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Report

SUBJECT: Harnham Flood Defence Scheme
REPORT TO: Planning and Regulatory Committee
DATE: 12th February 2008
AUTHOR: Richard Hughes (Principal Planning Officer)

REASON FOR REPORT TO MEMBERS

Councillor Tomlinson has requested that this item be determined by Committee due to:

- the prominent nature of the site
- the interest shown in the application
- the controversial nature of the application

Part Council land

SITE AND ITS SURROUNDINGS

This is a large and detailed project including land adjacent to Waldrons Farm, much of the land forming part of Middle Street Meadow, land forming part of the western portion of East Harnham Recreational Ground, and also affects a number of properties, including the area around the Old Mill public house.

The application works would be located within a Conservation Area and Area of High Ecological Value (AHEV). The river system is also a Special Area of Conservation (SAC), and an SSSI. The works would also cover an area of Area of Special Archaeological Significance.

THE PROPOSAL

Since the approval of the previous flood defence scheme application, new flood mapping data has indicated that a more restricted scheme of flood defence works than those approved could be constructed, which would adequately protect the harnham area from a 1:200 year flood event. There have also been financial issues which have lead to the reduction in the scale of the approved scheme.



Awarded in:
Housing Services
Waste and Recycling Services



In summary, the difference between the approved scheme and this current revised flood defence scheme is that the amount of flood walling around the Old Mill Hotel area has been reduced, the number of trees to be felled has been reduced, and the overall footprint of the scheme has been reduced, with particular reference to the omission of the previously approved grassed banking behind Mallard Close. Works will now also only take place to two rear gardens, rather than the 5 rear garden areas shown in the approved scheme.

However, the revised proposal subject of this application still involves a significant amount of works, including (summarised):

a) Waldrons Farm

The existing 375m long Waldrons Farm bunding will be raised by up to 0.3m (rather than up to 0.5m as approved) and the crest widened to between 3m and 5m. The flow control chamber will be raised by 0.2m (rather than by 0.3m) by increasing the thickness of the cover slab. To allow the Harnham Brook to be isolated during flood events a new penstock will be fitted to the outlet of the structure and access to operate the penstock will be created.

b) Gypsy Lane

As previously approved, the steel sheet piles retaining the river side at Gypsy Lane will be retained, but some 120m of new sheet piles will be positioned in front of existing sheets, and the face of the piles will be clad with hardwood timber. To the east where there is more room, the bank will be raised by up to 0.3m. Some 60m of flood bank will be raised by approx 0.5m with the crest width at 2m.

c) Nadder Bank and Brook House

As previously approved, some 40m of flood wall will be constructed through the gardens of two residential properties at Nadder Bank and Brook House.

d) Middle Street Meadow

A grassed flood bank will be constructed at Middle Street Meadow. A 125m length (rather than the approved 150m) of the existing flood bank will be raised up to approximately 1.5m high and approximately 300 metres of new bank will be constructed across the meadow. A flat 2m wide path will be created on top of the new banking.

Approximately 250metres of the existing flood banking will be removed to ground level in order to allow flow across the corner of the meadow to create a pond and reed bed to serve as a wildlife habitat, and a filtration system for the run off from Churchfields Ind Estate.

e) Old Mill Hotel

The existing flood defences at this location are considered to be high enough to provide the required standard of protection. Therefore no works are proposed at these properties.

f) Town Path

The brick faced reinforced concrete wall will continue along the bank of the Harnham Brook. The Town Path between the Three Crowns public house and the Old Mill Hotel would be raised so that the flood defence level is achieved at the access into the car park where it would tie into the wall along the Harnham Brook. This is the only place where the flood defence can cross Town Path whilst maintaining all the vehicular and pedestrian accesses. The ramps up to the flood defence level will allow pedestrian, cycle and disabled access. The bridge across the Harnham Brook into the Three Crowns pub will be replaced to accommodate the raised ground levels on Town Path. Paving and handrails around the Old Mill Hotel will be replaced to enhance the appearance of the area.

The culvert giving access to the car park and the timber bridge across the Harnham Brook into the Three Crowns pub will be replaced to accommodate the raised ground levels on the Town Path.

(The previously approved 2m walling in this area has been omitted from the scheme).

g) Recreation ground

The new flood defence bank will continue across Harnham Recreation Ground with the creation of a 150 metre long grassed flood bank approximately 600 -900mm in height. There would also be a small area of raised works adjacent to the existing Pavillion building to the east of the houses in Mallard Close.

(Note: The extent of the flood banking is more limited than that originally approved, and now terminates to the rear and adjacent to the existing dwellings in Lower Street, and no longer extends eastwards along the rear of the dwellings in Mallard Close).

h) Pumping Station

An underground pumping station will be constructed adjacent to the Town Path (opposite the public houses and on the site of the 4 poplar trees) to pump water out of the Harnham Brook and surface and ground water from inside the defended area, which includes a small building housing controls and a substation, and pipe system. A vehicular access will be required off Town Path for operation and maintenance of the pumping station.

i) Trees

A number of trees (approx 26) would be removed as part of the scheme, including four large poplar trees close to the Old Mill public house (the loss of which formed part of the previous application). However, the EIA indicates that any trees planted in memoriam will be retained. (Note: The submitted information indicates that far fewer trees would be removed than permitted by the approved flood defence scheme, and a number of new trees would be planted). Trees planted in memoriam will be retained.

The proposal is explained in depth in the submitted Environmental Statement, and the Flood Risk Assessment. As part of this revised application, a Habitat Survey; Bat; Reptile; Water Vole; Otter; Badger Surveys have been submitted.

PLANNING HISTORY

There have been two previous flood defence schemes at Harnham. In 1961, a chalk bank was constructed along the right bank of the River Nadder from Harnham Mill to Gypsy Lane. At Harnham Mill sluice gates were constructed to replace hatches. Then 1991-92, following the 1990 flood when the 1961 scheme was outflanked at Waldrons Farm, the West harnham Flood Alleviation Scheme was constructed including a new flood bank at Waldrons Farm, a flow control structure on the Harnham Brook to limit flows under flood conditions and automation of the sluice gates at Harnham Mill.

Application S/06/1878 which proposed similar but more extensive flood defence works was approved but never commenced, due to financial reasons, and evidence from new flood mapping data that a smaller, more limited scheme for flood defence works would suffice.

CONSULTATIONS

WCC Highways - As previous scheme, I can confirm that the proposals are generally acceptable, with the main issue for the highway authority involving works to lift the level of Town Path by approximately 1metre. Whilst I have some reservations about the position of proposed railings in relation to vehicles exiting the Three Crowns car park onto Town Path, I consider that the speed of vehicles is likely to be so low that conflict with pedestrians and cyclists will be avoided - I have considered use of chicane barriers and on balance these may deflect from the view of this historic view. Therefore the replacing of the existing concrete bollards with 3 cast iron bollards, set to discourage cycling at this point will be acceptable. The proposals are recommended for approval subject to the following conditions:

1. Full engineering details of the works to Town Path, including structural design and calculations of retaining walls, shall be submitted for the written approval of the LPA.
2. Details of a barrier system using appropriate bollards to discourage cycling along Town Path shall be submitted for the written approval of the LPA and the barriers installed before the works to Town Path are brought into use.

WCC Library/ Museum - Archaeological remains have been found in the area and it is possible that the works could uncover further remains during construction. A written scheme of investigation should therefore be secured via condition.

Environmental Services - The proposed flood defence works will involve major earthworks, piling and construction over a large area in Harnham and much work will be carried out near residential uses. There is potential for noise, dust and general disturbance. The Environmental Impact Assessment has identified this and includes suitable mitigation measures, including controls of hours of operation.

If the method statements are properly implemented the works should not give rise to statutory nuisance.

Environment Agency - No comments made.

Natural England- No objections in principle, and this revised application addresses a number of concerns regards the previously approved scheme. However, there is no reference to a Construction Environmental Management Plan, and no details given of the site compound nor its drainage system. Furthermore, little detail is given of how to prevent topsoil entering the river system. A water vole mitigation strategy must be followed through. The LPA need to determine whether the works proposed are likely to have a significant effect on the River Avon SAC. (HDS note: Since this initial response the applicants have discussed matters with the applicant, and a final response from EN is expected and will be report at the meeting).

Wiltshire Wildlife Trust - Raised issues surrounding water voles protection, and matters related to protection of the river system and wildlife should be conditioned.

Biological Records Office - Raised issues surrounding water voles protection

Sport England - Following confirmation that the flood bank will run outside the footprint of the football pitch, we do not wish to raise objection.

SDC Parks - Have now read through the revised application documents regarding the above, my comments and concerns are still allayed to those I raised in the latter part of 2006 when the previous scheme was consulted upon and those comments are still "live". The major part of the scheme design hasn't really altered to any degree (especially where the SDC land is concerned) and so my issues remain, namely:

- The means by which damage by lorry movements will be mitigated on the sites and the scale of the areas which will be damaged. If the contractors work by driving in, and reversing out, along the line of the bunds only as they have suggested then this will probably be the best solution. Any variance from this however will cause problems. Operating this way will also be heavily dependant upon it remaining reasonably dry.
- The future erosion of the bunds, especially in Harnham rec - who will re-profile them, reseed them etc. I understand that the Env Agency have stated that they will be fully responsible for all aspects related to the future re-profiling of the bunds in the event of erosion by whatever means. I would suggest we need this from the Agency in writing.
- Management of the potential social problems arising from the bunds is still a concern
- The post creation re-instatement programme in terms of what will happen, how long the defect period will be, seed or turf, who will do it etc is not clear

In my view nowhere near enough thought and emphasis has been placed upon the mechanisms by which the land is going to be put right after the works and it is this angle which I would like to see made more prominent in the report to Committee. I fear that long after the Env Agency have left site it will be SDC who pick up all the complaints regarding reinstatements etc if it is not done correctly and it will be the quality of the appearance of the land a few months after construction that the residents will deem the scheme as satisfactory or not.

REPRESENTATIONS

| | |
|------------------------|--|
| Advertisement | Yes. Expiry 10/1/08 |
| Site Notice displayed | Yes. Expiry 10/1/08 |
| Departure | No |
| Neighbour notification | Yes. |
| Third Party responses | 8 letters highlighting the following issues: |

1. Has impact on native crayfish been assessed ?

2. Area of banking adjacent pavilion and mallard close is not needed
3. Pond area should be fenced to protect wildlife and prevent accidents
4. Woodland area adjacent the river is not in keeping with character of area
5. Revised scheme has improved impact on residents of Mallard Close
6. Removal of poplar trees is unacceptable
7. Wetland will constitute a health and safety issue, and will be polluted
8. Will the breaching of the banks affect the Kingfisher nests ?

Netherhampton PC – No formal comments on the application scheme

MAIN ISSUES

Policy Issues

Need and alternatives for the flood defence scheme

Impact on conservation area

Impact on ecology and flood risk

Need for Appropriate Assessment

Impact on residential amenity

Impact on public open space

Impact on highway system

POLICY CONTEXT

With such a large project most of the saved policies contained within the Salisbury District Local Plan are in some way relevant, many of the structure plan policies, and many of the central government guidance. A more detailed policy assessment is outlined in the ES. However, the most pertinent are:

Central Government – PPS1 (Sustainability and climate change), PPS7 (Sustainable Development in Rural Areas) PPS9 (Biodiversity and geological conservation), PPG13, PPG15 (Historic Environment), PPG16 – (Archaeology and planning), PPS25 – (Development and Flood Risk) PPG17 (recreational open space) PPG23 (Planning and Pollution Control) PPG24 (Planning and noise), PPS25 (Flooding)

RPG10

Wiltshire Structure Plan – DP1, C1-C3, C5, C8,C9, C10, HE7, T1,W2

SDLP – Saved policies - G1, G2,G3,G5 CN1, CN5, CN8 , CN10, CN11, CN17, CN19, CN20-22, C2-C3, C6, C13-C18, R5,R6, TR1

(Note: Members should note that policy G4 of the Local Plan that related directly to flooding matters was recently deleted by GOSW, due to duplication with PPS25).

PLANNING CONSIDERATIONS

Planning History and principles

PPS25 is the central government guidance relating to flooding matters, and with the recent deletion of policy G4 of the SDLP, this central government guidance is of primary importance in the assessment of this current application. It aims to strengthen the operational delivery of flood defences strategies and reduce the risks to people and the developed and natural environment. It also highlights the evidence from recent years which suggests the incidence of river flooding is getting worse, both in frequency and in scale. The general thrust of the document is the prevention of development in areas that are prone to flooding, and/or the design of development to limit the affects of flooding. Therefore, the creation of a flood defence scheme achieves some of the objectives of this document.

It is therefore clear that in general policy terms, and subject to the impacts on the various areas of importance, that the principle of enhancing flood defences is accepted at both local and national policy level.

Furthermore, the previous planning approval for a larger, more extensive flood defence scheme is a material consideration of significant weight in the determination of this current application. A

comparison of the impacts of this new revised scheme compared to the approved flood defence scheme must therefore be undertaken as part of any assessment of this current proposal.

Members should note that the following report and analysis is essentially a summary of the key planning issues. The submitted Environmental Statement contains significantly more detail, which it is not possible to repeat in this officer report. Therefore, this report should be read in conjunction with the submitted application details and the ES document.

Need and alternative schemes

The ES refers to several flood events in Harnham over the years, namely 1960, 1979, 1990, 1995, and 2000.

With the approval of the flood defence scheme by the LPA, and the submission of this revised scheme which is essentially very similar to that approved scheme but of a smaller scale, discussion of other different schemes is somewhat superfluous, as it would be very difficult for the LPA to now reconsider the appropriateness of other, wholly different defence schemes, having already agreed that the scheme as previously submitted was acceptable.

However, as part of an ES, alternative schemes which may have been considered and dropped have to be indicated. Therefore, for completeness, the following paragraphs outline the other flood defence schemes which were considered prior to the recent approval of the flood defence scheme.

A study into the viability of flood defence for Harnham was undertaken in 2004. The study concluded that a scheme comprising flood defences at Harnham was essential and should be investigated further.

During 2004, the Environment Agency re-assessed the flood risk at Harnham using the latest flow data from gauging stations in the Hampshire Avon catchment. The assessment showed that the risk of the existing flood banks being overtopped was 2.5-3 percent per year (that is they would be overtopped by a flood event that occurs on average every 30-40 years). This is below the indicative standard for urban areas. There are approximately 372 properties that could be affected by flooding in an event with a 0.5 percent per year chance of occurring (events that occur on average once every 200 years). Furthermore, condition surveys have shown that some of the existing defences are in poor condition and their condition will only deteriorate with time. The EIA also indicates that climate change and a 20 percent increase in flood flows would exacerbate flooding problems, with flooding becoming more frequent and severe and existing facilities would be at greater risk of failure.

The submitted evidence indicates that if a 1 in 200 chance flood event happened the existing defences would be overtopped and flood water would find its way around the ends of the existing defences. Up to 35 hectares, approx 364 residential and 8 commercial properties, mainly between Netherhampton Road and the River Nadder, would be flooded. The A3094 Netherhampton Road would be impassable.

The preferred flood defence scheme will as a minimum provide protection against flood events that have a 1 in 200 (0.5 percent) chance of occurring per year.

As a result of the above, the Environment Agency considered a number of other alternative options, including doing nothing or maintaining the existing defences. However, assuming no maintenance is carried out, the defences would deteriorate with time, the standard protection provided would decrease and flooding would become more frequent. Even if the existing banks maintained, they provide protection against flood events that have a 2.5 –3 percent chance of occurring each year. This option does not allow for climate change.

With regards the other options (other than the scheme subject of this application), it appears that a new flood bank was considered along the southern boundary of the Middle Street Meadow. It also appears that a 1.8m wall between Old Mill Hotel Gardens and Constable Way and a 1.5m ramp/flood gate across the private access road to Old Mill Hotel Gardens was considered. However, this was discounted as not technically viable due to the apparent height of the ramp, and that the 3 properties at Old Mill Hotel Gardens would be cut off in a flood event.

With regards Harnham Recreation Ground a raised flood bank along the north east (riverside) perimeter of the recreation ground was considered. However, this was discounted because it would constrain the Nadder river more tightly to its channel and reduce the out of bank flow area available during a flood event. A flood wall is not considered an appropriate form of defence at the recreation ground because of the adverse visual impact it would have and the difficulties of providing access through or over a wall. Widening or deepening the channel of the River Nadder to increase its capacity is not viable because of the damage this would do to the ecology and stability of the channel.

Flood storage upstream of Harnham to reduce peak flows in the Nadder river has also been investigated during the 2004 viability study. However, this option is not economically viable due to the size of the embankment and the amount of land (approx 90 hectares) required for flood storage.

Due to financial constraints, and the results of new mapping technology which have indicated a reduced flood event impact, the extent of the approved flood defence scheme has been revised and reduced, and now consists of the works indicated as part of this current application. Further public consultation was carried out prior to this current application being submitted.

Impact on cultural heritage assets, conservation area and listed buildings

The area subject of these proposals is largely characterised by formal and informalised open space located on the edge of existing residential development. The area affected contains numerous trees and other informal planting, and there area views to the north across the water meadows towards the city and the cathedral. The area of the works contains a number of listed buildings, including the Old Mill.

The various walling which is proposed, whilst of significant length overall, would actually be of limited height, and in most locations, would not be readily visible from outside or within the conservation areas, other than around the Old Mill area. Even there however, and subject to detailed materials being agreed, it is considered that any walling would very quickly become part of the character of the area, and thereby in the long term, preserve the character of the area and the setting of the listed buildings. It should also be noted that the extent of the proposed walling has been reduced, and is not as extensive or as visible to the public realm as that already approved. Hence, the impact of such works on the character of the existing Conservation Area is also likely to be less.

The works to construct/enlarge the grassed flood banks will alter the visual appearance of the area, and reduce the open character of the Harnham Recreational Ground and the Meadows, and hence the current character of the conservation area will indeed change. However, the key test is whether the works will preserve or enhance the character of the Conservation Area. It should also be noted that the extent of new grassed banking has been reduced since the previously approved scheme, and much more of the Recreational Ground would now be retained in its current open state.

With regards the construction of the flood banks, in the short term and for several months after the works are completed, there will be a visual change to the landscape within the Conservation area, which will be exacerbated by the loss of a number of mature/semi mature trees along the route of the new flood banks, particularly to the north of Constable Way, and particularly the very prominent Poplar trees close to the Old Mill and Town Path. The whole area is therefore likely, in the period surrounding initial construction, to have a rather stark appearance. However, the impact of any works will soften, and in the long term the works will become as much part of the landscape of the open spaces as existing flood bank system, and therefore the long term impact on the character of the Conservation Area will not likely to be significant in a visual sense.

In officers opinion, the flood bank works through the open space to the west of Constable Way will simply mature over time, and may result in a general improvement of the landscape in this location particularly once the wetland area is established. With regards the Harnham recreational open space to the east of the Old Mill public house, officers acknowledge that the landscape change in this location will be more stark, as the new flood banking will visually split the existing elongated open space, leaving two smaller usable areas of space to the north and south of the new flood bank. However, on balance, it is considered that once the flood banking is in place and has matured, any actual visual "harm" to the conservation area would be difficult to quantify, and hence any refusal based on such harm would perhaps be difficult to support in planning terms.

As a result, in officers opinion, after due consideration of the issues, the scheme is acceptable in conservation terms, particularly as the works proposed are more limited than those considered acceptable and subsequently approved as part of the previous flood defence scheme application.

The ES also indicates that during construction a number of mitigation measures will be undertaken to protect the listed buildings, including a walk over survey with English Heritage to assess the most appropriate construction works and working methods and pre and post construction surveys. Subject to mitigation measures, the ES indicates the likely impacts on listed buildings as Negligible. (please see pages 74 to 80 of the ES)

Archaeology

Regards archaeology matters, the ES indicates that the area contains important archaeological remains, including Mediaeval and Early Saxon remains, and construction works could have and impact on such deposits. As a result, a number of mitigation measures have been indicated, including (please see pages 74 to 80 of the ES):

- (i) An archaeological watching brief during works
- (ii) A Written Scheme of Investigation to be agreed with the relevant bodies
- (iii) Archaeologist will be on stand by during the construction period
- (iv) Haul routes and working areas will be fenced off and protective surfacing used where needed
- (v) Excavation works will be limited to those necessary to limit disturbance of remains

WCC Archaeology has raised no objections, subject to a written scheme of investigation being carried out during construction.

The ES indicates that the impact of the construction works on archaeological and heritage would be Negligible to Minor Adverse. As a result, it is considered that the scheme would be no more harmful to the archaeological value of the area than the previously approved flood defence scheme.

Impact on flood risk

The submitted Flood Risk Assessment indicates that the existing flood defence scheme at Harnham would be overtopped during a 1 in 200 year flood event and flood water would find its way around the ends of existing defences. Up to 25 hectares and 260 residential and 5 commercial properties mainly between Netherhampton Road and the River Nadder would be flooded internally with a further 100 properties affected. The Netherhampton Road would be impassable.

It also concludes that the scheme will not have any impact on flood risk upstream or downstream of Harnham. Further, the arrangements proposed to control drainage inside the new defences will reduce the risk of flooding from surface water.

Water Quality

The ES indicates the flood defence scheme could, (without mitigation), have a potential to pollute the River Avon System SSSI.

The ES however indicates that an Environmental Action Plan will be prepared to ensure that mitigation measures would be followed. All pumps and vehicles will use biodegradable oil, and soil will be stored where they cannot be washed into the water course.

The ES also indicates that the scheme will result in reduced flood events, which would result in a reduction in potential sewer surcharge and reduced contamination from flooded fuel, oil or chemicals. Furthermore, the existing surface water sewer from Churchfields Industrial Estate will be altered so that it discharges directly into a reed bed within Middle Street Meadow rather than into the River Nadder via Churchfields Drain. The reed bed will filter and clean the discharge from the sewer, resulting in cleaner water entering the river system.

The ES concludes that during construction, the effects on water quality would be Negligible, and during operation, would be between Minor adverse to Moderate benefit.

Impact of scheme on Special Area of Conservation (SAC)

The River Avon Special Area of Conservation (SAC) is underpinned by component SSSI's , including the River Avon system SSSI. The site is designated because of the 6 habitats and species it contains, namely:

- a) floating vegetation,
- b) sea lamprey, (fish)
- c) brook lamprey, (fish)
- d) atlantic salmon, (fish)
- e) bullhead, (fish)
- f) desmoulins whorl snail.

The ES indicates that the works proposed would have the potential to cause a number of impacts on the SAC and SSSI, although the actual application site itself is not suitable at present for the Desmoulin's Whorl Snail. Due to the sensitivity of the area, a precautionary approach will be undertaken in all areas and the following mitigation will be incorporated into the scheme:

- A) Construction work will require operatives to stand on a shelf in the channel during the positioning of the sheet piles. The contractor will be required to produce a detailed method statement and risk assessment which will be agreed by Natural England prior to the commencement of any work.
- B) Prior to work commencing, the marginal vegetation will be re-surveyed to confirm whether any suitable habitat for Desmoulin's Snail has become established. In the event that any are recorded, they will be translocated prior to the commencement of work.
- C) Construction work in all areas will be confined to the banks of the River Nadder. This will ensure that there is no impact on the in channel vegetation including floating vegetation or on the fish species. The contractors working in these areas will be required to produce a detailed method statement and risk assessment for working adjacent to a SAC and along the river bank
- D) An environmental clerk of works will be present on site during any work along the banks of the River Nadder and other areas to ensure that there is no disturbance of the river and qualifying features of the SAC.

The ES concludes that the residual effects on the SAC and SSSI from general construction activities following the incorporation of mitigation measures have been assessed as Negligible and short term. Wetland habitat creation will enhance the habitat and provide habitat suitable for the Desmoulin's Snail.

Regards the above and other protected species, and their habitats, impacts will be mitigated by means of various measures, including:

- a) Where required, species found will be translocated
- b) An Environmental Clerk of works will be present during works in some areas
- c) New tree planting where trees are removed
- d) Areas will be reseeded where necessary
- e) Appropriate licences will be sought to deal with protected species
- f) Where possible, works will avoid nesting seasons
- g) Bird Boxes will be placed on mature trees
- h) Trees will be felled in the presence of bat ecologist
- i) A new wetland habitat for water voles will be created within Middle Street Meadow
- j) The Churchfields Drain will be monitored to ensure that the habitat remains suitable for water voles
- k) The Environment Agency will take on the management of the Harnham Brook
- l) Noise from machinery reduced by various means (mufflers/silencers)
- m) Vibration levels will be monitored
- n) Alternative methods of piling used if necessary
- o) Deliveries will be phased, and during daytime only.

The scheme would also result in improvements to the SAC through:

- (i) the creation of a wetland area,
- (ii) the creation of habitat for Desmoulin's Snail (one of the qualifying features),
- (iii) the eradication of Japanese knotweed.

- (iv) Increasing available the Biodiversity Action Plan Habitat
- (v) A reed bed will be created as a filtration system and habitat
- (vi) Cleaner water entering the River Nadder
- (vii) Habitats for butterflies, bird species, and reptiles
- (viii) Native plant species will be planted

It therefore seems that not only will the various likely impacts be able to be mitigated, but also the Special Area of Conservation may be enhanced by a number of features. Further, an Environmental Action Plan has been submitted with the ES, and this will feed through into the contractors work specification and contract documents. The measures within this document will further limit the impacts on the SAC and SSSI.

Another important indicator is the views of Natural England and similar relevant consultees.

Initially, Natural England, Wiltshire Wildlife Trust, and other similar bodies had some concerns regards the likely impact of the scheme. However, the Environment Agency has discussed those concerns with the relevant bodies, and undertaken additional surveys where required. As a result, Natural England (and hopefully the other wildlife consultees) have withdrawn their objections to the scheme, subject to various conditions being imposed.

Impact on existing amenities of area

(i) Impacts during construction

The ES indicates that there may be a number of negative impacts on local businesses and residents when construction activities occur, including

- (i) General impacts due to noise and dust and general inconvenience
- (ii) Temporary land take affecting residents
- (iii) Access to the Old Mill Hotel, adjacent car park, and "Kingfishers" will be restricted
- (iv) The Broken Bridges public footpath will need to be temporarily diverted
- (v) During works, the areas around works in both areas of open space will be fenced off

The ES indicates that the above impacts will be mitigated by undertaking the following:

- (i) The EIA states that pedestrian access will be maintained to all businesses and private residencies throughout the construction period.
- (ii) Various methods will be used to keep local people informed of the construction activities
- (iii) Working hours will be between 8am and 6pm Monday to Friday, with some work on Saturday mornings, but no work on Sundays or public holidays.
- (iv) Various mitigation measures will be put in place to minimise dust, visual impacts and noise. (see below)
- (v) All properties and land affected by temporary works will be fully reinstated following completion of the scheme
- (vi) Reinstatement works will be negotiated with land owners
- (vii) Construction works will be phased and will occur in sections so minimising disturbance
- (viii) Access for pushchairs and wheelchairs will be maintained
- (ix) Provision will be made for uninterrupted deliveries to businesses
- (x) The public footpath will only be diverted for a short period of time.
- (xi) There will always be at least one area either within Middle Street Meadow, or Harnham Recreation Ground which is accessible to the public
- (xii) Where feasible, a pedestrian route will be maintained along the river for the duration of the works
- (xiii) The works carried out in Harnham Recreational Ground will be carried out in sections so that the majority of this area can remain in use

(ii) Impacts after construction and during operation

A number of concerns have been expressed relating to the impact of the scheme on existing residential amenities, particularly with respect to residents adjacent to Harnham Recreational Ground including St Georges Close, Mallard Close, and also the dwellings adjacent the Middle Street Meadow at Constable Way.

There are intended works within some of the residential curtilages, (Nadder House and Brook House) including new flood walling and structural works, which will include removal of existing residential garden features, including trees and shrubs. However, the level and type of works envisaged amounts to little more than could be achieved without planning permission (under the permitted development regimes) by the householders themselves (notwithstanding tree removal issues), and hence, when weighed against the rest of the scheme and its impacts and the need for the scheme, the impact of the suggested works within the residential curtilages is not considered to be so significantly harmful (on a wider planning basis) as to warrant refusal on that basis alone. (The LPA accepts that the individual residents concerned may be annoyed at the works in principle taking place, but the LPA must consider any harm caused in a wider and broader context)

With regards the wider context, Officers acknowledge that the amenities of residents in Constable Way (particularly facing the river system) will be affected by this scheme as the new flood banking will be sited much closer to the northern boundaries of their properties. Given the height of the banking, its close proximity, and the fact that public access to the top of the bank is encouraged via the creation of an informalised path along the tops of the banking, it is likely that there will be some reduction in the privacy currently experienced by these properties, given the open aspect of the houses in relation to the water meadows. Further, the aspect currently enjoyed by residents will change and be foreshortened, thus affecting private views northwards of the water meadows. Much the same issues apply to those dwellings and residents adjacent to the Harnham recreational ground at St Georges Close.

Members need to take care on this point in that whilst the loss of a private view is not a planning matter, the loss of a more public view can often be a material consideration, and members should note their own policy CN11 relates to the protection of such views. In offers opinion, whilst the reduction in the private views northwards across the conservation area is regrettable, this has to be balanced with the basic retention of the wider public views across the conservation area which are maintained by this scheme, particularly as the public will be encouraged to walk along the tops of the flood banking. The aims of policy CN11 are therefore considered to be generally met by this application.

With regards the overlooking/privacy issue, the actual harm likely to be caused to the existing level of amenity has to be clearly quantifiable in order to win any appeal on that basis. The problem regards this application is that whilst it is acknowledged that the flood banks will create a situation whereby walkers will be able to look into and down into adjacent garden areas and dwellings, a similar situation is possible already prior to the scheme taking place, particularly with regards to the dwellings facing the existing open land in Constable Way, where the levels of the publicly accessible land already creates such a situation.

Overall, officers views is that the actual harm caused to existing amenities in relation to Constable Way residents would therefore not be so detrimental to warrant a refusal of planning permission on such grounds, particularly given that the already approved flood defence scheme would have similar, and no lesser impacts.

With regards the residential properties backing directly onto Harnham Recreational Ground, some properties have no close boarded fencing bounding the rear of their gardens, allowing a clear view across the open space, and vice versa, allowing a clear view of their property to passers by, although this is not the case for the majority of properties. The flood banking as proposed would create a bank up to (approx – height varies) 1.5m high with an informal path along the top of the bank. Users of the new path would therefore be able to clearly see down into the garden areas of properties in St Georges Close. As a result, it is considered that residents of St Georges Close would suffer significantly reduced amenities because of this scheme due to increased overlooking and reduction in privacy.

However, due to the reduction in the scale of the revised scheme, the amenities of residents of Mallard Close, where gardens abut the recreational open space, would not be affected by the revised scheme, which now stops short of this area, save for a very small amount of bunding adjacent the Pavillion building, which would in officers opinion, have no significant impacts on adjacent residential amenities.

On this basis, Members must decide whether the significant harm caused to residential amenity by the scheme as currently designed (and any other harm caused to other matters of interest), is outweighed by the need for the flood protection offered by the scheme to the households and businesses in the area, and any other benefits offered by the scheme. These are analysed

elsewhere in this report. However, of significant weight is the fact that a similar but more extensive flood defence scheme has already been approved by the LPA, and it would seem unlikely that this revised, and reduced scheme could have any additional impacts over and above the larger scheme as approved.

Impact on public open space/recreational land and facilities

The proposal as revised would result in less banking works being located on the Recreation Ground area to the rear of Mallard Close, and thereby retain more of the existing open space in this area. In all other respects the impacts of the revised scheme on existing recreation land would be similar to that approved as part of the original flood defence scheme.

Sport England, whose role it is to seek the retention and protection of open space in England indicated previously that whilst the loss of some informal open space is acknowledged, in their view the creation of a new flood defence scheme outweighs the impacts caused by the reduction in the amount of publicly usable open space, provided the football pitch remains unaffected. The submitted plans and information indicate that this is the case, and Sport England have reiterated their previous stance.

The open space affected by this scheme is covered by policies R5 and R6 of the Salisbury District Local Plan. Policy R5 relates to the informal open land to the north of Middle Street and Constable way, and states that:

Development which would lead to the loss of public or private sports fields, other recreational open space, or school playing fields, will not be permitted unless:

- (i) *sports and recreation facilities can be best retained and enhanced through the redevelopment of a small part of the site; or*
- (ii) *alternative equivalent provision is made available in the locality; or*
- (iii) *there is an excess of sports pitch provision and public open space in the area, taking account of the recreation and amenity value of such provision.*

Members will note that national guidance on such matters contained within PPG17 contains similar criteria. In officers opinion, and unless members consider that criterion (ii) can be met by a suitable financial commuted sum being paid towards replacement open space provision/maintenance etc, it is clear that the flood defence scheme does not comply with the above policy. The only positive improvement/enhancement offered by the new flood defence banking with regards the open space provision is that access to the footpath along the top of the bunding would be improved compared to the existing situation in Middle Street Meadow. This would meet some of the requirements of this policy.

The proposal also therefore seems to conflict with policy R5 and the aims of PPG17 in terms of the loss of some of the open space. However, Sport England, whose role it is to seek the retention and protection of open space in England, has indicated that whilst the loss of some open space is acknowledged, provided the football pitch is retained, the creation of a new flood defence scheme outweighs the impacts caused by the reduction in the amount of publicly usable open space.

Policy R6 relates to the more formal Harnham Recreational ground, and states that:

“Development unrelated to the recreational use of urban parks will not be permitted”.

However, members should note that whilst the above policy wording seems unequivocal, the supporting text attached to the policy states that:

“Urban parks will be retained for their recreational and aesthetic value and development unrelated to their recreational use will not generally be allowed”

Clearly, the wording of the supporting text, which intended to explain the background and reasoning for the policy, seems less equivocal in its prohibitive stance. Members there have to determine whether or not the flooding scheme posed by the application would retain the recreational and aesthetic value of the parks, and if that value is compromised, does the merits of the flood defence scheme outweigh any dis-benefits created.

As per the previous application, the Council's Parks Manager has expressed concerns regards elements of the project and is concerned that the change to the nature of the topography could result in possible anti social behaviour, and maintenance issues. (see full comments in Consultation section of this report)

The ES acknowledges that the temporary construction works have the potential to damage or disturb the fabric of the topsoil or to result in the ground surface being heavily rutted due to the movement of site plant or vehicles. In mitigation, the EIA indicates that the solution to this problem will be to remove the topsoil in all areas likely to be affected before the main works commence, and a temporary cover of coarse stone and/or geotextile membrane be placed over all highly trafficked areas. Vehicles may also be fitted with low ground pressure tyres wherever possible.

As explained in the section of this report relating to the impact on the conservation area, the proposed flood banking affects the existing areas of open space to the north and west of Constable Way, and also the open space associated with the Harnham recreational ground to the east of the Town Path. Whilst the former is a very much looser style of open space (with the formalised football pitch not being affected), the later is a more formalised open space and the flood defence banking will effectively divide what is already an elongated piece of land into two parts to the north and south of the new flood banking, with the usability of the retained land to the south of the banking being somewhat questionable given its usual shape, proximity to adjacent dwellings, and due to it being severed off from the remainder of the open space.

The concerns of SDC Parks Manager are therefore understandable, and it is likely that his concerns will remain until the project has been successfully completed. The Environment Agency is fully aware of the concerns of the Parks Manager, and discussions are ongoing regards mitigating any concerns.

As a result of this response, and whilst it is acknowledged that there is likely to be not an inconsiderable effect on the amount of publicly available/usable open space at the Harnham recreational ground, a refusal of permission on this basis may well be difficult to defend at appeal, given Sports England's stance, and that the revised scheme has a lesser impact on the existing open space than the previously approved flood defence scheme.

Impact on highway system

The main impact that this scheme would have in terms of the highway system, is the impact of the various construction works.

The ES indicates that construction traffic will consist of material deliveries, extraction of materials from site and machinery required to assist in construction. Approximately 730 lorry loads will be required during the construction of the scheme. While these large vehicles are manoeuvring on and off site it is likely to cause short delays to traffic. Construction traffic is likely to cause local disruption to traffic. However, the ES indicates that the level of construction traffic compared to existing traffic flows within Harnham is not considered significant. The proposed works compound would be located to the immediate west of the existing football field on the Middle Street Meadow.

In mitigation to any traffic impacts, the ES indicates that:

- (i) a Traffic Management Plan will be produced with recommendations to minimise disturbance
- (ii) Any material extracted will be reused where possible
- (iii) Heavy loads will be moved at times agreed by the local police and the highways authority.
- (iv) Where required wheel washing shall take place
- (v) Where excavators and dumpers are required to move on the highway they will pull over and allow vehicles to pass where and when it is safe and practical to do so.

It is considered that despite the short term highway impacts identified above, such impacts will only be temporary, and in the medium and longer term, after works are completed, the scheme would not continue to have such impacts. Members should note that the mitigation measures to ease inconvenience to traffic where construction works are taking place is a statutory requirement.

As previously, WCC Highways have indicated that it has no strong objections to the scheme subject to a number of conditions.

Given that a more extensive flood defence scheme has already been approved with conditions, it is considered that the revised, slightly smaller scale proposal would be acceptable in highway impact terms, subject to conditions to limit the various impacts of the works in a similar manner to that undertaken on the approved flood defence scheme.

Need for “Appropriate Assessment”

Under the Habitat Regulations 1994, any development with the potential to affect a Special Area of Conservation and its designated species must be subject to strict scrutiny by the decision maker, in this case the LPA. The Authority should not permit any development which would have an adverse effect on the integrity of the River Avon SAC, alone or in combination with other developments, unless certain rigorous tests are met.

This development, given its general size and locational characteristics, would be likely to have a significant impact on the river system SAC/SSSI (prior to any mitigation). Hence, under the above regulations, the LPA must undertake an Appropriate Assessment prior to the scheme being approved.

The above officer report assesses the various likely impacts of the proposal on the SAC/SSSI. It is clear that provided mitigation measures are imposed and carried out in accordance with the recommendations of the ES, the scheme in isolation is unlikely to have any impacts on the SSSI/SAC of any significance.

The only major scheme which might occur in combination with the flood defence scheme is the development of up to 130 dwellings off Downton Road. Members will recall that an outline planning application on this site was agreed by members in 2005. At the present time, protracted S106 negotiations are still on going, and hence, outline planning permission has not yet been issued. It will be some months therefore before any works could begin on site. The scheme was subject of an EIA.

However, as the EIA for this application concludes, the Downton Road housing scheme is unlikely to directly impact on the River Avon SAC or constituent SSSI's as the proposed site is not located on the banks of the River Nadder and is, therefore, likely to result in a negligible impact. No appropriate assessment was required for the Downton Road scheme.

In combination with the above project, the flood defence scheme would have a negligible impact on the SAC.

The only other major project which could have had an effect of the SAC was the proposed Harnham Relief Road scheme. This project has however been cancelled, and therefore, does not need to be taken into account.

The LPA have carried out an appropriate assessment, using the data and other information contained within the submitted ES. The LPA has also consulted widely with various consultees including and in particular the Environment Agency (the applicants) and Natural England and other associated bodies. Based on the information received and having considered the above matters in detail, the LPA has concluded that the development would not have a significant impact on the Avon SAC, subject to mitigation measures as contained within the various conditions imposed at the end of this report.

SUGGESTED CONDITIONS AND INFORMATIVES

Members will note that the suggested conditions below have been altered from those previously attached to the original consent to take account of the additional information submitted with this current revised application. Members should also note that the “Informatives” suggested below are essentially the same as those added and agreed by Members as part of the previous approved flood scheme. It is obviously within Members gift to agreed or otherwise alter the suggested conditions and informatives, and officers welcome Members views on those suggested.

CONCLUSIONS

Planning permission already exists for a more extensive scheme of flood defence works. This scheme is a material consideration of significant weight in the determination of this current application, and the impacts and benefits of the current revised scheme need to be assessed against the various impacts and benefits of the approved scheme.

It is clear that certainly in the short term, the construction works relating to this project may well have a significant visual impact on the character of the area, and will have an effect on the residential amenities currently enjoyed by existing residents and other users of the area. The highway system would be similarly affected, and there will be some impacts on the ecology of the area. However, some of these impacts can be ameliorated via suitable conditions, and as the construction works are by their very nature a temporary impact, it is considered that the short term impacts of much of the scheme in terms of construction can be mitigated to minimise impacts. In policy terms, the scheme seems contrary to open space policies and guidance.

The actual scheme itself would have a significant impact on the existing character of the Conservation Area and its associated listed buildings, and the character of the existing public open spaces, although in the longer term, the new flood banking and walling works would become accepted as part of the character of area, just as the 1990's works became part of the character of the area, and with regards the works around the Town Path, the works could actually enhance the area in a visual sense. Whilst this could be stated for any kind of development, the flood defence works are somewhat unique in that the various earthworks, whilst different and of a larger scale from those created in the 1990's, would still retain the open and green quality of the area once established. Therefore the general "green" character of the area will actually be retained. The scheme would also result in the creation of a small wetland area, thus in some improving the ecology of the area.

The main long term impact of the scheme is the likely impact on the general amenities of the area, both in terms of the amenities of residents of the area, and users of the public open spaces. Properties in adjacent to Harnham Recreational Ground will have their amenities reduced both through the additional overlooking created from users of the raised flood bank, and may also suffer some noise and disturbance due to the use of the banking by bikers. Residents of Constable Way may be similarly affected, although to a lesser extent. Furthermore, the amount of usable public open space would be reduced due to severance of Harnham Recreational Ground and the intended widening of the river at Middle Street Meadow.

It is considered that in terms of the impact on the nature and usability of the public open space, an objection to the flood defence scheme in that regard would be difficult to support, given the apparent support for the flood defence scheme from Sport England, and because any maintenance issues can be ameliorated, both by condition and separately, by the Council as landowner.

Therefore, the main significant impact which could warrant a refusal of this scheme is the impact of the revised scheme on residential amenity.

However, the above significant impacts must be considered and weigh against the broader "public" purpose of creating a flood defence scheme for the area, which would significantly reduce the likelihood that several hundred houses to the south of the defence scheme will be subject of a flood event in future years.

Furthermore, whilst the revised scheme is likely to result in the same flood defence and other benefits as the previous approved flood defence scheme, it is unlikely to have any additional impacts compared to the already approved flood defence scheme, and indeed the reduction in the extent of the works would result in lesser impacts on the existing environment.

Taking into consideration the fact that the planning system exists to serve the broader public good, it is considered that the impact and significant harm caused to the existing residential amenities enjoyed by a modest (in comparison) number of properties adjacent to the flood banks would be outweighed by the greater public good resulting from the flood defence scheme, for which there appears to be an increasing need, and which will improve the general amenities and wellbeing of a significant amount of properties (several hundred) and residents (several thousand). Hence, whilst acknowledging that the scheme as proposed would indeed have significant impacts for a number of residents, it is considered that when all the issues are considered and balanced, the flood defence

scheme would be acceptable in planning terms, subject to various conditions which will help ameliorate some of the impacts of the scheme.

RECOMMENDATION:

A) THAT MEMBERS AGREE THE CONCLUSIONS OF THE APPROPRIATE ASSESSMENT CONTAINED WITHIN THIS REPORT, THAT SUBJECT TO MITIGATING MEASURES SECURED VIA RELEVANT PLANNING CONDITIONS, THE SCHEME AS PROPOSED WOULD NOT HAVE A SIGNIFICANT IMPACT ON THE QUALIFYING INTERESTS OF THE SPECIAL AREA OF CONSERVATION AND THE SSSI.

B) THAT THE PLANNING APPLICATION BE APPROVED for the following reasons

Planning permission already exists for a more extensive scheme of flood defence works. This scheme is a material consideration of significant weight in the determination of this current application, and the impacts and benefits of the current revised scheme need to be assessed against the various impacts and benefits of the approved scheme.

It is clear that certainly in the short term, the construction works relating to this project may well have a significant visual impact on the character of the area, and will have an effect on the residential amenities currently enjoyed by existing residents and other users of the area. The highway system would be similarly affected, and there will be some impacts on the ecology of the area. However, some of these impacts can be ameliorated via suitable conditions, and as the construction works are by their very nature a temporary impact, it is considered that the short term impacts of much of the scheme in terms of construction can be mitigated to minimise impacts. In policy terms, the scheme seems contrary to open space policies and guidance.

The actual scheme itself would have a significant impact on the existing character of the Conservation Area and its associated listed buildings, and the character of the existing public open spaces, although in the longer term, the new flood banking and walling works would become accepted as part of the character of area, just as the 1990's works became part of the character of the area, and with regards the works around the Town Path, the works could actually enhance the area in a visual sense. Whilst this could be stated for any kind of development, the flood defence works are somewhat unique in that the various earthworks, whilst different and of a larger scale from those created in the 1990's, would still retain the open and green quality of the area once established. Therefore the general "green" character of the area will actually be retained. The scheme would also result in the creation of a small wetland area, thus in some improving the ecology of the area.

The main long term impact of the scheme is the likely impact on the general amenities of the area, both in terms of the amenities of residents of the area, and users of the public open spaces. Properties in adjacent to Harnham Recreational Ground will have their amenities reduced both through the additional overlooking created from users of the raised flood bank, and may also suffer some noise and disturbance due to the use of the banking by bikers. Residents of Constable Way may be similarly affected, although to a lesser extent. Furthermore, the amount of usable public open space would be reduced due to severance of part of the Harnham Recreational Ground and the intended widening of the river at Middle Street Meadow.

It is considered that in terms of the impact on the nature and usability of the public open space, an objection to the flood defence scheme in that regard would be difficult to support, given the apparent support for the flood defence scheme from Sport England, and because any maintenance issues can be ameliorated, both by condition and separately, by the Council as landowner. Therefore, in reality, the main significant impact which could warrant a refusal of this scheme is the impact of the scheme on residential amenity.

However, the above significant impacts must be considered and weigh against the broader "public" purpose of creating a flood defence scheme for the area, which would significantly reduce the likelihood that several hundred houses to the south of the defence scheme will be subject of a flood event in future years.

Furthermore, whilst the revised scheme is likely to result in the same flood defence and other benefits as the previous approved flood defence scheme, it is unlikely to have any additional

impacts compared to the already approved flood defence scheme, and indeed the reduction in the extent of the works would result in lesser impacts on the existing environment.

On balance, and taking into consideration the fact that the planning system exists to serve the broader public good, it is considered that the impact and significant harm caused to the existing residential amenities enjoyed by a modest (in comparison) number of properties adjacent to the flood banks would be outweighed by the greater public good resulting from the flood defence scheme, for which there appears to be an increasing need, and which will improve the general amenities and wellbeing of a significant amount of properties (several hundred) and residents (several thousand). Hence, whilst acknowledging that the scheme as proposed would indeed have significant impacts for a number of residents, it is considered that when all the issues are considered and balanced, the revised flood defence scheme would be acceptable in planning terms, subject to various conditions which will help ameliorate some of the impacts of the scheme.

And subject to the following conditions

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

REASON: This permission is in outline only and is granted under the provisions of Section 92 of the Town and Country Planning Act 1990 and Article 3(1) of the Town and Country Planning (General Development Procedure) Order, 1995 as amended.

02 Before development is commenced, a schedule of materials and finishes, and, where so required by the Local Planning Authority, samples of such materials and finishes, to be used for the proposed flood walling, the new hardsurfacing/paving, the buildings associated with the pumping station, and the railings shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

REASON: 0014 To secure a harmonious form of development.

03 Before development commences, a Landscape Management Plan outlining full details of the tree protection measures, and full details of new planting shall be submitted to and approved in writing by the Local Planning Authority. Details of new planting (including seeding or turfing) shall include species, location, planting timetable, and future maintenance information, and development shall be carried out in accordance with the agreed details.

REASON: In order to secure the retention of the trees adjacent to the works

04 Before development commences with regards the proposed wetland area, a scheme shall be submitted to and agreed in writing by the Local Planning Authority which indicates how the wetland area is to be maintained and kept clean and free of litter. The wetland area shall be maintained thereafter in accordance with the agreed scheme, unless otherwise agreed in writing by the Local Planning Authority.

REASON: In order to secure the long term retention of suitable a wildlife habitat

05 The construction of the flood defence scheme and its various components shall not take place outside the hours of 0800hrs to 1800hrs.

REASON: In order to protect adjacent residential amenities during anti social hours

06 Before development commences with regards the proposed flood defence works, a scheme shall be submitted to and agreed in writing by the Local Planning Authority which indicates how safe public access to the existing public open spaces, private dwellings, and businesses is to be facilitated during the construction period. The constructions works shall be carried out in accordance with the agreed details.

REASON: In order to retain access to public and private land in the general interests of amenity

07 Development shall be carried out in accordance with the recommendations of the Environmental Action Plan submitted as part of the application Environmental Statement (as outlined on page 107-112 of the ES), unless otherwise agreed with the Local Planning Authority upon submission of a revised Environmental Action Plan.

REASON: In order to mitigate the impacts of the scheme in accordance with the submitted Environmental Statement.

08 Before construction works commence, a Site Compound and Traffic Management Plan shall be submitted to and agreed in writing by the Local Planning Authority. Such a plan shall include a scheme for wheel and vehicle washing, times for moving of heavy loads, and a scheme to restrict parking of construction vehicles on the public highway surrounding the development sites, so as to limit the impact of development works on the public highway shall be submitted to and approved in writing by the Local Planning Authority.

REASON: In order to mitigate the impacts of construction works on the highway system and surrounding amenities

09 No development shall take place within the area indicated until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Local Planning Authority. (X03A)

REASON: In order to mitigate the impacts of the development on existing and potential archaeological remains

10 Before construction works commence, details of any temporary construction lighting shall be submitted to and approved in writing by the Local Planning Authority.

REASON: In order to mitigate the impacts of lighting on residential amenities and the wider amenities and wildlife interests within the Conservation Area/SSSI/SAC

11. Before development commences on this part of the scheme, full engineering details of the works to Town Path, including materials for hard surfacing and walling, structural design and calculations of retaining walls, shall be submitted for the written approval of the Local Planning Authority. Development shall be carried out as agreed.

REASON: In order to mitigate the impact of works on the public highway

12. Details of a barrier system using appropriate bollards to discourage cycling along Town Path shall be submitted for the written approval of the LPA and the barriers installed before the works to Town Path are brought into use.

REASON: In order to improve pedestrian safety along Town Path

13 Development shall be carried out in accordance with the mitigation measures/recommendations of the Environmental Statement, including those contained within the Bat; Reptile; Water Vole; Otter; Badger Surveys submitted as part of the application, unless otherwise agreed in writing with the Local Planning Authority.

REASON: In order to limit and mitigate any impacts on the qualifying interests of the SAC

14 Piling will only take place between June and October.

REASON: In order to prevent disturbance to the Special Area of Conservation and SSSI fish species.

15 Prior to any works commencing relating to flood banks or other structure adjacent the river, a scheme for the protection of the water course from pollution during construction shall be submitted to and agreed in writing by the Local Planning Authority. Development shall be carried out in accordance with the agreed scheme.

REASON: To prevent the pollution of the water courses/SAC/SSSI during development from material from the works, including spillage of topsoil and earth, as this could increase silt levels within the river and the disturbance of established riverside habitat.

16 Before the removal/stripping out of the vegetation along the river banks, a scheme shall be submitted to and agreed in writing by the Local Planning Authority and Natural England outlining the

extent of the works, and the vegetation affected by the works. Works shall be carried out in strict accordance with the agreed scheme.

REASON: In order prevent the removal of vegetation along the riverbank which may affect the available habitat for wildlife.

INFORMATIVE:

1. All parties should note that any revisions to the Environmental Action Plan (EAP) when submitted will need to be agreed by the relevant Committee of Salisbury District Council prior to the document and its contents being formally agreed in writing. The EAP will need to including information relating to the following matters:

- a) Future maintenance arrangements for the proposed earthworks and other similar works
- b) A clear indication of the proposed hours of construction works. Please note that Committee Members expressed concern regards intrusive works being carried out on Saturday afternoon, Sundays and Public Holidays due to the likely impact on amenities. The EAP should therefore indicate which type of works are intended to be carried out at what times, having regards to the concerns of local residents and Members.
- c) Indicate clearly what scheme is intended for the protection of the ground within the area of the construction works. At the time of writing, the applicants proposals to temporarily remove top soil and create temporary hard surfaces within areas of work does not meet with the approval of the Council's Parks Manager, who believes that more appropriate less invasive methods are available. The EAP needs to indicate a scheme which ideally has the support of the Parks Manager, and give clear reasons for any deviation from any agreement reached.
- d) Confirm in detail how access to dwellings and business will be affected, and confirm measures to alleviate problems of access during construction works.
- e) The EAP also needs to indicate and outline any other matters where there is disagreement with third parties/landowners and justify why any of these matters cannot be agreed.

2. Members also raised issues relating to pollution entering the proposed wetland area via the diverted Churchfields Industrial Estate drain. Whilst it was acknowledged that the majority of the drain system is outside the red line of the application site, the cleanliness of the wetland area is a planning issue. Consequently, Members requested that the applicant/developer investigate how existing pollution from the Industrial estate drain can be reduced. Evidence of such investigation should be submitted with the information requested as part of the above conditions.

3. Please note that Wiltshire County Council wish to seek clarification from Halcrow on behalf of the Environment Agency with regard to the structures which the EA will wish the Highway Authority to adopt. It would be helpful if they could produce a schedule referenced to the scheme drawings. Clearly, whether the walls are adopted or not, any that support the highway will need to be designed to appropriate codes and standards, taking due regard to any additional loading required for EA vehicles.

The works where they affect Town Path must be subject to an Agreement between the applicant and the Highway Authority. This may be in the form of an exchange of letters where all costs involved in the Highway Authority checking and supervising the works will be recovered from the applicant. Commuted sums may also be obtained for future maintenance of the works.

The works where they affect Town Path will involve temporary closure of Town Path and the possible use of temporary means to ensure foot and cycle access along Town Path are safely maintained at all times. The temporary closure of Town Path and agreement on alternative safe route(s) shall be obtained by contacting the Area Office of Wiltshire County Council, telephone 01722 744440, initial contact, Tony Higgins, Streetworks Co-ordinator.

4. And in accordance with the following policy/policies of the adopted Salisbury District Local Plan:

| | |
|-----------------------------|---|
| Policies G1 | Purpose - Sustainable development |
| Policies G2 | Purpose - General principles and impacts |
| Policies G3-G6 | Purpose - Impact on Water interests |
| Policies CN8 CN1, CN11 | Purpose - Impact on Conservation area |
| Policies CN20-22 | Purpose - Impact on Archaeology remains |
| Policies C1-C3, C6, C10-C18 | Purpose - Impact on countryside and ecology |
| Policies R5,R6 | Purpose - Impact on Recreational open space |