

The Town and Country Planning Act 1990
Refusal of Outline Planning Permission (Some Matters Reserved)
Application Reference Number: PL/2024/09976
Decision Date: 07/08/2026

Applicant:	Formula Land (Alderbury) Limited c/o Agent
Particulars of Development:	Outline planning permission with all matters reserved apart from details of access from Southampton Road, for a residential development of up to 28 dwellings, along with associated public open space, landscaping and biodiversity enhancements and a car park to serve the community allotments
At:	Land off Southampton Road and Junction Road, Alderbury, Wiltshire

In accordance with paragraph 39 of the National Planning Policy Framework (NPPF), this planning application has been processed in a proactive way. However, due to technical objections or the proposal's failure to comply with the development plan and/or the NPPF as a matter of principle, the local planning authority has had no alternative other than to refuse planning permission.

In pursuance of their powers under the above Act, the Council hereby **REFUSE TO GRANT PERMISSION** for the development referred to in the above application and plans submitted by you, for the following reason(s):

- 1 The proposed development would result in the loss, fragmentation and potential long-term degradation of a significant area of priority lowland meadow habitat, a habitat of principal importance under Section 41 of the Natural Environment and Rural Communities Act 2006. Insufficient information has been submitted to demonstrate that the proposal would achieve no net loss of biodiversity resources, safeguard the integrity and connectivity of local ecological networks, or ensure that the proposed compensation and Biodiversity Net Gain measures can be successfully delivered, secured and maintained in perpetuity. The Local Planning Authority is not satisfied that the mitigation hierarchy has been appropriately applied and there is insufficient evidence to demonstrate that the biodiversity impacts can be adequately avoided, mitigated or compensated for. The proposal is therefore contrary to Core Policy 50 of the Wiltshire Core Strategy and paragraph 193 of the National Planning Policy Framework.
- 2 The proposal is located within the River Avon Special Area of Conservation catchment and also falls within the 13.8km zone of influence for the New Forest SPA. Whilst a nutrient neutrality strategy has been identified in principle for the River Avon

Special Area of Conservation catchment, the proposed mitigation measures have not been finalised or secured, a lawful Appropriate Assessment has not been completed and endorsed by Natural England, and the necessary mitigation and monitoring measures have not been secured through an appropriate legal agreement. The proposal is therefore contrary to Core Policy 69 of the Wiltshire Core Strategy, the Conservation of Habitats and Species Regulations 2017 (as amended), and paragraphs 193 and 195 of the National Planning Policy Framework.

- 3** In the absence of a completed S106 Legal Agreement or Unilateral Undertaking, the proposal fails to mitigate against its direct impacts and does not, therefore, satisfy the provisions of Policy CP3 (Infrastructure requirements) of the Council's adopted Core Strategy (January 2015), the councils adopted planning obligations DPD and the guidance given in the NPPF regarding planning obligations and the provision of sustainable development which mitigates its impacts, in respect of the following:

- The provision of 40% affordable housing as required by Core Policy CP43 of the Wiltshire Core Strategy;
- The provision of on-site open space and play areas and a contribution towards off site provision, along with arrangements for management of the play areas as required by Core Policy CP52 of the Wiltshire Core Strategy;
- A provision for Waste management as required by Core Policy CP4 of the Wiltshire Core Strategy;
- A contribution towards resurfacing on the local footpath network to meet the requirements of Core Policy CP62 of the Wiltshire Core Strategy;
- A contribution towards bus stop improvements to meet the requirements of Core Policy CP62 of the Wiltshire Core Strategy;
- A provision to secure the education contribution required to mitigate the impact of the development on local education infrastructure required by Core Policy CP3 of the Wiltshire Core Strategy;
- A provision to secure the necessary biodiversity net gain and nutrient mitigation monitoring contributions to meet the requirements of Core Policy CP50 and CP69 of the Wiltshire Core Strategy;
- A monitoring fee for the agreement as required by Core Policy CP3 of the Wiltshire Core Strategy.

Informative(s) to Applicant(s)

- 1** Refusal reason 2 relates to the failure of the applicant to secure the necessary mitigation measures for the River Avon SAC and the New Forest SPA through an appropriate mechanism. In the event of an appeal it may be possible to address this through a suitably worded Planning Obligation.

2 It should be noted that the third reason for refusal could be overcome following the submission of an acceptable proposal and the completion of a S.106 legal agreement which addresses each of the above points.

3 The documents and plans considered in reaching the above decision are as follows:

Application Form Date Received 30.04.26

Covering Letter Date Received 30.04.26

Planning Statement Date Received 30.04.26

Design and Access Statement Date Received 30.04.26

DWG No: P1365-RHP-ZZ-00-DR-A-1030 P2 Site Location Plan Date Received 05.11.24

DWG No: P1365-RHP-ZZ-00-DR-A-1200 P6 Indicative Proposed Site Plan Date Received 30.04.26

DWG No: 01 Rev D Access Plan Date Received 03.12.25

Air Quality Assessment undertaken by Logika Group Date Received 30.04.26

WSI for Archaeological Trial Trenching Dated June 2025 Date Received 30.04.26

Archaeological Desk Based Assessment undertaken by SLR Date Received 30.04.26

Landscape and Visual Appraisal with associated plans undertaken by BEA Landscape Design Ltd Date Received 30.04.26

Statutory Biodiversity Metric Date Received 30.04.26

Nutrient Neutrality Budget Calculator River Test SAC Date Received 30.04.26

Nutrient Neutrality Budget Calculator River Avon SAC Date Received 30.04.26

Noise Impact Assessment undertaken by Jameson Acoustics Date Received 30.04.26

Arbroicultural Impact Assessment undertaken by RPS Group Date Received 30.04.26

Biodiversity Net Gain Assessment undertaken by Beamsley Ecology Date Received 30.04.26

Mitigation Strategy undertaken by Beamsley Ecology Date Received 30.04.26

Sustainability Statement undertaken by Envision Date Received 30.04.26

Transport Statement undertaken by Mayer Brown Date Received 30.04.26

Travel Plan undertaken by Mayer Brown Date Received 30.04.26

Flood Risk Assessment and Drainage Strategy undertaken by Mayer Brown Date Received 30.04.26
Landscape Strategy Plans undertaken by BEA Landscape Design Ltd Date Received 30.04.26

Shadow Habitats Regulations Assessment undertaken by Nutrient Neutral Date Received 30.04.26

Dormouse Mitigation Strategy undertaken by Cotswold Wildlife Surveys Dated July 2025 Date Received 24.09.25

Bat Mitigation Strategy undertaken by Cotswold Wildlife Surveys Dated September 2025 Date Received 24.09.25

Reptile Mitigation Strategy undertaken by Cotswold Wildlife Surveys Dated July 2025 Date Received 24.09.25

BNG Metric Date Received 24.09.25

Ecological Impact Assessment undertaken by Cotswold Wildlife Surveys Dated September 2025 Date Received 24.09.25

Alderbury Grassland Assessment undertaken by Leppitt Associates Dated May 2025 Date Received 24.09.25

Botanical Composition Note by Andy Warren Date Received 25.02.25

Hydrological Survey undertaken by Nutrient Neutral Dated August 2025 Date Received 15.09.25

Geophysical Survey Report undertaken by Cura Terrae Dated March 2025 Date Received 22.05.25

Nic Thomas - Director of Planning, Economy and Climate

NOTES

1. **Appeals.** If the applicant is aggrieved by the decision of the local planning authority to refuse permission, they may appeal to the Secretary of State for the Environment in accordance with Section 78(1) of the Town and Country Planning Act 1990 within six months of the date of this decision. (Information and forms relating to the appeals process can be found at the Planning Portal - [Appeal a planning decision: Overview - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/appeal-a-planning-decision-overview)).