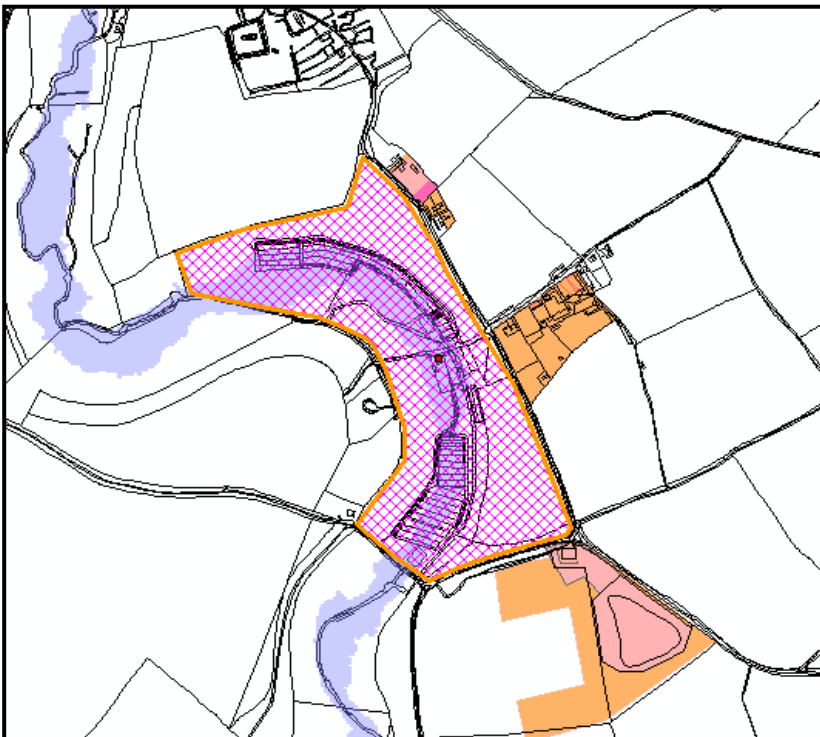


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Case No: 19/02128/FUL
Proposal Description: Redevelopment of redundant watercress beds and adjacent land for the creation of wetland and other habitat as an environmental mitigation bank including nitrate and phosphate credits, and BNG units, for allocation to relevant future Estate and off-site 3rd party development; landscaping and associated works. (AMENDED DESCRIPTION AND PLANS).
Address: Fobdown Watercress Beds, Abbotstone Road, Fobdown, Hampshire
Parish, or Ward if within Winchester City: Itchen Stoke And Ovington
Applicants Name: The Grange Estate
Case Officer: Catherine Watson
Date Valid: 27 September 2019
Recommendation: Application permitted
Pre-Application Advice Yes

Link to Planning Documents

[Link to page – enter in reference number: 19/02128/FUL](https://planningapps.winchester.gov.uk/online-applications/search.do?action=simple)
<https://planningapps.winchester.gov.uk/online-applications/search.do?action=simple>



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Reasons for Recommendation

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The development is recommended for permission as it is considered that it will have a positive impact on local water quality in respect of nitrogen and phosphorous and will in the future be able to provide additional nutrient credits and BNG units to be utilised by local residential developers and the applicants.

General Comments

The application is reported to Committee due to the number of objections received contrary to the Officer's recommendation.

Amendments to Plans Negotiated

On 28th March 2024, a letter was received from the applicant's agent requesting that the accommodation element of the proposals was withdrawn, and that the application should only proceed in respect of the creation of wetland and other habitat for nutrient mitigation and biodiversity net gain (BNG) units, landscaping and associated works. The application description has been altered accordingly and relevant consultees, as well as any interested parties who submitted comments on the original submission, were reconsulted on this change. A revised site plan (1981/P1-02 Rev B) and landscaping plan (1981/P2-02 Rev B) were submitted at this time.

Site Description

The application site is 20 hectares in size and forms an arc shape following the water course of the Candover Brook/River Itchen.

Previously, the site was owned and operated by a large food company who operated the site as watercress beds, with a large amount of concrete infrastructure being constructed throughout the site alongside small ancillary buildings. The company left the site in 2016. At time of submission the site also contained a mobile home used as an agricultural worker's dwelling, however this has been removed from the site.

The site now forms part of the wider Grange Estate, who purchased the site in 2016.

The site contains substantial vegetation along its borders. The south of the site contains a mixture of trees which border the site from the adjoining Public Right of Way.

The western edge contains a combination of boundary treatments, from small scale residential fencing on the southwestern corner to dense trees along the remainder of this boundary.

The northern edge has a combination of low-lying shrubbery and the beginning of a substantial row of leylandii trees which arc around the eastern part of the site, with a grass open space on the opposite side between the roadways.

A key feature to the site is both the landscaping and the water bodies which run through the site. The surrounding area is rural in character, with a number of farm buildings and small cottages opposite the application site.

Proposal

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Redevelopment of redundant watercress beds and adjacent land in order to create wetland and other habitat as an environmental mitigation bank for the generation of nutrient credits and BNG units.

Relevant Planning History

No relevant planning history.

Consultations

Service Lead – Built Environment (Archaeology) -

- No concerns, no conditions recommended.

Service Lead – Engineering (Drainage) -

- (Original Comments) Infiltration testing has been submitted as part of the Flood Risk Assessment, showing that high groundwater levels mean a soakaway is unsuitable. A pre-commencement condition to obtain drainage details is required.

No additional comments received.

Service Lead – Sustainability and Natural Environment (Ecology) –

- No objection in principle, subject to additional information submitted via condition.

Service Lead – Sustainability and Natural Environment (Landscape) –

- (Original Comments) the proposal would enhance the area in an innovative way.
- Removal of trees will improve landscape impact
- There may be visual impact from the public right of way.
- Conditions required.

Comments to amended scheme received 11.04.2024 –

- The proposal is significantly different and will have less landscape impact.

Service Lead – Public Protection (Environmental Health) –

- No objection, subject to condition.

Service Lead – Economic Development and Tourism –

- Support.

Hampshire County Council (Rights of Way) –

- No objection.

Hampshire County Council (Flood Authority) –

- No objection, subject to condition.

Hampshire County Council (Highway Authority) –

- No objection.

Natural England -

- Response 1 (26.11.2019): Further information required to determine impacts on designated site.

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- Response 2 (09.03.2021): Objection – further information required (habitats Regulations Assessment).
- Response 3 (09.03.2021): Further information required re nitrogen neutrality and change of land use.
- Response 4 (16.03.2021): No concerns about phosphorous or nitrogen budgets.
- Response 5 (07.09.2021): No objection with regards to surface water drainage. No concerns re nitrogen and phosphorous neutrality impact.
- Response 6 (14.12.2023): Additional information submitted (updated nutrient budget and amended wetland design). Habitat Regulations Assessment required. Further details required about the nutrient budget. Land use change and new package treatment plant drainage wetland is unlikely to be eligible to generate surplus nutrient credits.
- Response 7 (21.05.2024): No objection, subject to appropriate mitigation being secured.

Southern Water -

- No objection, subject to compliance with statutory requirements.

Environment Agency –

- No objection, subject to conditions.

South Downs National Park Authority –

- No objection.

Representations:

Councillor Margot Power, Alresford and Itchen Valley Parish.

– (20.11.2019) Comment: “Having read the Environment Agency report I am not content that sufficient measures are in place to prevent damage to a very sensate habitat for White Clawed Crayfish. When those measures are seen in detail I will comment further”.

-(13.04.2024) Comment: “I am concerned that there is insufficient protection for the white clawed crayfish in the Candover Brook, the biosecurity measures need strengthening in at least two aspects in order to prevent the import of signal crayfish which would destroy one of the very few remaining strongholds of the native species. The risk from imported plants, either from the estate or elsewhere is not addressed in a robust manner, would it be possible to use only plants from the current site? A further concern is contamination from the construction team and equipment what would be bought on site. The team is likely to be familiar with the aquatic environment and therefore have been working on sites already contaminated by non-native species of flora and fauna, I would expect to see a very detailed decontamination process in the CEMP”.

Councillor Fiona Isaacs, Alresford and Itchen Valley Parish.

-(21.11.2021) Objection: “The plans are not in keeping with any other type of likeminded businesses. Shall eco pods, single storey are more frequent and used to blend in. These are self-contained , environmentally friendly and blend into the countryside. Single storey being key as not to over develop. These plans are more like a housing development. The risk of further development of this area is a high-risk potential under the guise of providing services to meet the site requirements”.

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Old Alresford Parish Council

- No comment.

Itchen Stoke and Ovington Parish Council (received 19.11.2019. No subsequent comments received.)

- Support. (see Appendix 1 for comments).

55 Objecting Representations received from different addresses citing the following material planning reasons:

- Increase in traffic through Abbotstone Road which is a single-track road
- Impact with traffic and large farm vehicles
- 10 units does not represent a small-scale development
- Potential impact on ecosystem
- Impact of noise and disturbance from users to local wildlife and neighbouring properties, including additional traffic noise.
- A well-planned site but will increase traffic and waste
- Increase in light pollution
- Noise will carry as area is open and tranquillity will be ruined
- Likely to be used by wedding parties from The Grange
- Concern regarding impact on wildlife including lapwing and barn owls
- Lodges may be converted to dwellings in the future
- There will be no policing of the site
- No local employment benefit
- Potential pollution of water courses during construction and beyond
- Concern regarding discharge of foul water and Jacuzzi output
- Neighbouring houses previously housed watercress workers so traffic impact lower
- May result in need for worker overnight accommodation.
- Jacuzzis may have environmental and noise risk
- Number of units should be reduced to 5
- There is no management on site
- LVIA fails to consider views from surrounding properties
- Lodges are too large in floor space and height
- Queries over need for watercress removal
- Impact on white clawed crayfish and bat species from construction and lighting
- Incorrect number of lodges assessed in surveys
- Additional litter impact

8 Supporting Representations received from different addresses citing the following material planning reasons:

- Imaginative redevelopment of abandoned watercress beds and enhancing of the natural habitat.
- Intensive use of land has resulted in water quality issues.
- Applicant has explored viability and environmental benefits of development.

2 Neutral Representations received from different addresses citing the following material planning reasons:

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- Development will enhance the valley, however concerns raised in regard to noise, increase in traffic and lighting.

Relevant Government Planning Policy and Guidance

National Planning Policy Framework (December 2023)

1. Introduction
2. Achieving sustainable development
4. Decision-making
11. Making effective use of land
12. Achieving well-designed and beautiful places
14. Meeting the challenge of climate change, flooding and coastal change
15. Conserving and enhancing the natural environment

National Planning Practice Guidance

- Appropriate assessment
- Climate change
- Consultation and pre-decision matters
- Determining a planning application
- Effective use of land
- Fees for planning applications
- Flood risk and coastal change
- Making an application
- Natural environment
- Use of planning conditions
- Water supply, wastewater and water quality

Winchester Local Plan Part 1 – Joint Core Strategy (LPP1)

- DS1 – Development Strategy and Principles
- MTRA4 – Development in the Countryside
- CP13 – High Quality Design
- CP16 – Biodiversity
- CP17 – Flooding, Flood Risk and the Water Environment
- CP20 – Heritage and Landscape Character

Winchester District Local Plan Part 2 – Development Management and Site Allocations

- DM1 – Location of New Development
- DM15 – Local Distinctiveness
- DM16 – Site Design Criteria
- DM17 – Site Development Principles
- DM18 – Access and Parking
- DM19 – Development and Pollution
- DM21 – Contaminated Land
- DM23 – Rural Character

Other relevant documents

Climate Emergency Declaration, Carbon Neutrality Action Plan 2020-2023.

Nature Emergency Declaration.

Statement of Community Involvement 2018 and 2020

Landscape Character Assessment December 2021

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Biodiversity Action Plan 2021 (updated July 2023)

Position Statement on Nitrate Neutral Development – February 2020

Planning Considerations

Principle of development

Section 38 (6) of the Planning and Compulsory Purchase Act 2004 and paragraph 47 of the National Planning Policy Framework (NPPF, 2023) require that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

The application site is located outside of a defined settlement boundary. Policy DM1 of the Local Plan Part 2 (LPP2) notes that outside of defined boundaries countryside policies apply and only development appropriate to a countryside location will be permitted.

The tourist units have been removed from the proposal and therefore the only works for which permission is sought are the removal of some the existing watercress beds and changes to the site in order to create a new treatment wetland so as to provide an environmental mitigation bank which will include the provision of nitrogen and phosphorous (nutrient) credits and Biodiversity Net Gain (BNG) units. Planning consent is required due to the scale of engineering works undertaken to provide the wetland, which will also be used as a “treatment” wetland for waste water.

It is expected that the credits and BNG units will eventually be used as mitigation for future development within The Grange Estate, as well as being sold to external developers.

Policy MTRA4 of the Local Plan Part 1 (LPP1) governs *Development in the Countryside*. The policy allows development which has an essential and/or operational need to be in a countryside location. The creation of a wetland habitat is very site specific and in this case is a result of a targeted effort by a number of bodies to support the surrounding chalk stream system in the area. These works are an appropriate development which supports the biodiversity of the area. The principle of the creation of a wetland habitat is therefore acceptable under policy MTRA4.

Assessment under 2017 EIA Regulations

The development does not fall under Schedule I or Schedule II of the 2017 Environmental Impact Assessment Regulations, therefore an Environmental Impact Assessment is not required.

Impact on character and appearance of area

The surrounding area is rural in character. This character is formed by the surrounding lanes which contain highly vegetated boundaries and the general undeveloped nature of the area.

Closer to the site, there are evident clusters of buildings including a barn which has been converted into a dwelling, the barns and residential units at Fobdown Farm (opposite the

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site) and a number of dwellings. Users of the roadway travelling in either direction will be aware they have entered a cluster of built form in a rural area.

The application site would sit to the east of this cluster of built form. Road users travelling from the south (Old Alresford direction) are met with large trees on the southern boundary of the site. Natural boundary treatments then disappear, and users are currently met with a wide view of the site; the existing industrial buildings and caravan are evident from this perspective however, it is not considered that this a significantly harmful view.

When travelling from the north (Abbotstone Medieval Village direction), natural vegetation is more substantial on the eastern boundary of the road which screens views of the site from this perspective. The landscaping plan shows a large woodland area between receptors and built form. Therefore, it is not considered that there would be an adverse impact on the character of the area from this direction.

The application site continues to use the existing large vehicular access. This access was designed for large vehicles to service the watercress operation and is therefore already a visible presence in the area. The use of this access is considered to be acceptable.

Some of the existing farm buildings are to be removed, whilst two are to be retained and will be used for storage. Additionally, the majority of the hardstanding associated with the farm buildings is proposed to be removed. The previous proposal sought to create a new service track to serve the tourist accommodation. This is now not proposed, and the existing track will be retained.

In the northern and western parts of the site, it is proposed to plant additional woodland which will total a minimum of 5,200 trees surrounding the wetlands. This does not form part of the planning submission *per se* as it is subject to a Countryside Stewardship Woodland Creation Grant application which is being dealt with separately. It is, however, shown indicatively on the landscaping plan. Existing woodland, hedgerows and grassland are also to be retained.

A number of public rights of way (PROW) converge upon the area. The closest are Old Alresford: 30 approximately. 20m to the east and Itchen Stoke and Ovington: 14 and Old Alresford: 32 which immediately border the site to the south. Given the omission of the tourism element of the scheme, it is not considered that the development would have any adverse impact upon the enjoyment of these PROWs and may, indeed, provide a betterment over time. This accords with CP20 of the LPP1 and DM23 of the LPP2.

Therefore, the proposal overall has an acceptable impact on the character and appearance of the area and complies with policies DS1, MTRA4, CP16 and CP20 of the LPP1 and DM1, DM15, DM16, DM17 and DM23 of the LPP2.

Development affecting the South Downs National Park

The application site is located 1.5km from the South Downs National Park

Government policy relating to National Parks is set out in English National Parks and the Broads: UK Government Vision and Circular 2010 and The National Planning Policy Framework (NPPF) updated 2023. The Circular and NPPF confirm that National Parks have the highest status of protection, and the NPPF states at paragraph 182 that great
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weight should be given to conserving and enhancing landscape and scenic beauty in national parks and that the conservation and enhancement of wildlife and cultural heritage are also important considerations and should be given great weight in National Parks.

Due to the distance and intervening features, an adverse impact on the National Park and its statutory purposes is not identified.

In conclusion, therefore, the development will not affect any land within the National Park and is in accordance with Section 11a of the National Parks and Access to the Countryside Act 1949.

Historic Environment

No Impact, the works do not affect a statutory Listed building or structure including setting; Conservation Areas, Archaeology or Non-designated Heritage Assets including setting.

Relevant Legislation.

The preservation, conservation, investigation and recording of archaeological interest (Policy DM26 Winchester District Local Plan Part 2; Policy CP20 Winchester District Local Plan Part 1; NPPF Section 16).

Historic water meadows were formerly present along the valley bottom in this area however, their condition is very degraded and fragmentary. In particular, the majority of the proposal is sited within the area now occupied by modern concrete watercress beds, which will have destroyed any evidence for earlier water meadows. Archaeological remains of likely later prehistoric and Romano-British date are also recorded within the vicinity however, these are located on higher ground, above the proposal site.

Given the low-lying location of the proposal site and previous impacts from the former watercress site, there is no objection to the proposal (including the woodland planting) on archaeological grounds and no conditions are recommended.

There are no listed buildings in close proximity to the application site.

A Scheduled Monument (the deserted village of Abbotstone) sits ~150m to the north. Given the distance to the proposal site and intervening topography and vegetation, the proposal is not considered to affect the setting of the Scheduled Monument. Furthermore, the proposed woodland planting will further screen the site in any views from the Scheduled Monument.

The proposal is therefore considered to comply with policies CP20 of the LPP1 and DM26 of the LPP2.

Neighbouring amenity

The nearest residential properties are Andover Water Lodge to the south-west of the site, Wayfarers Barn to the south-east of the site and Fobdown Farm to the east of the site.

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Given that the tourism element of the scheme has been removed, the majority of potential impact on neighbour amenity is also addressed. The maintenance and monitoring of the wetland and woodland is unlikely to cause harm in terms of excessive noise or activity.

Therefore, the proposal complies with policy DM17 of the LPP2.

Sustainable Transport

The number of traffic movements in and out of the site for inspection and maintenance of the wetland and woodland habitats will be significantly less than those associated with the tourist accommodation. Hampshire County Council Highways commented on the original proposals that the number of movements would be similar to that associated with the former watercress operation, albeit with fewer HGV movements. The same vehicular access will be utilised for the wetland area.

Therefore, the proposal complies with policy DM18 of the LPP2.

Ecology and Biodiversity

The proposal is for development within, bordering or in close proximity to a Nationally Protected Site. The designations include:

- SSSI Impact Risk Zone (entire site, whole district covered by this designation)
- River Itchen Special Area of Conservation (SAC) (Candover Brook tributary runs through site)
- River Itchen Site of Special Scientific Interest (SSSI) (Candover Brook tributary runs through site)
- Nitrate Vulnerable Zone (Hamble Estuary and Hampshire Chalk)

The intention of the proposed development is to remove former watercress beds and create wetland in order to improve biodiversity and generate nutrient and BNG credits to be used for future residential development both within The Grange Estate and for sale within the wider catchment.

The site's original use as a watercress production facility has been identified as a potential source of pollution which could have an adverse impact on the ecology of the River Itchen SAC and SSSI. As the Planning Statement discusses, the Environment Agency introduced legislative changes regarding water abstraction for cultivating watercress.

As a result, the removal of watercress production from this area was initiated by a number of bodies including the applicant who purchased the site on the condition that future production of watercress would be prohibited, and abstraction licences were surrendered. The watercress infrastructure remains on site including large beds on the northern 'arc' of the site, two smaller beds in the centre and larger beds in the southern section of the site.

The creation of a wetland habitat was discussed to introduce environmental enhancements and a wetland specialist has been engaged with the project and has worked directly with Natural England to deliver the scheme.

The works to construct the development contain one main risk to the designated sites, namely the removal of the existing infrastructure. This would involve the demolition and

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removal of large amounts of concrete. Some concrete will be reused on site (to construct footpaths for example) and stored outside of areas at risk of flooding. Condition 5 requires further details on this as part of the Construction Management Plan. Excess concrete would be removed from site.

Construction operations in general increase the risk of pollution incidents through surface water run-off, dust and accidental spillages for example. A Construction Environmental Method Plan (CEMP) has been provided as part of the application and covers matters such as appropriate storage of materials, working times, dust suppression methods, use of toolbox talks to highlight the importance of the site and strategic retention of features which are in close proximity to the designated sites.

Prior to any works (and each significant stage of construction), the CEMP ensures that a walk-over assessment is undertaken by a qualified Ecologist. The Plan also sets out the persons responsible for the development.

As a precaution, no removal works, or ground disturbance will take place within 8m of the riverbank and any features will remain in situ and landscaped instead.

All construction areas will be surrounded by Heras fencing with a dust mesh screen with additional dust prevention measures in place if required. Measures are also in place to ensure liquid materials are stored within a bund and any refuelling takes place in a designated site with a spill kit available. Washing down of construction vehicles will also take place in an allocated area with spillage prevention measures.

The CEMP has been reviewed and provides an acceptable plan to construct the development in a safe manner which is mindful of the site's location in a sensitive area. Condition 8 is included to ensure that the Plan is followed. As mentioned in the CEMP and at the request of the Environment Agency, condition 5 is included to request a Construction Management Plan which has more precise details.

Through the use of appropriate measures which are to be secured by the planning conditions, there is considered to be no adverse impact on the surrounding area and environment and the proposal complies with policies CP16 (LPP1) and DM15, DM16, DM17, DM23 (LPP2).

Regarding the wetland environment itself, a Wetland Management assessment has been undertaken which confirms it is feasible to create one in this area. The objectives of the wetland habitat are to enhance the ecology of the Candover Brook valley.

The wetlands will sit within the existing watercourse bed footprints and up to 12 'cells' of wetland area will be formed. Physical access to the wetlands will be restricted to management personnel only.

Water levels will be controlled in order to maintain optimal depths and water flowing through the cells will return to the Candover Brook through existing discharge locations.

The exact details of plant communities will be agreed by the applicant with bodies including Natural England and the Hampshire and Isle of Wight Wildlife Trust, condition 10 seeks confirmation of these details. There is however intention to create 4 wetland types within each cell which are an aquatic community, 2 types of fen swamp community and a fen meadow community.

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Biosecurity is an important consideration and non-native species must not be introduced into the system. Conditions 5 and 7 refer to biosecurity to ensure that measures are presented and agreed prior to implementation. This will be in consultation with the Council's ecologist, Natural England, Environment Agency and other necessary bodies.

The Wetland Management Scheme continues to make a number of recommendations and procedure points and these are secured by condition 10.

For on-going operation impacts, the Management Scheme has set out procedures for the long-term management of the wetland cells and this includes water level and vegetation management. Again, these procedures are secured as per condition 10.

There are four private airfields within 13km of the site. However, due to the size of the wetlands created this does not materially change the number of birds on the site to increase the risk of aviation air strikes.

It has not been possible to overcome the objection by Natural England to the tourist units. Natural England raised an initial concern regarding the operational phase of the proposals. This was largely concerning the foul waste water management proposals, which use a septic tank which discharged into a wetland system before being released into the River Itchen. Originally, the submitted documentation did not demonstrate the system would remove nitrogen and phosphorous prior to discharge into the watercourse. On-going maintenance was also a concern as the systems would need to be maintained in perpetuity to remain effective.

Concern was also raised regarding the surface water output of the site which was to be stored in a sustainable urban drainage system (SUDs). Poor quality water may have entered the River Itchen from this drainage system and further detail was required. This part of the river system is classed as 'unfavourable – no change' due in part to the levels of total phosphate. This part of the river has recently been within target range to improve this situation and it was therefore important that discharge from the foul system did not increase levels of phosphorus in the system.

Proposed solutions to these issues were put forward, including the use of a Package Treatment Plant instead of a septic tank for the use of effluent, which would then enter a constructed wetland and be discharged into the ground within an area of existing woodland. Information was also submitted demonstrating that the site would be able to achieve nitrogen neutrality from both the change of use of land and the provision of overnight accommodation.

Due to an objection from Natural England following the submission of an updated nutrient budget for the 10 tourist units and amended design of the wetland types in December 2023, the tourist units were removed from the proposals and a revised Nutrient Mitigation Report was submitted for review in March 2024 for the creation of the wetland only. Natural England raised an objection again in May 2024 to the change of use to a treatment wetland to be used to generate nitrogen credits. This was due to the high groundwater levels and uncertain number of possible sources of water (springs) feeding the wetland.

The revised planning application now only covers the works required for the creation of the wetland and does not seek to give consent for that use to generate nutrient credits. These
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nutrient credits could be secured at a later date by a legal agreement which would be subject to review by Natural England. Additionally, it is proposed to eventually use the newly created habitats as a biodiversity net gain bank which can be used in order to achieve BNG on sites either within the Estate or in the wider District. Consent for this part of the proposals is not sought as part of this application and, in a similar manner to the generation of nutrient credits, may be secured at a later date by a legal agreement.

The development therefore complies with The EU Habitats Directive and Conservation of Habitats & Species (Amendment) Regulations 2011 and contains an Appropriate Assessment as Competent Authority (if required).

If protected species are on-site

The presence of a protected species is a material consideration when a Planning Authority is considering a development that, if implemented, would be likely to result in harm to the species or its habitat. European protected species (EPS) have full protection under The Conservation of Habitats and Species Regulations 2017. It is an offence to deliberately capture, injure or kill, or deliberately disturb EPS.

In terms of designated habitat and species, the following has been identified:

- Coastal and Floodplain Grazing Marsh (majority of site)
- Common Pheasant and Red-legged Partridge release sites (arc in centre of site and surrounding site)
- Deciduous Woodland (southern section of site and western boundary)
- Semi-improved grassland (south of site)
- Stone curlew, grey partridge and turtle dove species (entire site and wider area)
- Grey partridge species (western boundary and wider area)

Ecological appraisals have been submitted which have investigated the habitats and species on the site. This includes bat and badger assessments. The report makes a number of recommendations to prevent harm which is secured as per condition 6. This condition has been re-worded to take account of the Council's Ecologist comments.

Desktop and field surveys have identified a strong population of white-clawed crayfish which is of regional importance. This survey found 238 crayfish records with an even balance of males and females which indicates a healthy population.

The Ecological Appraisal recommends mitigation measures to be implemented to protect the crayfish, which are secured by condition 6. In addition, the CEMP (which is secured by conditions 5 and 8), contains a section on biosecurity to prevent invasive species and pathogens entering the water system hosting the crayfish.

The applicant is also required to enter into a Protected Species License with Natural England prior to works.

The presence of a protected species on site has therefore been addressed and the submitted reports are acceptable. The proposal therefore complies with policy CP16 of the LPP1.

Appropriate Assessment.

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The application will have a likely significant effect in the absence of avoidance and mitigation measures on European and internationally protected sites. The authority has concluded that the adverse effects arising from the proposal are wholly consistent with, and inclusive of the effects detailed in the Winchester City Council Position Statement on nitrate neutral development and the guidance on nutrients from Natural England. The authority's assessment is that the application has demonstrated an improvement on the current nutrient load entering the Candover Stream, resulting in a nitrogen mitigation load of 22.84kg/TN/yr and phosphorous mitigation load of 0.51kg/TP/yr which could be used to generate credits for use either within The Grange Estate, or for sale to local developers.

It can therefore be concluded that there will be no adverse effect on the integrity of the designated sites identified above in this regard.

This represents the authorities Appropriate Assessment as Competent Authority in accordance with requirements under Regulation 63 of the Conservation of Habitats and Species Regulations 2017, Article 6 (3) of the Habitats Directive and having due regard to its duties under Section 40(1) of the NERC Act 2006 to the purpose of conserving biodiversity. Consideration of the Ramsar site/s is a matter of government policy set out in the National Planning Policy Framework 2018.

Sustainability

Residential developments should achieve the lowest level of carbon emissions and water consumption which is practical and viable. Policy CP11 expects new residential developments to achieve Level 5 for the Energy aspect of the Code for Sustainable Homes and Level 4 for the water aspect. As there is no residential or commercial building aspect to this application, the above is no longer considered to be applicable.

Sustainable Drainage

The site contains Flood Zones 1, 2 and 3 which follows the course of the stream. The Candover Brook is a 'Main River', making the management of the associated flood risk the responsibility of the Environment Agency.

Surface water from the proposal will be managed through the proposed wetland cells and naturally released into the groundwater or lost through evapotranspiration.

Hampshire County Council as Lead Local Flood Authority commented on the original scheme and highlighted certain aspects of the drainage scheme which required further detail or amendment but concluded that as the proposals will result in a 50% reduction in the existing impermeable area of the site and the impact of the lodges was not substantial. They responded to the revised proposals and re-confirmed their original comments.

There will be no foul drainage requirement on-site.

As there will be no additional built form and much of the existing hardstanding is to be removed, it is not considered that there would be any significantly harmful impact on the drainage capabilities of the site.

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The proposal therefore complies with policy DM17 of the LPP2.

Trees

Policy DM24 of the LPP2 allows development which does not result in the loss or deterioration of ancient woodlands, important hedgerows, special trees, ground flora and the space required to support them in the long term.

A band of existing Leylandii trees adjacent to the wetland in the northern part of the site are proposed to be removed. These will be replaced with native woodland which would have the capacity to support a large number of species and would be more in keeping visually than the Leylandii however, at present the leylandii trees do have the potential to host a number of species. This area is highlighted as containing partridge species and the Ecological Appraisals have identified partridges on the site. Condition 6 has therefore been amended to request ecological surveys and mitigation measures for this specific part of the development.

The proposal will therefore comply with policy CP16 of the LPP1 and DM24 of the LPP2.

Equality

Due regard should be given to the Equality Act 2010: Public Sector Equality Duty. Public bodies need to consciously think about the three aims of the Equality Duty as part of the process of decision-making. The weight given to the Equality Duty, compared to the other factors, will depend on how much that function affects discrimination, equality of opportunity and good relations and the extent of any disadvantage that needs to be addressed. The Local Planning Authority has given due regard to this duty and the considerations do not outweigh any matters in the exercise of our duty.

Planning Balance and Conclusion

The proposals have been amended to remove the tourist accommodation element and therefore, planning consent is sought for the clearance of the watercress beds and construction of managed wetland. The creation of the wetland could ultimately result in nutrient (nitrogen and phosphorous) credits for use by The Grange Estate or local developers for new residential development. It is also anticipated that the creation of the wetland could also generate BNG units which can be used as mitigation for future developments. These credits/units do not form part of the planning application but could be secured via a legal agreement post-decision, with the input of Natural England and other relevant stakeholders.

The creation of the wetland will result in an improvement to the water quality of the Candover Stream and its associated biodiversity, including the regionally significant population of white-clawed crayfish.

It is therefore considered that the proposals will be beneficial for wildlife and the wider biodiversity of the locale and that consent should be granted in accordance with policies MTRA4, DS1, CP13, CP16, CP17 and CP20 of the LPP1 and DM1, DM15, DM16, DM17, DM18, DM19, DM21, DM23, DM24 and DM26 of the LPP2 and the Landscape Character Assessment December 2021 and Biodiversity Action Plan 2021 (updated July 2023).

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Recommendation

Permit, subject to the following conditions:

Conditions

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

Reason: To comply with the provisions of Section 91 (1) of the Town and Country Planning Act 1990 (as amended).

2. The development hereby approved shall be constructed in accordance with the following plans:

Site Location Plan Dwg No 1981/P-01 received 27.09.2019

Proposed Site Plan Dwg No 1981/P1-02 Rev B received 03.04.2024

Landscaping Plan Dwg No 1981/P2-02 received 03.04.2024

Reason: In the interests of proper planning and for the avoidance of doubt.

3. Detailed proposals for the disposal of foul and surface water shall be submitted to and approved in writing by the Local Planning Authority before the commencement of development.

The approved details shall be fully implemented before development commences.

Reason: To ensure satisfactory provision of foul and surface water. The proposed development states that the applicant will use a non-mains drainage system. The site is located on a Principal Aquifer, where groundwater will occur at very shallow depth, and sensitive surface water features are located adjacent the site.

4. The Landscaping of the site must be in accordance with the Landscaping Plan [drawing P2-O2 Rev A received 03.04.2024]. Prior to commencement of development, the following details must be submitted to and approved in writing by the Local Planning Authority.

Hard landscaping details must include:

- Details of any fencing, walls or enclosures to be constructed on the site including heights and materials.

Soft landscaping details must include:

- Specifications and timing of planting including additional woodland
- Strategic use of planting heights to screen the development from rights of way and surrounding properties

Development must then continue in accordance with the approved details.

If within a period of 7 years a tree or plant dies, becomes infected or defective, an example of the same species must be planted in the same location within the next available planting season.

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Reason: To ensure the specific details of the landscaping scheme are acceptable and enforceable.

5. No development shall take place until a detailed method statement/Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority.

The method statement/construction management plan requires the inclusion of detailed information covering the following:

- Methods to be employed for the control of silt and soil mobilisation and prevention of silt and soil entering the Candover Brook as a result of both construction activities and due to rainfall events during construction. This is particularly key during times of vegetation removal, excavation of wetland and pond areas and the removal of concrete within the wet areas of old watercress beds;
- Details of areas where building materials and arisings will be deposited and spread with measures to prevent this material entering the Candover Brook, particularly during rainfall events;
- Details of timings and method for the hydraulic breaking of concrete; and
- Details of location of spoil relocation within the site.
- Details of any additional biosecurity measures to implement additional work created

Development must then continue in accordance with the approved details.

Reason: The submitted Construction Environment Management Plan (CEMP) states that *“where necessary for specific tasks, a Construction Management Plan (CMP) may be required which complies with this CEMP.”* The above condition ensures this will occur.

The Candover Brook, and the species and habitats it supports, is a very sensitive receptor, and species such as White Clawed Crayfish, Brown Trout and Water Crowfoot are susceptible to increased silt loads in the river which may occur, without the use of adequate mitigation, as a result of construction activities. In addition any percussive piling activities and hydraulic breaking of concrete carried out during autumn and winter have the potential to have an adverse effect on Brown Trout spawning and survival of trout eggs.

6. The mitigation and recommendations contained within the Ecological Assessment [by Pro-Vision dated September 2019; addendum September 2024] and ‘Abbotstone Wetlands Ecology Comments’ letter dated 10 September 2021 must be adhered to.

Prior to commencement of development, a Biodiversity Mitigation and Enhancement Plan must be submitted to and approved in writing by the Local Planning Authority.

The Plan must include:

- Updated badger sett surveys (immediately prior to the commencement of works)

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- A method statement detailing how bat roosts will not be impacted by construction works
- Opportunities to linking bat habitats in the area
- Lighting plans and relationship with Biodiversity mitigations
- Confirmation of pre-work checks for barn owls
- Opportunities for habitat improvement for white-clawed crayfish
- Opportunism for southern damselfly habitat improvements
- Protection measures for otter holts and resting places including details of artificial otter holt.
- Ecological surveys for the removal of the leylandii trees including an investigation into Partridge habitat.
- Measures for the protection of white clawed crayfish

Development must then proceed in accordance with the approved details.

Reason: The application site is within a sensitive area and biodiversity enhancement must be secured.

7. Prior to the commencement of development and in addition to the details required by condition 3, a Surface Water Drainage Scheme must be submitted to and approved in writing by the Local Planning Authority in consultation with the Lead Local Flood Authority, Environment Agency and Natural England. The Scheme must be based on the principles within the Flood Risk Assessment.

The submitted Scheme must include:

- Detailed drainage layout drawings at an identified scale indicating catchment areas, reference drainage features, manhole cover and invert levels and pipe diameters, lengths and gradients
- Detailed hydraulic calculations for all rainfall events, including the 1 in 100 year (plus Climate Change allowance) annual probability of occurrence. The hydraulic calculations should take into account the connectivity of the entire drainage system including the connection with a secured outfall.
- Evidence that runoff exceeding design criteria has been considered. Calculations and exceedance flow diagram/plans must show where above ground flooding might occur and where this would pool and flow.
- Information evidencing that the correct level of water treatment exists in the system in accordance with the Ciria SuDS manual C753
- Maintenance regimes of ensure surface water drainage system including individual SuDS features, including a plan illustrating the organisation responsible for each element (including the drainage under the highway). Evidence that those responsible/adopting bodies are in discussion with the developer and measures taken to protect and ensure continued operation of drainage features during construction.
- Contamination and biosecurity measures to prevent output into the surrounding water system.

Development must then continue in accordance with the approved details.

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Reason: To obtain finalised drainage plans taking account of additional information requests and to ensure that the environmental impact of the drainage system is subject to further and updated assessment.

8. The development must be constructed in accordance with the Construction Environmental Management Plan (CEMP) produced by Pro-Vision dated September 2019. If any element of the Plan is to change, the details of the amendments must be submitted to and approved in writing by the Local Planning Authority.

Development must then continue in accordance with the approved details.

Reason: To ensure the CEMP is implemented in reality and is enforceable.

9. The development shall be carried out in accordance with the submitted Flood Risk Assessment (as contained within Version 1 of the Draft Report September 2019) and the mitigation measures detailed in Section 3 therein.

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements.

The measures shall be retained and maintained thereafter throughout the lifetime of the development.

Reason: The condition is in line with the Planning Practice Guidance (PPG) to the NPPF for Flood Risk and Coastal Change.

10. The Abbotstone Wetland: Strategy Report [by RM Wetlands and Environment with reference PR105/F/R1.2 dated September 2019] and Abbotstone Wetland: Further Supplementary Material [by RM Wetlands and Environment with reference PR105/F/R5.2 dated July 2023] must be adhered to.

Details of the plant communities used in the wetlands must be submitted to and approved in writing by the Local Planning Authority prior to their implementation in consultation with Natural England and the Hampshire and Isle of Wight Wildlife Trust.

Reason: To allow non-compliance with the management scheme to be enforced and to obtain outstanding information which the applicant is discussing with local groups.

Reason: Whilst the building exists, it may require improvement works and the LPA needs to ensure appropriate materials are used.

11. Prior to the installation of any external lighting, a plan showing the location of any external light must be submitted to and approved in writing by the Local Planning Authority.

The plan must also provide the specification for the light fixture and other measures taken to reduce light spill (including glazing film).

Development must then continue in accordance with the approved details.

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Reason: The application site is located in a rural environment and minimal and appropriate lighting will be required in the interests of protecting rural character and local biodiversity.

Informatives:

1. In accordance with paragraph 38 of the NPPF (2021), Winchester City Council (WCC) take a positive and proactive approach to development proposals, working with applicants and agents to achieve the best solution. To this end WCC:

- offer a pre-application advice service and,
- update applicants/agents of any issues that may arise in the processing of their application, where possible suggesting alternative solutions.

In this instance a site meeting was carried out with the applicant and the applicant was advised of any issues arising from the application.

2. The Local Planning Authority has taken account of the following development plan policies and proposals:-

Winchester Local Plan Part 1 – Joint Core Strategy

- DS1 – Development Strategy and Principles
- MTRA4 – Development in the Countryside
- CP10 – Transport
- CP11 – Sustainable Low and Zero Carbon Built Development
- CP13 – High Quality Design
- CP14 – The Effective Use of Land
- CP16 – Biodiversity
- CP17 – Flooding, Flood Risk and the Water Environment
- CP19 – South Downs National Park
- CP20 – Heritage and Landscape Character

Winchester Local Plan Part 2 - Development Management and Site Allocations

- DM1 – Location of New Development
- DM13 – Leisure and Recreation in the Countryside
- DM15 – Local Distinctiveness
- DM16 – Site Design Criteria
- DM17 – Site Development Principles
- DM18 – Access and Parking
- DM19 – Development and Pollution
- DM20 – Development and Noise
- DM23 – Rural Character
- DM24 – Special Trees, Important Hedgerows and Ancient Woodlands
- DM26 - Archaeology

3. This permission is granted for the following reasons:

The development is in accordance with the Policies and Proposals of the Development Plan set out above, and other material considerations do not have sufficient weight to justify a refusal of the application. In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, planning permission should therefore be granted.

4. All building works including demolition, construction and machinery or plant operation should only be carried out between the hours of 0800 and 1800 hrs Monday to Friday and

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0800 and 1300 hrs Saturday and at no time on Sundays or recognised public holidays. Where allegations of noise from such works are substantiated by the Environmental Protection Team, a Notice limiting the hours of operation under The Control of Pollution Act 1974 may be served.

5. During Construction, no materials should be burnt on site. Where allegations of statutory nuisance are substantiated by the Environmental Protection Team, an Abatement Notice may be served under The Environmental Protection Act 1990. The applicant is reminded that the emission of dark smoke through the burning of materials is a direct offence under The Clean Air Act 1993.

6. Please be respectful to your neighbours and the environment when carrying out your development. Ensure that the site is well organised, clean and tidy and that facilities, stored materials, vehicles and plant are located to minimise disruption. Please consider the impact on your neighbours by informing them of the works and minimising air, light and noise pollution and minimising the impact of deliveries, parking and working on public or private roads. Any damage to these areas should be remediated as soon as is practically possible.

For further advice, please refer to the Construction Code of Practise

<http://www.ccscheme.org.uk/index.php/ccs-ltd/what-is-the-ccs/code-of-considerate-practice>

7. Please be advised that Building Regulations approval may be required for this development. Please contact WCC Building Control Department for more information (T: 01962 848176, E: buildingcontrol@winchester.gov.uk)

8. The applicant is advised that one or more of the Conditions attached to this permission need to be formally discharged by the Local Planning Authority before works can commence on site. Details, plans or samples required by Conditions should be submitted to the Council at least 8 weeks in advance of the start date of works to give adequate time for these to be dealt with.

If works commence on site before all of the pre-commencement Conditions are discharged then this would constitute commencement of development without the benefit of planning permission and could result in Enforcement action being taken by the Council.

The submitted details should be clearly marked with the following information:

The name of the planning officer who dealt with application

The application case number

Your contact details

The appropriate fee.

Further information, application forms and guidance can be found on the Council's website - www.winchester.gov.uk.

Appendix 1:

**Itchen Stoke and Ovington Parish Council
Planning Application 19/02128/FUL**

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Background

This Planning Application refers to a site at Fobdown Watercress Beds, Abbotstone Road, Fobdown, Hampshire and the proposed redevelopment of redundant watercress beds, the demolition of redundant farm buildings, the creation of wetland habitat and the provision of 10 units of holiday accommodation. Additionally it is proposed to use retained farm buildings as storage associated with holiday accommodation and to create new tracks, reed bed drainage, landscaping and associated works.

The Application is being determined by WCC Planning Authority. The Case Officer is Robert Green.

Site Visit

Councillor David Cook (Chairman) and Councillor John Harvey (Deputy Chairman) visited the site on Wednesday, 13 November 2019.

Parish Council Meeting

The Parish Council met during the evening of 13 November, 2019. The Application and salient points arising from the site visit were discussed at length. The Council's position was established and voted on.

Decision

Parish Councillors present voted unanimously to **Support** Planning Application 19/02128/FUL.

Rationale

During the site visit it was clear that this was an extensive area of tranquil countryside scarred by extensive concrete, block and brick structures which demarked a significant number of redundant watercress beds and associated structures which had supported the commercial operation.

The Parish Council, on balance, believes this Planning Application to be a visionary scheme for a number of reasons:-

- the old structures which currently are an eyesore will be largely removed.
- in their place will be extensive wetland and associated planting which will be of huge ecological benefit and befitting of a stretch of intrinsically tranquil, and visually impressive countryside.
- the accommodation lodges are sympathetically conceived and will attract guests throughout the year bringing much needed tourism to restaurants, pubs and other businesses, particularly in Alresford, Ovington and Itchen Abbas, all of which are within walking distance.
- operationally, the plan seeks to preserve the tranquility of the setting.

The Parish Council trust this visionary scheme will receive Case Officer and Committee support.

David Cook
Chairman, Itchen Stoke and Ovington Parish Council

16 November 2019

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