

**Application Number:** 24/10651 Full Planning Permission  
**Site:** SS17 LAND TO WEST OF, WHITSBURY ROAD,  
FORDINGBRIDGE  
**Development:** Construction of temporary access road, bridge and associated works, in connection with the construction of Phase 1 of Land west of Whitsbury Road (Application 21/10052) This application is subject to an Environmental Assessment  
**Applicant:** Pennyfarthing Homes Ltd  
**Agent:** tor&co Limited  
**Target Date:** 06/11/2024  
**Case Officer:** Stephen Belli  
**Officer Recommendation:** Grant Subject to Conditions  
**Reason for Referral to Committee:** This site is one of the Council's Strategic Sites

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## 1 SUMMARY OF THE MAIN ISSUES

The key issues are:

- 1) Principle of development
- 2) Landscape impact.
- 3) Highway safety and access
- 4) Flood risk - fluvial and surface water.
- 5) Impact on protected species
- 6) Impact on existing habitat mitigation recreation areas
- 7) Environmental impact through noise, dust, and air quality

## 2 SITE DESCRIPTION

The application site forms part of Strategic Site 17 *Land at Whitsbury Road* and comprises a parcel of land adjoining and connecting to Whitsbury Road directly opposite the junction to the new residential development now known as Augustus Park.

The application site is currently in use as part of the habitat mitigation recreation area connected to the Augustus Park residential development opposite. The site borders the former farm shop (now the Moody Cow Restaurant) to the north, Whitsbury Road to the east, and open land to the south and west. The site extends from the Whitsbury Road frontage leading south-westwards over the Sweatfords Water river and terminates at a point where it will join the yet to be constructed road approved under the earlier planning permission for 342 dwellings and highway infrastructure works (application 21/10052).

### 3 PROPOSED DEVELOPMENT

The application seeks full planning permission for a temporary construction access and bridge over the river. The plans indicate a new junction for two-way vehicular traffic being formed onto Whitsbury Road just to the south of the Moody Cow restaurant, leading to a single-track temporary bridge some 20m in length, with a further element of two-way construction road on the western side of the river. The proposed temporary construction road is approximately 7m wide at its widest point narrowing to 3.5m at the bridging point, and approximately 170m in total length. The existing pedestrian route through this part of the site will need to be removed to enable the construction of the temporary road and bridge to take place. A new path within the site from Whitsbury Road to the nearest existing boardwalk close to the Moody Cow will provide a link with the remaining public open space. The new footpath will run along the Moody Cow boundary to the north of the temporary road and bridge.

The bridge will be a steel bridge, and the road will be hardcore and tarmac finish.

The application is seeking temporary planning permission for the development but with no length of time specified. It is open to the Local Planning Authority to specify the length of any temporary planning permission.

The submitted details show a construction compound on land to the south of the application site to house welfare facilities for construction staff to include a portacabin and parking area for staff vehicles. The construction compound has already been formed by Wessex Water and was installed when the Water Authority recently carried out permitted development works to construct an underground sewage holding tank – approved in principle as part of the permission for 342 dwellings at site 17.

Wessex Water created a temporary vehicular access into the compound from Whitsbury Road. Whilst Wessex Water have now vacated the site, they will need to return to commission the new tank at some future date and hence have decided to leave the works compound area in situ particularly as it can be usefully used by the current applicant for their work once permitted. This construction compound is on land in the ownership of the applicant but partially outside the red line site. The land is already hard surfaced.

The plans show a new pathway running alongside the works area directly to the south of the Moody Cow boundary which connects to Whitsbury Road via an existing pedestrian gateway and then will run westwards to connect to the existing boardwalk installed under the Augustus Park development and which forms habitat mitigation recreation land for that development.

The application is supported by an updated Environmental Impact Assessment (EIA) which updates the earlier EIA submitted as part of the outline application 21/10052.

### 4 PLANNING HISTORY

**24/10976** 70-bed care home (use class C2); 8no. dwellings (use class C3), public open space, provision of an extended residential curtilage for 'Fairmile', new access to Whitsbury Road; closure of the existing access to Whitsbury Road; parking, landscaping, sustainable drainage, and other associated works.

SSs17 Land East Of Whitsbury Road, Tinkers Cross, Fordingbridge, Sp6 1nq – Highwood Ventures 19 Ltd.

Application not yet determined.

**24/10809** Reserved matters application for 74 residential dwellings and associated Alternative Natural Recreational Greenspace, public open space and ancillary infrastructure, and discharge of conditions 7,12,15,17,18,21,22,23,25,27,28,29,30,31, 32,33,34,36,38,40 & 41. (Details of appearance, landscaping, layout & scale, pursuant to Outline Planning Permission 21/10052)

Land To West Of, Whitsbury Road, Fordingbridge – Pennyfarthing Homes

Application not yet determined.

**21/10052** Residential development and change of use of land to Alternative Natural Recreational Greenspace and all other necessary on-site infrastructure (Outline planning application all matters reserved except means of access only in relation to a new point of vehicular access into the site)

Land To West Of, Whitsbury Road, Fordingbridge – Pennyfarthing Homes

Approved subject to S106 - 06/09/24 – development not yet commenced.

**20/11469** Erection of 64 dwellings, change of use of land for Alternative Natural Recreational Greenspace, new accesses onto Whitsbury Road, and all necessary on-site infrastructure.

Land At Tinkers Cross, Whitsbury Road, Tinkers Cross, Fordingbridge Sp6 1nq– Pennyfarthing Homes

Approved 02/11/2022 – site under construction with completion due in summer 2025.

**17/10150** Development of 145 dwellings comprised: 39 detached houses; 31 pairs of semi-detached houses; 1 block of 8 flats; 1 block of 7 flats with terrace of 3 houses; 1 block of 7 flats; 1 terrace of 6 houses; 2 terraces of 5 houses; 1 terrace of 3 houses; garages; parking; SANG; public open space; access onto Whitsbury Road; associated infrastructure; associated development works; landscaping.

Land In Whitsbury Road, Fordingbridge Sp6 1nq

Development completed and open space and recreation land currently being transferred to the District Council.

## **5 PLANNING POLICY AND GUIDANCE**

### **Local Plan 2016-2036 Part One: Planning Strategy**

Strategic Site SS17: Land at Whitsbury Road, Fordingbridge

STR1: Achieving Sustainable Development  
ENV1: Mitigating the impacts of development on International Nature Conservation sites.  
ENV3: Design quality and local distinctiveness  
ENV4: Landscape character and quality  
CCC1: Safe and healthy communities including flood risk.  
CCC2: Safe and Sustainable Travel

### **Local Plan 2014 Part Two**

FORD1 – allocation policy relating to Augustus Park development (as permitted by 17/10150) including recreational land for habitat mitigation purposes.

DM2: Nature conservation, biodiversity and geodiversity

### **Relevant Legislation**

Town and Country Planning Act 1990

Planning and Compulsory Purchase Act 2004

Habitat Regulations 2017

Environment Act 2021

### **Relevant Government advice**

National Planning Policy Framework December 2023 (NPPF)

## **6 PARISH / TOWN COUNCIL COMMENTS**

### **Fordingbridge Town Council**

Councillors discussed the ANRG provision during these works and raised concerns regarding the type of ANRG, the proposed locations and the access. Cllr Lewendon proposed and it was seconded by Cllr Millar and therefore RESOLVED: to recommend REFUSAL under PAR4 as there is no evidence how the extra area of ANRG will be accessed. Councillors noted the difficulty accessing the proposed ANRG from the existing area.

## **7 COUNCILLOR COMMENTS**

No comments received

## **8 CONSULTEE COMMENTS**

*The following comments are in summary of those that have been received.*

**Archaeology** – no objections

Whilst this area of Site 17 has not been subject to investigation the majority of the main application site has and no significant archaeological finds have been encountered. No requirement on this occasion for any conditions.

**Cranborne Chase National Landscape** – No objection in principle

Concerns expressed regarding construction lighting and impact on the International Dark Skies Reserve. The applicant should provide further confirmation that suitable safeguards will be incorporated, and that lighting proposed will be in line with Environmental Lighting Zone E1.

**Environment Agency** – No objection subject to condition.

We have no objections to the construction of temporary access road, bridge and associated works as submitted, provided that the following condition be attached to any planning permission granted, and that the details in relation to the conditions be submitted and approved by the Local Planning Authority.

1. No in channel works during period 1 November to 30 April

As the applicant has concluded we agree that due to the temporary nature of the road and bridge it would not be necessary for floodplain compensation to be provided for the temporary road and bridge but draws attention to condition 13 of the outline permission requiring flood compensation areas to be completed, and that future maintenance of flood alleviation works is agreed prior to first occupation. Regarding the provision of a new temporary bridge this will require a separate Flood Risk Activity Permit from the EA. Application not yet submitted. Biosecurity measures should be included in the CEMP.

Define 'in channel' works which relates to the riverbed and the normal width of the river but not extending beyond the top of the river bank. Considers the proposed works for the temporary bridge do not affect the river channel. LPA to satisfy themselves on any other works. Note that silt traps are to be provided which is supported. Notes also the updated water vole survey and that the CEMP has been updated

**Hampshire and Isle of Wight Fire Service** – No comments

**Hampshire County Council (HCC) Highway Authority** - No objections

Temporary access needs to be managed by construction operative to avoid vehicles waiting on the public highway. Proposed access shows acceptable visibility. There are no road safety concerns following submission of a Road Safety Audit. A Construction Traffic Management Plan (CTMP) and construction method statement needs to be reviewed for this development rather than rely on the earlier document produced for the outline application.

Confirms that the development will require a Section 278 Agreement from the Highway Authority as it involves work on the public highway.

Notes an updated and amended CTMP and Construction Method Statement has now been submitted.

Confirmed on 21/11/2024 that there are no objections to CTMP and method statement.

**HCC Local Lead Flood Authority (LLFA)** - No objections

We have reviewed the information submitted and flood modelling has been undertaken to assess the impact of the development. Given that the changes are minimal and contained within land under the control of the applicant we have no objection to the application.

**HCC Countryside Service (Rights of Way)** – No objections

There are no public rights of way within the site and those that are present on the main site are not affected by this proposal.

**HCC Public Health** – No objections

Supports need for traffic management plan, CEMP to protect against noise and odour and air quality impacts, and any ecological harm.

**Natural England** - No objection subject to appropriate mitigation being secured. The CEMP should have mitigation measures to avoid harm to protected species. A Habitat Regulation Assessment (HRA) is required to be completed by the LPA. NE agrees with the shadow HRA submitted.

**Nature Space Partnership** – No objections subject to informative note.

We agree with the conclusion of the submitted ecological reports and that due to the distance between the positive great crested newt record and the site, they are unlikely to be present and impacted by the works. However, the application site lies within a red impact zone as per the modelled district licence impact map, which indicates that there is suitable habitat for great crested within the area surrounding the application site, specifically the hedgerow. Therefore, recommend the use of the standard informative.

**New Forest District Council (NFDC) Conservation** - No objections

This current application for a haul road is shown on the site location plan (TOR-P001) to join Whitsbury Road. This is some distance from the heritage assets at Sande Manor to the south and is sited adjacent to the Arch Farm Industrial Site. The current proposal in itself is not therefore considered to impact the setting of the heritage assets.

**NFDC Ecologist** - No objections

Updated survey work for wildlife should be incorporated into the CEMP. A shadow HRA has been carried out which has been considered by Natural England concluding no adverse effects on wildlife species subject to appropriate mitigation being included in the CEMP. No objections to the proposal for alternative ANRG for the Ford1 site.

No impact on Great Crested Newts subject to informative emphasising need to protect and not ham any that are encountered during the development, including the possibility of a license being needed. No adverse impact on other protected species subject to mitigation being included in the CEMP.

Further advice provided on the need for statutory Biodiversity Net Gain and the mechanism for achieving this.

Query on tree removal and potential bat roost.

**NFDC Environmental Protection (Contaminated Land)** – No objections

Recommend that watching brief condition is imposed to deal with any potential contaminated land that may be encountered during the development.

**NFDC Environmental Protection (Pollution)** – no objection subject to further details on dust management being conditioned.

In order to assist in the submission, and as expected as part of an appropriate dust management plan, the applicant is requested to provide a map showing the potential dust impact boundaries from the construction site in terms of earthwork's/ construction (ie 250m from the development site boundary) and for trackout on the proposed construction vehicle route. This is required before Environmental Health (pollution) will accept the submitted dust management plan.

The applicant is also advised that the dust mitigation measures being proposed in the CEMP do not align completely with those stated in the Ecological CEMP which forms part of the same submission. For example, there are differences in burning on the construction site, with the CEMP advising burning is to be avoided, and in the Ecological CEMP burning is forbidden. Such differences will limit potential assessment and enforcement of agreed CEMP documents.

Environmental Protection are content to accept a condition to confirm the final details of the dust management and mitigation plan.

**NFDC Landscape** – No objections subject to conditions being resolved on outline permission.

Recommends that existing pedestrian bridge be re-instated following the removal of the temporary construction bridge. Compensatory ANRG will be required to be in place prior to any works taking place on the temporary bridge. Final landscape conditions to be agreed as part of the outline permission. No landscape harm from this proposal, however.

**NFDC Trees** - No objections subject to conditions

Trees losses - A group of trees consisting of Goat Willow and thorn will be lost to this proposal. These trees are of small stature and the removal of these trees will not have a significant effect on the wider amenity of the site. The loss of these trees can be mitigated through tree planting as part of the landscaping scheme for the wider development of the site. A dead Alder tree (T79) will also be removed. The tree protection measures should reduce the adverse impact on the retained trees on site to an acceptable level.

## **9 REPRESENTATIONS RECEIVED**

Two letters received raising the following points.

- Existing Whitsbury Road must be kept free of mud and other debris from construction traffic.
- Mitigation works to compensate for the loss of access to ANRG and SANG land must be in place prior to any other works taking place.
- All necessary infrastructure and mitigation should be in place and timetables for their implementation adhered to with no slippage as has happened on other sites.

## **10 PLANNING ASSESSMENT**

### **Principle of development**

The site forms part of Strategic Site 17 which is allocated for residential

development in the adopted New Forest Local Plan 2020. The application site is within part of a wider site granted planning permission for 342 dwellings in outline and part detailed form under application 21/10052.

The principle of development on the wider Local Plan Allocation site is therefore established.

The earlier permission 21/10052 included in detail a new roundabout on Whitsbury Road, a new bridge over Sweatfords Water and a new estate road connecting Whitsbury Road with the residential zone part of the site to the south-west. Whilst planning permission has been granted for this development there are a number of conditions that require further details to be submitted and approved before work can commence. In addition, the new roundabout and road including the river bridge will require a Section 278 Agreement and a Section 38 Agreement with Hampshire County Council prior to any works taking place on the public highway.

The current application seeks planning permission for a temporary period for the construction of a temporary road access and river bridge which will essentially run parallel to the approved road line and bridge from Whitsbury Road to the southwest for approximately 170m in length. The proposal is intended to ease the logistical issues identified by the applicant surrounding the building of the new access roundabout on Whitsbury Road, the bridge and new estate road, as well as potentially enabling earlier access to the residential zone where the proposed houses are to be constructed. The temporary access and bridge will allow the developer to gain access to the land to the south of the proposed permanent bridge and roundabout and to facilitate the construction of this access infrastructure within the site concurrently with the remainder of the estate road and the delivery of homes. This could be more efficient and allow the construction of the highway infrastructure works to continue apace as soon as the relevant permissions from both the District and County Councils have been granted.

The applicant has confirmed in writing that whilst it is their intention to commence construction of the temporary access road and temporary bridge works in May 2025, they will not proceed any further with construction of any of the road to the residential zone until such time as all the necessary conditions on the outline application are approved/discharged. This includes the submission of the final details of the access road, roundabout and bridge, and a detailed landscaping scheme. The new roundabout and road will also require a Section 278 Agreement as it involves work on the public highway.

It should be noted that there is no presumption that a temporary grant of planning permission will then be granted permanently.

It is therefore considered that the principle of development in this case is well established and in line with Local Plan Policies STR1 and Site 17 Policy.

### **Landscape impact.**

Policy ENV 3 requires development to be appropriate and not harmful to environmental factors as well as being appropriate in design terms. The site has been the subject of a wider landscape impact assessment as part of the outline application 21/10052, and this assessment has been updated for the current application. The development has a much narrower impact on landscape being limited to the area immediately viewed from Whitsbury Road and accepting that the impact is for a temporary period. The proposal will have an additional landscape impact over that already assessed in the outline application. However, the trees being removed are assessed as being minor trees of no landscape importance. The



short-term landscape impact will result in a further degradation of that which originally existed, but this can be remedied in accordance with a condition requiring the removal of the temporary bridge and road and the site to be restored and landscaped in accordance with an agreed scheme.

Furthermore, the wider scheme and road infrastructure works to be provided to permanently serve the homes at Site 17 were the subject of a landscape condition; details of which are to be submitted pursuant to the conditions imposed on the outline permission. There are therefore no objections on landscape grounds. With regard to protected landscapes neither the New Forest National Park nor the Cranborne Chase National Landscape will be adversely impacted by the proposed development. The latter organisation commented on the impact on the International Dark Skies Reserve but in this case, the applicants have confirmed there will be no working within dusk to dawn so the impact of any lighting on the site will not apply. Any hours of work will be set out by condition below. A separate condition is recommended requiring any artificial lighting of the site to be agreed so the impact on Dark Skies Reserve can be dealt with as part of that condition.

The proposal is therefore considered to be in line with Local Plan Policies ENV 3 and ENV4

### **Highway safety and access**

Policy CCC2 requires development to be acceptable in highway safety terms. The views of the Highway Authority (HA) are set out above. In essence they have considered the highway safety impact of the works and consider the proposal is acceptable.

The HA has requested a Construction Traffic Management Plan (CTMP) and Construction Method Statement (CMS).

The Local Planning Authority (LPA) can condition the planning permission be carried out in accordance with any CTMP that may be approved.

The CTMP and CMS submitted on 15 and 14 November 2024 sets out a works compound on land previously developed by Wessex Water as part of the installation of the sewage holding tank. The compound includes parking for staff and a single portacabin block providing an office and welfare facilities.

The CTMP sets out hours of work and delivery times to the site. Hours of work will be limited to 0800 hours to 1800 hours on Monday to Fridays, 0800 to 1300 hours on Saturdays and no work on Sundays or Bank Holidays. In addition, the CTMP states that peak school times will be avoided by delivery vehicles with no deliveries between 8.30am to 9.30am, and 3pm to 4pm. The CTMP confirms a maximum of 25 HGV vehicles into the site and 25 HGV movements out in any one day in association with the temporary road and bridge. All delivery vehicles will be sheeted, and wheel washing will take place to ensure the adjoining roads are kept free of mud. Road sweepers can also be deployed if necessary. It is further considered that deliveries to the site should only take place after 8am to avoid disturbance of nearby residential properties.

The CTMP sets out that once the temporary bridge is in place and operational, a turning space will be formed within the site, and maintained clear of vehicles, plant and materials to ensure that all vehicles access the temporary access and highway in forward gear. All contractor parking will be contained on site with no parking allowed in surrounding roads or footpaths or on grass verges. Six parking spaces are shown on the CTMP plan submitted. Prior to commencing use of any of the

above routes a condition survey of all surrounding roads will be undertaken, and damage caused by construction vehicles rectified. A banksman will be employed on site to ensure that traffic is managed without adverse impact or waiting vehicles on any of the adjoining roads.

### **Phasing of development**

The CTMP provides the following information with regard to how the work will be phased -

**Phase 1** –the temporary construction access will be used to provide access to the site. No works beyond the temporary construction access will commence until the relevant approvals have been secured.

Outside of this application and dealt with in details pursuant to the outline permission.

**Phase 2** – the bridge, bridge approach roads and part of the roundabout will be built (i.e. the sections not within the existing highway and sections which are not required for the temporary construction access). Whilst this is being built the temporary construction access will continue to be used.

**Phase 3** –a tie-in arrangement will be delivered to connect the permanent bridge and bridge approach roads into Whitsbury Road. At this point the temporary construction access to the site will be closed.

It is recommended that a further phase is set out as follows. This can be required by condition in so far as it relates to the current application site. The restoration of the wider area is dealt with via condition on the outline planning permission.

**Phase 4** – restoration of existing FORD 1 SANG area remaining once the final detailed plans for the permanent road, roundabout and bridge have been agreed by the Local Planning Authority, and in accordance with an approved final landscaping plan.

The applicants have suggested that the proposed temporary access works are to commence in May 2025 and will take approximately 4 months to complete following which works can commence on the permanent highway infrastructure works subject to approvals being in place for the roundabout, bridge and main road to the first residential zone part of the site.

The recommendation set out below will be for a maximum temporary permission period of three years from the date of permission and shall require the full restoration of the FORD 1 SANG area within the application site (excepting any approved associated highways works) within a specified timeframe. The Highway Authority have now formally approved by letter dated 21 November the amended CTMP and CMS and it is considered that the proposal complies with Local Plan Policy CCC2 which requires a safe means of access for all development. A separate Construction Environmental Management Plan (CEMP) has also been submitted to deal with noise, dust and air quality, and ecological issues arising. (See report below)

### **Flood risk and surface water assessment**

Policy CCC1 requires that development has no adverse impact on flood risk. Part of the site lies within flood zone 3 (highest flood risk) being part of the Sweatford Mains River corridor and functional flood plain. The eastern part of the site between the

river and Whitsbury Road lies in flood zone 1 (lowest risk for flooding). The application has been accompanied by a Flood Risk Assessment (FRA). The Environment Agency's online flood risk from surface water mapping shows that the majority of the wider *Land west of Whitsbury Road* site and the eastern and western edges of the temporary access road site are at very low risk of surface water flooding. There are areas of medium and low risk associated with the extent of the Sweatfords Water floodplain. There are also a few areas of locally elevated risk around the perimeter of the wider site, associated with topographic depressions.

The Environment Agency and the Hampshire Local Lead Flood Authority (LLFA) have been consulted on the application and their views are set out above. Local Plan Policy Strategic Site 17, which allocates the wider *Land west of Whitsbury Road* site for development, requires the overall development to help deliver enhanced flood management for the wider town by integrating the management of fluvial, surface and groundwater flood risk for development at the site and the nearby Site 18 Local Plan allocation *Land at Burgate* into the design and management of landscape and greenspace. The Local Plan policy requires the preparation of a detailed site-specific FRA. The wider site 17 planning permission contains conditions requiring the development to be carried out so as to include flood compensation storage areas around the area of the permanent bridge. These details have already been agreed with the Environment Agency under 21/10052.

Notwithstanding these wider works the FRA submitted assesses the impact of flooding from the temporary bridge and road works.

There will be a short-term loss of flood storage due to the change in levels required for the temporary access road. The effects of this have been assessed via hydraulic modelling. There is also the potential for flooding of the temporary access road itself where it passes through the floodplain of Sweatfords Water. The loss of floodplain storage associated with the proposed earthworks has been minimised as far as possible by proposing a clear span bridge that allows the watercourse to maintain its usual flow without any significant earthworks within its banks. The short lifespan of the proposed development means that no floodplain compensation is considered necessary.

The road may in itself increase surface water run off but a ditch on either side of the road will channel water towards the river and will include siltation traps to avoid contaminated material or silt entering the water course. The bridge itself will be raised by 1m to lift it above the 1 in 100 years flood risk plus allowance for climate change.

The proposed temporary surface water drainage system has been designed to cater for the peak rainfall intensity for a 1-in-5-year storm without overtopping. An allowance for climate change has not been included because of the proposed development's short lifespan.

The Environment Agency have considered the FRA and the EIA and confirm they have no objections. The proposed temporary road and bridge will need to be removed as soon as possible – this is covered by a planning condition set out below.

### **Impact on protected species and biodiversity net gain (BNG)**

#### **a) Protected species**

Saved Local Plan 2014 Policy DM2 seeks to protect species of fauna and flora that are protected under national or international law as well as to encourage biodiversity enhancement.

The Council's ecologist has considered the impact on such protected species and confirms no objection subject to the development being carried out in accordance with the latest CEMP dated November 2024 which covers any potential adverse impact on fauna as well as impacts on human health (see below). The CEMP considers the impact on nesting birds, bats, other mammals such as badgers, reptiles including great crested newts, otters and water voles. For each species the CEMP puts forward suggested mitigation measures. In addition, any adverse impact on water quality to avoid harm to protected species is also considered. Finally, a range of environmental impacts arising out of construction noise, vibrations, dust and pollutant run off are also considered. The aim of the CEMP is to protect the ecological interests of the site and the wider site including other water systems in the area.

In response to the NFDC ecologist's comments a revised Ecological Impact Assessment has now been issued which addresses these concerns. Natural England and the Council's Ecologist raise no objections to the development, and it is considered that subject to the development being carried out in accordance with the CEMP there is no conflict with Saved Local Plan policy DM2. Matters of biodiversity enhancement are dealt with below.

b) Biodiversity enhancement and statutory net gain (BNG)

The Environment Act and Town and Country Planning Act 1990 now require all major and minor development sites of this nature to provide for a minimum of 10% net gain in biodiversity when measured against the pre- development status of the land.

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition "(the biodiversity gain condition)" that development may not begin unless:

- (a) a Biodiversity Gain Plan has been submitted to the planning authority,
- and
- (b) the planning authority has approved the plan.

Should the LPA be minded to grant planning permission it will require the submission and approval of a Biodiversity Gain Plan before development is begun. This will be achieved via the Statutory Condition applied to all major and minor planning permissions following the enactment of Statutory Biodiversity Net Gain in the Environment Act.

BNG can be achieved either on site, off site, or on other land owned or not owned by the developer. Opportunities for the purchase of BNG offsetting credits are now available through the Kingwell site at Keyhaven. If the applicant chooses to use part of their own land or other land not currently registered with Natural England as a credit site, then such a proposed site would need to be secured by a separate planning obligation and registered with Natural England as a net gain site. Such a site would then be subject to monitoring and management over a minimum 30-year period. The planning obligation would need to include a suitable monitoring and management plan to be submitted and approved, and a contribution towards the Council's costs in ecological monitoring. In the case of purchase of offsetting credits from Kingwell (or the Government's own national BNG scheme) it is simply a matter of establishing the number of credits required and proof of purchase being given to the LPA.

In this case the applicant has no room within the existing red line site to provide BNG. The applicant is exploring options either to use a parcel of woodland and other land elsewhere on Site 17, or to purchase credits from the Kingwell site. At this stage however given the statutory condition applied there is no requirement for the LPA to have resolved and finalised this matter.

### **Impact on existing habitat mitigation recreation areas**

Local Plan Policy ENV1 seeks to mitigate any harmful impact on protected areas and species arising out of any additional recreational development caused by new residential development. Added to this Saved Local Plan Policy FORD1 allocates the land opposite the site for housing development subject to recreational mitigation land forming part of that proposal and being protected in perpetuity to serve the development now completed and known as Augustus Park.

Fordingbridge Town Council have recommended the application for refusal for the following reasons.

*Councillors discussed the ANRG provision during these works and raised concerns regarding the type of ANRG, the proposed locations and the access as there is no evidence how the extra area of ANRG will be accessed. Councillors noted the difficulty accessing the proposed ANRG from the existing area.*

This proposal on its own does not create any new residential development that needs to be mitigated but it does involve the loss of land used for mitigation purposes for the residential development opposite the site. The proposed temporary construction road and bridge will impact this recreational facility.

Condition 8 of permission 21/10052 requires a new woodland walk facility to be built through Site 17, including land due north of the application site, to act as compensatory provision for any lost recreational land. Condition 8 requires this compensatory provision to be approved and in place for public use prior to the commencement of development including any highway works or site clearance pursuant to that permission. This application does not affect the applicant's ability to comply with this condition on 21/10052.

The partial loss of recreational land caused by this application is however only temporary, and it will be re-instated to an agreed state on removal of the temporary road and bridge. The developers have pointed to the fact that the adjoining Tinkers Cross ANRG land is now available and being used by residents of the FORD 1 site and this is considered to be acceptable in the short term as that site has only currently 14 dwellings in occupation out of the 64 dwellings approved. There is therefore habitat mitigation capacity in the short term. In the longer term the complete area covered by the permanent road works will be restored in line with a landscaping scheme to be agreed as part of the wider outline permission. In the meantime, however suitable compensatory provision required by condition 8 of the outline permission is currently under consideration and separate to this application.

### **Environmental impact through noise, dust and air quality**

A Construction and Environmental (and Ecological) Management Plan (CEMP) has been submitted and a revised updated version now submitted to accompany the application. Local Plan Policies ENV3 and CCC1 seek to guard against any development creating or causing pollution or environmental impacts that adversely affect human health.

The Council's Environmental Protection team raised a number of issues with the earlier version of the CEMP but with the revised CEMP it is considered that any issues associated with noise and other pollutants can be effectively dealt with and managed through the approval of the CEMP which sets out safeguards to prevent such environmental impacts adversely affecting local residents.

The Environmental Protection team have recommended that a dust management plan be submitted for approval, and that the hours of operation as set out in the CEMP and CTMP are slightly amended so that construction work does not start on site before 8am.

With regard to contaminated land the Environmental Protection team suggest a watching brief condition to deal with any unexpected contamination arising through the development. A condition is recommended to cover this matter.

## **CONCLUSION AND PLANNING BALANCE**

The principle of development is established with the allocation of the site for development under Strategic Site 17 in the New Forest Local Plan, together with the grant of planning permission in outline for 342 dwellings on the adjoining land. The proposed development seeks to assist in bringing forward the necessary permanent highway works infrastructure in a manner that will be phased and agreed by condition. The development raises no significant environmental concerns that have not been addressed or that cannot be dealt with by planning conditions. The concerns raised by the Town Council and local residents have been carefully considered but the amended details now received together with further details required by condition have dealt with these concerns.

It is considered that the application proposals comply with Policies STR1, CCC1, CCC2, ENV3 and ENV4 in the New Forest Local Plan 2020, and Policy DM2 and FORD1 as set out in the New Forest Local Plan Part Two 2014 and that the balance on this occasion is therefore one of approval.

## **11 RECOMMENDATION**

### **Grant Subject to Conditions**

#### **Proposed Conditions:**

##### **1. Standard Time amended to one year Implementation Period.**

The development hereby permitted shall be begun before the expiration of one year from the date of this permission.

Reason: To comply with Section 72 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004. It is considered that a shorter period for implementation is appropriate to require the scheme to be implemented and restoration to take place as soon as possible in the interests of the character and appearance of the area

## 2. Temporary Permission and Restoration

The permission hereby granted shall be for a limited period expiring three years from the date of this decision, on or before which date the use of the land for the siting of all temporary accesses used in connection with the works shall be discontinued permanently and the site shall be restored in accordance with a restoration scheme which has first been submitted to and approved in writing by the LPA

This restoration shall include –

- The hard landscaping details to be submitted including siting and materials for all restored pedestrian bridges, boardwalks and pathways.
- The soft landscaping scheme shall specify species, planting sizes, spacing and numbers of trees/shrubs to be planted.
- A timetable for implementation and details of future management and maintenance of both hard and soft landscaping

The landscaping works approved shall be carried out in accordance with the approved implementation details. Any trees or plants which, within a period of five years from the date of planting, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species. The development shall be managed and maintained thereafter in accordance with the approved details

**Reason:** The development is of a type not considered suitable for permanent retention and to restore the prior appearance of the site in the interests of local visual amenity. In order to protect the general amenity of the area in accordance with Policy ENV3 of the Local Plan 2016-2036 Part One: Planning Strategy for the New Forest District outside of the National Park.

## 3. Plans List

The development permitted shall be carried out in accordance with the following approved plans:

P001 – Site location plan

T01 – Vehicle bridge general arrangement plan

ITB 2264 GA 437 CTMP site layout plan

ITB 2264 GA 411 L – General arrangement plan

ITB 2264 GA 437 REV L – Construction Access plan

23131 6 Tree protection plan

ITB12264-GA-414 - Public highway plan

ITB12264-GA-415 - Swept path large vehicles

ITB12264-GA-415 - Swept path articulated vehicles.

ITB12264-GA-417 – Swept path estate car

DR C 00003 - General arrangement drainage plan

DR C 00004 – Cross sections and long sections

ENV ST CH 2 FIGURE 2.2D – Road drainage plan

Construction Access Statement dated 14 November 2024

Construction Traffic Management Plan rev 2 dated 14 November 2024

Construction and Environmental Management Plan dated November 2024

**Reason:** To ensure satisfactory provision of the development.

#### **4. Environment Agency**

Any in channel works permitted by this permission that have the potential to suspend significant amounts of sediment should take place outside of the period 1<sup>st</sup> Nov to 30<sup>th</sup> April inclusive.

**Reason:** To protect migratory fish Sea Trout by maintaining dissolved oxygen levels in the water in line with National Planning Policy Framework paragraphs 180 and 186.

#### **5. Environmental Protection**

The development shall be carried out fully in accordance with the updated Construction Environmental Management Plan CEMP dated November 2024, except in relation to dust management impact on human health which is dealt with by condition number 6

**Reason:** To comply with Local Plan Policies ENV3 and CCC1 and to protect the amenities of local residents, and to comply with Local Plan Part Two Policy DM2 in the interests of preventing harm to protected wildlife species.

#### **6. Dust Management Plan**

Prior to the commencement of development, a dust management plan in respect of any impact on human health and wellbeing shall be submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the Dust Management Plan so approved.

**Reason:** To comply with Local Plan Policies ENV3 and CCC1

#### **7. Hours of Operation**

There shall be no construction activity or deliveries on or to the site other than during the hours of 0800 to 1800 Monday to Friday, and 0800 to 1300 on Saturdays with no work on Sundays or Bank Holidays.

**Reason:** In the interests of the amenity of local residents.



## **8. Contaminated Land Watching Brief.**

If unexpected contamination is found after development has begun, development must stop immediately on that part of the site affected by the unexpected contamination. An investigation and risk assessment of the affected area shall undertaken in accordance with Environment Agency's technical Land Contamination Risk Management (LCRM) guidance. Where remediation is necessary a remediation scheme must be prepared to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and be submitted to and approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. Work in the affected area can only re-commence on receipt of the written approval of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced. This verification report must be submitted to and approved in writing by the Local Planning Authority prior to the occupation of any building in the affected area.

**Reason:** To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy CCC1 of the Local Plan 2016-2036 Part One: Planning Strategy for the New Forest District outside the National Park.

## **9. Highway condition**

The development shall be carried out in accordance with updated Construction Traffic Management Plan (CTMP) dated 15 November 2024 and Construction Method Statement (CMS) dated 14 November 2024. Prior to any other works taking place the construction compound, parking area and turning areas, welfare facilities, and wheel washing facilities together with any facilities required under approved Dust Management Plan shall be in place and ready for use.

**Reason:** To ensure that the necessary facilities are in place to prevent any adverse impact on local amenities and highway safety.

## **10. Tree Protection**

The trees and hedgerows on the site which are shown to be retained on the approved plans shall be protected during all site clearance, demolition and building works in accordance with the measures set out in the submitted Barrell Arboricultural impact appraisal and method statement dated 21st June 2024 Ref 23131-AIA3-Temp-Acess-DC and Tree Protection Plan Ref: 23131-6

**Reason:** To protect the said trees and hedgerows in the interests of the visual amenities and character of the locality, in accordance with Policies ENV3 and ENV4 of the Local Plan 2016-2036 Part One: Planning Strategy for the New Forest District outside of the National Park.

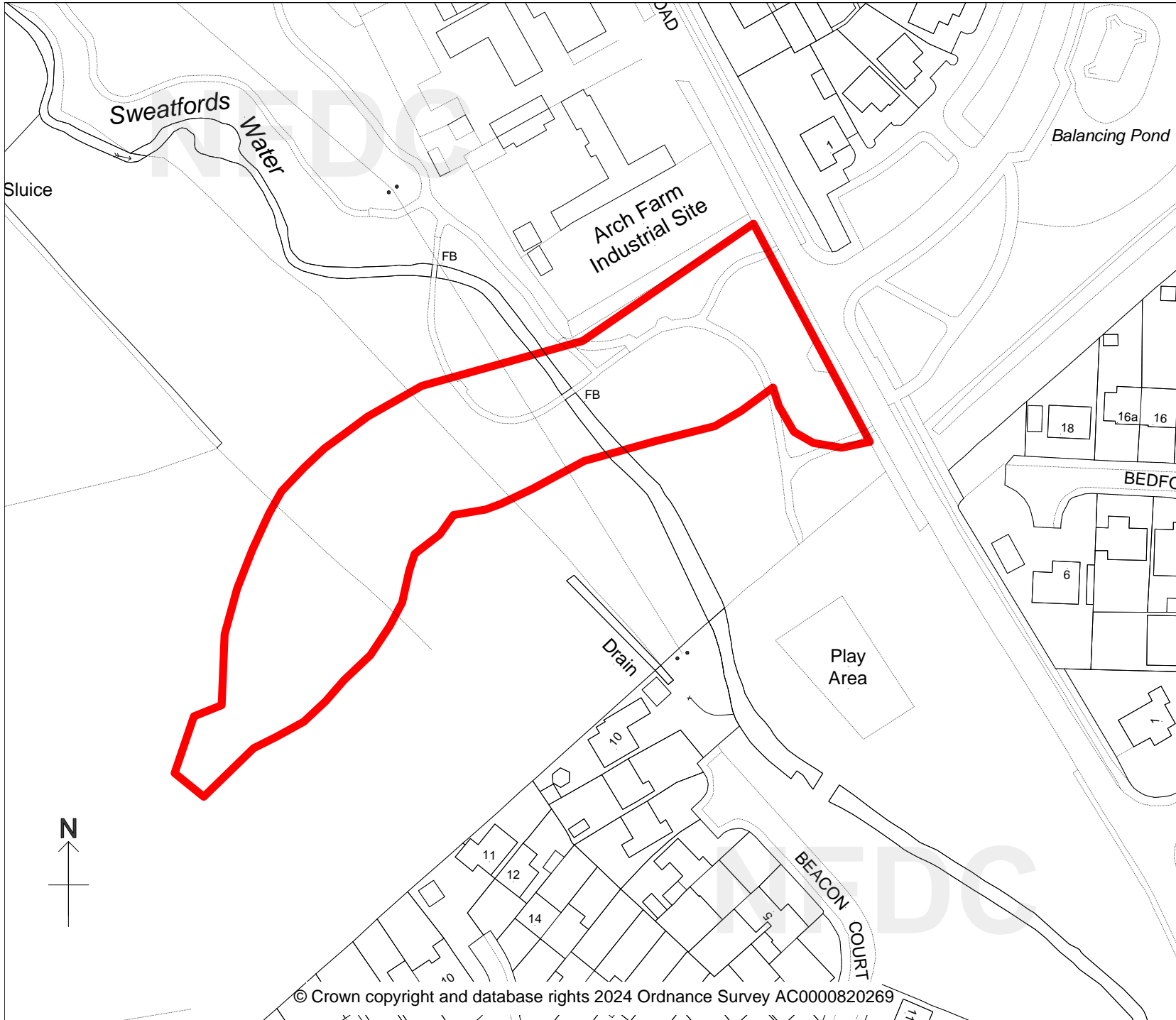
## **11. Notice of Commencement regarding Tree Protection**

Prior to the commencement of works (including site clearance, demolition and construction works) 3 working days' notice shall be given to the Local Planning Authority to attend the pre-commencement site meeting as specified within the submitted Barrell Tree Consultancy Manual for Managing Trees on Development Sites SGN 1 Monitoring tree protection.

**Reason:** To safeguard trees and natural features which are important to the visual amenities of the area.

### **Further Information:**

Stephen Belli  
Telephone: 023 8028 5430



# New Forest

DISTRICT COUNCIL

Tel: 023 8028 5000  
[www.newforest.gov.uk](http://www.newforest.gov.uk)

Mark Wyatt  
 Service Manager  
 Development Management  
 New Forest District Council  
 Appletree Court  
 Lyndhurst  
 SO43 7PA

## PLANNING COMMITTEE

December 2024

SS17 Land to the West of  
 Whitsbury Road  
 Fordingbridge  
 24/10651

Scale 1:1250

N.B. If printing this plan from  
 the internet, it will not be to  
 scale.