

Report to	Director of Planning
Date	9 July 2020
By	Richard Ferguson
Local Authority	Winchester City Council
Application Number	SDNP/20/01263/FUL
Applicant	Mr Butler
Application	Works to re-grade the land to create new habitat to facilitate the removal of nitrates from Whitewool Stream and deliver net biodiversity enhancements.
Address	Whitewool Farm, Whitewool Lane, East Meon, Hampshire, GU32 1HW.

Recommendation:

1) That planning permission be granted subject to:

- **The completion of a S106 legal agreement, the final form of which is delegated to the Director of Planning, to secure the following:**
 - a) **The scheme is secured and managed for the lifetime of the development which relies on it as mitigation.**
 - b) **Appropriate arrangements for the management and monitoring of the wetland and its performance of capturing nitrates; an agreed nitrogen saving budget for offsetting development; provision of remedial measures as necessary; appropriate funding, responsibilities and mechanisms to ensure compliance of the above by appropriate organisations.**
- **The completion of further ecological surveys regarding protected species on site, principally within the stream corridor, and provision of a suitable policy compliant mitigation and enhancement ecological strategy to the satisfaction of the SDNPA, the consideration of which is delegated to the Director of Planning; and**
- **The conditions as set out in paragraph 10.1 of this report and any additional conditions, the form of which is delegated to the Director of Planning, to address any mitigation and strategy matters that arise from the completion of further ecological surveys.**

2) That authority be delegated to the Director of Planning to refuse the application with appropriate reasons if:

- a) **The S106 Agreement is not completed or sufficient progress has not been made within 6 months of the 9 July 2020 Planning Committee meeting.**
 - b) **The additional ecological surveys and provision of a suitable policy compliant mitigation and enhancement strategy is not completed or sufficiently progressed within 6 months of the 9 July 2020 Planning Committee meeting.**
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Executive Summary

The application site is a secluded 2.2ha area of land within Whitewool Farm and the Meon Valley. It comprises a length of Whitewool Stream, which is a chalk stream, which leads from Meon Springs Fly Fishery Centre, owned by the Farm, and through the site to West Meon where it meets the River Meon. The Site also comprises of grassland and farmland either side of the stream.

The proposals are to create new wetland, riparian meadow and wet woodland which also involves engineering operations to re-profile the land, hence the need for planning permission. These works primarily would involve a flattening and widening of the existing land and watercourse to create the wetland habitat. The scheme has been amended during the course of the application.

The principal aim of the scheme is for the new wetland to absorb nitrates, produced by the Farm, from the stream which would otherwise flow into the River Meon and then the Solent. There is a regional issue of nitrates entering European protected sites within the Solent which is affecting their environment by these nutrients feeding the growth of algae and plant life, to the detriment of wildlife.

This is an important issue for proposed new development insofar as Natural England guidance issued in 2019 outlines that it needs to achieve 'nitrate neutrality' in order to not have a likely significant adverse effect upon these protected areas. An approach supported by Natural England to address this issue is the creation of new wetland habitat.

In this instance, the proposed scheme is a commercial enterprise by the Farm to diversify its income by enabling developers to offset the nitrates produced by wastewater in their developments by virtue of the amount of nitrates which are anticipated to be removed from the watercourse.

The scheme has been assessed in regard to its effectiveness to remove nitrates, as well as the eco-systems services benefits and ecological enhancements it could achieve. Its impact upon the surrounding intrinsic landscape character has also been assessed. Access to the site for a range of visitors to the Farm, including those fly fishing, staying in the tourist accommodation and organised events such as school visits is also proposed. In these regards, the scheme would accord with the relevant Development Plan policies and National Park Purposes.

The application is placed before the Planning Committee to consider the merits of this scheme in relation to the environmental and wider issues it raises.

I. Site Description

- I.1 The application site lies within the holding of Whitewool Farm, which currently grows a variety of cereal crops, has a dairy herd, and other diversified businesses such as tourist accommodation and a recreational fly fishery centre called Meon Springs. It is a 2.2 hectare area of land south of West Meon and near to Meon Springs. The Site comprises of lower lying ground within a valley between steep higher grassland land to the west and arable land with a gentler gradient to the east, which leads up to woodland called Hen Wood.
- I.2 The irregular shape of the application site includes a tributary of the River Meon, known as Whitewool Stream, which is approximately 2m wide and gently bends through it. The largest part of the site is on the eastern side of the stream which is currently cultivated with a cereal crop. The site on the western side of the stream is a narrower strip of grassland at the foot of steeper sloping ground. The northern site boundary is partly defined by mature trees and hedging along a field boundary, whilst the southern boundary is undefined.
- I.3 Whitewool Stream originates from a spring within wet woodland and riparian habitat south of Meon Springs, from where it feeds the recreational fishing lake before flowing through agricultural land to meet the River Meon at West Meon. The stream has been canalised north of the fishing lakes and through the site. Whilst presently overgrown, this canalisation is evident in the winter months.
- I.4 The site is quite secluded and only partially visible in wider views. There is a road which runs along the western side of Hen Wood a short distance from the site and on higher ground but this is lined with hedging which obstructs views. The closest footpath is the South Downs Way (SDW) south of the site, which runs east to west past Meon Springs. The site is partly visible from a short distance on elevated ground west of Meon Springs but otherwise it is hidden.

2. Relevant Planning History

2.1 No relevant planning history. A site meeting and a follow up pre-application meeting were held in last February and March regarding the principles and details of the scheme. Following overarching advice provided:

- Scheme needs to be fundamentally effective for removing nitrates.
- Need to achieve biodiversity net gain over functional need to achieve local benefits to the National Park.
- Need to consider the positive and negative impacts upon landscape character.
- Concerned that the Farm does not appear to be reducing use of nitrates, instead a commercial scheme would be used to extract them from the watercourse.
- Need detailed calculations and technical information; e.g. nitrate removal, waterflow rates, impacts of climate change.

3. Proposal

- 3.1 The scheme involves the creation of a combination new wetland, riparian meadow and wet woodland habitats within the application site. It has been amended during the course of the application to include a wider variety of habitats and species vegetation and details of how the stream would feed through the wetland. Its principal aim is for the wetland to act as a natural 'sieve' to filter out nitrates, originating from the Farm, from Whitewool Stream.
- 3.2 The issue of nitrates entering the Solent is a broader regional issue and the scheme would be a commercial enterprise by the Farm in response to this and to diversify its income. By the removal of nitrates from Whitewool Stream, the scheme would then have the ability to be used to offset nitrates from the waste water of new, primarily, residential development elsewhere within the river catchments which flow into the Solent. This would involve developers paying into the scheme.
- 3.3 Locally, the establishment of new habitat would support new wildlife and flora species to thrive, capture sediment, improve water quality, manage any flood risk, drought mitigation and carbon sequestration. The flow of water downstream is proposed to be unaffected due to the design of the scheme during and after construction.
- 3.4 The creation of the new habitats would involve engineering operations to re-profile the land and Whitewool Stream itself, hence the need for a planning application, in order to create an environment where new native planting would become established. The re-profiling principally involves a widening and flattening of the stream's channel eastwards to create the wetland area. New banks either side of the wetland area would be created and the land on the eastern side of the site would be re-graded. An anticipated c.21,500 cubic metres of earth would be excavated and either re-used on-site or elsewhere on the Farm. The gradient through the site would be designed to help fish and other aquatic species like eels to enter and pass through the wetland.
- 3.5 The stream would directly feed into the wetland and the flow of water would be left to create its own natural channels over time, and beyond the wetland it would flow through its existing watercourse. This is known as a 'stage zero' approach whereby an environment is returned to a state which resembles a pre-human era. Large dead trees would also be sited in the wetland to slow the water and to provide additional habitat diversity.
- 3.6 The wetland would not need to be artificially filled, rather water would flow through it from the existing stream and the re-profiling of the land and new planting would naturally soak up ground water and become sodden. This area would be colonised by a variety of species including reeds.
- 3.7 Riparian meadow habitat either side of the wetland would be created. This would comprise an 8m buffer strip along its western side and a much larger area on the eastern side. New wet woodland is also proposed to be created on the eastern most part of the site adjacent to riparian meadow. Overall, a mixture of approximately 20,000 native plants and trees suitable for a chalk geology and these habitats would be planted.

3.8 A circular footpath is proposed around the site which would be accessed from Meon Springs and alongside the stream. This would not be a public access, rather it would be used by visitors to the Farm including those who are fishing, staying in the tourist accommodation, or organised education visits such as school children which already take place.

4. Consultations

4.1 The consultee responses below summarise original comments received at the initial stage of the application and any subsequent comments from a re-consultation exercise undertaken following the submission of amended plans.

4.2 **Archaeology:** No objection (no conditions recommended).

4.3 **Drainage Engineer (WCC):** Comments. The stream is an ordinary watercourse and Land Drainage Consent would need to be approved by Hampshire County Council prior to working commencing.

4.4 **Ecology:** Objection, pending further ecological surveys.

- Supportive of any project to enhance biodiversity and provide a tangible gain for wider issues such as nutrient neutrality.
- Supportive of the overall aims of the scheme,
- Majority of existing habitats are likely to be of low ecological value (e.g. arable farmland, improved grassland), but the habitat of the stream is of greater value.
- A fully-detailed assessment of the existing ecology within the stream needed so that changes/impacts can be understood.
- Ecological Appraisal (January 2020) undertaken at a time of year when most species are absent or dormant; therefore no fully-detailed assessment of the Site.
- Ecological appraisal suggests no evidence of water voles; a visit in January is insufficient and the wrong time of year to assess their presence; further clarification needed on whether the stream was involved in the River Meon water vole re-introduction scheme.
- Otter may be present.
- Stream suitable for migratory fishes (e.g. brown trout) and freshwater invertebrates; no information on these aquatic species has been provided.

4.5 **Environment Agency:** No objection, subject to condition.

4.6 **Environmental Health:** No objection (no conditions recommended).

4.7 **Highways Authority:** No objection (no conditions recommended).

4.8 **Landscape and Biodiversity Lead (Water):** No objection.

- Support water flowing through the reed beds.
- Support the 8m 'buffer' strip of riparian grassland on the western side of the stream; water flowing the reed beds and stream channel restoration.
- Some concern about the effects downstream during times of lower flows and the reeds holding back would water, but should be guided by Environment Agency advice.
- Accept the comments on nitrate calculations and precautionary approach in adopting Natural England's guidance.
- Future management and monitoring of the site needs to be secured.
- Conclusion of no evidence of water voles being found is unsupported given SDNPA's own monitoring of the River Meon through the re-introduction project. Recommend a further survey is conducted prior to commencement to confirm no water vole burrows or otter holts are within 8 m and 200m respectively.
- Wetland habitat welcomed but it does not wholly reflect stage zero restoration as the scheme requires the removal of 21,500 m³ of material, rather than allowing natural processes to restore the course of the stream.

- Existing straightness of the stream and its gradient leads to a fast flow and such streams tend to be in narrow steep sided valleys, rather than having a broad floodplain; query whether the scheme responds to landscape character.

4.9 **Landscape officer (SDNPA):** Objection.

- New water meadow is a characteristic habitat in the landscape along chalk watercourses, which has previously been lost.

However, concerns raised are:

- Landform changes and reed beds are not characteristic; engineering the landform is potentially harmful to landscape character.
- A landscape-led approach and delivering ecosystem services should utilise natural processes and systems.
- A simpler solution led by a better understanding of chalk river system landscapes, along with addressing the cause of the problem, would deliver sustainable benefits long-term.
- Wetland needs to be kept wet and are characteristic in landscapes where water is stored on the surface; they are uncharacteristic of well-drained chalk systems where water is stored underground.
- Unconvinced the scheme will succeed long-term, especially given climate change.
- If the wetland doesn't survive the water quality benefits will not be realised.
- Evidence does not demonstrate that the water meadow will be wet; if it is not wet then the scheme is not restoring a lost 'water meadow' habitat but it is reverting arable to grassland.
- Important habitats along chalk valley systems of wet woodlands and water meadows need to be seasonally inundated. Without this, the wetland habitat will become grassland, which is characteristic of the landscape but not as good as restoring lost riparian habitats.
- The wetland will only 'clean' water from upstream. If land within the Farm downstream is fertilised then the scheme (with the potential to cause negative effects upon landscape character) does not address the nitrate issue.
- Unclear where the extracted soil will go and what the effects upon the landscape will be.

4.10 **Lead Flood Authority (HCC):** Awaiting comments, Members will be updated.

4.11 **Natural England:** No objection, subject to conditions and completion of a legal agreement to secure the long term management and monitoring of the site.

4.12 **Planning Policy:** Comments.

- Relevant policies are SD2, SD4, SD9, SD11 and SD17.
- Scheme would have a positive impact regarding eco-systems services
- Support the comments from ecologist regarding existing ecology concerns.
- Proposals will increase biodiversity; greater variety of emergent planting proposed in the amended scheme for the wetland area is an improvement.
- Biodiversity net gain needs to be achieved through a landscape-led approach.
- DEFRA metric not used to quantify what the biodiversity net gain will be.
- Further detail about the intended users of the new circular footpath needed and whether it could connect to wider public right of way network.
- Construction phase of the earthworks presents a pollution risk downstream; Construction Management Plan required.
- In order to be an effective offset for mitigation for development; the wetland needs to remain effective in perpetuity.
- An appropriate water flow through the site is critical and needs to take into account climate change; particularly in regard to anticipated 'low flow' periods during summers.

- A clear long term Landscape and Ecological Management Plan required to ensure the scheme is effective for the long term.

4.13 **Southern Water:** Comments. Any sewer found during construction works will require investigative works before further works commence.

4.14 **West Meon Parish Council:** No comments received.

5. Representations

5.1 None.

6. Planning Policy Context

6.1 Applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The relevant statutory Development Plan comprises of the South Downs Local Plan (SDLP) 2014-2033. The relevant policies are set out in section 7 below.

National Park Purposes

6.2 The two statutory purposes of the SDNP designation are:

- To conserve and enhance the natural beauty, wildlife and cultural heritage of their areas;
- To promote opportunities for the public understanding and enjoyment of the special qualities of their areas.

If there is a conflict between these two purposes, conservation takes precedence. There is also a duty to foster the economic and social wellbeing of the local community in pursuit of these purposes.

National Planning Policy Framework and Circular 2010

6.3 Government policy relating to National Parks is set out in English National Parks and the Broads: UK Government Vision and Circular 2010 and The National Planning Policy Framework (NPPF) which was issued and came into effect on 24 July 2018 and revised in February 2019. The Circular and NPPF confirm that National Parks have the highest status of protection and the NPPF states at paragraph 172 that great weight should be given to conserving landscape and scenic beauty in the national parks and that the conservation of wildlife and cultural heritage are important considerations and should also be given great weight in National Parks.

National Planning Policy Framework (NPPF) 2019

6.4 The National Planning Policy Framework has been considered as a whole. The following NPPF sections have been considered in the assessment of this application:

- Achieving sustainable development
- Requiring good design
- Meeting the challenge of climate change, flooding and coastal change.
- Conserving and enhancing the natural environment

Relationship of the Development Plan to the NPPF and Circular 2010

6.5 The development plan policies listed below have been assessed for their compliance with the NPPF and are considered to be compliant with it.

Major development

6.6 The proposed development does not constitute major development for the purposes of the NPPF and policy SD3 (Major Development) of the SDLP. This is a matter for the decision maker, taking into account the nature, scale, and setting of the proposals and whether they could have a significant adverse impact on the purposes for which the area has been designated or defined.

The South Downs National Park Partnership Management Plan 2019-2025

- 6.7 Environment Act 1995 requires National Parks to produce a Management Plan setting out strategic management objectives to deliver the National Park Purposes and Duty. National Planning Policy Guidance (NPPG) states that Management Plans “contribute to setting the strategic context for development” and “are material considerations in making decisions on individual planning applications.” The South Downs Partnership Management Plan as amended for 2020-2025 on 19 December 2019, sets out a Vision, Outcomes, Policies and a Delivery Framework for the National Park over the next five years. The relevant outcomes include: 1, 2, 4, 5, 6, 13, 23, and 24.

Other relevant guidance and evidence documents

- 6.8 Other relevant guidance includes the Ecosystems Services Technical Advice Note 2019.

7. Planning Policy

- 7.1 Whilst the SDLP must be read as a whole, the following policies are relevant:

- SD1: Sustainable Development
- SD2: Ecosystems Services
- SD4: Landscape Character
- SD5: Design
- SD9: Biodiversity and Geodiversity
- SD11: Trees, Woodland and Hedgerows
- SD17: Protection of the Water Environment
- SD45: Green Infrastructure

8. Planning Assessment

Background

- 8.1 The proposed scheme is principally a response to Natural England’s advice to local planning authorities in 2019 regarding how the impact of new development upon protected habitats within the Solent needs to be assessed. The Solent is internationally important for its wildlife and areas are designated as Special Protection Areas and Special Areas for Conservation under European legislation.
- 8.2 There is evidence of high levels of nitrogen and phosphorous in the protected areas in the Solent which are causing eutrophication of the protected habitats. This, consequently, affects a diverse array of wildlife and particularly bird species which protected habitats have largely been designated for.
- 8.3 The source of nitrates are predominantly from agriculture (eg. fertiliser run off) and wastewater from housing. There is uncertainty as to how new housing growth will further deteriorate designated sites but Natural England’s view is that wastewater is likely to have a significant adverse effect upon to their future conservation status. Consequently, new developments need to achieve ‘nitrate neutrality.’ This means they should not be adding to existing nutrient levels and therefore mitigate for this potential impact. To achieve this, wastewater either needs to be treated on site or off site solutions need to found.
- 8.4 New wetland habitat creation is an approach endorsed by Natural England, which could avoid more mechanical means of removing nitrates at wastewater treatment works or new facilities. There is ongoing joint work between local authorities, the SDNPA, government agencies and the water companies to reach a strategic solution(s) but at present proposed residential development is considered on a case by case basis.

The proposed scheme

- 8.5 The proposed scheme is a commercial enterprise by the Farm, to diversify its income, to provide developers with an option to off-set the nitrates their schemes would produce. It could be used by developers inside or outside of the National Park for sites within the river catchments of the Solent. This would be in the form of purchasing ‘credits’ via financial

payments to the Farm. The number and scale of developments which could rely on the scheme would be subject to calculations between what wastewater they would produce and the capacity of the wetland to remove nitrates.

- 8.6 The scheme has been assessed in the context of the relevant planning policy and assessed on its merits. More broadly, this type of scheme, if approved, would involve the SDNPA supporting a proposal to help a farm diversify its income, tackle the nitrate run-off it already produces and facilitate new development potentially outside of the National Park. Many of the rivers and their catchments which feed into the Solent are also within the National Park and, importantly, this type of scheme needs to be in a location where nitrates in watercourses can be captured.
- 8.7 The scale and nature of the scheme has been devised through a consideration of the surrounding landscape character and technical calculations on maximising the volume of nitrates which the scheme could absorb. This would be nitrates already generated on Whitewool Farm from its farming practises and would equate to removing 4,000kg of nitrates per year entering the River Meon and the Solent, which would offset wastewater from development elsewhere.
- 8.8 The Farm's practices directly influence the scheme and how much development it could offset. If the Farm were to reduce its reliance on fertilisers and adopt other sustainable methods this would further influence the amount of nitrates entering the stream. It is understood that the Farm's objectives over the next ten years include adopting more sustainable farming practices, which include improving soils and relying more on natural processes but the scheme needs to be assessed on its merits and the issues which currently exist.

Ecosystems services and ecological enhancements

- 8.9 The nitrate issue aside, there are also other environmental and ecological benefits of the scheme, as outlined below. Policy SD2 requires development to have a positive impact on eco-systems services and this scheme would provide the multiple benefits below:
- Provide more and better joined up natural habitats;
 - Increase the ability to store carbon through new planting;
 - Improve water quality and reduce levels of pollution;
 - Manage any risk of flooding;
 - Improve the National Park's resilience to and mitigation of climate change.
 - Provide opportunities for people to access the natural resources of the National Park (health, wellbeing, education)
- 8.10 Policy SD9 requires proposals to demonstrate that they have identified and incorporated opportunities for net gains in biodiversity, including the creation of wildlife habitats. Many positive ecological enhancements to the area could be achieved by this scheme through the creation of wetland, riparian meadow and wet woodland habitats. These habitats would relate well to one another and provide opportunities for a diverse range of plant, tree and wildlife species, including insects, birds, fish, eels and mammals, to colonise the site. It would also improve the ability for species to travel along the stream corridor and link with nearby habitats. This is in contrast to the arable use of a large part of the site which is less rich in biodiversity. These enhancements would meet the First Purpose of a National Park in regard to conserving and enhancing wildlife.
- 8.11 The county ecologist and the SDNPA's Landscape and Biodiversity Lead supportive the new habitat creation, but they have raised concern about insufficient surveys of the existing ecology of the site. This has resulted in an objection from the county ecologist, however, permission is not recommended to be granted until further survey work is undertaken, to the satisfaction of the SDNPA, and the applying of any further planning conditions to be delegated to the Director of Planning.
- 8.12 Natural England is supportive of the scheme in principle subject to the provision of conditions and a S106 legal agreement to secure the management and monitoring regime for

the scheme. The Environment Agency also raise no concerns and recommend a condition on protection measures for brown trout and eels. The re-profiling of the land could likely be undertaken sensitively. Whilst a Construction and Environmental Management Plan has been submitted which outlines a reasonable approach, a further CEMP is recommended on the basis that it may need to be amended pending the outcome of a further survey for protected species within the Site.

- 8.13 Policy SD17 requires development which affects watercourses to conserve and enhance water quality and quantity; allow for the stream to function by natural processes through seasonal variations including upstream and downstream; biodiversity, their character and appearance and setting.
- 8.14 Concern has been raised by SDNPA consultees regarding whether the wetland habitat could dry out particularly in the summer months, which could lead to a succession of grassland species and its subsequent inability to absorb nitrates. If the scheme were to capture less nitrates in the future as a result of the wetland being significantly affected then the scheme would be less effective in off-setting either any new development or indeed built development which may already be relying on the scheme.
- 8.15 The existing stream is, however, proposed to feed directly into the wetland and the widening of its channel, changes to its gradient, new planting and tree debris, are designed to slow the flow of water to an appropriate level to help sustain this environment, whilst also help to maintain the flow of water downstream. This clearly depends on seasonal variations but in regard to climate change summers are anticipated to be warmer and drier.
- 8.16 Natural England has assessed this issue and raises no objection. They have also advised that the issue of low water flows through the scheme is sufficiently addressed in its design. An appropriate management regime for the scheme, to be secured via a S106 Agreement, would enable such issues to be monitored and any remedial action to be undertaken as necessary. This monitoring work is likely to be undertaken in conjunction with Natural England and responsibilities of this would be secured in the completion of the S106 Agreement.

Impact on landscape character

- 8.17 The ecosystems services benefits and biodiversity net gain highlighted above are still required to be considered in the context of a landscape-led approach to design. Policy SD4 requires new development to conserve and enhance landscape character, reflecting the context and type of landscape in which a scheme is located. Similarly, policy SD5 outlines that proposals need to respect local character through high quality design which integrates and sympathetically complements the landscape.
- 8.18 The Landscape Officer has objected in regard to the creation of the wetland habitat. This is on the basis that the engineering works involved are uncharacteristic of the surrounding landscape character and also questions its long term survival and success in removing nitrates. The latter point is considered in paragraph 8.14 to 8.15 above.
- 8.19 'Great weight' needs to be given to conserving and enhancing landscape and scenic beauty in National Parks. It is important to understand the intrinsic landscape character as well as the visual impact from which to make an assessment about how proposals can positively or negatively impact the landscape. The South Downs Integrated Landscape Character Assessment (2011) identifies the following characteristics of the Meon Valley which the site lies within (underlining is officer's emphasis):
- Broad, branching valley carved from the chalk downs and indented by dry valleys and coombes to produce smoothly rounded valley sides.
 - The River Meon flows in a narrow floodplain characterised by small permanent pastures divided by hedgerows, wet woodland, water meadows and open water.
 - Remnant features relating to water management and agricultural/industrial use of the river including fragments of water meadows, weirs, ponds, fish farms and trout lakes.

- 8.20 These characteristics highlight that the proposed wet woodland and riparian meadow are characteristic of the Meon Valley and are evident near to the site. There is therefore precedent for this type of habitat in this location and their re-introduction is supported by policy SD4 and the Landscape Officer's concerns primarily relate to the introduction of wetland habitat and ground works needed to create it.
- 8.21 It is acknowledged that the wetland would be less characteristic in the landscape, but it is a means to absorb nitrates in a location where, based on the advice of consultees, it could be successful. It would also be in a landscape characterised by the River Meon, its tributaries and other ponds and small lakes. Its wider and flatter ground levels perhaps are less characteristic of narrow floodplains but it would create a relatively more natural character for the stream compared to its canalisation, which has negatively affected it. The proposed banks could also become new habitat and opportunities for new burrow creation by water voles. The re-grading of the land through the wet woodland area is not particularly dissimilar to the existing gradient of the arable field.
- 8.22 Importantly, the wetland would be surrounded by riparian meadow and wet woodland which would better integrate it within the landscape so as it would not be an isolated piece of habitat at odds with surrounding habitats and landscape character. After the initial phases of construction are complete the site is likely to appear incongruous within the landscape, but this would be temporary until the colonising vegetation matures and it is then unlikely to appear artificial. Furthermore, the scheme is unlikely to appear incongruous from the only vantage point on the SDW due to seeing it in the overall context of the wider landscape.
- 8.23 On balance, therefore, the impacts on the intrinsic character of the landscape and the visual impact are acceptable and the scheme would create significant enhancements for wildlife and nitrate neutrality which are supported. In addition, the proposals would accord with the criteria of SD17 in regard to conservation and enhancement of water environments.

The Conservation of Habitats and Species Regulations 2017

- 8.24 To fulfil the requirements under the Habitats Regulations (2017), officers are required to assess the likely significant effects of development on the European protected sites. The Solent is vulnerable to water quality issues and in this instance the scheme would be capturing nitrates. Based on an assessment of the scheme and advice of Natural England, the scheme would not have an adverse effect upon the Solent subject to its long term management and monitoring to ensure its effectiveness.

The proposed footpath

- 8.25 The scheme includes a circular footpath around the site. It would be accessed via walking from Meon Springs alongside the stream on an unsurfaced route. The footpath would allow some access to the scheme for recreation and education, including the introduction of an interpretation board which is the subject of a condition. The site would only be accessible by visitors to the Farm, rather than be publicly accessible due to its location and accessibility and in these respects its status would be a private path.
- 8.26 The footpath would enable an appropriate access through the site and opportunities to understand its functions and ecology to a wide range of visitors. This would accord with the Second Purpose of a National Park.

Other matters

- 8.27 There would be no impacts upon surrounding private amenities given the nature of the scheme and the distances to the nearest properties and the construction phase is unlikely to cause any harmful impacts.
- 8.28 The Highways Authority have raised no objection and their recommended conditions are included in the recommendation. Other consultees cited have not raised any concerns.

9. Conclusion

- 9.1 The advice from consultees is that the scheme, as a means to reduce nitrate pollution, would be fit for purpose, provided appropriate management and monitoring can be secured via conditions and a S106 Agreement.

- 9.2 There are the priorities of the needs of the design to primarily remove nitrates and the need to conserve and enhance the landscape and wildlife. The scheme would enable range of eco-systems services benefits and significant ecological enhancements in an area which comprises a largely artificially canalised stream and arable land. It is also considered that the re-profiling and the creation of the varied habitats would conserve and enhance the surrounding landscape character of the Meon Valley for the reasons outlined. Access for visitors to enjoy and learn about the scheme and the new habitats is also proposed. In all of these regards, the scheme would meet National Park Purposes.
- 9.3 There remains concern about the impact upon the existing ecology of the site and therefore the recommendation includes the need for further survey work to be undertaken and any mitigation agreed to the satisfaction of the SDNPA before permission is granted.

10. Reason for Recommendation and Conditions

10.1 It is recommended to grant planning permission subject to:

- 1) The completion of a S106 legal agreement, the final form of which is delegated to the Director of Planning, to secure the following:
 - a) The scheme is secured and managed for the lifetime of the development which relies on it as mitigation.
 - b) Appropriate arrangements for the management and monitoring of the wetland and its performance of capturing nitrates; an agreed nitrogen saving budget for offsetting development; provision of remedial measures as necessary; appropriate funding, responsibilities and mechanisms to ensure compliance of the above by appropriate organisations.
 - The completion of further ecological surveys regarding protected species on site, principally within the stream corridor, and provision of a suitable policy compliant mitigation and enhancement ecological strategy to the satisfaction of the SDNPA, the consideration of which is delegated to the Director of Planning; and
 - The conditions as set out in paragraph 10.1 of this report and any additional conditions, the form of which is delegated to the Director of Planning, to address any mitigation and strategy matters that arise from the completion of further ecological surveys.
- 2) That authority be delegated to the Director of Planning to refuse the application with appropriate reasons if:
 - a) The S106 Agreement is not completed or sufficient progress has not been made within 6 months of the 9 July 2020 Planning Committee meeting.
 - b) The additional ecological surveys and provision of a suitable policy compliant mitigation and enhancement strategy is not completed or sufficiently progressed within 6 months of the 9 July 2020 Planning Committee meeting.

Planning Conditions

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with the provisions of Section 91 (1) of the Town and Country Planning Act 1990 (as amended) and Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the plans listed below under the heading "Plans Referred to in Consideration of this Application".

Reason: For the avoidance of doubt and in the interests of proper planning.

Landscaping and ecology

3. No development shall commence until a detailed Scheme of Landscape Works has been submitted to and approved in writing by the Local Planning Authority. These details shall include:
 - a. Written specifications of planting methods (including cultivation and other operations associated with tree, plant and grass establishment, tree pits and guying methods);
 - b. Schedules of trees and plants, noting species, planting sizes and proposed numbers/densities where appropriate;
 - c. Retained areas of trees and hedgerows;
 - d. Manner and treatment of the watercourse and its banks;
 - e. Details of the circular footpath including materials, design and appearance (including edging) and the crossing at the northern end of the wetland;
 - f. A landscape schedule for a minimum period of 5 years including details of the arrangements for its implementation;
 - g. A timetable for implementation of the landscaping works.

The scheme of Landscaping Works shall be implemented in accordance with the approved timetable. Any plant which dies, becomes diseased or is removed within the first five years of planting, shall be replaced with another of similar type and size, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To achieve an appropriate landscaping scheme to integrate the development into the landscape and provide a setting for the new development.

4. No development shall commence until a site-wide detailed Landscape and Ecological Management Plan (LEMP) is submitted to and approved in writing by the Local Planning Authority. The LEMP shall include, but not necessarily be restricted to, details of long term objectives and management responsibilities and regime of the landscape scheme; measures to enhance ecology through the provision of landscape species. The measures shall thereafter be implemented in accordance with the approved details.

Reason: To conserve and enhance flora and fauna.

5. No development shall commence until a scheme detailing measures for the protection of Brown Trout (a protected species under the Salmon and Freshwater Fisheries Act 1975) and Eel (a protected species under the Eel Regulations 2009) has been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall include the following elements:
 - A plan to show how both species are to be removed from the proposed development site together with details of a release site.
 - A strategy for how fish species will be prevented from re-entering the entire development site for the duration of the works.

The scheme must consider the whole duration of the development, from the construction phase through to completion and operation of the development. Any change to operational responsibilities, including management, shall be submitted to, and approved in writing by, the Local Planning Authority. The scheme shall be carried out in accordance with a timetable for implementation as approved.

Reason: Brown Trout and Eel are protected species under the Salmon and Freshwater Fisheries Act 1975 and the Eel Regulations 2009, and are believed to be present at the site.

Construction Management Plan

6. No development shall commence until a detailed Construction Environmental Management Plan has been submitted to, and approved in writing by, the Local Planning Authority. The approved Plan shall be adhered to throughout the construction period. The Plan shall provide for:
 - i) An indicative programme for carrying out of the works;

- ii) Method Statement for the demolition and construction work;
- iii) Chemical and/or fuel run-off from construction into the watercourse;
- iv) Measures to minimise the noise (including vibration) generated by the construction process, the selection of plant and machinery;
- v) Means of limiting sediment released into the watercourse during construction to limit impacts downstream.
- vi) Measures to safeguard the existing ecology of the site including any protected species;
- vii) Details of any floodlighting, including location, height, type and direction of light sources and intensity of illumination;
- viii) The parking of vehicles of site operatives and visitors;
- ix) Loading and unloading of plant and materials;
- x) Storage of plant and materials used in constructing the development;
- xi) The erection and maintenance of security hoarding, where appropriate;
- xii) Wheel washing facilities;
- xiii) Measures to control the emission of dust and dirt during construction;
- xiv) A scheme for re-using/disposing of waste, including spoil elsewhere;
- xv) Provision for storage, collection and disposal of rubbish;
- xvi) Working hours.

Reason: In the interests of highway safety and the amenities of the area.

Levels

7. The development shall not commence until further detailed site levels, including longitudinal and latitudinal sections through the site, of the proposals have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with the approved details.

Reason: To ensure a satisfactory development which responds to the characteristics of the landscape and creates an appropriate environment for the new habitats to establish and an appropriate flow of water through the site.

Interpretation board

8. The proposals shall include the provision of an interpretation board along the circular footpath within the site. Its siting, scale and design shall be agreed by the Local Planning Authority before it is erected. It shall be erected in accordance with the agreed details and maintained thereafter.

Reason: To promote the understanding and enjoyment of the scheme to visitors.

11. Crime and Disorder Implication

- 11.1 It is considered that the proposal does not raise any crime and disorder implications.

12. Human Rights Implications

- 12.1 This planning application has been considered in light of statute and case law and any interference with an individual's human rights is considered to be proportionate to the aims sought to be realised.

13. Equality Act 2010

- 13.1 Due regard has been taken of the South Downs National Park Authority's equality duty as contained within the Equality Act 2010.

14. Proactive Working

- 14.1 In reaching this decision the Local Planning Authority has worked with the applicant in a positive and proactive way, in line with the NPPF.

TIM SLANEY

Director of Planning

South Downs National Park Authority

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Appendices I. Site Location Map

SDNPA Legal Services, Development Manager.

Consultees

Background Documents All planning application plans, supporting documents, consultation and third party responses

<https://planningpublicaccess.southdowns.gov.uk/online-applications/simpleSearchResults.do?action=firstPage>

South Downs National Park Partnership Management Plan 2019

<https://www.southdowns.gov.uk/national-park-authority/our-work/key-documents/partnership-management-plan/>

South Downs Integrated Landscape Character Assessment 2005 and 2011

<https://www.southdowns.gov.uk/planning/planning-advice/landscape/>

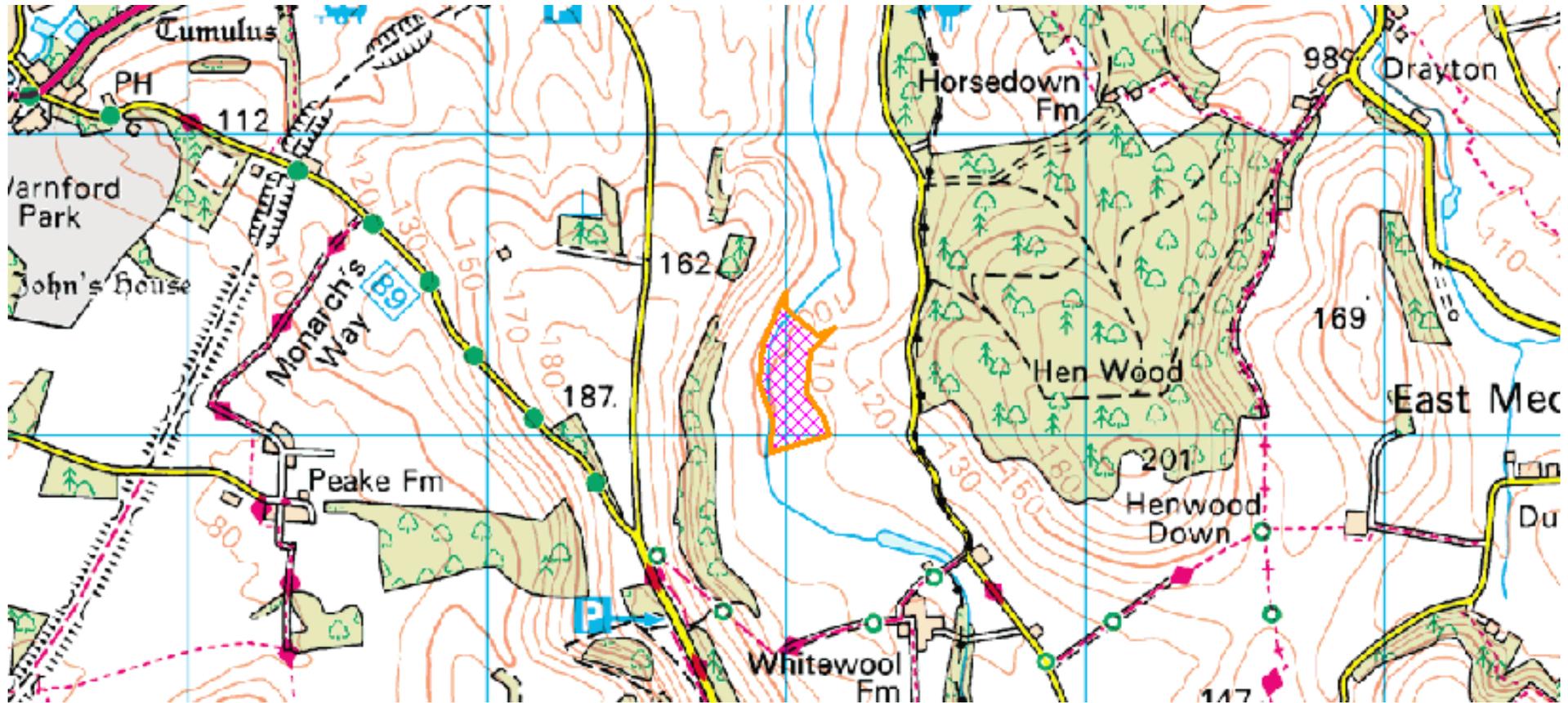
South Downs Local Plan 2019

https://www.southdowns.gov.uk/planning/south-downs-local-plan_2019/

Ecosystems Services Technical Advice Note

<https://www.southdowns.gov.uk/planning-policy/supplementary-planning-documents/technical-advice-notes-tans/>

Site Location Map



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