

GENERIC APPROPRIATE ASSESSMENT OF DEVELOPMENTS IN WILTSHIRE OCCURRING IN THE RIVER AVON SAC CATCHMENT

This appropriate assessment has been written by Wiltshire Council and applies to appropriate planning applications for residential and non-residential development, within sewered and non-sewered areas of the River Avon SAC catchment.

The Assessment is relevant to planning applications determined between January 2021 and 31st March 2022. It will be rolled forward on a year by year basis incorporating amendments considered necessary to avoid adverse effects on the River Avon SAC as well as the Avon Valley SPA and Ramsar site.

BACKGROUND TO THE EUROPEAN SITES

The River Avon SAC qualifies as a European site on account of its Annex I habitat type, which comes under the category of 'watercourses of plain to montane levels with the *Ranunculion fluitantis* and *Callitricho-Batrachion* vegetation. It also qualifies on the basis of its internationally important populations of the following Annex II species; Desmoulin's whorl snail, sea lamprey, brook lamprey, Atlantic salmon and bullhead.

Conservation objectives for the SAC and supplementary advice for implementing them have been published by Natural England (NE)^{1,2}. These are underpinned by targets for various chemical and physical attributes of the river in line with Common Standards Monitoring Guidance (CSMG). Of particular relevance to development is the fact that elevated levels of phosphorous are preventing the conservation objectives from being achieved and causing the river to be in unfavourable condition. Developments within the river catchment have the potential to contribute to elevated phosphorous through foul water discharges from sewage treatment works and package treatment plants.

The Avon Valley SPA and Ramsar sites lie in downstream sections of the river beyond Wiltshire. The SPA qualifies on account of non-breeding populations of Bewick's swan and gadwall with conservation objectives³ and supplementary advice⁴ published by Natural England to support maintaining the site in favourable condition. In particular, nutrient enrichment (e.g. phosphorus) needs to be controlled to ensure the habitats these species rely on for food are maintained.

The lower reaches of the River Avon and its floodplain are designated as the Avon Valley Ramsar site due to its range of habitats, particularly unimproved floodplain grassland, and diversity of flora and fauna which is greater than any other chalk river in Britain. Its qualifying

¹ European Site Conservation Objectives for River Avon Special Area of Conservation Site Code: UK0013016 published by Natural England 27 November 2018 (Version 3)

² European Site Conservation Objectives: Supplementary advice for conserving and restoring site features - River Avon Special Area of Conservation (SAC) Site Code: UK0013016. Published by Natural England 11 March 2019

³ European Site Conservation Objectives for Avon Valley Special Protection Area Site Code: UK9011091 published by Natural England 21 February 2019 (Version 3)

⁴ European Site Conservation Objectives: Supplementary advice on conserving and restoring site features. Avon Valley Special Protection Area Site Code: UK9011091 published by Natural England 29 January 2019

species is wintering gadwall, but other species also meet the qualification threshold⁵. Pollution by domestic sewage and agricultural fertilizers are identified as factors currently having an adverse effect.

Although most of the work leading up to this point has been focussed on the River Avon SAC, it is evident that by ensuring development is phosphorous neutral, adverse effects will be avoided not only on the River Avon SAC but also on the Avon Valley SPA and Ramsar sites.

PHOSPHOROUS NEUTRALITY

Memorandum of Understanding

The implications of development related phosphorous inputs have been assessed through appropriate assessments for the Wiltshire Core Strategy⁶ and Wiltshire Housing Site Allocations Plan. The latter plan relies on a Memorandum of Understanding (MoU)⁷ between Wiltshire Council, New Forest District Council, New Forest National Park Authority, Natural England, Wessex Water and the Environment Agency. The signatories have agreed to deploy a range of measures to ensure development between March 2018 and March 2026 will be phosphorous neutral.

Interim Delivery Plan

The MoU commits the parties to preparing an Interim Delivery Plan (IDP)⁸ in order to secure a trajectory of phosphorous reductions in line with the spatial and temporal pattern of development. The IDP focusses mainly on residential development down to single dwellings, as these combine to have the greatest negative effects across the catchment. Although it also captures anticipated increases in phosphorous from new employment uses, it is likely the proportion of householders living and working in the catchment is roughly the same and therefore accounting for these applications separately would potentially be double counting phosphorous loads. This matter will be picked up when the IDP is reviewed later in 2021 but this presumption is likely to be valid as it has been applied in Natural England's guidance for Nutrient Neutrality in the Solent Region⁹. In addition to residential and non-residential growth, the IDP considers the growth of unsewered development and takes account of land use change from agriculture to urban to arrive at a projection for net phosphorous increases up to 2025/26.

Industries which contribute phosphorous as a result of their commercial processes (e.g. laundries, car washes, fish farms, water cress farms tourism attractions and some agricultural facilities), do not come within the scope of this appropriate assessment and will continue to need to be assessed separately. In addition, commercial development involving overnight accommodation such as self-service and serviced tourist / business accommodation, caravans and chalets etc, will attract people into the catchment and generate additional wastewater. This will therefore be assessed on a case by case basis and developers are likely to require advice from Natural England through their chargeable services (DAS).

⁵ Information Sheet on Ramsar Wetlands. Compiled by Joint Nature Conservation Committee 2 February 1998

⁶ This relied on the River Avon Special Area of Conservation Nutrient Management Plan for Phosphorus, Final version April 2015. Prepared by David Tyldesley and Associates for Wiltshire Council, Natural England and the Environment Agency.

⁷ Memorandum of Understanding, River Avon Special Area of Conservation, Phosphate Neutral Development – Interim Mitigation, 29 May 2018

⁸ River Avon SAC – Phosphate Neutral Development Interim Delivery Plan, Wood Environment and Infrastructure Solutions UK Limited, January 2019

⁹ Advice on achieving nutrient neutrality for new development in the Solent region, version 5 June 2020. Natural England

Outcome Delivery Incentive

When written, the IDP envisaged the entire load would be offset by a performance commitment (Outcome Delivery Incentive - ODI) which was being sought by Wessex Water through the water company Price Review (PR19). They committed to maintain phosphorous during the period 2020 – 2025 at the level of the previous 5 years. If this had been agreed by Ofwat, the IDP would have acted as a contingency to the ODI not being implemented, as well as to cover unsewered development and as a precaution to cover all new development between March 2018 and March 2020. Although Ofwat agreed the principle of the ODI, it did not consider it should be funded entirely by water customers. As a result, third parties including the Councils need to provide for offsetting for developments to be able to proceed.

Wessex Water is currently assessing how much of the incentive will be delivered over the business plan period up to 2025. Over the next four years, it expects to deliver a programme of optimising sewage treatment works in anticipation of agreeing lower phosphorus limits with Ofwat for the next Asset Management Plan period. It has already confirmed the Environmental Permit for Warminster Sewage Treatment Works will be reduced from 1mg/l down to 0.5 mg/l from 31st December 2021 effectively halving the mitigation needed for development discharging to these works. The Company also anticipates purchasing offsets for a number of environmental parameters through an online trading platform operated by Entrade. Provided the phosphorous element of these credits can be demonstrated to operate in perpetuity then they may be available for Councils to use towards mitigation for housing but at the current time details remain uncertain. In the short term however, Local Authorities will need to ensure offsetting is provided.

Beyond 2025

Beyond the IDP, signatories to the MoU recognise development must continue to be phosphorous neutral, potentially for the lifetime of the permissions being granted. To the extent that housing distribution is down to planning authorities, the Councils recognise they have a role to play in directing housing away from sensitive areas, and where this is not possible, finding appropriate mechanisms to offset harm.

To this end Wiltshire Council has agreed, unless it becomes evident that this responsibility falls to others, to provide for the in-perpetuity mitigation for unmitigated permissions it grants under the Wiltshire Core Strategy up to March 2026. The Council reserves the right to require developers to directly provide for the necessary mitigation measures where it considers it is appropriate to do so. The other MoU Councils are supportive of this approach.

Water usage condition

The MoU and IDP currently commits planning authorities to imposing a condition on all residential permissions in the catchment area to restrict water usage to 110 litres per person per day. This will have the effect of slightly reducing the amount of water reaching sewage treatment works. Most treatment works are restricted through their Environmental Permit on the amount of phosphorous that can be discharged per litre of water. The water use restriction will thereby achieve a reduction in total phosphorous discharged and reduce the offsetting by a small degree.

River Avon SAC Working Group

In order to track phosphorous neutrality in the short term and plan for the longer term, representatives of the MoU signatories meet regularly as the River Avon SAC Working Group.

The group tracks progress of delivery measures funded by local authorities, Wessex Water and developers, monitoring these against forecasts of housing delivery (housing trajectories) and annual returns of housing completions.

The Working Group also provides a forum for statutory agencies to advise on the implications of the growing scientific evidence which underpins the delivery of phosphorous neutral development, work being undertaken nationally to address nutrient impacts and in due course on the steps being taken to bring the SAC into favourable condition.

At least one full meeting will be held every year in late November / early December when new trajectory data is available. This Annual Review will assess progress on delivering phosphorous offsetting in relation to current trajectories of housing from Wiltshire - Council.

WILTSHIRE COUNCIL APPROACH FOR ACHIEVING NEUTRALITY

Overview

While MoU signatories will adopt their own approach, as the largest planning authority affected, Wiltshire is the first to set out how it will demonstrate phosphorous neutrality and provide the certainty required by appropriate assessments.

The Council has adopted the following approach to ensure the permissions it grants from January 2021 will avoid adverse effects on the European sites:

- A trajectory of housing completions¹⁰ will be used to anticipate the amount of offsetting required and ensure sufficient offsetting is in place before housing becomes occupied.
- Offsetting will initially take the form of Small Schemes which will mainly comprise new wetlands and woodlands located in the headwaters of the River Avon sub-catchments.
- In the first place Small Schemes will be secured by 25 year contracts but these will be capable of being extended or replaced to provide offsetting in perpetuity.
- Temporary Measures, such as cover crops or capital works, will be used to bridge any gaps until Small Schemes are up and running and may be used at other times as a contingency.
- A 20% buffer will be incorporated into phosphorous projections to account for uncertainties inherent in the approach to determining whether development is phosphorous neutral.
- Large Habitat Creation Schemes will be delivered in the headwaters of some or all of the River Avon headwaters within the next 3-10 years to provide in-perpetuity offsetting for permissions granted between March 2018 and March 2026. Contracts

¹⁰ This will relate to the period 1 April 2018 to 31 March 2026 for relevant development within the River Avon SAC catchment and be updated and monitored on an annual basis. From January 2021, new sites added to the trajectory will only be those that are in the scope of this appropriate assessment (see Relevant Planning Applications section below).

for Small Schemes will not be continued in any given sub-catchment where a Large Habitat Creation Scheme is in place.

This approach to the delivery of mitigation measures was approved by the Council at the Cabinet meeting on 5th January 2021 when the following resolution was passed:

The Cabinet,

- (i) *'Confirms that the Council will, until such time as the responsibility falls to others, adopt a strategic approach to secure in perpetuity measures to ensure development is phosphorous neutral in the catchment for the River Avon (Hampshire) Special Area of Conservation; including short term temporary measures followed up by long term strategic mitigation measures, such as a large scale habitat creation scheme, to ensure in perpetuity phosphorous neutrality;*
- (ii) *Confirms that the strategic approach will include monitoring with annual reporting, to take an evidence led approach to ensure that phosphorous offsets arising from the measures secured keep pace with permissions granted;*
- (iii) *Agrees to ring-fence and commit an initial fund of £850,000 from the Community Infrastructure Levy strategic funds for the delivery of off-setting measures to achieve phosphorous neutral development and fund a project officer to oversee delivery, monitoring and reporting; and*
- (iv) *Delegates authority for the Interim Corporate Director of Place in consultation with the Cabinet Member for Spatial Planning, Development Management and Property and Interim Corporate Director of Resources to oversee the spending of this fund. '*

Short term approach for housing - March 2018-March 2026

Following the above rationale, Wiltshire Council is securing contracts to deliver small scale phosphorous offsetting measures (Small Schemes). Currently, this is being done through the Entrade online trading platform. The first auction was held in June 2020 and the first two contracts arising from this are scheduled to be implemented before September 2021. These will provide offsets in the Avon sub-catchment and anywhere downstream of the Pewsey Vale.

The Council has spent several months working with Entrade, Natural England and the Environment Agency to refine the process by which auctions will be set up and offers will be assessed. Qualifying offers must meet fixed criteria regarding the type, location and duration of phosphorous reductions and must be able to demonstrate their proposals will not be used to remedy existing non-compliance with pollution regulations¹¹. Offers are then technically assessed by Entrade to establish the quantum of offsetting that can be delivered, assess maintenance requirements and review costs. The phosphorous offsetting schemes taken up by the Council will be agreed by Natural England. Finally, contracts are negotiated between the Council and relevant landowners and entered onto a register containing the details outlined in Appendix 1.

Having established to Natural England's satisfaction the on-line auction is effective at identifying landowners able and willing to deliver schemes acceptable for offsetting purposes, and given the advanced stage of negotiation on contracts that are able to secure these

¹¹ The Water Resources (Control of Pollution) (Silage, Slurry and Agricultural Fuel Oil) (England) Regulations 2010

schemes, the Council is following the same approach for the remaining sub-catchments to deliver offsetting to March 2026. The aim is for Small Schemes to be delivered in the head of all catchments where housing is coming forward.

The auctions will need to be phased, with initial emphasis placed on the Avon, Nadder and Wylye catchments consistent with their relatively higher levels of growth. Growth in the Ebbles and the Bourne is not insignificant and therefore these auctions will quickly follow. The first auctions for Temporary Measures will take place in Spring 2021 to allow these to be in place from September 2021.

Table 1 summarises the programme for securing the necessary offsetting anticipated up to March 2026.

As Table 1 demonstrates, apart from the Avon sub-catchment, the intention is to rely on Temporary Measures until at least March 2022 and potentially March 2023 to enable the Council to set up the necessary auctions, award contracts and enable land managers to put the contracted measures in place. By March 2023 Small Schemes for wetlands / woodlands should be in place for each sub-catchment. A further round of auctions in 2023 will secure any deficit in the offsetting projections up to March 2026. Where prudent, further Temporary Measures will be secured to make up for any short term contract delays or unexpected rise in housing projections.

Precautionary timeframes for short term and temporary measures being in place can be summarised as follows:

Small Schemes (wetland / woodland contracts)

Auctions in January, contracts by December the same year, measures in place by the following December, i.e. two years between auction and measures being available to use.

Temporary Measures (e.g. cover crops)

Auctions in April, contracts by June, measures in place by September the same year i.e. 6 months between auction and measures being available to use. Whilst the auctions for Temporary Measures are expected to be held annually these contracts may extend for more than one year depending on the expected need for the temporary measure.

The only sub-catchment where there will be a tighter timescale is the Avon sub-catchment. Here housing completions are expected to surpass the offsetting secured by the current two contracts in April 2022. An auction in Summer 2021 will seek further Small Schemes for this sub-catchment which will ideally be in place by April 2022, but it will also seek Temporary Measures as a contingency should the further wetland / woodland mitigation be delayed.

Additional issues to be addressed

The IDP estimates phosphorous arising from non-residential growth based on Wessex Water growth forecasts. No attempt has been made to calculate phosphorous for non-residential development for this appropriate assessment. Current advice from Natural England regarding nutrient neutrality for other catchments indicates that employment can be discounted on the assumption there is no net migration into the catchment for employment purposes¹².

¹² E.g. Advice on achieving nutrient neutrality for new development in the Solent region, version 5 June 2020. Natural England

In addition, the IDP includes an estimate for unsewered residential development. This is based on Wiltshire Council analysis showing approximately 5% of completions are within unsewered areas in the Avon catchment¹³. Natural England is preparing advice for Local Planning Authorities on assessing phosphorous contributions from unsewered development as in certain situations the contribution is likely to be *de-minimus*. This would mean some unsewered residential developments could be screened out of appropriate assessment and excluded from housing projections.

The Working Group has agreed the IDP needs to be reviewed in 2021. This will provide the opportunity to review the above issues and demonstrate that adequate offsetting is available.

This assessment does not include an allowance for urban runoff, nor does it account for the phosphorous gain which will accrue from taking land out of production. Natural England has commissioned further research on anticipated leachate rates from urban areas and therefore it is appropriate to leave this matter for further consideration during the review of the IDP.

¹³ River Avon SAC – Phosphate Neutral Development Interim Delivery Plan, Wood Environment and Infrastructure Solutions UK Limited, January 2019

Table 1: Programme for securing and delivering offsetting up to March 2026

AUCTION DATE	SCOPE OF AUCTION	SCOPE OF CONTRACTS	DATE OF CONTRACTS	MEASURES AVAILABLE FROM:
June 2020	Small Schemes in Avon sub-catchment	Secured for 25 - 80 years, should cover completions trajectory until March 2022	January 2021	Mid-late 2021
December 2020	Small Schemes in Wylde and Nadder sub-catchments	These two catchments have the steepest trajectory of housing completions, therefore prioritise these to reduce long term risks	December 2021 (or earlier), construction of wetlands / planting to occur during 2022	Available April 2023 (or earlier)
April 2021	Further Small Schemes in Avon sub-catchment Temporary Measures in Avon sub-catchment	If possible, seek to avoid the need for temporary measures by ensuring further contracts for Small Schemes are in place and built before mid-2022. Contracts for a minimum of 25 years	Award contract mid-2021 to enable works to be completed before mid-2022	Available July 2022
April 2021	Temporary Measures in Nadder, Wylde, Bourne and Ebble sub-catchments. Review whether to include Till sub-catchment.	Contracts to be secured for one year with options to extend for another one to two years as a bridge to when wetland / woodland contracts are in place	Award June/July 2021, sow cover crops immediately	September 2021
January 2022	Small Schemes in Bourne and Ebble (and Till) sub-catchments	Ideally schemes would be implemented during 2022 to reduce the need to extend temporary measures into a third year in March 2023	Award contracts as early as possible in 2022	Ideally available April 2023
April 2022	Temporary Measures - all sub-catchments	Review whether contracts required to deal with delays in aware of contracts or changes in completions trajectory	Award June/July 2022, sow cover crops immediately	September 2022
January 2023	Further Small Schemes in all sub-catchments up to March 2026	Review the projected offsetting deficient in all sub-catchments up to March 2026 and set up timetable of auctions as necessary	Award contracts December 2023	Available April 2025

Long term approach – Post March 2026

Over the next 3-10 years the Council is looking to establish habitat creation schemes in the heads of some or all of the sub-catchments. Once in place, these will negate the need for further contracts for Small Schemes and provide the in-perpetuity element for any permissions granted between March 2018 and March 2026. They will incorporate a 20% buffer to account for any uncertainties in the approach to offsetting. The schemes will be designed to enable them to be readily expanded, for example, to account for unforeseen increased growth or for further periods when provision for in-perpetuity offsetting is agreed to be the responsibility of the Council.

Habitat creation schemes will enable the Council to work at a landscape scale. Their size and spatial continuity will make offsetting more sustainable and cost-effective in the long term as they will have fewer maintenance and monitoring costs. These aspects will provide greater confidence that neutrality is being achieved, reducing the need for compliance monitoring across an increasingly large suite of scattered piecemeal contracts.

The appointment of a full time Nutrient Project Officer is being progressed without delay. This person will work with farm cluster groups and other partners to secure the first Habitat Creation Schemes over the next three to five years. The indications are that there is considerable interest from landowners in pursuing offsetting / biodiversity gain options for their land. There is also scope for synergies with the work of other organisations. For example, the Council is aware the Highways England wishes to secure largescale water quality and biodiversity improvement projects in the vicinity of the A36 which lies in the Wylve catchment. The Wessex River Trust is also looking to develop a habitat creation scheme in this catchment.

Sub-catchments with only limited development forecast (i.e. in Wiltshire, the River Till), will be mitigated either through Neighbourhood Plans or through Small Schemes until Habitat Creation Schemes come forward.

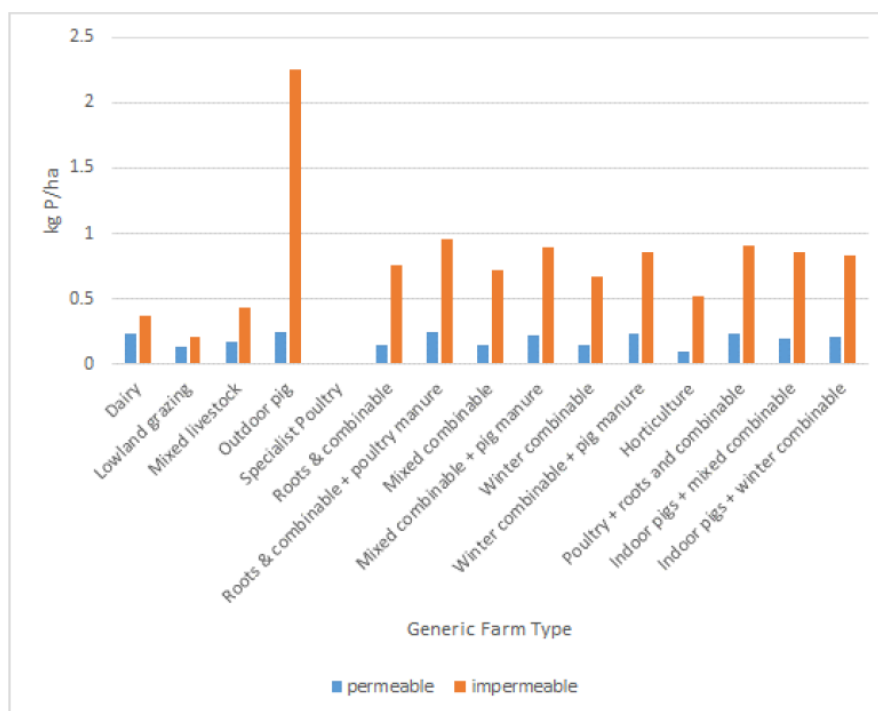
In-perpetuity offsetting for completions between March 2018 and March 2026

Here consideration is given to the size Habitat Creation Schemes may need to be to achieve the offsetting needs for the 2018-2026 period.

Housing permissions granted between 2018 and 2026 are anticipated to generate an annual requirement thereafter for 178.45kg of phosphorous offsetting which, with an additional 20% buffer, is 214 kg per year. The housing trajectory on which this figure is based will be subject to monitoring and the figure is not therefore fixed.

The following Figure is taken from the IDP. It summarises baseline information from Farmscoper (V4) to show the phosphorous exported by different generic farm types for permeable and impermeable soils where average annual rainfall is between 700 and 900mm per year.

Figure 3.1 Estimated baseline phosphorus export from generic farm types (Farmscoper 4)



It demonstrates that phosphorous exports depend primarily on soil type. Where farms are located on permeable soils e.g. where soil is underlain by chalk the average loss will be approximately 0.25 kg P/ha/year. Data from the Stour catchment, also based on Farmscoper (V4), corroborates this figure with an average for that catchment calculated to be 0.28 kg /ha/year¹⁴. On impermeable soils such as in floodplains, the average is much greater, approximately 1 kg P/ha/year.

The Stodmarsh study, recommends that a baseline nutrient leaching value of 0.14 kg P/ha/year can be used for land which is designated as open space, as new nature reserves or bird refuge areas and for areas of new woodland planting¹⁵. Natural England considers this figure may be excessive for land uses with low public access (eg nature reserves or bird refuges) and has commissioned further research. It may therefore be a worse-case scenario but will be taken into consideration when calculating the size of nature reserve to be created.

These figures equate to taking farmed areas of between 250 ha and 1950 ha out of production to deliver the offsets required until March 2026. However, these will be significantly reduced by incorporating other mitigation measures within the Habitat Creation Schemes such as wetland creation.

DELIVERY

Delivery Principles

- Where possible, auctions for short term measures will be initiated two years before the start of the year when completions become due in a sub-catchment.

¹⁴ Advice on nutrient neutrality for new development in the Stour catchment in relation to Stodmarsh designated sites - for Local planning authorities. Natural England, November 2020

¹⁵ See paragraph 5.42 in the above study

- Contracts will be signed to allow 1 year before the start of the year when the completions become due. This is to minimise the risk of measures not being in place at the point when first completions arise.
- 20% will be added to the annual phosphorous totals to provide a buffer for variations in the rates of completion, as well as other variables identified through a review of the IDP.
- The Council will consult with the Working Group, who will meet in November / December each year to consider progress of phosphorous mitigation (contracts and delivery) against updated housing trajectories.
- The Council supports bespoke schemes being provided by developers. Such schemes will be permitted where the developer has provided details of a scheme which Natural England has confirmed is compliant with the Habitats Regulations and is able to mitigate for phosphorous in-perpetuity with a 20% buffer. Such schemes will be secured through legal agreement to ensure mitigation is in place and working effectively before commencement of each phase of development.

Relevant Planning Applications

All applications for housing which result in a net increase in foul discharge being made within the River Avon Catchment that comply with saved housing site allocation policies (Appendix D, Wiltshire Core Strategy) and or Core Policy 2 (Delivery Strategy) of the Wiltshire Core Strategy with the exception of Core Policy 37 (Military Establishments)¹⁶ are within the scope of this assessment.

The following applications, which might otherwise be considered to be within scope, are not considered to have a significant effect on the SAC:

- Comparably sized replacement dwellings can be assumed to be phosphorous neutral in light of the condition restricting water use to 110 litres/person/day
- Any developments for annexes can also be regarded as phosphorous neutral if a condition is applied to limit use of the annex to that which is ancillary to the main dwelling
- Applications for replacement of a septic tank anywhere in the catchment are assumed to be phosphorous neutral provided there is no net increase in the number of connected dwellings.

In view of the 20% buffer proposed to be added to the anticipated cumulative discharge figures, non-residential development (excluding activities which contribute phosphorous as a result of their commercial processes or from people living beyond the catchment) and non-sewered development is within the scope of this appropriate assessment. The approach to these types of development will be reconsidered when the IDP is reviewed.

Nutrient Project Officer

A project officer is being recruited to support Wiltshire Council in delivering the following:

- Maintain records and share information with the Working Group

¹⁶ Bespoke measures are in place for the Army Basing Programme and will be required for future development proposals.

- Track housing permissions and completions and ensure contracts are in place in a timely way to ensure mitigation measures are on the ground before dwellings are occupied
- Oversee landowner negotiations, compliance of contracts and satisfactory maintenance
- Work with partners and landowners to develop proposals for long term habitat creation schemes in the River Avon catchment which will be suitable for in-perpetuity phosphorous mitigation for completions delivered between March 2018 and March 2016.
- Working with partners to develop proposals for habitat creation schemes to offset additional development coming forward through the Local plan Review.

Funding

In Wiltshire, mitigation, management and monitoring identified in the IDP is currently being funded through the Community Infrastructure Levy (CIL), as well as bespoke mitigation and management schemes provided by developers. The Cabinet resolution (above) makes an unequivocal commitment to providing mitigation measures including funding.

In the longer term, the Council expects that mitigation will be funded through an increased variety of means, through partnership working with other statutory and non-governmental bodies and potentially through additional contributions secured from developers through legal agreement or similar.

CONCLUSION

The above work enables the Council to conclude, beyond reasonable scientific doubt, that development for residential and employment uses in the River Avon catchment would not lead to adverse effects on the integrity of the River Avon SAC either individually or in combination with other plans and projects.

The following non-exhaustive list of developments are excluded from this assessment and must be assessed separately before permission can be granted. Natural England chargeable advice must be sought before an application is submitted:

- New fish farms or extensions to existing fish farms
- New cress beds or extensions to cress beds
- Any industrial or other processes which lead to discharges which do not go through sewage treatment works
- Agricultural facilities which lead to livestock waste being concentrated in a small area
- Tourism attractions which aim to routinely bring people in from outside the catchment
- Any overnight accommodation which routinely brings people in from living outside the catchment pariah

NATURAL ENGLAND RESPONSE

In an email dated 7th January 2021, Natural England's Planning and Conservation Senior Advisor John Stobart provided the following response:

"I can confirm that Natural England supports the revised phosphorous neutrality strategy as described in the generic AA dated 7 January 2021. I note the Cabinet resolution of 5th January 2021

which confirms the Council's commitment to adopt a strategic approach to secure in perpetuity measures to ensure phosphorus neutrality of developments permitted up to March 2026 and the funding to deliver this. Consequently, we would have no objection to the generic AA being applied to new permissions that meet the criteria stipulated in that document. Further, I can confirm that provided your authority is satisfied that the generic AA is applicable to a particular case and provided you are satisfied the necessary in perpetuity offsetting measures are being delivered as planned, your authority may consider that Natural England is satisfied that the case would have no adverse effect on the integrity of the international sites. On this basis we would have no need for a further consultation on cases covered by the provisions of the generic AA. Your authority may wish to seek its own legal advice on whether a consultation with Natural England remains a legal requirement in these types of cases in the light of this advice.

"We look forward to working closely with you over the coming year to complete the review of the IDP and ensure the necessary phosphorous offsetting measures are delivered in a manner that fully meets the Habitats Regulations requirements, while also realising the potential for substantive additional public benefits (e.g. carbon sequestration, biodiversity enhancement, public access to natural greenspace, etc.)"

APPENDIX 1

Format for Register of contracts awarded for phosphorous mitigation

Contract No. 1		
		Compliance details
Landowner details:		NA
Location:		Map required
Date of contract:		Refer to contract
Details of scheme		Refer to specification
Date when scheme became effective		Verification details
Duration of contract		NA
Total phosphorous removed per year		Reference to water sampling results for verification
Number of dwellings mitigated per year		Changes depending on water sampling
Maintenance frequency		Date of last check