**CASE OFFICER'S REPORT**

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| Application Reference: | PL/2023/07728 |
| Site Address: | Land to the rear of July Cottage, Swallowcliffe, SP3 5PQ |
| Date of Inspection: | N/A |
| Date site notice posted: | N/A |
| Consultation Expiry | 23/11/23 |

**POLICIES**

National Planning Policy Framework
Section 2 Achieving Sustainable Development
Section 12 Achieving Well Designed Places
Section 15 Conserving and enhancing the natural environment

Wiltshire Core Strategy
Core Policy 1 Settlement Strategy
Core Policy 2 Delivery Strategy
Core Policy 27 Spatial Strategy: Tisbury Community Area
Core Policy 50 and 52 Biodiversity and Geodiversity
Core Policy 51 Landscaping
Core Policy 57 Ensuring high quality design and place shaping
Core Policy 67 Flood Risk

AONB Management Plan 2019-2024

**RELEVANT PLANNING HISTORY**

N/A

**ISSUES**

- Principle of development including works proposed;
- Amenity Impacts including the AONB;
- Ecological Impact including River Avon SAC;
- Drainage Matters

**REPRESENTATIONS**

**Swallowcliffe Parish Council** – No comments received

**WC Ecology –** No objection

**WC Drainage –** No comment

**AONB/National Landscapes –** Support with comments stating:

*This is a Farming in Protected Landscapes project, supported by the Local Assessment Panel, which is an initiative promoted and funded by DEFRA. The Project Officer is a member of this AONB Team. Unfortunately there have been some misunderstandings / errors in the application documentation as originally submitted. The application area is only for the pond and the immediate surroundings where the bund would go. Showing the area on the*

*application form as some 11,000msq [ie over the 1ha threshold] is not correct. This AONB supports the proposal to establish a wildlife pond. The DEFRA funding is tied to the financial year so it would be very helpful if an approval could be issued in time for the pond to be created within the current financial year.*

**Third party representations** – None received

**Site Description:**

The site subject to this proposal is an agricultural parcel of land approximately 1.13ha in size to the south of the village of Swallowcliffe. The north of the site is the residential property known as July Cottage with the A30 artery road between Shaftesbury and Salisbury to the south. The site is located within the Cranborne Chase and West Wiltshire Downs Area of Outstanding Natural Beauty (AONB). The site is also located within Flood Zone 1.



**Proposal:**

The proposal seeks planning permission for the creation of a wildlife pond and associated bunds up to one metre in height.

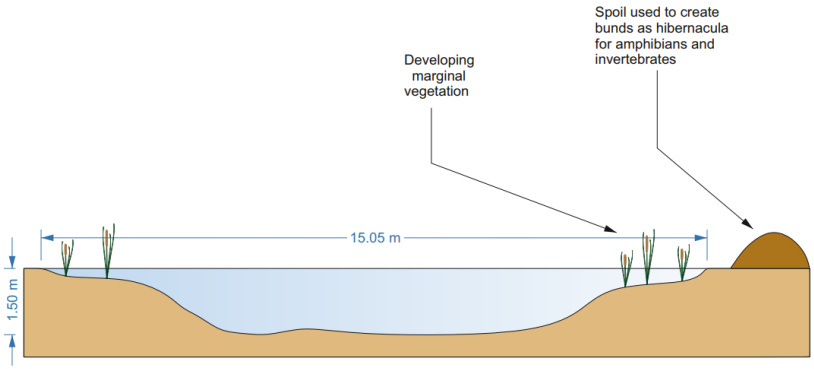
**ASSESSMENT**

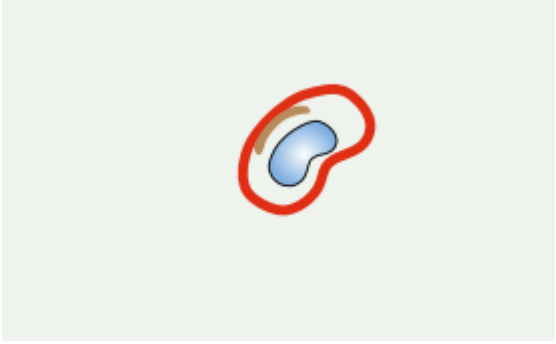
**Principle of development including works proposed**

The proposal should aim to conform to the objectives of Core Policy 57 of the Wiltshire Core Strategy (WCS) which aims to achieve a high standard of design in all new developments, including extensions, alterations, and changes of use of existing buildings. Development is expected to create a strong sense of place through drawing on the local context and being complimentary to the locality.

The proposed works include the creation of wildlife pond to provide habitat for freshwater invertebrates, crustaceans and amphibians in the existing agricultural parcel of land use as a wildflower meadow. The creation of the pond is considered an engineering operation in planning terms and thus requires planning permission.

The proposed pond would be sited fairly centrally within the existing agricultural land, cover an area of 105 square metres and would be approximately 15 metres in width by 1.5 metres in depth. The excavated spoil from the creation of the pond is to be used as a bund up to approximately one metre in height. The plans below detail the proposal.



The proposal would create ecological benefits for wildlife within the area with the overall scale of the proposed being fairly modest. As such, officers consider the works as outlined above for the creation of the wildlife pond and associated bund to accord with the requirements of Core Policy CP57 of the WCS.

**Amenity Impacts including the AONB**

Core Policy 57 requires that development should ensure the impact on the amenities of existing occupants is acceptable, and ensuring that appropriate levels of amenity are achievable within the development itself, and the NPPF (paragraph 130f) states that planning decisions should 'create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.'

Core Policy 51 of the WCS states - Development should protect, conserve and where possible enhance landscape character and must not have a harmful impact upon landscape character, while any negative impacts must be mitigated as far as possible through sensitive design and landscape measures.

The agricultural parcel of land is located on the outskirts of Swallowcliffe in the open countryside for the purposes of the local plan and is accessed via a field gate from the residential dwellinghouse known as July Cottage to the north. The other residential dwelling

in close proximity to the site is known as Barbers Farmhouse. Given the nature of the scheme, this being the creation of a wildlife pond, there are not likely to be any detrimental impacts to the amenity of these residential properties by way of this scheme.

In terms of wider impacts to the AONB of which this site is located within and surrounding landscape, the proposed wildlife pond is relatively small when viewed against the context of the landscape and as such, would not have any adverse impact to the AONB. Officers also note the comments received from the AONB/National Landscape that support this scheme. As such, officers are of the opinion that the proposed development accords to the objectives of Core Policies CP51 and 57 of the Wiltshire Core Strategy and the aims of the NPPF.

**Ecological Impact including River Avon SAC**

CP50 and CP52 of the Wiltshire Core Strategy and the National Planning Policy Framework require that the planning authority ensures protection of important habitats and species in relation to development and seeks enhancement for the benefit of biodiversity through the planning system. It will therefore be necessary to assess the site for its potential to support habitats and species of importance to nature conservation.

The Council's Ecologist has assessed this scheme and provided the following comments of support for this proposal:

*This application is for the creation of a pond to increase the number of waterbodies available for great crested newts across Wiltshire as part of the District Level Licensing scheme for this species, currently administered by Natural England. Pond creation in suitable strategic areas is vital to the integrity of the scheme.*

***Hampshire River Avon Catchment***
*This development falls within the River Avon SAC and has potential to cause adverse effects alone or in combination with other developments through discharge of phosphorous in wastewater. A test of likely significance has been carried out by the relevant Competent Authority (Wiltshire Council) as required by Regulation 63 Conservation of Habitats and Species Regulations 2017 (as amended). This concluded that as the proposals are for the creation of a new pond there is no mechanism for adverse effect and operational impacts would be de-minimis.*

***Chilmark Quarries Bat SAC***
*The site falls within a 6km Buffer zone for Barbastelle within the Chilmark Quarries Bat SAC. A test of likely significance has been carried out by the relevant Competent Authority (Wiltshire Council) as required by Regulation 63 Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019. This concluded that given the scale and nature of the development, there is no mechanism for adverse effect and operational impacts would be de-minimis.* ***The HRA has concluded that the application is not likely to have significant impacts on the SAC and an Appropriate Assessment is not required.***

In light of the comments received above from the Council's Ecologist, officers are of the opinion that that the proposal accords with the requirements of Core Policy CP50 of the WCS.

**Flood Risk**

The existing site is located within Flood Zone 1. Ay impacts by way of this proposal for the creation of the wildlife pond will be negligible in officer opinion. This is confirmed by way of the comments received from the Council's Drainage Team that state 'no comment'. Officers there consider that the proposed accords with the requirements of Core Policy CP67 of the WCS.

## Conclusion

The creation of the wildlife pond and associated bund are required to increase the number of waterbodies available for great crested newts across Wiltshire as part of the District Level Licensing scheme for this species.

Given the scale of the works proposed and for the reasons as outlined within this report, officers are of the opinion that the proposed development accords with the objectives of Core Policies CP27, 50, 51, 52, 57 and 67 of the Wiltshire Core Strategy and the aims of the NPPF. Therefore planning permission should be granted for the development.

## RECOMMENDATION

Approve with 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 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

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

   DWG No: 01 Site Location Plan Date Received 30.10.23
   Proposed Block Plan Date Received 11.09.23
   Proposed Cross Section Date Received 11.09.23

   REASON: For the avoidance of doubt and in the interest of proper planning.