

Date: 11 August 2021
Our ref: 361269
Your ref: 19/01840/OUT



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BY EMAIL ONLY

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Dear Debbie

Planning consultation: 19/01840/OUT | Erection of 200 dwellings (70 affordable and 130 open market) with associated highways, drainage, landscaping and public open space.

Location: Land north of Ansford Hill, Ansford, Castle Cary, Somerset.

Thank you for your consultation on the above dated 22 July 2021 which was received by Natural England on the same date.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

SUMMARY OF NATURAL ENGLAND'S ADVICE

NO OBJECTION - SUBJECT TO APPROPRIATE MITIGATION BEING SECURED

We consider that without appropriate mitigation the application would have an adverse effect on the integrity of the Somerset Levels and Moors Ramsar

In order to mitigate these adverse effects and make the development acceptable, the following mitigation options should be secured:

- Section 106 agreement securing correct management and upkeep of 29.18ha of fallowed land at Mount Pleasant Farm, Galhampton as phosphate mitigation whilst the Land north of Ansford Hill, Ansford, Castle Cary, Somerset development is occupied. If future development does not come through on the fallowed land, the fallow land will be allowed to succeed to semi-natural broadleaved woodland in perpetuity.

We advise that an appropriate planning condition or obligation is attached to any planning permission to secure these measures.

Natural England's further advice on designated sites/landscapes and advice on other natural environment issues is set out below.

Further advice on mitigation

Natural England considers that the approach taken to calculating the phosphorus budget and mitigation measures for the Outline Application is robust. The calculations have followed the established guidance, in particular, Natural England's Stodmarsh guidance, supplemented with evidence specific to the application site and the Somerset Levels and Moors catchment, including Soilscape analyses of the proposed development and fallow land sites. We support the application of

a 100% buffer to the figure for natural habitat as a precautionary approach to the calculations following the principle used in the Comeytrowe approach.

Natural England is satisfied that the Fallow Land Management Plan meets its purpose in terms of managing land phosphorus mitigation, and includes appropriate monitoring provisions. This consists of reverting from current cattle grazing and silage production to establish vegetative cover (grassland) on the majority of the land. It is accepted that while the grassland established could be managed more positively for wildlife interests, this is not a requirement of the Habitats Regulations in this instance and the applicant needs to find a balance between providing mitigation for phosphorus and the likely need to develop the fallowed land in the future, transferring mitigation into a permanent solution off-site.

Certainty of delivery of the Fallowed Land and required in-perpetuity management to achieve the identified 'nutrient neutrality' must be secured by Section 106 agreement. Correct management and upkeep, following Land north of Ansford Hill, Ansford, Castle Cary, Somerset. Fallow Land Phosphate Mitigation Strategy. June 2021. The S106 agreement will also set out the principle that whilst the development is in occupation that a Fallowed agriculture land as identified in Land North of Ansford Hill, Ansford, Castle Cary, Somerset. Fallow Land Phosphate Mitigation Strategy. June 2021 will be used to mitigate against the increase of Phosphates at the associated development until an alternative permanent mitigation strategy can be agreed upon with South Somerset District Council.

As agreed with the Comeytrowe Consortium for an application at Land at South West Taunton, if an alternative permanent phosphate mitigation solution is not secured within 25 years of the approval of the Reserved Matters Application, the Fallow Land will become the permanent phosphate mitigation for the Land north of Ansford Hill, Ansford, Castle Cary, Somerset development and will be allowed to succeed to semi-natural broadleaved woodland in perpetuity. There would still be no public access to the fallow land under this scenario. Should this occur, a revised Fallow Land Management Plan should be provided to South Somerset District Council for prior agreement.

Please note that if your authority is minded to grant planning permission contrary to the advice in this letter, you are required under Section 28I (6) of the Wildlife and Countryside Act 1981 (as amended) to notify Natural England of the permission, the terms on which it is proposed to grant it and how, if at all, your authority has taken account of Natural England's advice. You must also allow a further period of 21 days before the operation can commence.

Other advice

In addition, Natural England would advise on the following issues.

Further Ecology Conditions

Natural England concurs with Somerset Ecology Services that the following conditions are applied relating to a Construction Environmental Management Plan (CEMP), Mitigation Compliance, Landscape and Ecological Management Plan (LEMP) to be submitted (condition to provide details of requirements), Trees and Hedgerow protection, Bats/external lighting of boundaries, works to protect badgers/works, invasive non-native species protocol to be submitted, Biodiversity Mitigation and Enhancement Plan (BMEP).

Protection of Substantial Ancient Oak

The ancient oak tree (T18 in Arboricultural Report, 24 July 2019) is of very high importance due to its 'burr' trunk characteristics and important ecological associations. Natural England concurs with the recommendations that a condition relating a tree protection plan, arboricultural method statement and detailed tree planting proposal should be secured with the condition specifically mentioning the maximum protection and care of the ancient oak in line with the NPPF paragraph 180c.

The report also recommends the landscaping within the Reserved Matters application must include judicious tree planting, including street tree planting; to maximise ecosystem services and will probably require the use of special engineering to enable root-growth space. This is in line with the updated NPPF paragraph 131 which states that "planning policies and decisions should ensure that new streets are tree-lined, that opportunities are taken to incorporate trees elsewhere in

developments (such as parks and community orchards), that appropriate measures are in place to secure the long-term maintenance of newly-planted trees, and that existing trees are retained wherever possible". It goes on to say that applicants and local planning authorities "should work with local highways officers and tree officers to ensure that the right trees are planted in the right places".

Further general advice on consideration of protected species and other natural environment issues is provided at Annex A.

Should the developer wish to discuss the detail of measures to mitigate the effects described above with Natural England, we recommend that they seek advice through our [Discretionary Advice Service](#).

Should the proposal change, please consult us again.

Yours sincerely

Rhona Savin
Wessex Team