

**South Wiltshire Core Strategy Examination
Hearing Statement
Terence O'Rourke Ltd on behalf of JS Bloor (Newbury) Ltd**

Matter 12 - Climate Change and the Environment

Question 12.3 – Phosphate levels

Core Policy 20 requires all developments identified in the Core Strategy to make a financial contribution to the undertaking and implementation of a management plan to ensure that it will not cause detriment to watercourses through the unmitigated addition of phosphates.

Whilst we understand and accept the importance of ensuring that new development does not adversely affect the quality of the River Avon Special Area of Conservation (SAC), policy 20 places a requirement on all developments to make a financial contribution to the Council, irrespective of whether the proposed development is likely to have an adverse impact on the SAC or not.

However, we consider that it is the responsibility of the Council (in conjunction with the Environment Agency, Wessex Water and Natural England) to first identify if, how and by what amount, each of the proposed allocations will affect phosphate levels in the River Avon SAC. Once the extent of potential impact has been identified, then it would be appropriate for the Council to require developers to pursue an appropriate mitigation strategy, which could include on-site mitigation measures and/or a potential financial contribution towards a strategic solution to minimising adverse residual impacts, in the same way that a development might seek to mitigate off-site transportation impacts.

Whilst relevant to planning and potentially necessary to make a particular development acceptable in planning terms, as drafted, the blanket requirement for a contribution is not directly related to a particular development and, in the absence of any information on the scale of potential contributions, cannot be considered to be fairly and reasonably related in scale and kind to a particular development. Consequently, we do not consider that the policy can be considered to be consistent with national planning policies or the requirements for planning obligations set out in Circular 05/05. We therefore consider that the policy is unsound and should be deleted.