

Land West of Westbury Road, Warminster

Nutrient Mitigation Note

Introduction

This note is prepared on behalf of the applicant, Barratt Bristol, in relation to the application for Outline planning permission for *inter alia* up to 205no. dwellings at the above site. The application is a resubmission of a previous Outline application which was dismissed at appeal on a single ground unrelated to the matter of nutrient neutrality, at which point the Council agreed that all technical matters had been resolved and that planning permission should be granted.

The previous proposals intended to address the matter of nutrient neutrality within the wider Hampshire Avon SAC catchment using a system of on-site treatment, with a Waste Water Treatment Works (WWTW) physically accommodated within the site layout, so that foul water would be fully treated prior to discharge into the downstream network; an approach ultimately agreed with Natural England and the county Ecologist. Since that time, however, the applicant has changed approach and this facility is now omitted from the proposals.

Summary of Approach

Instead of the previous on-site treatment solution, the current proposals seek to address the matter of nutrient neutrality through the purchase of third-party credits, so that the discharge of foul water in the normal manner to the local treatment works at Hensford Marsh, south of Warminster, is offset against other improvement works within the same sub-catchment to correspondingly reduce the discharge of phosphates into the downstream catchment so that no net increase occurs.

After land conversion (i.e. the removal of the application site from active agricultural use), which immediately offsets the phosphate impacts of c.30no. dwellings' occupation, the applicant requires a total of 17.85 phosphate credits in order to offset the remainder of the maximum quantum of development. This approach has been set out in the applicant's Shadow Habitats Regulations Assessment (sHRA) and Nutrient Neutrality Report, both submitted with the application.

Engagement with Natural England

Upon initial consultation with Natural England, initiated by Wiltshire Council on receipt of the planning application, the former's comments stated, *inter alia*, "In order to ensure phosphorus neutrality the scheme relies on the purchase of third party credits, however, no information is provided on which credits will be secured. We note the development is served by the Warminster sewage works which is located in part of the catchment which is likely to have very limited opportunities for securing credits and that the number of credits required is substantial (at least 12.03 kg TP Yr permanent phosphorus credits plus at least 5.82 Kg TP Yr temporary phosphorus credits).

It is therefore uncertain that the phosphorus credits required will be available to the applicant. Natural England must therefore advise that your Authority requests further information on the source of the credits that will be secured to ensure phosphorus neutrality."

From subsequent correspondence, it is noteworthy that the observation that the relevant catchment (the Wylfe Headwaters) "is likely to have very limited opportunities for securing credits" where, in other, larger catchments there would be a starting presumption that the capacity to secure sufficient credits for a scheme of this size is already available, and need not be demonstrated.

In the light of this advice, the applicant undertook an exercise in better understanding the extent of this resource, namely the prospect of sufficient private septic tanks within the relevant catchment area capable of being upgraded to release enough credits to offset the residual impacts of the development's occupation.

Firstly, the applicant identified the extent of the catchment, then plotted the same polygon (excluding the area in the southern part of Warminster, northward of the A36, which is known to be connected to the main sewer network, and likewise the serviced A350 corridor, and therefore presumed to contain no septic tanks) to derive Office for National Statistics (ONS) data for the number of households presumed to be off-mains and therefore candidates for septic tank upgrade.

Once established, the applicant then adopted a conservative conversion rate based on its prospective credit provider's experience elsewhere in the country – that is to say the proportion of households completing the full journey from initial no-obligation registration for the scheme through to a signed contract for the upgrading of their septic tank – also with an allowance for screening attrition (the dropoff caused by failing the ground-discharge connectivity tests under Natural England's approved criteria).

Upon presenting this additional evidence to Natural England, which demonstrates substantial headroom in potential mitigation schemes over and above the amount required, and following minor subsequent clarification, it has been confirmed by email response dated 18 June 2026 that there remains no residual concern on the part of Natural England in respect of the applicant's ability to obtain suitable phosphate credits sufficient to offset the residual requirement for mitigation in relation to the proposed development. As such, the applicant's Phosphorous mitigation strategy is now agreed.

In its response, Natural England has rightly highlighted that it is for Wiltshire Council, as competent authority, to undertake the appropriate assessment under the Habitats Regulations (on which Natural England will be consulted in due course) and also to formulate an appropriate Grampian-style condition to ensure sufficient control over the delivery of mitigation. At the Council's invitation, we have therefore provided an initial proposed form of wording as below in the latter respect.

Draft Condition

Having regard to relevant precedents, including the appeal decision at Keinton Mandeville¹, we would propose the following structure as an appropriate Grampian-style planning condition:

"No development shall commence until a Nutrient Neutrality Scheme has been submitted and approved in writing by the local planning authority. The Nutrient Neutrality Scheme shall contain measures to achieve the following in accordance with the submitted Shadow Habitats Regulation Assessment and Phosphorous Neutrality Report (Revision 1):

- a) that all agricultural operations on site are permanently ceased prior to the first occupation of the site,
- b) that no more than 30 no. dwellings hereby permitted shall be occupied unless and until a sufficient supply of accredited off-site Phosphate credits have been secured by the developer, if applicable in accordance with a phased approach to be agreed in writing with the Local Planning Authority, and evidence of this presented to the Local Planning Authority,

¹ APP/E3335/W/24/3357931 Land OS 8325 Off Queen Street, Keinton Mandeville, Somerset

c) that the development will achieve a water consumption rate of no more than 110 litres per person per day, and

d) that the scheme delivers at least 4.38 hectares of greenspace.

The development shall thereafter be implemented in accordance with the approved Nutrient Neutrality Scheme.”

Summary

The aforementioned exercise, in which conservative rounding has been applied at every stage, has demonstrated robustly a significant residual pool of prospective eligible households that may be the target of credit-generating upgrades, equivalent to approximately nine times the actual number required to generate the credit requirement for the proposed development. Therefore, to the extent necessary to positively conclude the Habitats Regulations Assessment, the applicant has demonstrated sufficient mitigation capacity.

In summary, this approach to the provision of obtaining suitable credits is a well-established and effective means of offsetting the nutrient impacts of new development, and indeed is precisely the method adopted by Wiltshire Council itself under its ‘Revamp Your Tank’ scheme. From householders’ perspective, it is also clearly a commercially appealing proposition: one gains a wholesale upgrade completely free of charge. Projects can also be implemented promptly, and generate credits immediately on completion, avoiding any significant delay in the completion and occupation of development.