

Southern Area Planning Committee Update Paper – 15th March 2022

APPLICATION NO.	19/02450/VARS
SITE	7B Lansdowne Gardens, Romsey
COMMITTEE DATE	15 th March 2022
ITEM NO.	7
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1.0 NITRATES

- 1.1 In the present case, it is considered that the proposed additional dwelling is likely to result in an increase in nitrate deposits entering the mains sewerage system and in turn, the treated effluent will be deposited in the Solent and Southampton Water SPA.
- 1.2 In response to the ongoing issue relating to nitrates entering the Solent, the Council has implemented a strategic nitrate offsetting mitigation scheme. This scheme is funded by developer contributions and will secure the offsetting of agricultural land previously used as a pig farm located at Roke, Awbridge. The contributions will ensure that the land is restored and maintained so that a substantial reduction in nitrate loading within the Solent catchment can be achieved. The offsetting scheme and management plan has been agreed with Natural England.
- 1.3 The Council has purchased ‘credits’ from Roke Manor Ltd, the landowner of the offsetting site. A credit is a tariff which has been calculated based on the cost of implementing and maintaining the strategic offsetting scheme per kg/TN/yr saved. The applicant for this proposal has now agreed to purchase the credits required to demonstrate that the development would achieve nitrate neutrality. As a result, an appropriate assessment has been forwarded to Natural England for their consideration and they have agreed with the proposed mitigation. The applicant has confirmed that they would be willing to enter into an appropriate legal agreement to secure the required mitigation – and has agreed that the payment would be based on a worse case calculation of nitrate loading. Subject to the completion of a legal agreement, it is considered that there would be no adverse effect on the integrity of the designated sites with respect to nutrient neutrality. The proposals are therefore considered to comply with policy E5 of the RLP.
- 1.4 The applicant has however requested that the s106 agreement includes a review mechanism which will allow the applicant to, following ‘real-world testing’, demonstrate the ‘real-world performance’ of the Bio-Ficient 3 STP which has been installed on site and is in operation. Unlike other package treatment plants on the market there is no real world testing data for the model installed on site. Such a request for a review mechanism is not unreasonable and there is a possibility that the treatment plant is more efficient at stripping nitrates than the figure quoted within the Council’s Appropriate Assessment, as the figures quoted are a cautionary approach based on Natural England’s latest guidance. If the package treatment plant is more efficient than suggested in the Appropriate Assessment too many nitrates will have been offset compared to

the impact.

- 1.5 However, the application is retrospective and the property is currently occupied and could be contributing to the nitrates problem within the Solent SPAs. As such it is necessary to have a quick resolution to this application. Therefore, it is appropriate to have a dual recommendation- of permission, but were the s106 agreement not to be signed in a timely manner planning permission would be refused.

1.6 **PLANS**

A copy of the layout granted planning permission under application 18/00567/FULLS is attached to the update paper.

2.0 **CHANGE TO RECOMMENDATION**

2.1 **RECOMMENDATION A**

DELEGATE to the Head of Planning and Building subject to the completion of a legal agreement on or before the 4th July 2022, which secures the following:

- 01. A financial contribution towards securing Solent SPA mitigation (nitrates), and**
- 02. Payment of a monitoring fee, and**
- 03. Review mechanism which will allow the applicant to, following ‘real-world testing’, demonstrate the ‘real-world performance’ of the Bio-Ficient 3 STP which has been installed on site and is in operation and a possible refund of financial contributions.**

then **PERMISSION subject to conditions and notes:**

- 1. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers: EXW-03-C, EXW-03-E
Reason: For the avoidance of doubt and in the interests of proper planning.**
- 2. The space laid out and provided for the parking and manoeuvring of vehicles to enable them to enter and leave the site in a forward gear in accordance with the approved plan shall be reserved for such purposes at all times.
Reason: In the interests of highway safety in accordance with Test Valley Borough Revised Local Plan (2016) Policy T1**
- 3. The landscaping and planting shall be carried out before the end of the current or first available planting season following this grant of planning permission. The planting shall be maintained to encourage its establishment for a minimum period of five years following the date of this decision. Any trees or planting that are removed, die or become, in the opinion of the Local Planning Authority, seriously damaged or defective within this period, shall be replaced before the end of the current or first available planting season following the failure, removal or damage of the planting.
Reason: To improve the appearance of the site and enhance the character of the development in the interest of visual amenity and**

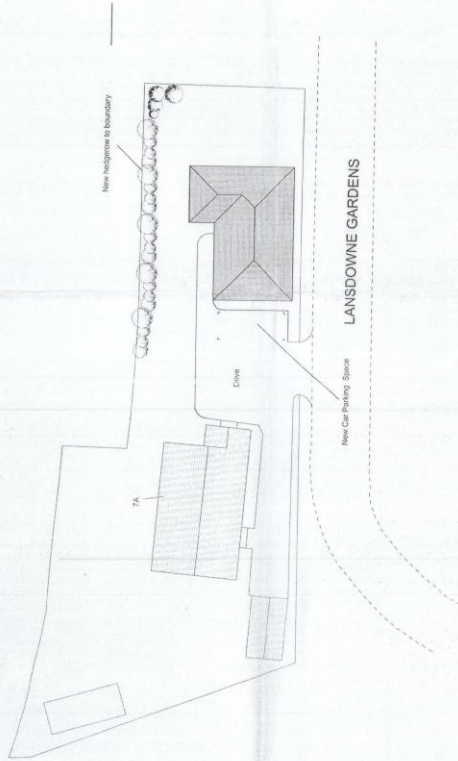
contribute to the character of the local area in accordance with Test Valley Borough Revised Local Plan (2016) Policy E1 and E2.

2.2 RECOMMENDATION B

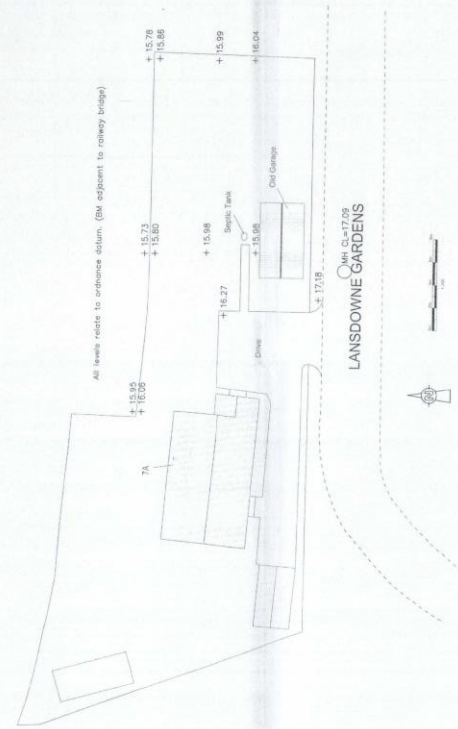
DELEGATE to the Head of Planning and Building in the event that a legal agreement securing:

- **A financial contribution towards securing Solent SPA mitigation (nitrates) has not been completed by 04 July 2022 then REFUSE for the following reason:**
 1. **The proposed development by means of its nature, location and scale could have likely significant effects upon the nearby Solent and Southampton Water European Designated Site which is designated for its conservation importance. In the absence of a completed legal agreement securing the proposed off site mitigation, and monitoring fee, the applicant has failed to satisfy the Council that the proposal would not adversely affect the special interest of the Solent and Southampton Water European Designated Site, therefore the application is contrary to Policies COM2 and E5 of the adopted Test Valley Borough Revised Local Plan (2016) and the Conservation of Habitats and Species Regulations 2017 (as amended).**

APPROVED PLAN
SITE LAYOUT.



Proposed Site Plan 1:200



All levels refer to ordnance datum. (BM adjacent to railway bridge)

Existing Site Plan With Levels 1:200

NO.	DESCRIPTION	DATE
1	Initial site design	17/09/17
2		
3		
4		
5		

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CLIENT

7a Lansdowne Gardens, Romsey	
TITLE	
Existing and Proposed Site Plans	
SCALE: 1:200	DRAWN: CJ
DATE: 15/08/17	CHECKED: CS
PROJECT NO: 7451	REGION: C
DRAWING NO: 6	