



# Cricklade Court Leet

The Manorial Court for the Hundred and Borough

Olivia Tresise  
Planning Department  
Wiltshire Council  
Bythesea Road  
Trowbridge  
Wiltshire  
BA14 8JN

11 January 2024

Dear Ms Tresise,

**Hannick Homes Planning Application PL/2023/10331 Land south of The Forty and North of Chelworth Road, Cricklade, Wiltshire**

Cricklade Court Leet object to this planning application on the grounds that the Conservation of Habitats and Species Regulations 2017 in-combination effects have not been considered and the planning application relies on the North Meadow SAC Interim Mitigation Strategy which has severe limitations when used to assess developments in Cricklade.

## **Assessment of Speculative Planning Applications in Cricklade**

There are now 3 active speculative planning applications totalling 238 houses within 1.2km of North Meadow SAC, this one for 49 houses, Bloor Homes for 49 houses and Newland Homes for 140 houses see attached map. They will all have a significant impact on North Meadow SAC and require mitigation for recreational pressure.

Speculative Planning Applications by-pass the Spatial Planning /Neighbourhood Planning process which means:

- They take no account of housing need. The Wiltshire Council Local Plan (Table 4.12 p157) which has just finished regulation 19 consultation calls for the provision of 52 houses in Cricklade by 2038.
- There is no selection of the most appropriate site or sites.
- No account is taken of other plans or projects either current or recently completed. Three developments were completed in Cricklade in 2021 – BeechCroft Land Hitchings (70 houses), Green Square Culverhay (44 houses), and Newland Homes Stones Farm (25 houses).
- The North Meadow SAC Interim Mitigation Strategy is difficult to apply. For example, viewed as individual planning applications this application and the Bloor Homes application do not require a SANG to be provided. However, these sites are only 500m apart and if viewed as one development they would require a SANG. The impact on North Meadow SAC of two developments of 49 houses 500m apart compared to one development of 98 houses would be the same.

- In theory it would be possible to keep approving speculative developments one after another with disastrous consequences for North Meadow SAC.

The inability of Wiltshire Council to demonstrate a 5 year housing land supply is the only reason these speculative applications are being considered. It would be much better to use the Neighbourhood Planning process. There is plenty of time to do this particularly as the Wiltshire Council Local Plan (Table 4.12 p157) expects development in Cricklade to be delivered towards the end of the plan period as there is a current shortage of services in Cricklade to support additional housing.

## **Mitigation Provided by Developments Completed in 2021**

Beechcroft Land Hitchings (70 houses) was approved on appeal in 2016, it pre-dated the 2017 Habitat Regulations and so provided no mitigation.

Green Square Culverhay (44 houses) was a large brownfield regeneration project with a net increase of 44 houses developed with Cricklade Town Council support. An Appropriate Assessment was carried out and mitigation was agreed including 2 North Meadow signs. The assessment included concern about the recreational impact which was thought to be significant and unquantified.

Stones Farm (25 houses) did not have an Appropriate Assessment and no evaluation of the impact on North Meadow was carried out. Natural England do not appear to have been consulted. No mitigation was provided. The planning application may have contravened the Habitat Regulations and planning approval probably should not have been granted.

## **Limitations of the North Meadow SAC Interim Mitigation Strategy**

There are two key limitations, the omission of a development exclusion zone for development next to North Meadow SAC and the inability to assess multiple developments within Cricklade.

### **Requirement for a Development Exclusion Zone**

There is a well established consensus that mitigating for recreational pressure adjacent to a protected site is virtually impossible. This is well explained by the Natural England West Anglia Team Area Manager advice on Chilterns Beechwoods SAC which has a 500m exclusion zone (para 2.4):

“Research indicates<sup>6,10,11</sup> that the effects of new residential development in close proximity to protected sites cannot be avoided through mitigation measures for a number of reasons, including high risk (due to their proximity) of use of these sites by residents for recreation.”

Burnham Beeches SAC also has a 500m exclusion zone and Footprint Ecology Liley (2019) state in their Impact Report para 4.11:

“A development exclusion zone has been established around many other European sites to reflect the particular risks with development directly adjacent to the boundary. Local plans and strategic mitigation schemes include a presumption against development within these areas and such zones have become an established policy approach.”

Footprint Ecology (Table 5 p19) also found the recreational impact of 1 house within the 500m zone was equivalent to 8 houses at a distance of 2km and 54 houses at a distance of 4km. These multiples are very likely to be similar for North Meadow. We know 75% of dog walkers and walkers on foot come from within 700m of North Meadow SAC and 55% of all visitors come from this zone see attached map. This would mean the impact of the Newland Homes (140 house) development would be equivalent to a 1120 house development at 2km just outside Cricklade.

The step change in mitigation requirement is also a problem close to North Meadow SAC. For example, 49 houses within 500m of North Meadow SAC would not require a SANG but 50 houses at 2km just outside Cricklade would require a SANG. We know distance makes a huge difference to recreational pressure and using the Footprint Ecology relationship the 49 houses within 500m would create the same visitor pressure as 392 houses at 2km. This makes the mitigation requirements illogical.

The use of a 500m exclusion zone at Burnham Beeches has also been tested on appeal for just 3 houses Appeal Ref: APP/X0415/W/22/3305400. In arriving at his decision to dismiss the appeal, the Planning Inspector said:

“However, the data also indicates that a substantial number of people within the 500m zone travel to the SAC by foot three or more times a week. Therefore, I consider that the precautionary approach taken by the Footprint Ecology Report in recommending a 500m zone where a presumption against development would apply, is justified.”

And:

“The Council are not able to demonstrate a five-year supply of housing. However, the presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site (either alone or in combination with other plans or projects), unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site, as stated in paragraph 182 of the National Planning Policy Framework”

In addition, Burnham Beeches SAC and Chilterns Beechwoods SAC are both much larger than North Meadow SAC and recreational pressure is spread over a wider area, so North Meadow SAC is much more vulnerable to damage.

Other examples of European sites that have an exclusion zone are Thames Basin Heaths (400m), the Dorset Heaths (400m), Cannock Chase (400m).

### **Assessing Multiple Developments**

It is perhaps understandable that assessment of multiple applications in Cricklade was omitted as the North Meadow SAC Interim Mitigation Strategy (para 9.1 p13) was based on the Wiltshire Council assumption that 133 houses would be built in whole of the 9.4km Wiltshire Council housing market area by 2038. Speculative development of 238 houses just in Cricklade was not anticipated. The mitigation policy requires amending to protect North Meadow SAC from multiple developments in Cricklade.

### **Assessment of the 3 Current Speculative Planning Applications**

Approval of all 3 planning applications would clearly be very damaging for North Meadow SAC so which if any merit consideration for providing the Wiltshire Local Plan Cricklade requirement of 52 houses by 2038 (Table 4.12 p157).

#### **Newland Homes Planning Application PL/2022/02452 Land at Stones Farm Cricklade**

This application far exceeds the Cricklade housing requirement. It is unique in its assumption that a mitigation solution will be effective for a development adjacent to the protected site. It currently proposes a Habitat Support Area linked to North Meadow rather than a SANG and it will impact the integrity of the North Meadow SAC. Of the 3 applications this will be by far the most damaging as the houses are only 230m from North Meadow SAC and very close to two right of way access points. This

planning application would be within a 500m exclusion zone and would represent a 24% increase in households in that band. Planning approval should be refused.

#### **Bloor Homes PL/2021/10404 Land off Common Hill, Cricklade**

Originally for 70 houses, this is a revised proposal for 49 houses to avoid the North Meadow SAC Interim Mitigation Strategy requirement for a SANG, for developments of 50 houses or more. This will be next after the Newland Homes application in terms of damage to North Meadow SAC. A financial mitigation payment will not prevent an increase in visitors to North Meadow SAC from 49 houses 620m from the protected site.

The bulk of the site is “Other Neutral Grassland” which is ecologically quite good. This land is arguably ecologically too good to use as building land. This is forcing the applicant to buy offsite biodiversity net gain credits as there is little scope for BNG improvement onsite. The loss of 14.0 (58.72%) habitat units and the impact of increased visitors to North Meadow SAC means this proposal is damaging for biodiversity in Cricklade. Maybe a smaller development should be considered to reduce these harms.

#### **Hannick Homes PL/2023/10331 Land south of The Forty and North of Chelworth Road, Cricklade**

This application would be the least damaging for North Meadow SAC being furthest away from the protected site at 1.2km. A reduction in the number of houses would reduce the pressure on the local infrastructure which was a concern at the consultation event.

None of these sites have been through Cricklade’s Neighbourhood Planning process so the Town has not had the opportunity to assess if there is a better site or if say 3 sites of 15 or 20 houses would be a better solution to avoiding excess pressure on the road and services infrastructure.

**It is clear to avoid Habitat Regulations combination effects if any of these planning applications are approved the other two should be refused. In addition, no future speculative planning applications should be considered until the end of the current plan period in 2038.**

### **Importance of these planning decisions to North Meadow SAC**

Cricklade Court Leet own part of North Meadow SAC and have been actively involved in its management for over 25 years. Some of these matters are for Cricklade Town Council to resolve, our main concern is the protection of North Meadow SAC.

North Meadow SAC has been losing just under 1 acre per year of its qualifying feature H6510 Lowland hay meadows (*Alopecurus pratensis*, *Sanguisorba officinalis*) since 2013. North Meadow SAC is vulnerable, and the decisions Wiltshire Council makes on these applications will determine its future and could potentially tip it into terminal decline.

Cricklade has had a traditional hay meadow since the first settlers arrived in Cricklade over 1000 years ago. The loss of Cricklade’s National Nature Reserve which holds 80% of the UK population of the Nationally Scarce Snakes Head Fritillary (*fritillaria meleagris*) would greatly diminish the character of the Town.

We ask Wiltshire Council to consider revising the North Meadow SAC Interim Mitigation Strategy to address the limitations we have raised or extract Cricklade from its influence and assess planning applications in Cricklade using bespoke Appropriate Assessments.

We hope Wiltshire Council will take the time to fully understand the implications of the decisions they are about to make on these speculative planning applications and ensure they are fully compliant with the Conservation of Habitats and Species Regulations 2017.

Yours sincerely,

Clive Smith  
High Bailiff

John Barratt  
Court Hayward

Copy To:

Nick Squirrell - Conservation and Planning Senior Advisor, Wessex Area Team, Natural England  
Mark Clarke - Chairman Cricklade Town Council

## References

EPR North Meadow, Cricklade Visitor Questionnaire Survey, Cricklade 9<sup>th</sup> March 2023

<http://ww5.swindon.gov.uk/moderngov/documents/s132504/Appendix%20%20-%20Visitor%20Survey%20Report.pdf>

Government Advice on Appropriate Assessment Paragraph: 002 Reference ID: 65-002-20190722

<https://www.gov.uk/guidance/appropriate-assessment#what-must-an-appropriate-assessment-contain>

Liley, D. (2019). Impacts of urban development at Burnham Beeches SAC: update of evidence and potential housing growth, 2019. Unpublished report by Footprint Ecology for Chiltern and South Bucks Councils. [https://pa-csb.buckinghamshire.gov.uk/online-applications/files/E21DCEFD9360525DA919586D57EE6BAB/pdf/PL\\_22\\_0215\\_FA-DAS\\_APPENDIX\\_3\\_FOOTPRINT\\_ECOLOGY\\_BURNHAM\\_BEECHES\\_RECREATION\\_REPORT-4460596.pdf](https://pa-csb.buckinghamshire.gov.uk/online-applications/files/E21DCEFD9360525DA919586D57EE6BAB/pdf/PL_22_0215_FA-DAS_APPENDIX_3_FOOTPRINT_ECOLOGY_BURNHAM_BEECHES_RECREATION_REPORT-4460596.pdf)

Natural England Advice Letter on Chilterns Beechwoods SAC para 2.4 Exclusion Zone

[https://www.dacorum.gov.uk/docs/default-source/strategic-planning/chilterns-beechwoods-letter-natural-england.pdf?sfvrsn=38e079e\\_4](https://www.dacorum.gov.uk/docs/default-source/strategic-planning/chilterns-beechwoods-letter-natural-england.pdf?sfvrsn=38e079e_4)

North Meadow and Clattinger Farm Interim Recreation Mitigation Strategy 2023-2028

Gallagher, M; Hobson, D; Jones, R; Price, S; Squirrell, N (2023) 'North Meadow and Clattinger Farm Special Area of Conservation Interim Recreation Mitigation Strategy 2023 – 2028'. Cotswold District Council, Natural England, Swindon Borough Council, Wiltshire Council  
[https://www.swindon.gov.uk/downloads/download/2657/north\\_meadow\\_and\\_clattinger\\_farm\\_interim\\_recreation\\_mitigation\\_strategy\\_2023-2028](https://www.swindon.gov.uk/downloads/download/2657/north_meadow_and_clattinger_farm_interim_recreation_mitigation_strategy_2023-2028)

North Meadow Site Improvement Plan

<http://publications.naturalengland.org.uk/file/4896312373805056>

Wiltshire Local Plan Pre-Submission draft 2020-2038 (Regulation 19) September 2023 (Table 4.12 p157)

[https://www.wiltshire.gov.uk/media/11976/Wiltshire-Local-Plan-Pre-Submission-Draft-2020-2038-Regulation-19/pdf/Wiltshire\\_Local\\_Plan\\_Reg\\_19\\_web\\_accessible\\_version.pdf?m=1695730562743](https://www.wiltshire.gov.uk/media/11976/Wiltshire-Local-Plan-Pre-Submission-Draft-2020-2038-Regulation-19/pdf/Wiltshire_Local_Plan_Reg_19_web_accessible_version.pdf?m=1695730562743)

15/01159/OUT Newland Homes Stones Farm (25 houses)

<https://development.wiltshire.gov.uk/pr/s/planning-application/a0i3z000014eg7XAAQ/1501159out>

15/08666/FUL GreenSquare Group 44 Houses

<https://development.wiltshire.gov.uk/pr/s/planning-application/a0i3z000014egcd/1508666ful>

13/07132/OUT BeechCroft Land 70 Houses

<https://development.wiltshire.gov.uk/pr/s/planning-application/a0i3z000014eIGIAA2/1307132out>

Appeal Ref: APP/X0415/W/22/3305400 Farm Cottage Collinswood Road, Farnham Common SL2 3LJ

<https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3305400>

Cricklade Court Leet Charity, a Charitable Incorporated Organisation registered in England,

Registered Charity No. 1179807,

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The Manorial Court of the Hundred and Borough of Cricklade

[www.crickladecourtleet.org.uk](http://www.crickladecourtleet.org.uk)

# Map of Recent and Proposed Housing Developments within 1500m of North Meadow SAC

## Current Planning Applications

- 1 - PL/2021/10404 Bloor Homes 49 Houses
- 2 - PL/2022/02452 Newland Homes 140 Houses
- 3 - PL/2023/10331 Hannick Homes 49 Houses

## Developments Completed in 2021

- 4 - 13/07132/OUT Beechcroft Land 70 Houses  
Granted on appeal
- 5 - 15/08666/FUL GreenSquare Group 44 Houses  
Net increase from major brownfield regeneration project supported by Cricklade Town Council
- 6 - 15/01159/OUT Newland Homes 25 Houses

## 700m Shaded Zone

The EPR Visitor Questionnaire Survey Report states 75% of dog walkers and walkers on foot come from this zone.

Figure 3.19 of this report shows 55% of all visitors come from this zone.

500m from North Meadow SAC

1000m from North Meadow SAC

1500m from North Meadow SAC

## Households in Cricklade by Distance Band 2021 Census

Up to 500m - 581 houses  
500m to 1000m - 1031 houses  
1000m to 1500m - 86 houses  
Total houses in Cricklade -1698

Total New Houses since 2021  
Recent and Proposed - 377 houses  
22.2% increase in the size of Cricklade

0 500 1,000 m



Rights of Way Access to North Meadow SAC

