

56. Appendix 6 - Baseline In-combination Assessment



SALISBURY
District Council

Planning & Regulatory Panel

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1. Purpose of Report.

To consider the impacts that a number of major development proposals may have upon the health and integrity of the River Avon.

In particular, to determine whether the identified proposals would "alone or in combination" would be likely to have a significant effect upon the features for which the River has been designated as a candidate Special Area of Conservation (cSAC) under "The Conservation (Natural Habitats & c) Regulations 1994."

2. Background.

The River Avon and its major tributaries, the Bourne, Till, Wylfe, Nadder and Dockens Water was recommended as an eligible cSAC site in 1998 because it contains a high diversity of habitat types and species which are of European importance given that they are either rare or threatened within this wider context.

The species of European importance are:

- Atlantic Salmon, (*Salmo salar*)
- Bullhead, (*Cottus gobio*) for which the River Avon catchment is considered to be one of the best areas in the United Kingdom,
- Brook lamprey (*Lampetra planeri*) a small, jawless, eel like freshwater fish, for which the River Avon catchment is considered to be one of the best areas in the United Kingdom,
- Sea Lamprey (*Petromyzon marinus*) The largest lamprey found in the UK. Inhabits coastal waters and spawns in rivers. The River Avon catchment is considered to be one of the best areas in the United Kingdom, although not in the upper reaches of the River Avon.
- Desmoulin's whorl snail (*Vertigo moulinsiana*) a small snail usually found in long established environments bordering lowland rivers and lakes. Is occurs in scattered sites between the Norfolk Broads and Dorset. Within Europe, only England and Ireland have reasonable populations. The River Avon catchment is considered to be one of the best areas in the United Kingdom,
- Flowing water vegetation (*Ranunculus fluitantis* & *Callitriche-Batrachion*) Watercourses dominated by water-crowfoot species reflecting a relatively unpolluted water. The River Avon catchment is considered to be one of the best areas in the United Kingdom.

Within the River Avon catchment key issues to impact upon the river's condition include:

1. Land drainage,
2. Diffuse pollution from agriculture,
3. Development proposals (both construction phase and operation),
4. Abstraction levels,
5. Foul drainage treatment and discharge.

Of these, points 3 – 5 will be particularly relevant to the Local Planning Authority dealing with applications, commenting upon County Council schemes or responding to Central government proposals.

3. Salisbury District Council's responsibilities within "The Conservation (Natural Habitats & C) Regulations 1994."

Firstly, it is important to recognise that the "Habitat Regulations" do not form an integral part of the planning decision making process. The Regulations exist to protect the conservation objectives behind the cSAC's designation.

Whether or not a site has a local plan allocation is therefore not relevant to determining its acceptability within the provisions of the Habitat Regulations.

The Regulation sets out the responsibilities of Local Planning Authorities and other relevant public bodies under Regulations 48 – 51

Regulation 48 confirms that:

"A competent authority *, before undertaking or consenting a plan or project which is likely to have a significant effect (on the cSAC) and is not connected with the management of the site, shall make an "appropriate assessment" of the implications for the site in view of that site's conservation objectives."

* Competent Authorities are either public or statutory bodies capable of approving particular projects. Salisbury District Council, as a planning authority therefore represents a competent authority.

The significant effect can be either positive or negative.

Within Regulation 48 the competent authority should consult the appropriate nature conservation body (in this instance English Nature) and have regard to any representations made by them. The authority can take public opinion if this is considered appropriate.

The competent authority may only agree a plan or project having ascertained that it will not adversely affect the integrity of the European site, having regard to any conditions / restrictions which it may apply.

Regulation 49 addresses considerations of overriding public interest. Should the competent authority consider there to be imperative reasons to carry out a particular plan for which there is no alternative solution, the scheme must be referred to the Secretary of State for determination.

Regulations 50 and 51 set out the requirements for statutory bodies to review all outstanding consents likely to have a significant effect (alone or in combination) on a Natura 2000 site (such as the Avon cSAC) English Nature advises that the review of planning consents should include planning permissions granted, but not yet fully implemented. Other consent regimes required to be reviewed include foul discharges, abstraction licences and waste management for which the responsible body is generally the Environment Agency.

4. Implementation of the Appropriate Assessment.

As a competent Authority Salisbury District Council must determine whether proposals are likely to have a significant impact (alone or in combination) upon the conservation interests of any cSAC. The council should take advice from English Nature before forming a judgement.

To date, Salisbury District Council in discussion with English Nature have identified a series of schemes, generally centred on Amesbury, but including proposals to its north and south where their scale and proximity to the River Avon means that the scope for a significant effect upon the cSAC should be addressed.

Salisbury District Council has therefore facilitated a series of meetings with English Nature, as well as the Environment Agency and Wessex Water as key parties to identify the range of issues which may impact upon the cSAC as a result of each and all of the identified developments. By extending the consultation process beyond English Nature the Council has been able to develop better understanding of the current licenced abstraction levels, proposed demand and foul treatments.

The Council has also sought Counsel's opinion upon the implications of the Habitat Regulations for planning authorities as well as a guide to step by step implementation.

To undertake the Appropriate Assessment itself, the Council has briefed the relevant developers upon the process and "in combination" issues. Scoped a series of impact issues requiring further information from the scheme promoters and reviewed the submissions and clarifications of detail with English Nature and Environment Agency supported by advice from Wessex Water before drafting this report.

5. Geographic and administrative extent of the River Avon cSAC Appropriate Assessment.

As mentioned earlier, the Habitat Regulations relate to the management of European sites as a whole, rather than to the administration of geographical areas establishing local authority boundaries.

The River Avon cSAC extends from the Upper Avon, through Hampshire, Wiltshire and Dorset finishing at Christchurch.

Within the "in combination" Appropriate Assessment, therefore Salisbury District Council, as a competent authority may need to consider the impact of schemes within its own control in combination with schemes located within other Districts or Counties. As a result, individual plans or projects may be subject to more than one Appropriate Assessment as differing competent authorities undertake their own assessments.

6. Schemes considered within the River Avon cSAC Appropriate Assessment.

Salisbury District Council having taken advice from English Nature identified the following schemes as requiring consideration to determine whether or not they will need further assessment under the "In Combination Appropriate Assessment." Following further assessment and submission of additional information it has been possible to delete some of the initial schemes as set out later in this report.

Plan or project	Competent Authorities
Project Allenby, re-development of Salisbury Plain Garrisons at Tidworth, Bulford & Larkhill.	Salisbury District Council Kennet District Council Ministry of Defence
Training Estate, Salisbury Plain, Allenby related EIA submitted to local authorities addressing post Strategic Defence Review use of the plain which is also a cSAC	Salisbury District Council Ministry of Defence
Solstice Business Park, Amesbury & associated works to Folly bottom A.303 junction.	Salisbury District Council
Housing development on land south of Boscombe Road, Amesbury	Salisbury District Council
Stonehenge Visitors Centre, adjoining Countess Road, Amesbury	Salisbury District Council English Heritage
Undergrounding proposals for the A.303 running through World Heritage site	Salisbury District Council Highways Agency
Wylve Valley Relief Road, route options.	Salisbury District Council Wiltshire County Council
Brunel Link and Hamham Relief Road	Salisbury District Council Wiltshire County Council
The Maltings city re-development	Salisbury District Council
Retailing re-development Ringwood, New Forest	Salisbury District Council New Forest District Council

As this table shows, Salisbury District Council is the single competent authority for these schemes. This does not take away the responsibility for other public bodies or local authorities, where necessary, to undertake their own appropriate assessments of these projects in due course.

Salisbury District Council's consideration of proposals such as:

- EIA for Salisbury Plain training, (MoD)
- undergrounding of the A.303, (HA)
- route options for the Wylve Valley relief road, (WCC)
- proposals for the Brunel Link and Hamham Relief Road, (WCC) and
- redevelopment of Ringwood (NFDC)

will serve to inform the Council's decisions as a competent authority. A further responsibility will lie with the determining body to assess the particular schemes impact as that body moves towards its own determination process.

7. Impacts to be assessed.

The likely impacts upon the River Avon cSAC arising from this range of construction proposals are likely to include:

- Runoff, spillage or leakage directly or via groundwater polluting the river during construction,
- Run off during operational use of the development,
- Increased demand upon water resources arising from increased resident, working and visitor populations,

- Increased sewerage disposal impact upon
 - capacity of existing treatment works,
 - quality / quantity of discharge into the Avon
 - need for additional works to treatment works
- Direct loss of habitat
- Indirect pressures on the river system if floodplain dynamics are altered.

A table setting out the likely issues arising from each of the developments is attached as Appendix 1.

8. Assessment of the relevant schemes.

8.1 Project Allenby (Tidworth, Larkhill & Bulford.) Impact upon the River Avon cSAC.

Relevant impacts.

Surface runoff during construction
 Control over surface drainage and operational / servicing locations
 Impact upon effluent volumes arising from additional staffing (Tidworth & Bulford)
 Increased demands for water arising from additional staffing.
 Impact upon groundwater flows/ concentration of pollutants.

Assessment.

The garrison elements of Tidworth, Larkhill and Bulford have some degree of physical separation between them and the cSAC river Avon although Nine Mile River flows within 200 metres of the camp fence.

The MoD has indicated that it will impose requirements upon bidders for the PPP contract to achieve best practice during construction and refurbishment works. This issue has also been addressed within the "Notice of Proposed Development" response drafted by SDC in response to the Circular 18/84 submissions.

The Allenby proposal includes a requirement for bidders to introduce "Sustainable Urban Drainage" designs aimed at returning runoff to ground at source through soakaways and swales. The scope to use these solutions across hardstanding areas will need evaluating against risk of pollution from standing / servicing of vehicles.

In terms of effluent and water demand, Larkhill will not result in additional staffing. Bulford will receive some 700 additional on site staff. The bulk of additional staffing (some 1,600 personnel) will be based at Tidworth.

Allenby does target current inefficient water usage and management as a key area for improvement. Current high levels of leakage between source and camp are being addressed in Project Aquitaine whilst leakage and currently inefficient water fittings will be addressed within the new build / refurbishment programme, predicting 15% water savings per head. The Environmental Statement submitted in support of the Allenby proposals concludes that notwithstanding the increase in personnel, the project could result in a lower level of abstraction than currently takes place. Foul waste is anticipated to rise by 4% over existing levels.

Conclusion.

Allenby represents an opportunity to improve existing surface water site drainage and water quality. The proposal will increase sewerage output but may reduce overall abstraction levels.

Following review of the impacts of Allenby including the scope to control construction impacts and the neutral impact upon abstraction levies, English Nature and the Environment Agency have advised that the proposal will not represent a significant impact upon the Avon, either alone or in combination with other projects.

Outcome.

Following the review of impacts and management structures capable of being controlled by the competent authority, **Project Allenby can be removed from the "in combination" assessment and is considered not to have a significant impact upon the Avon.**

8.2 Project Allenby and its impact upon the Salisbury Plain cSAC.

Relevant impacts.

Allenby has the scope to impact upon bird habitat through damage to calcareous grassland habitat within the wire, which offers similar habitat to the cSAC Salisbury Plain designation.

Assessment.

The Salisbury Plain cSAC is designated for its semi-natural dry grasslands, juniper formations on calcareous grasslands and semi-dry grasslands. Additionally, under the Birds Directive, the plain supports two nationally important species, the Stone Curlew and Hen Harrier.

Potential impacts could arise from construction programmes seasons and methods, deposition of dust, loss of habitat to development or enhanced recreational use.

The MoD is separately undertaking an appropriate assessment of the impacts of post Strategic Defence Review training upon the plain. Much of the changed training pattern has preceded the Allenby Garrison redevelopments. MoD therefore considers that Allenby's impact upon the conservation interests of the Salisbury Plain cSAC relates only to impact upon habitat within the garrison fence.

There is scope within the development framework for Project Allenby for the Planning Authority to require developers to demonstrate their commitment to minimising habitat take, and encouraging enhanced habitat within the overall garrison management plan. The overall area of habitat suited to the Stone Curlew and Hen Harrier within the garrison represents a minor element compared to the areas of designated habitat within the Plain cSAC.

Outcome.

The MoD is a competent authority for both Allenby and the ongoing management of the Salisbury Plain cSAC. The Council's only interest in plain management within their "competent authority" role for Allenby lies in considering the cumulative impact of other plans or projects. There is a link between Allenby and the use of the plain in that both represent post Strategic Defence Review responses.

Following consideration with the appropriate advisory body, the impact of Project Allenby upon the Salisbury Plain cSAC is not considered significant by the District Council. As competent authority for both projects however the MoD has responsibility for undertaking an appropriate assessment of both the future use of the Plain and Allenby's impact upon the Plain and river Avon.

8.3 Solstice Business Park, Amesbury & associated highway works to Folly Bottom.

These schemes are included within the Appropriate Assessment as recent permissions, not implemented and therefore likely to play a key role informing any "in combination" assessment.

Relevant Impacts:

- Construction methodology,
- Management of surface water drainage,
- Impact upon sewage treatment works
- Water demand from licensed abstractions,
- Impact upon floodplain.

Assessment.

The Solstice Business Park was granted permission (S/99/721) in outline for a mixed employment site. The permission preceded the cSAC designation therefore not Appropriate Assessment was undertaken at that stage.

A subsequent whole site outline application (S/02485) retaining original principles but varying timescales for submitting details provided an opportunity to address the cSAC implications but this issue was not picked up by either the Council or the appropriate agency.

The status of the various "development cells" at Solstice Park which are to be developed within the land use framework established by the outline consents has been considered by Counsel for the developer and their assessment has been reviewed by counsel for the District Council. This advice indicates UK courts would be unlikely to require an appropriate assessment for reserved matters submissions, however this matter has not been fully tested within the European Courts.

Certainly, where proposals at Solstice Park fall outside the framework of the outline consent, any full application could be considered in terms of need for an appropriate assessment. This approach has been adopted for the hotel and petrol station proposal (S/03/0028), submitted after the "cut off" established for this Appropriate Assessment.

The outline permission required the developers to submit surface water management proposals which has been done and agreed with English Nature and the Environment Agency. As a part of the surface drainage submission, the developers have confirmed compliance with Environment Agency Pollution Guidance.

The developers have submitted an assessment of whole site abstraction requirement and foul drainage based upon standard meterage based upon the differing use classes. This has been included in the "in combination" assessment to inform assessment of the undetermined proposals.

Outcome.

The inclusion of Solstice Business Park serves to inform the wider appraisal. Where subsequent proposals at this site fall outside the framework of the outline consent then they will need to be considered in light of their potential impact upon the conservation interests behind the cSAC designation.

8.4 Housing development on land South of Boscombe Down, Amesbury.

Relevant impacts.

- Run off during construction
- Pollution of groundwater during construction
- Increased effluent volume to be treated by Amesbury Sewerage Treatment Works
- Impact upon operational surface water run off arising from increased hard surfaced areas
- Increased demand for water impacting upon abstraction levels

Assessment.

The Council as the Competent Authority for this outline application must consider three key questions before determining this proposal.

1. Is it possible to construct the proposed development without risking accidental pollution of the River Avon during the development process?
2. What measures can be introduced into the development to control water demand and the disposal of surface water?
3. Can the operational requirements of the completed development (demand for water and increased volume of effluent requiring treatment) be acceptably accommodated without adverse impact upon the conservation interests within the River Avon.

These issues require differing levels of assessment.

Question 1 can be addressed on an "alone" rather than "in combination" basis. As with the treatment of Project Allenby above, an adequate construction management regime can be imposed to prevent pollution, either via surface water or ground water. As such the risk of construction pollution will not impact "in combination".

Question 2 sets out a future operational framework that addresses the developers' level of commitment to water efficient fittings, surface water drainage from new hard areas, water recycling and sustainable highway drainage. The answers to this question provide technical solutions arising from a single site and serve to inform the wider "In combination" assessment.

Question 3 represents the "In combination" assessment, considering whether the anticipated abstraction and foul effluent can be accommodated by the river and sewerage treatment works, in addition to the other plans or projects impacting upon the River Avon cSAC.

Construction impacts.

In response to the concerns relating to flooding or surface runoff from the construction site, or pollution of the groundwater during construction, the developers have submitted a construction methodology, setting out proposals for materials storage and use, bunding, control over liquids (and pesticides / herbicides) in storage, use and methods of disposal. The detail set out in the construction methodology is adequate to inform the Appropriate Assessment and satisfies the advisory agencies that the housing development can be constructed in a manner which protects the interests of the Avon.

Operational water management.

The development proposes a comprehensive surface water drainage system, incorporating best practice Sustainable Urban Drainage solutions including roadside swales. The internal roadways

and hard surfaces will include local attenuation and soakaways to reduce the direct impact of new hardsurfaces upon run off flow rates and downstream flood impacts

To reduce overall water demand the developer proposes the following measures:

- Fit low flush toilets / cisterns,
- Install spray taps
- Urinals in public buildings to have flush control on timing device.
- Provide water but to each dwelling
- Use of grey water recycling on all public buildings except primary school

The comprehensive approach taken by the developer has been welcomed by the advisory agencies.

Conclusion.

The housing scheme represents an increase in overall demand for water to be taken from the River Avon and levels of effluent to be treated locally before discharge back into the Avon. The commitments to water efficiency measures, drainage solutions and construction management can be controlled via a planning permission.

Outcome.

Treated on an "alone" basis the housing scheme can be shown not to adversely impact upon the River Avon. The key elements within this scheme requiring a wider assessment relate to water demand and effluent management within the wider supply / treatment capacities within the local River Avon catchment and sewerage treatment infrastructure.

The "In combination" assessment of this scheme will include the World Heritage Visitor Centre proposals and be informed by Project Allenby and the Solstice Park outline permission implications.

8.5 Stonehenge Visitor Centre.

Relevant impacts.

- Construction pollution & run off
- Pollution of river from car park surface water run off
- Changes in pattern of run off from new hard surfaces
- Increased water demand impact upon abstraction
- Impact upon local sewerage treatment.

Assessment.

The proposers have outlined a construction methodology addressing the scope to pollute the Avon, either through flooding / surface run off through an exposed construction site, or via pollution of groundwater. This identifies issues such as open storage, storage of oil / fuel, containment of surface run off within designed lagoon.

A Sustainable Urban Drainage scheme including landscaping proposals addressing attenuation to Greenfield run off rates and petrol / oil interception and treatment has been submitted.

The development will be expected to attract 800,000 visitors per year with daily demand of 153 cu. m water. The development proposes water efficiency measures to include water efficient toilets, urinals and hand basins.

The development does not result in the loss of River Avon cSAC habitat.

Conclusion.

The submission of a construction methodology sets out a framework to ensure the delivery of a Visitor Centre can be achieved without adverse impact upon the Avon.

The commitments to water efficiency, construction management and the development of a comprehensive Sustainable Urban Drainage solution and associated landscaping scheme can be required either as a part of any detailed submission or by conditions.

Outcome.

The elements identified in the conclusion indicate that impacts upon the Avon can be addressed by proper planning controls. A wider assessment is however necessary and this relates to water demand and effluent treatment. This assessment will include the major housing scheme and be informed by Project Allenby and the Solstice Business Park planning approval.

8.6 Countess Road junction improvements and undergrounding proposals for A.303.

Relevant impacts.

Construction impact upon surface water runoff,
Construction impact upon groundwater
Impact upon groundwater through bored option
Impact upon floodplain

Assessment.

The agents for the Highways Agency have been involved in lengthy discussions with both English Nature and the Environment Agency relating to the above issues.

The scheme proposes to control run off from the construction site in accordance with Environment Agency Best Practice Advice (CIRA Report C532) Measures will include wash down areas, disposal of waste, fuelling protection of locations and bunds.

Water requirements relating to construction can be achieved within Wessex Water supply proposals. No new sources of water will be required during construction. There are no post construction water resource issues.

Measures to avoid construction / operational impact upon the floodplain of either the Avon or River Till have been proposed. These include temporary haul route crossing the Till valley, bunds to protect the Till, temporary drainage measures to mitigate suspended materials and attenuate flows.

The Agents are developing solutions to anticipated impacts of the proposed route upon habitat including shading from bridge, impact of earthworks and shading from temporary causeway which will inform the Highways Agencies' own Appropriate Assessment as a Competent, and in this case, Determining Authority.