

Additional comments received Natural England (summarised)

Agree with the LPA's Appropriate assessment.

Natural England requires further information in order to determine the significance of these impacts and the scope for mitigation. The following information is required:

- Additional nutrient mitigation, to mitigate the positive nutrient budget calculated within your authority's nutrient budget calculation for the proposed development

Without this information, Natural England may need to object to the proposal

Officer comments

In accordance with the LPA's appropriate assessment, Natural England are in agreement that the scheme at present does not demonstrate a nutrient neutral scheme and further mitigation is required. Potential mitigation methods are set out at paragraph 6.41 of the committee report. In principle Natural England do not disagree that any of these mitigation methods could be possible, however in the absence of firm evidence that these mitigations methods are achievable Natural England are likely to continue to raise an objection.

If the LPA were to recommend approval contrary to Natural England's comments, in accordance with Section 281(6) of the Wildlife and Countryside Act 1981 (as amended), the LPA are required to notify Natural England of the permission, the terms of which it is proposed to grant it and how, if at all, your authority has taken account of Natural England's advice.

There are considered to be two options, firstly to continue with the original recommendation and notify Natural England should a decision to grant be agreed and on what terms. This however would not provide Natural England with any further details than they currently are aware of, as the mitigation strategy is sought to be agreed post decision as part of the legal agreement.

Secondly, which would be the more robust option, if members are in agreement with the principle of the proposal, a resolution be made to grant planning permission, but subject to the Head of Development Management being given delegated powers to request from the applicant a revised mitigation strategy which would then be sought to be agreed by the LPA and Natural England prior to the decision being issued. The implementation of the agreed strategy would then be subject to a legal agreement to secure its implementation prior to first occupation.

Given the sensitivity of the sites location and the Natural England comments, the second option is considered the most appropriate.

Recommendation is changed to read as follows (amendments in bold)

GRANT planning permission subject to delegated authority to the Head of Development Management to negotiate a fully nutrient neutrality mitigation scheme

agreed by the Local Planning Authority and Natural England, in accordance with the LPA's Appropriate Assessment.

If a satisfactory mitigation strategy is agreed, the following conditions and the prior completion of a legal agreement to secure the heads of terms set out below with delegated authority to the Head of Development Management to be able to settle or amend any necessary planning conditions in line with the matters set out in the recommendation and as resolved by the Planning Committee:

s106 to require prior payment of monitoring fees of £1530 in total

HEADS OF TERMS

- ~~Demonstrate Nutrient Neutrality prior to implementation~~ **Implementation of agreed Nutrient Neutrality mitigation scheme** and ensure the mitigation is in place prior to occupation.
- On and off site landscaping and ecological benefits (secured by a LEMP) which shall include a substantial planting and maintenance scheme to provide an enhanced backdrop to the scheme incorporating Hazelnut block planting. This is a s106 head due to the long term maintenance required.

In the event that after a 6months period from the date of the Committee resolution the legal agreement has yet to be completed and the decision issued, the application will be reported back to Planning Committee.

Conditions remain unchanged