adversely affect the integrity of the site apply whenever the competent authority gives "*any consent, permission or other authorisation for a plan or project*" and it is the whole project that is to be assessed. Therefore, Nutrient Neutrality Requirements apply at all stages of the Planning Process and must be assessed by the Council throughout the life of the development.

36. In accordance with the Habitats Regulations, all development proposals which could have a likely significant effect on the integrity of the River Avon catchment must demonstrate that the project can mitigate these impacts. This is demonstrated through phosphorus neutrality. Before the planning permission can be granted the mitigation measures necessary to prevent a development impacting on the River Avon catchment must be secured. Planning obligations under s106 Town and Country Planning Act 1990 will be used for developers to enter the strategic scheme.

37. The purchase of the phosphorus credits will be secured through planning obligations pursuant to Section 106 Town and Country Planning Act 1990. The council, as competent authority, will be required to ensure that the mitigation projects are maintained and monitored in perpetuity to ensure that phosphorus neutral

development is delivered.

38. The acceptance of the Local Nutrient Mitigation Fund capital grant will have legal implications. The grant has been awarded on behalf of all the local authorities in the Hampshire Avon catchment – New Forest District Council, New Forest National Park Authority, Dorset Council, Bournemouth, Christchurch and Poole Council, and Test Valley Borough Council– and will deliver projects to support delivery of housing in all those areas. Governance arrangements between the local authorities will need to be progressed to enable the delivery of mitigation projects in a different local planning authority area to where the planning application is permitted. This work has progressed on specific schemes to date through section 106 agreements of the Town and Country Planning Act 1990 and agreements pursuant to Section 33 of the Local Government (Miscellaneous Provisions) Act 1982.

Workforce Implications

39. The council has been awarded revenue funding to set up the capital programme and this will be used to cover resources on an interim basis until this is fully covered by charges associated with the council-led scheme.

Options Considered

40. One option considered would be for the fund to be replenished by CiL funding; but given the other competing demands on this and that most other authorities use, developer contributions via planning obligations, this is the most appropriate option.

Conclusions

41. Until such time as the responsibility falls to others, new development in the Hampshire Avon catchment will need to be phosphorus neutral. This paper sets out the details of a revised strategic approach, which is led by mitigation supply and funded by developer contributions via planning obligations (section 106 legal agreements, section 111 agreements, Unilateral Undertakings).

Parvis Khansari
Corporate Director - Place

Report Authors: Rachel Jones, Ecology Manager, Lynn Trigwell Head of Natural and Historic Environment

10 January 2023

Background Papers

Cabinet Paper 5 January 2021 - Allocation of Community Infrastructure Levy Funding to manage phosphates in the River Avon Special Area of Conservation

Strategic Appropriate Assessment for developments in Wiltshire occurring in the River Avon SAC catchment, 16 March 2023

Ministerial Letter – Nutrient Neutrality and Local Nutrient Mitigation Fund update – 19 December 20

STRATEGIC APPROPRIATE ASSESSMENT OF DEVELOPMENTS IN WILTSHIRE OCCURRING IN THE RIVER AVON SAC CATCHMENT

This appropriate assessment has been written by Wiltshire Council and applies to appropriate planning applications for residential and non-residential development, within sewered and non-sewered areas of the River Avon Special Area of Conservation (SAC) catchment.

The assessment is relevant to planning applications determined between July 2024 and 31st December 2025. It will be rolled forward on a year by year basis incorporating amendments considered necessary to avoid adverse effects on the River Avon SAC as well as the Avon Valley Special Protection Area (SPA) and Ramsar site.

BACKGROUND TO THE EUROPEAN SITES

1 The River Avon SAC qualifies as a European site on account of its Annex I habitat type, which comes under the category of 'watercourses of plain to montane levels with the *Ranunculion fluitantis* and *Callitricho-Batrachion* vegetation. It also qualifies on the basis of its internationally important populations of the following Annex II species: Desmoulin's whorl snail, sea lamprey, brook lamprey, Atlantic salmon and bullhead.

2 Conservation objectives for the SAC and supplementary advice for implementing them have been published by Natural England (NE)[1,2]. These are underpinned by targets for various chemical and physical attributes of the river in line with Common Standards Monitoring Guidance (CSMG). Of particular relevance to development is the fact that elevated levels of phosphorus are preventing the conservation objectives from being achieved and causing the river to be in unfavourable condition. Developments within the river catchment have the potential to contribute to elevated phosphorus through foul water discharges from sewage treatment works and package treatment plants.

3 The Avon Valley SPA and Ramsar sites lie in downstream sections of the river beyond Wiltshire. The SPA qualifies on account of non-breeding populations of Bewick's swan and gadwall with conservation objectives[3] and supplementary advice[4] published by Natural England to support maintaining the site in favourable condition. In particular, nutrient enrichment (e.g. phosphorus) needs to be controlled to ensure the habitats these species rely on for food are maintained.

4 The lower reaches of the River Avon and its floodplain are designated as the Avon Valley Ramsar site due to its range of habitats, particularly unimproved floodplain grassland, and diversity of flora and fauna which is greater than any other chalk river

[1] European Site Conservation Objectives for River Avon Special Area of Conservation Site Code: UK0013016 published by Natural England 27 November 2018 (Version 3)

[2] European Site Conservation Objectives: Supplementary advice for conserving and restoring site features - River Avon Special Area of Conservation (SAC) Site Code: UK0013016. Published by Natural England 11 March 2019

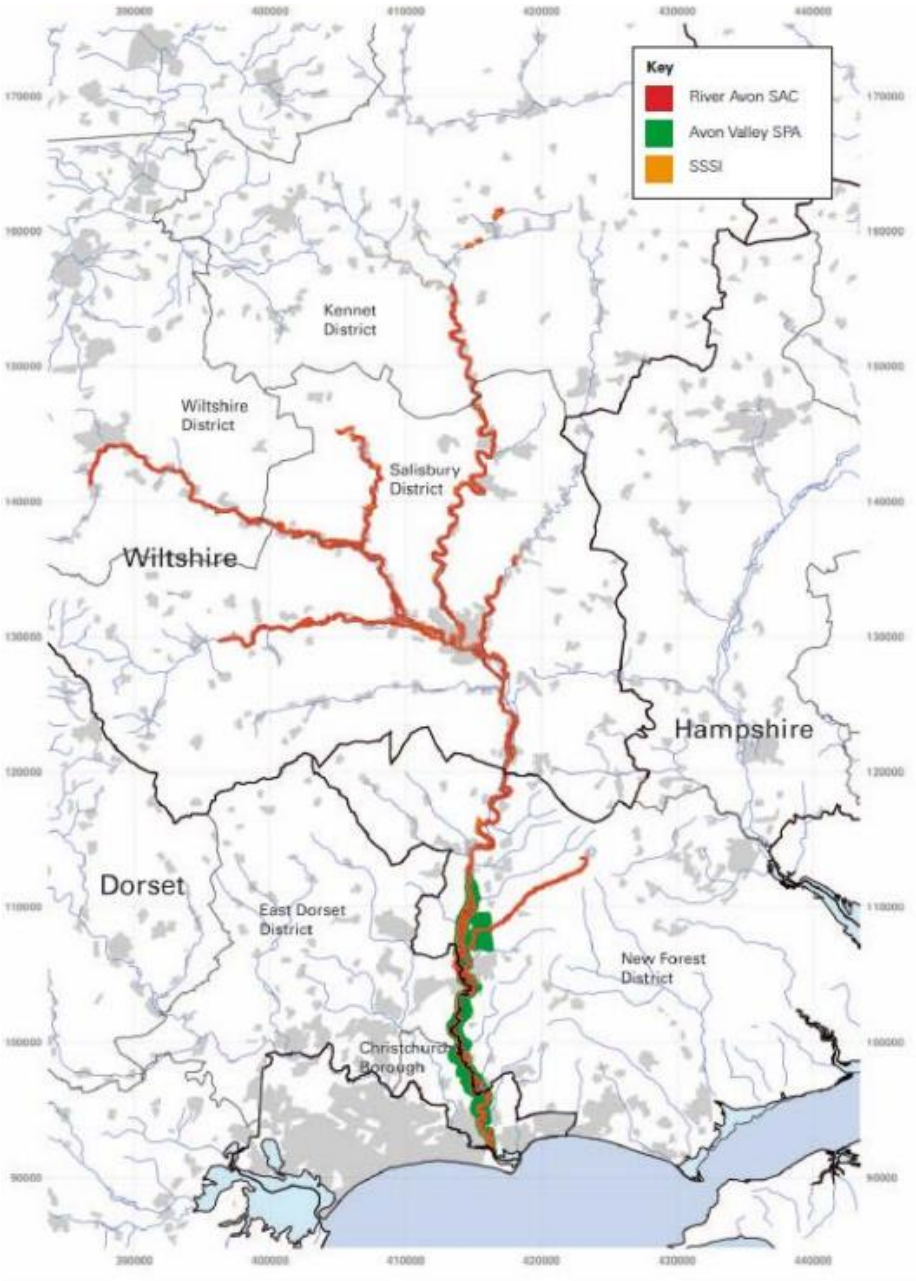
[3] European Site Conservation Objectives for Avon Valley Special Protection Area Site Code: UK9011091 published by Natural England 21 February 2019 (Version 3)

[4] European Site Conservation Objectives: Supplementary advice on conserving and restoring site features. Avon Valley Special Protection Area Site Code: UK9011091 published by Natural England 29 January 2019

in Britain. Its qualifying species is wintering gadwall, but other species also meet the qualification threshold[5]. Pollution by domestic sewage and agricultural fertilizers are identified as factors currently having an adverse effect.

5 Although most of the work leading up to this point has been focused on the River Avon SAC, it is evident that by ensuring development is phosphorus neutral, adverse effects will be avoided not only on the River Avon SAC but also on the Avon Valley SPA and Ramsar sites.

Figure 1 River Avon Designated Sites[6]



[5] Information Sheet on Ramsar Wetlands. Complied by Joint Nature Conservation Committee 2 February 1998

[6] Source: Protecting the River Avon SAC / SSSI (wiltshire.gov.uk)

BACKGROUND PHOSPHORUS NEUTRALITY

6 In 2018, a Memorandum of Understanding was signed between Wiltshire Council, New Forest District Council, New Forest National Park Authority, Natural England, Wessex Water and the Environment Agency. The signatories agreed to deploy a range of measures to ensure development between March 2018 and March 2026 will be phosphorus neutral.

7 The evidence base for this approach included the production of an Interim Delivery Plan. This included a calculation of an estimated additional phosphorus load that will be discharged into the catchment through increased volumes of sewage effluent and sets out a suite of measures that could be deployed to mitigate that load.

8 It was originally envisaged that the entire load would be offset by a performance commitment (Outcome Delivery Incentive - ODI) which was being sought by Wessex Water through the water company Price Review (PR19). Although Ofwat agreed the principle of the ODI, it did not consider it should be funded entirely by water customers. As a result, third parties need to provide for offsetting for developments to be able to proceed.

9 This work was superseded in March 2020 when Natural England formally advised affected LPAs that all development that provides new overnight accommodation must achieve phosphorus neutrality prior to occupation.

10 The Interim Delivery Plan (IDP) estimates phosphorus arising from non-residential growth based on Wessex Water growth forecasts. No attempt has been made to calculate phosphorus for non-residential development for this appropriate assessment. Current advice from Natural England regarding nutrient neutrality for other catchments indicates that employment can be discounted on the assumption there is no net migration into the catchment for employment purposes[7].

11 In addition, the IDP includes an estimate for unsewered residential development. This is based on Wiltshire Council analysis showing approximately 5% of completions are within unsewered areas in the Avon catchment[8]. Natural England has developed advice with the local planning authorities on assessing phosphorus contributions from unsewered development so that discharges that meet agreed small scale discharge criteria can be screened out of further assessment. This means that some unsewered residential developments can be screened out of appropriate assessment and excluded from housing projections. The phosphorus burdens for other unsewered development are calculated in line with Natural England's latest advice.

River Avon SAC Working Group

12 Representatives of the Memorandum of Understanding signatories meet quarterly as the River Avon SAC Working Group. The Working Group provides a forum for statutory agencies to advise on the implications of the growing scientific evidence which underpins the delivery of phosphorus neutral development, work being undertaken nationally to address nutrient impacts and in due course on the steps being taken to bring the SAC into favourable condition.

[7] E.g. Advice on achieving nutrient neutrality for new development in the Solent region, version 5 June 2020. Natural England

[8] River Avon SAC – Phosphate Neutral Development Interim Delivery Plan, Wood Environment and Infrastructure Solutions UK Limited, January 2019

13 The regular meetings are held to share evidence and knowledge on water quality issues, as well as strategic planning.

14 A nutrient neutrality project officer supports the LPAs to:

- Maintain records and share information with the Working Group.
- Track demand from housing in the catchment and supply of phosphorus mitigation projects.
- Oversee landowner negotiations, compliance of contracts and satisfactory maintenance.
- Work with partners and landowners to develop proposals for long term phosphorus mitigation schemes in the River Avon catchment to support current and future growth.

PHOSPHORUS NEUTRALITY - INTERIM STRATEGIC APPROACH (JANUARY 2021 TO FEBRUARY 2024)

15 Following Natural England's announcement in March 2020, there was a 9 month moratorium on housing growth until Wiltshire Council set up an interim strategic solution to address the phosphorus neutrality requirement.

16 In January 2021 Cabinet confirmed the council's strategic approach to help to secure phosphorus neutral development in the catchment area of the River Avon and agreed to ring fence and commit an initial sum of money from the Community Infrastructure Levy strategic fund to start the delivery of mitigation measures to help secure phosphorus neutrality development in the period up to 2026.

17 In August 2023, government reforms were announced to make a targeted and specific change to the law so that housing development could proceed in areas currently affected by nutrient neutrality. However, the proposed necessary amendments to the Levelling Up and Regeneration Bill did not receive sufficient support in the House of Lords and were not added to the Bill. The Government has advised that in the near term, it is important that planning decision-making continues in areas affected based on current legal framework.

18 The Government's announcement in December 2023 confirmed that the council has been awarded, as lead authority for the Hampshire Avon catchment, up to £9.8m for capital projects via the Local Nutrient Mitigation Fund to help pump-prime nutrient neutrality interventions in the catchment. This capital fund will also be supported with revenue funding to help deliver the mitigation projects. The condition of the funding is that it is replenished to deliver further mitigation to continue to support the delivery of growth. Developer contributions via planning obligations (section 106 legal agreements, section 111 agreements, Unilateral Undertakings) will be sought for planning applications able to use the council-led scheme.

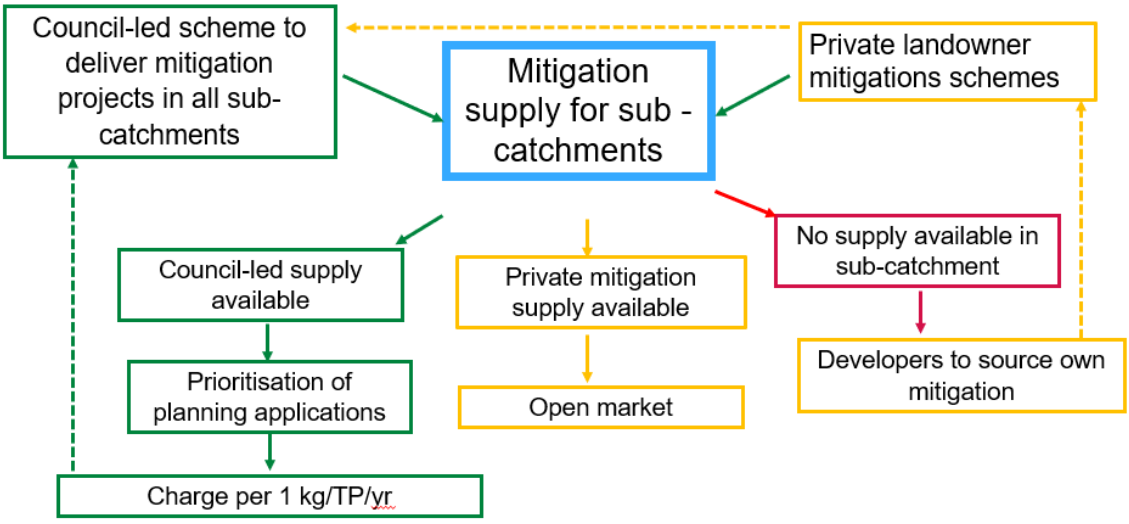
19 The grant has been awarded on behalf of all the local authorities in the Hampshire Avon catchment – New Forest District Council, New Forest National Park Authority, Dorset Council, Bournemouth Christchurch and Poole Council, and Test Valley Borough Council and will be used to deliver projects in all those areas. It will be used to pump prime the supply of mitigation projects in the catchments to help progress this revised strategy.

PHOSPHORUS NEUTRALITY - UPDATED STRATEGIC APPROACH (FROM FEBRUARY 2024)

20 Following the December 2023 announcement and award of the nutrient grant, an updated approach came into effect in February 2024.

21 The updated strategic approach will be funded by developer contributions via planning obligations with LPA-led officer resource to find and deliver mitigation for growth - in combination with facilitating private and bespoke mitigation solutions (Figure 2). Fees and charges related to this were set as part of the annual budget setting process approved on 20th February 2024.

Figure 2 Diagram of updated phosphorus neutrality strategy



22 The approach applies to all housing and overnight tourism accommodation (and other qualifying development) in the River Avon SAC catchment seeking outline, full, reserved matters and discharge of condition approval. The council-led scheme will only be available in parts of the catchment where there is a sufficient supply of mitigation projects.

23 The following non-exhaustive list of developments are excluded from the Council-led mitigation scheme and must be assessed separately before permission can be granted. Natural England chargeable advice must be sought before an application is submitted:

- New fish farms or extensions to existing fish farms
- New cress beds or extensions to cress beds
- Any industrial or other processes which lead to discharges which do not go through sewage treatment works New farms
- Agricultural facilities which lead to livestock waste being concentrated in a small area
- Tourism attractions which aim to routinely bring people in from outside the catchment.

24 The council-led scheme is one option that development can potentially use to help achieve phosphorus neutrality. It will form part of the solution to achieving phosphorus neutral development in the catchment. Other options such as securing mitigation through private providers, as well as delivery of bespoke solutions on-site where possible can also be progressed by developers. This strategic appropriate assessment only applies to planning applications using the Council-led scheme. Where bespoke mitigation approaches are proposed, these will be subject to separate Habitat Regulations Assessments.

QUALIFYING CRITERIA

25 The Council led mitigation scheme will be available for applications that meet deliverability tests.

Development must qualify as 'planned development'
Planned development is defined as 'applications that comply with housing site allocation policies (Appendix D, Wiltshire Core Strategy) and / or Core Policy 2 (Delivery Strategy) of the Wiltshire Core Strategy apart from Core Policy 37 (Military Establishments).
It includes:

- *allocations within the development plan - Wiltshire Core Strategy (including saved policies), Wiltshire Housing Site Allocations Plan and Neighbourhood planning (Core Policy 2)*
- *proposals within settlement boundaries and infill at Small Villages (Core Policy 2)*
- *rural exception sites (Core Policy 44)*
- *tourist development (Core policy 39) and hotels, bed & breakfasts, guest houses and conference facilities (Core policies 39 and 40)*
- *outside settlement boundaries - only specialist accommodation, gypsy and travellers, rural workers dwellings, conversion, and re-use of rural buildings consistent with policy (Core Policy 39, 40, 46,47 and 48)*

26 This means that speculative greenfield applications outside of settlement boundaries that are contrary to the development plan (Core Policy 2) are not classified as planned development.

27 The applicant can apply for the Council-led scheme once all other significant planning matters are resolved.

28 Credits will only be allocated to applicants when applicable mitigation capacity is available in the relevant sub-catchments. Provided there is an adequate supply of mitigation credits in the right catchments, the strategy will extend to include other economic development coming forward.

29 For applications to qualify for Council-led mitigation credits, there is an expectation that phosphorus burdens will be avoided and mitigated on the development site as far as practicable and that the projects are deliverable.

Sustainable Urban Drainage Systems

30 Wiltshire Council commissioned CIRIA to research the benefits of sustainable urban drainage systems (SuDS) to minimise the amount of phosphorus that arises from urban runoff. This work was progressed in consultation with Natural England and can now be incorporated into the Natural England Nutrient Neutrality calculators. This sets out the different treatment trains and long term management required to achieve best practice phosphorus removal. It is expected that new developments will adopt this approach where practicable.

31 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*'.

Water efficiency measures

32 From 2020, the Memorandum of Understanding committed planning authorities to imposing a condition on all residential permissions in the catchment area to restrict water usage to 110 litres per person per day. This had the effect of slightly reducing the amount of water reaching wastewater treatment works. Most treatment works are restricted through their Environmental Permit on the amount of phosphorus that can be discharged per litre of water. The water use restriction will thereby achieve a reduction in total phosphorus discharged and reduce the offsetting by a small degree.

33 Wiltshire Council's Local Plan Pre-Submission Draft 2020-2038 (Regulation 19) includes a policy to further reduce water consumption from new development due to water supply restrictions. This has the additional benefit of reducing the amount of water reaching wastewater treatment works and reducing nutrient budgets. Whilst this policy is yet to be adopted, applicants can voluntarily commit to this water efficiency level. It has been agreed with Natural England that if an applicant agrees to a water efficiency condition of 85 l/p/d (without rain water harvesting measures) and a condition is attached to any planning permission, a water efficiency level of 95 l/p/d can be used in the nutrient budget. This level includes 10 l/p/d precautionary buffer stipulated by Natural England.

Mains and non-mains network

34 All developments must connect to mains network in first instance where available in line with policy. Where this is not possible, high quality domestic sewerage and tertiary treatment should be installed with replacement facilities and long-term management secured with planning permissions.

35 Many parts of rural Wiltshire are not served by water company owned wastewater treatment works and domestic sewerage systems such as septic tanks or small treatment plants are common.

36 Developments on non-mains network must submit details of the package treatment plant that is being installed, and its removal efficiency for phosphorus. Applicants will only be able to join the Council-led scheme if a high efficiency system is being installed. Consideration can also be given to an additional stage of treatment (e.g. aggregate bed, zero discharge willow bed) or willow coppice planting or other woodland planting to counterbalance burdens.

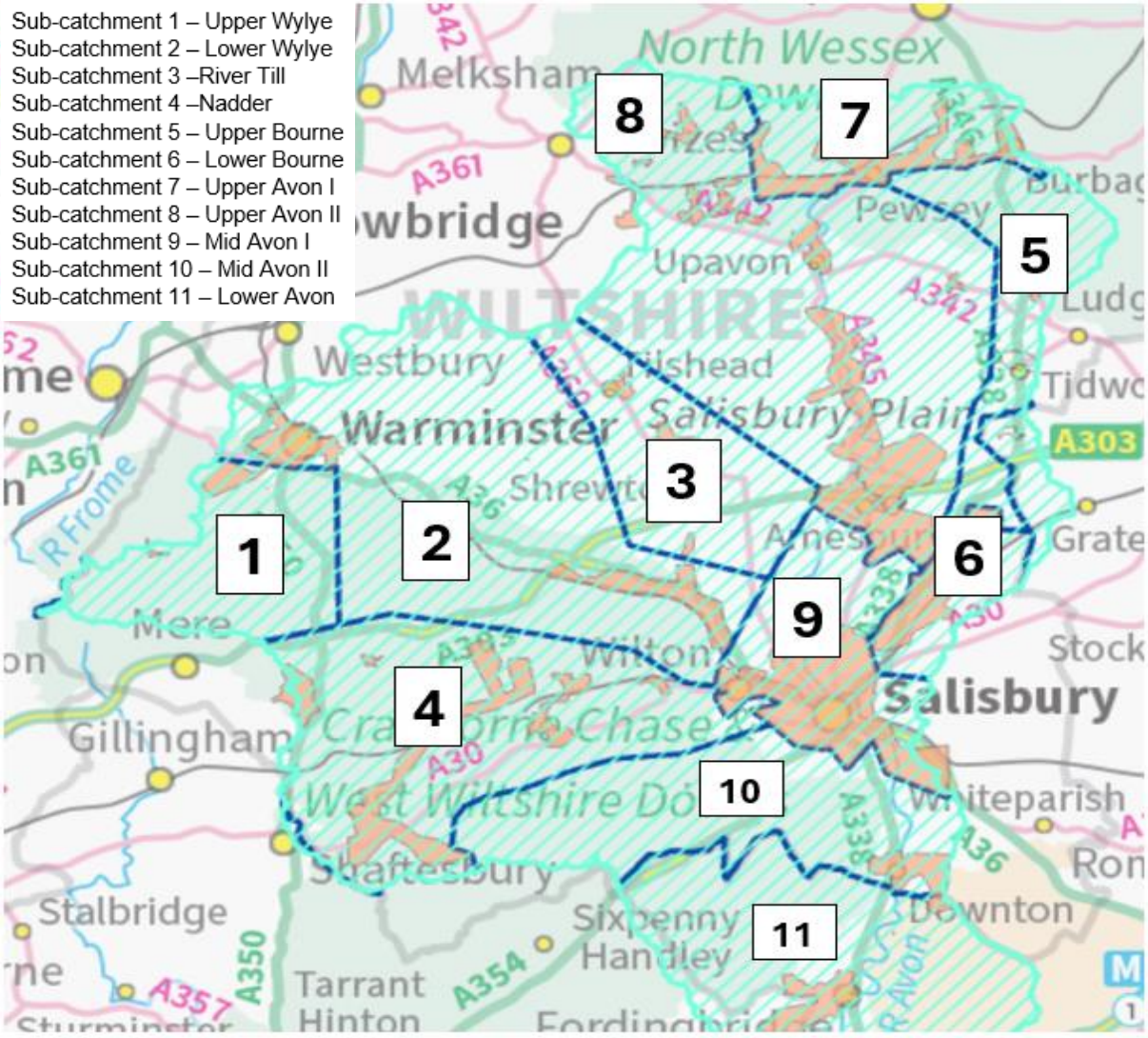
37 For major developments, that are not able to connect to mains network, any new system should be managed by a Newly Appointed Variation (NAV) / Statutory Sewerage Undertaker that can operate at high efficiency for phosphorus removal.

38 If a new package treatment plant or septic tank is required, then, in the first instance, the application should be screened to confirm whether it meets Natural England's thresholds for insignificant levels of phosphorus discharges to ground from septic tanks or package treatment plants. If the phosphorus discharge is insignificant then no mitigation is required.

DELIVERY OF MITIGATION

39 The catchment has been divided into sub-catchments with mitigation being sought in each area based on demand from new developments (Figure 3). Ten of the 11 sub-catchments are in Wiltshire.

Figure 3 River Avon Sub-catchments



40 The proposed mitigation options that are being explored for the catchment are summarised in Figure 4. However, the 4 main delivery programmes that are being progressed in detail are as follows:

I. Council sewage upgrades
II. Household sewage upgrades
III. Woodland planting opportunities
IV. Wetland opportunities

41 A portfolio approach - that is adaptable - is proposed given that the evidence base for mitigation projects continues to evolve. Projects are discussed with Natural England and the Environment Agency at the earliest opportunity. Planning permissions will be required for wetland and initial pre-applications have commenced with the local planning authority. Informal discussions with the EA on permit applications have also commenced for some projects.

42 The strategy will be scaled in line with the supply of mitigation in different catchments. Once mitigation projects are confirmed for each sub-catchment, these will be allocated to qualifying development. Temporary and bridging measures will be used, where available, alongside the development of permanent solutions where solutions are certain.

43 The Council will provide information on its website as to the sub-catchment where mitigation projects are available – either through the Council-led scheme or private mitigation providers.

44 For some sub-catchments, larger developments (ie EIA scale or over 100 dwellings) will be expected to source own mitigation over longer term until mitigation supply is sufficient for scheme expansion. This will be the case on the short term until mitigation supply can be scaled.

45 Developers may need to find alternative solutions with private operators or deliver their own-bespoke mitigation schemes. Both private mitigation schemes and bespoke solutions will be encouraged to help increase mitigation supply in the catchment.

46 Where alternative market and private mitigation solutions are available, the strategy will ensure that these options are facilitated by sign-posting developers to these schemes, thereby allowing the LPA-delivery of mitigation to focus on parts of the catchment where mitigation supply is difficult, and to help deliver a solution to those developers that are unable to source alternative mitigation.

47 Provided there is an adequate supply of mitigation credits in the right catchments, the strategy will extend to include other economic development coming forward.

Figure 4 Proposed Mitigation Solutions

Mitigation	Description	Duration
Cover crops	Aims: cover fields (otherwise bare overwinter) with crops, stabilising soil, reducing sediment run-off, and assimilating nutrients. This scheme has run for 3 years as a bridging measure and this approach will continue. Collaborating with both the Environmental Farmers Group and Farm Clusters to recruit for growing areas in the upper reaches of the catchment particularly. Farmers submit their fields, Total Phosphorus removal rate is calculated by Entrade, and the most effective fields are selected to meeting housing growth across the catchment. Legal agreements are secured between landowners and the Council, and the cover crops are monitored to ensure delivery.	Temporary
Temporary fallowing of agricultural land	Only a small part of the catchment is suitable for land fallowing or land use change. This is where there is impeded drainage rather than free-draining soils. Any projects that are suitable will be explored.	Temporary / Permanent
Package Treatment Plant (PTP) upgrades and retrofits	Pilot studies have been completed by LPAs collaborating with Kingspan Klargester to install additional tertiary filters (expanded clay aggregate beds) onto Council-owned PTPs. These tertiary filters are installed after the PTP treatment but before discharge into watercourses and act as a final polishing stage. A programme of upgrade works will be undertaken over the next 18 months to add tertiary filters to Council-owned PTPs in the River Avon catchment. Wiltshire Council is piloting an innovative piece of technology using electrocoagulation. This technology could be used in place of the aggregate bed retrofits where there is not enough land area to install them. This will offer a secondary solution with a small footprint to remove Total Phosphorus from PTP effluent.	Permanent for Wiltshire Council-owned properties Temporary & permanent
Constructed wetlands on WwTWs	Initial feasibility assessments for treatment wetlands on the back of WwTW have been undertaken at strategic sites in the catchment.	Permanent
Wetlands and enhancement on council owned land	Council owned land identified with potential for wetland creation for phosphorus removal and flood storage, installation of a floating wetland on existing balancing pond and retrofitting additional Sustainable Urban Drainage treatment trains on urban industrial land to remove additional phosphorus from surface water. These options are in town and offer potential for improved public amenity and biodiversity, and ameliorated flood management.	Permanent
Woodland / riparian buffers	Interceptor woodlands and riparian buffer strip can intercept phosphorus from surface water run-off from agricultural land.	Permanent
River restoration in headwaters	Options being considered across the River Avon catchment	Permanent
Water efficiency	Pilot options at LPA owned facilities are being explored to reduce water usage and save energy.	Temporary / permanent

MONITORING AND REPORTING

48 Tracking, monitoring and reporting of delivery of these mitigation measures will be submitted to Natural England in regular meetings. Quarterly reports to the Department of Levelling Up, Housing and Communities is being completed as required by grant conditions.

49 Through the working group, there is close engagement with regulatory authorities throughout the process and best practice guidance and agreed methodologies for calculating phosphorus removal are being used.

50 A GIS mapping layer has been created to aid tracking of the amount, type and location of mitigation that is both planned and successfully delivered on a catchment scale.

51 The Council must notify Natural England should there be any predicted short fall in phosphorus mitigation, or unforeseen delays in mitigation delivery as soon as possible. Mitigation needs to be delivered across the Hampshire Avon catchment to meet planned growth coming forward. Should mitigation be delayed in some parts of the Hampshire Avon catchment then additional permissions will be delayed until such time as appropriate additional or alternative measures have been secured.

CONCLUSION

52 The above work enables the Council to conclude, beyond reasonable scientific doubt, that development for residential and employment uses in the River Avon catchment would not lead to adverse effects on the integrity of the River Avon SAC either individually or in combination with other plans and projects.

NATURAL ENGLAND RESPONSE

53 In an email dated 8th August 2024, Natural England's Planning and Conservation Senior Advisor John Stobart provided the following response:

'Thank you for consulting Natural England on your authority's updated draft Strategic Appropriate Assessment for Wiltshire developments that lie within the River Avon SAC catchment.

I can confirm Natural England supports the approach set out in the updated strategic appropriate assessment and is satisfied that for qualifying applications the phosphorus mitigation requirements required for the River Avon SAC can be appropriately met through the strategy. Further, in relation to River Avon SAC phosphorus neutrality requirements I can confirm that Natural England would have no further comment on applications that will meet their phosphorus mitigation requirements through the agreed strategy. Your authority may wish to seek its own legal advice on whether a further Regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as amended) appropriate assessment consultation with Natural England remains a legal requirement in these types of cases in the light of this advice.

The current agreed strategic appropriate assessment may be used up to 31st December 2025 after which a further review and further approval of the strategy should be sought from Natural England.'