

[REDACTED]

From: [REDACTED]
Sent: 10 November 2023 16:21
To: Targett, Charlotte
Cc: Emma.Rothero; David.Gowing; Clive Smith
Subject: PL/2022/02452 - Land at Stones Farm, West Mill Lane, Cricklade, SN6 6JL
Attachments: NE Response_Land at Stones Farm, Cricklade.pdf; PL_2922_02452 NE response FINAL 390291.pdf

Hi Charlotte,

I am rather shocked and surprised by Natural England's consultation response to the latest Newland Homes planning application.

The previous NE consultation (18 May 2022) objected requiring further information and states:

"Natural England requires further information in order to determine the significance of these impacts and the scope for mitigation so that we can advise the authority accordingly. • the application is within easy walking distance from the application site and will lead to additional recreational pressure on the SAC."

I can find no response to this in the planning application and the recent North Meadow Interim Mitigation Strategy has strong evidence to the contrary showing the closer the housing development, the greater the impact of recreational pressure. 75% of dog walkers/walkers live within 0.7km of North Meadow and 55% of all visitors live within 1km. So, on what basis can removal of the objection be justified?

The letter advises Wiltshire Council to carry out an Appropriate Assessment and states that they will be held accountable for its conclusions. My concern is there is no evidence yet available to support a conclusion that the proposed mitigation measures will prevent an increase in visitor traffic to North Meadow SAC. This is not mentioned in the letter and will now be assumed to be unnecessary. I do not see how a favorable AA can be concluded beyond reasonable scientific doubt, as required by the HRA precautionary principle, without some supporting evidence. The letter advises setting up future visitor monitoring to determine if the new residents are using the HSA rather than North Meadow SAC. This will identify any problems, but it may not be possible to mitigate them, and permanent damage will have been done as the houses will have been built. Although Wiltshire Council will be accountable, I think this will only be by judicial review of the planning decision, after the houses are built it will be too late for any allocation of responsibility.

North Meadow is vulnerable, I have watched the pressures increase over the last 20 years and have seen it lose species diversity as a result, the 1994 NVC clearly shows this loss. Allowing further pressure by failing to resist speculative housing development within 280m leaves me very pessimistic about its long term future. It would be very sad if in future years people say the major Cotswold Water Park SSSI once had a rare species rich hay meadow famous for its snake's head fritillaries and unique for its body of scientific research, but it was lost because we failed to protect it.

If this development is approved, it makes the North Meadow Interim Mitigation Strategy hard to justify. Why should developers in Swindon be asked to pay to protect North Meadow if 140 houses can be built next to North Meadow based on a mitigation strategy for which there is considerable evidence that it will not work and no evidence that it will?

I am not sure when the Wiltshire Council Appropriate Assessment will be published but I hope there will be an opportunity to critically review and comment on it. I hope Natural England will ensure the Appropriate Assessment is rigorous and scientifically sound as this is probably the only point at which Wiltshire Council will be challenged on its conclusions.

Best wishes,

John

[REDACTED]

From: [REDACTED]
Sent: 13 December 2023 10:16
To: 'Squirrell, Nick'
Cc: Targett, Charlotte; Emma.Rothero; Clive Smith
Subject: RE: PL/2022/02452 - Land at Stones Farm, West Mill Lane, Cricklade, SN6 6JL
Attachments: CCL PL_2022_02452 Reply to Mr Squirrell(NE).pdf

Dear Mr Squirrell,

Thank you for your email I attach Cricklade Court Leet's response to the points you have made.

John Barratt
Court Hayward

From: Squirrell, Nick [REDACTED]
Sent: Tuesday, December 5, 2023 1:07 PM
To: [REDACTED]
Subject: PL/2022/02452 - Land at Stones Farm, West Mill Lane, Cricklade, SN6 6JL

Dear Mr Barratt

Thank you for your enquiry about Natural England's position regarding the planning application at Stones Farm which was copied to me by Charlotte.

In our letter dated 18 May 2022 we set out our reasons for an objection and the need for additional information which would allow the objection to be resolved. The applicant has addressed these points, the most specific of which related to the provision of an alternative natural greenspace (Habitat Support Area) as well as other mitigation relating to visitor management.

The information relating to the visitor management was reliant on the three local authorities carrying out a visitor survey as well as drawing together a package of visitor management measures. This has now been done and a mitigation strategy is now in place. This strategy sets out the package of measures as well as the two Zones of Influence.

The application is compliant with the strategy and Natural England is confident that the measures proposed by the applicant, which are consistent in nature to those at other locations across the country, will deliver the mitigation necessary to both attract new residents as the area is conveniently located as well as significant levels use by existing residents.

Natural England's role is to provide advice to the planning authority who will assess the evidence through their own Appropriate Assessment and make a decision accordingly. Natural England does have a role in scrutinising the Appropriate Assessment.

Whilst I understand your concerns about the levels of increased access to North Meadow and the effects on the meadowland the package of mitigation measures set out in the strategy have been tested elsewhere and the new greenspace will provide a substantial area of dry land close to Cricklade and available at times when North Meadow is very wet or under water.

As I am sure you are also aware, in recent years there have been a number of longer periods of flooding on the site. The conclusion from ecological monitoring is that it is these atypical event are also affecting the plant communities.

If it would be of assistance to you I would be happy to talk through any further points, my details are below.

Nick Squirrell
Conservation and Planning Senior Advisor
Dorset Team
Wessex Area Team
Natural England

7

Please note: Natural England is continuing to provide advice on new and current planning applications and development plans. Advice through our Discretionary Advice Service (DAS) is still available.



www.gov.uk/natural-england

If you are trying to make a request for a copy of your personal information under the Data Protection Act 1998, or a request for information under the Freedom of Information Act 2000 or Environmental Information Regulations 2004, please contact the Enquiry Service on 0845 600 3078 or email foi@naturalengland.org.uk.

This email and any attachments is intended for the named recipient only. If you have received it in error you have no authority to use, disclose, store or copy any of its contents and you should destroy it and inform the sender. Whilst this email and associated attachments will have been checked for known viruses whilst within the Natural England systems, we can accept no responsibility once it has left our systems. Communications on Natural England systems may be monitored and/or recorded to secure the effective operation of the system and for other lawful purposes.



Cricklade Court Leet

The Manorial Court for the Hundred and Borough

Nick Squirrell
Conservation and Planning Senior Advisor
Dorset Team
Wessex Area Team
Natural England

11 December 2023

Dear Mr Squirrell,

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

Thank you for your explanation of why Natural England has withdrawn its objection to the Newland Homes Planning Application in reply to my email to Charlotte. We do not find your explanation convincing and do not believe the proposed mitigation will be effective.

You say that this application complies with the North Meadow Interim Mitigation Strategy, but this strategy requires the provision of a SANG and no SANG is proposed. The proposal is for a HSA which does not meet many of the Natural England SANG guidelines.

The primary purpose of a HSA is habitat restoration, although it can help with recreational pressure, that function is usually limited and secondary. It can also conflict with the HSA's primary purpose.

The North Meadow Interim Mitigation Strategy is a well evidenced piece of work and confirms the major impact of housing development close to North Meadow. 75% of dog walkers/walkers on foot live within 0.7km of North Meadow and 55% of all visitors live within 1km. This planning application is for 140 houses 230m from North Meadow so the impact of recreational pressure will be very significant and should make this application a special case. This was in fact agreed at a meeting between Natural England and Wiltshire Council on 11th March 2022. Some mitigation strategies have a 400m development exclusion zone to deal with these situations.

Effectiveness of the HSA in Mitigating Recreational Pressure

You may consider that the HSA can be regarded as a SANG for the purposes of this application but there are significant obstacles to it preventing an increase in visitors to North Meadow.

- The HSA is adjacent to North Meadow with easily accessible and well-established right-of-way links to North Meadow. See attached map.
- The planned restoration of 90% the HSA to species rich meadow severely restricts public access. The NE SANG guidelines advise against including meadow restoration.
- The lack of a 2.3km circular walk, which is a requirement of the NE SANG guidelines will encourage visitors to extend their walk into North Meadow. The HSA is too small to provide a 2.3km circular walk.
- The public have access to the HSA now via the bridleway CRIC34 and use it to access North Meadow. Why would that behaviour change?

- You say the HSA will help when North Meadow is flooded. We know from experience that as soon as the flood waters recede people quickly return to visiting North Meadow causing compaction damage to the very soft ground.

We believe the HSA will increase visitors to North Meadow in addition to the residents from the proposed 140 houses. Rather than mitigating increased visitor traffic it will make the recreational pressure worse by encouraging more visitors from within Cricklade and maybe carborne visitors too using the new on street parking.

The applicant is using the HSA as a device to avoid their obligations under the Habitat Regulations because they are unable or unwilling to provide a properly functioning SANG. You should not be allowing them to do this. It undermines the North Meadow Interim Mitigation Strategy if it can be so easily ignored. The North Meadow Interim Mitigation Strategy should be the minimum requirement in this case.

Mitigation Monitoring

Your advice to Wiltshire Council includes the installation of visitor counters to monitor the effectiveness of the HSA in diverting recreational pressure from North Meadow. You are also advising an 80 year duty be placed on Wiltshire Council working with the Landowner and Natural England to implement further mitigation measures should the HSA fail to prevent an increase in visitors to North Meadow. As well as indicating a lack of confidence in the operation of the HSA, this mechanism may not work as providing further mitigation is very difficult. There are only two options:

- Change the right of way access to North Meadow by closing the CRIC 35 access point and re-routing the Thames Path to CRIC 34. Close the access point where CRIC 34 crosses the River Thames.
- Ban dogs from North Meadow to reduce dog walker visits.

Both options may be impossible to implement and will be extremely unpopular with Cricklade residents. This development was first proposed in 2017, If there were any easier solutions, they would be in the planning application after 6 years of consideration.

Surely the Appropriate Assessment will find it unacceptable to rely on a hypothetical mitigation strategy which cannot be corrected if it fails.

Appropriate Assessment Integrity Test

You don't have sufficient justification for withdrawing your objection to the Planning application. We accept this is now difficult for you to change, which makes your assessment of Wiltshire Council's Appropriate Assessment more important. You could issue some supplementary advice.

Based on the current planning application shadow Appropriate Assessment can you be confident it will pass the integrity test? This requires:

"A proposal will pass the integrity test if your appropriate assessment can show that there is no reasonable scientific doubt that the proposal will not have an adverse effect on the integrity of the site."

You say the HSA mitigation approach has been tested. It would help to allay our concerns if you could provide an example of a HSA next to and linked to a protected SAC which is currently working to divert visitors from a large housing development of over 100 houses. Currently we can find nothing in the shadow AA to support a conclusion of "no reasonable scientific doubt" on the effectiveness of

this mitigation strategy. Also, we are not aware of anyone involved with the management of North Meadow who believes the proposed mitigation strategy will work.

We are therefore very concerned that Wiltshire Council may rely on your latest consultation advice to produce a favourable Appropriate Assessment which contravenes the Habitat Regulations and could lead to illegal approval of this planning application.

Importance of this Decision for North Meadow SAC

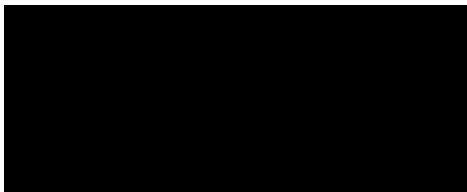
Why is it important to protect North Meadow from new threats? The coverage of the qualifying feature H6510 Lowland hay meadows (*Alopecurus pratensis*, *Sanguisorba officinalis*) for North Meadow SAC has reduced by just under 1 acre per year since 2013 see attached NVC based maps. The causes of this decline are well documented as increased flooding and recreational pressure. The local management team has carried out several major projects to address the increased flooding over the last 5 years.

Cricklade Court Leet own part of North Meadow SAC and have worked with Natural England to manage the site for over 25 years. We make these points after careful consideration and long experience of working on the site and involvement in its scientific research. This decision on recreational pressure mitigation is vital to the future survival of this internationally important site.

Please also consider the hydrological implications of this planning application set out in our letter to you dated 25th May 2022.

We would be grateful if you would acknowledge receipt of this letter and look forward to receiving any further comments or information you can provide in support of Natural England's position on this planning application.

Yours sincerely,



John Barratt
Court Hayward

Copy to:
Charlotte Targett Senior Reserve Manager Natural England
Emma Rothero Floodplain Meadows Partnership Manager Open University
Clive Smith High Bailiff Cricklade Court Leet

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

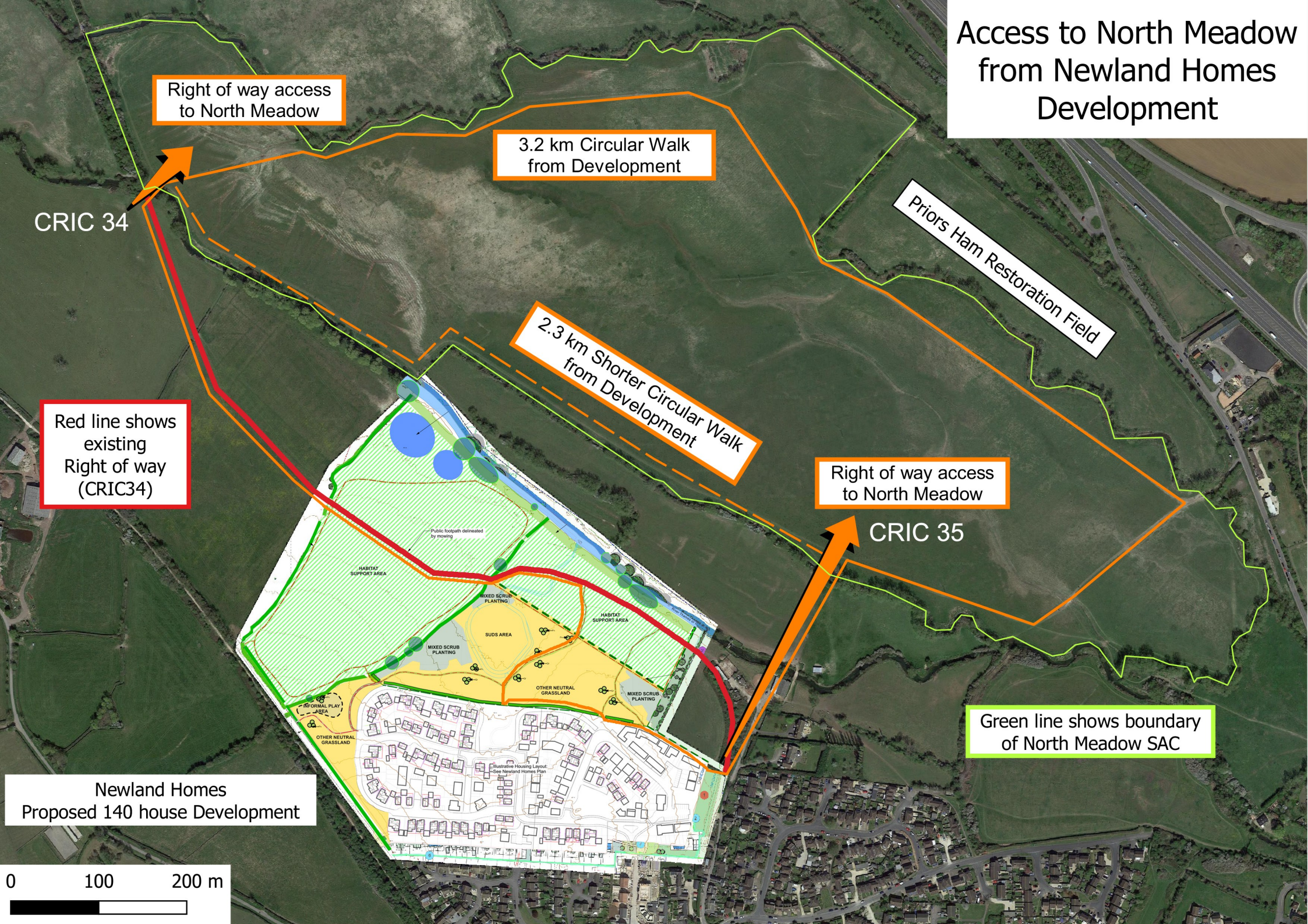
Registered Charity No. 1179807,

Registered Office 19 Manor Orchard Cricklade SN6 6EA

The Manorial Court of the Hundred and Borough of Cricklade

www.crickladecourtleet.org.uk

Access to North Meadow from Newland Homes Development



Right of way access to North Meadow

3.2 km Circular Walk from Development

2.3 km Shorter Circular Walk from Development

Priors Ham Restoration Field

CRIC 34

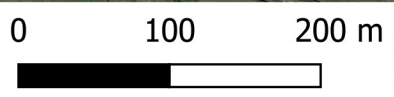
Red line shows existing Right of way (CRIC34)

Right of way access to North Meadow

CRIC 35

Green line shows boundary of North Meadow SAC

Newland Homes
Proposed 140 house Development



North Meadow SAC - Coverage of Qualifying Feature H6510 based on 1994 National Vegetation Classification Survey (NVC)

Produced using Environment Agency LIDAR Composite DTM 2020 - 1m. Contours are at 0.25m intervals. LIDAR data has a vertical accuracy of +/-15cm RMSE. Processed using QGIS by John Barratt

 North Meadow SAC Boundary

Height above sea level m

-  78
-  78.25
-  78.5
-  78.75
-  79
-  79.25
-  79.5
-  79.75
-  80
-  80.25
-  80.5

 H6510 Lowland hay meadows (*Alopecurus pratensis*, *Sanguisorba officinalis*)
34 hectares 76% of North Meadow SAC in 1994

Cricklade



NVC Survey Reference
Wallace, H.L. et al. (1994). National Vegetation Classification Survey. North Meadow SAC, Cricklade

North Meadow SAC - Coverage of Qualifying Feature H6510 based on 2013 National Vegetation Classification Survey (NVC)

Produced using Environment Agency LIDAR Composite DTM 2020 - 1m. Contours are at 0.25m intervals. LIDAR data has a vertical accuracy of +/-15cm RMSE. Processed using QGIS by John Barratt

 North Meadow SAC Boundary

Height above sea level m

-  78
-  78.25
-  78.5
-  78.75
-  79
-  79.25
-  79.5
-  79.75
-  80
-  80.25
-  80.5

H6510 Lowland hay meadows (*Alopecurus pratensis*, *Sanguisorba officinalis*)
29 hectares 64% of North Meadow SAC in 2013

Cricklade



North Meadow SAC - Coverage of Qualifying Feature H6510 based on 2021 National Vegetation Classification Survey (NVC)

Produced using Environment Agency LIDAR Composite DTM 2020 - 1m. Contours are at 0.25m intervals. LIDAR data has a vertical accuracy of +/-15cm RMSE. Processed using QGIS by John Barratt

 North Meadow SAC Boundary

Height above sea level m

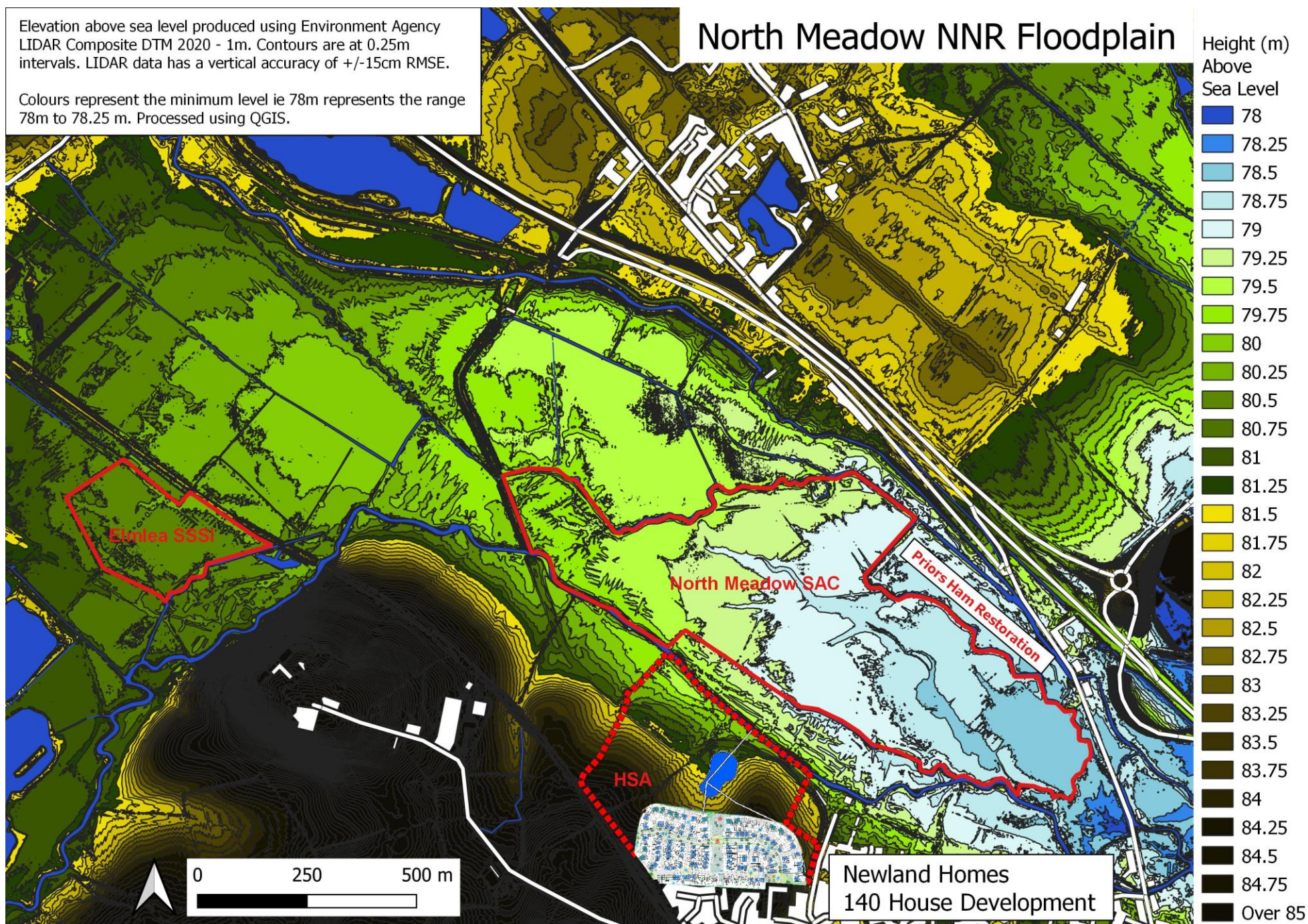
-  78
-  78.25
-  78.5
-  78.75
-  79
-  79.25
-  79.5
-  79.75
-  80
-  80.25
-  80.5

 H6510 Lowland hay meadows (*Alopecurus pratensis*, *Sanguisorba officinalis*)
26 hectares 57% of North Meadow SAC in 2021

Cricklade



Appendix L3 - Floodplain and hydrological connectivity map



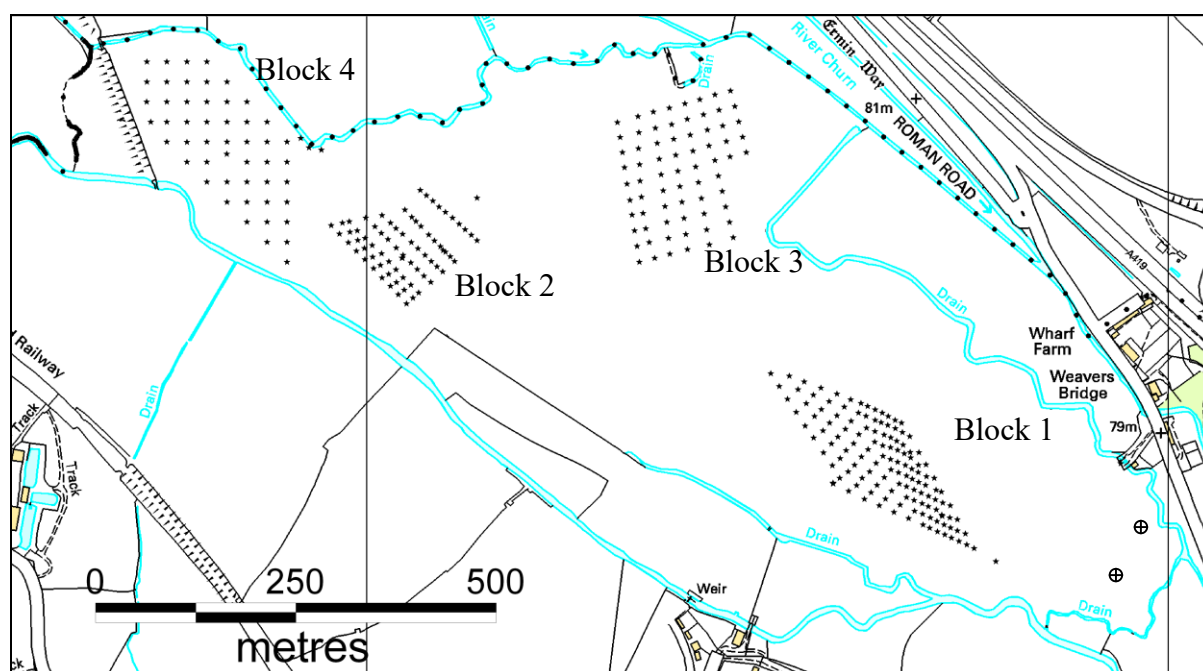


Figure 1. Position of monitoring blocks

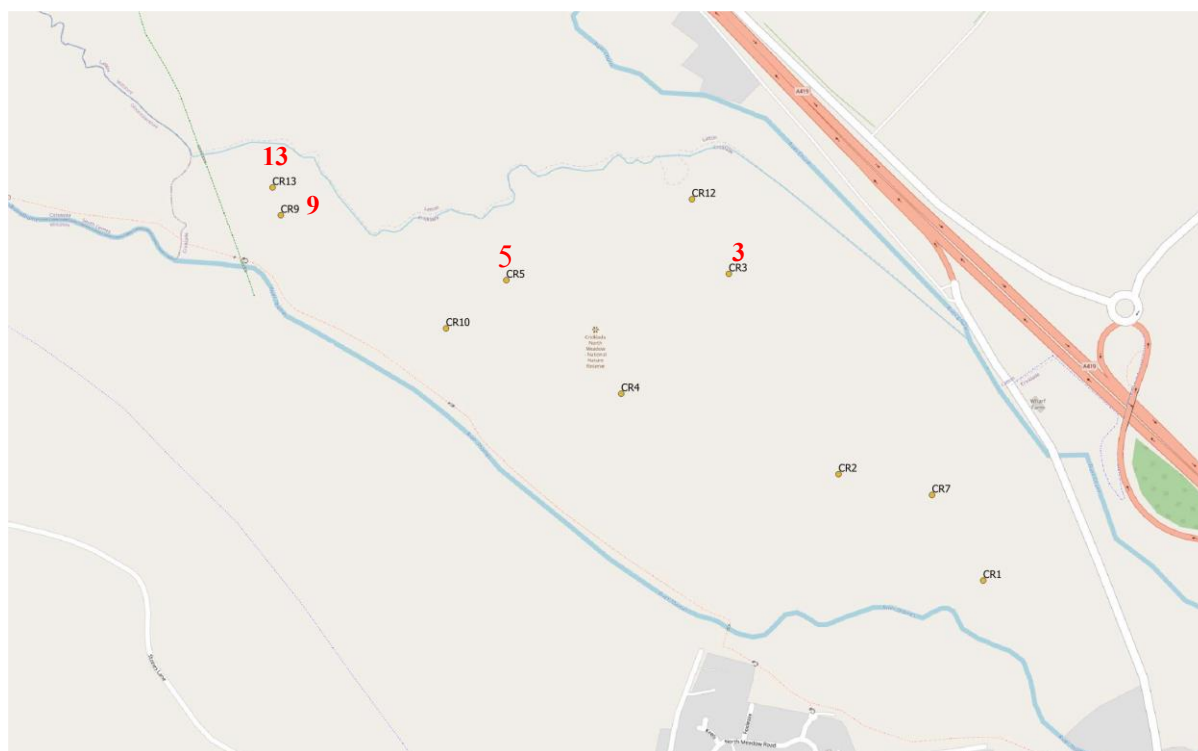


Figure 2. Location of all dipwells. Data presented for wells in 2019- 2020 (3, 5, 9 and 13) highlighted.

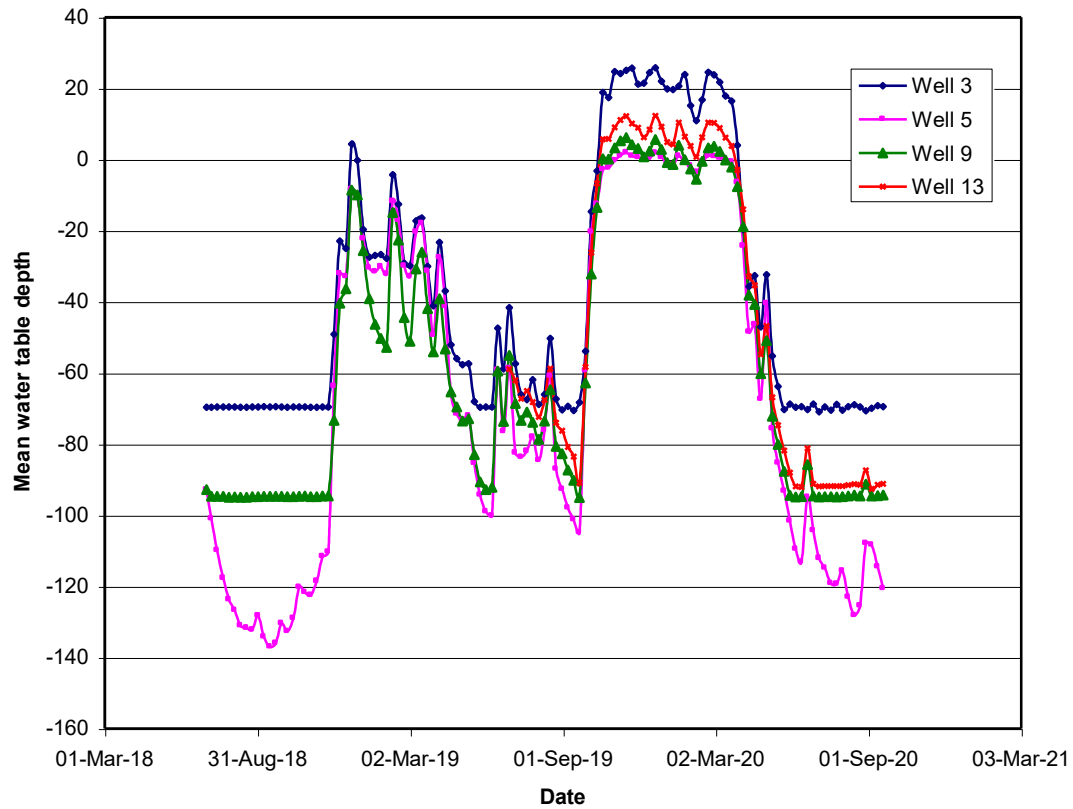


Figure 3a. Hydrograph showing the water table depth for four dipwells in 2019-2020. Data are based on 6 hourly records corrected for barometric pressure. Positive values indicate flooding (i.e. water levels above ground surface). Positions of wells given in Figure 2. Data for 2010 - 2018 were presented and discussed in the report of the 2019 field survey.

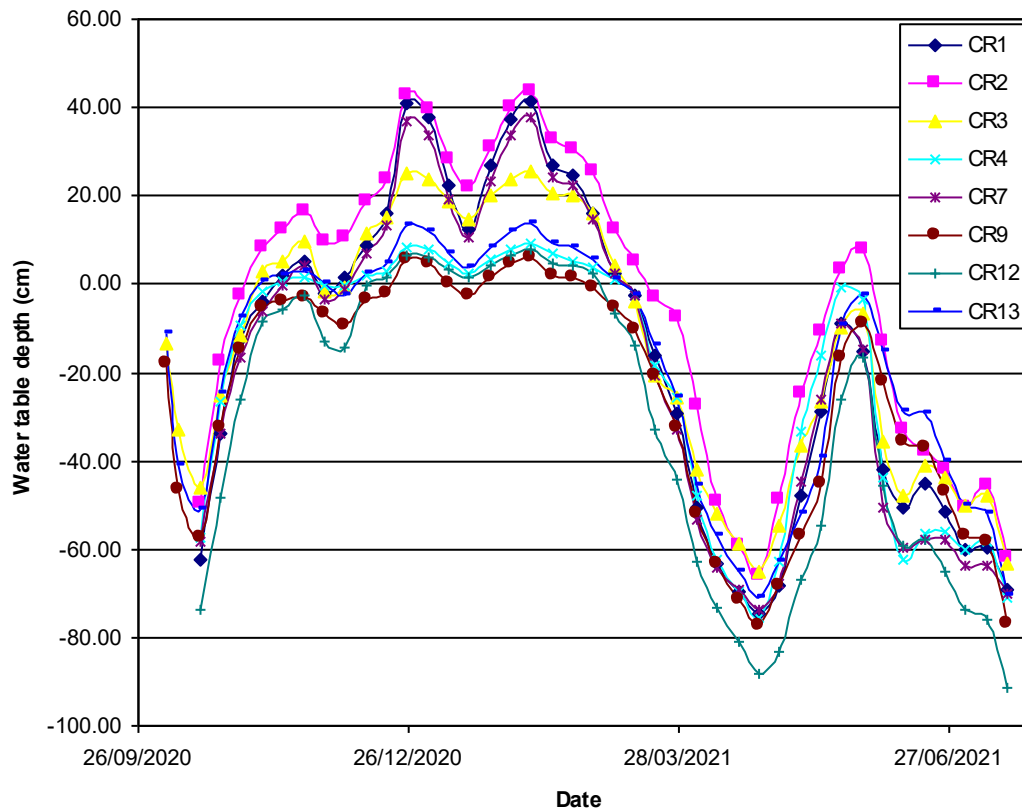


Figure 3b. Hydrograph showing the water table depth for all dipwells showing the extent of flooding Autumn 2020 - summer 2021. Data are based on 6 hourly records corrected for barometric pressure. Positive values indicate flooding (i.e. water levels above ground surface). Positions of wells given in Figure 2. Data for 2010 - 2018 were presented and discussed in the report of the 2019 field survey.

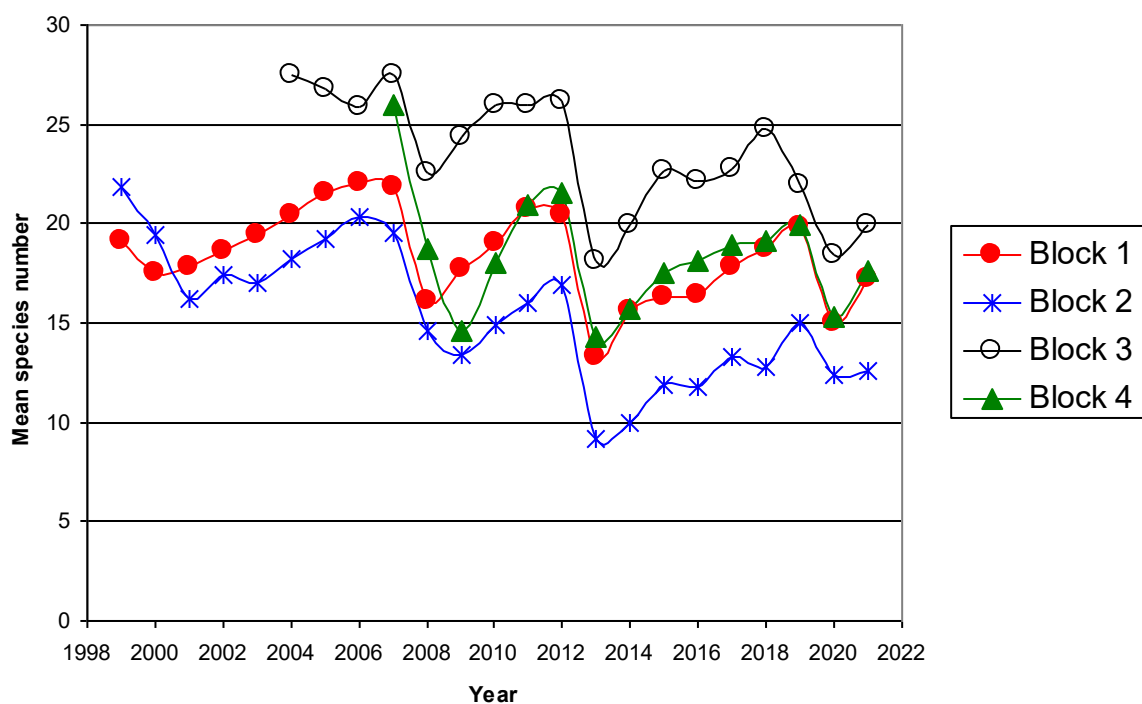


Figure 4. Mean species number m^{-2} for the four monitoring blocks between 1999 and 2021.

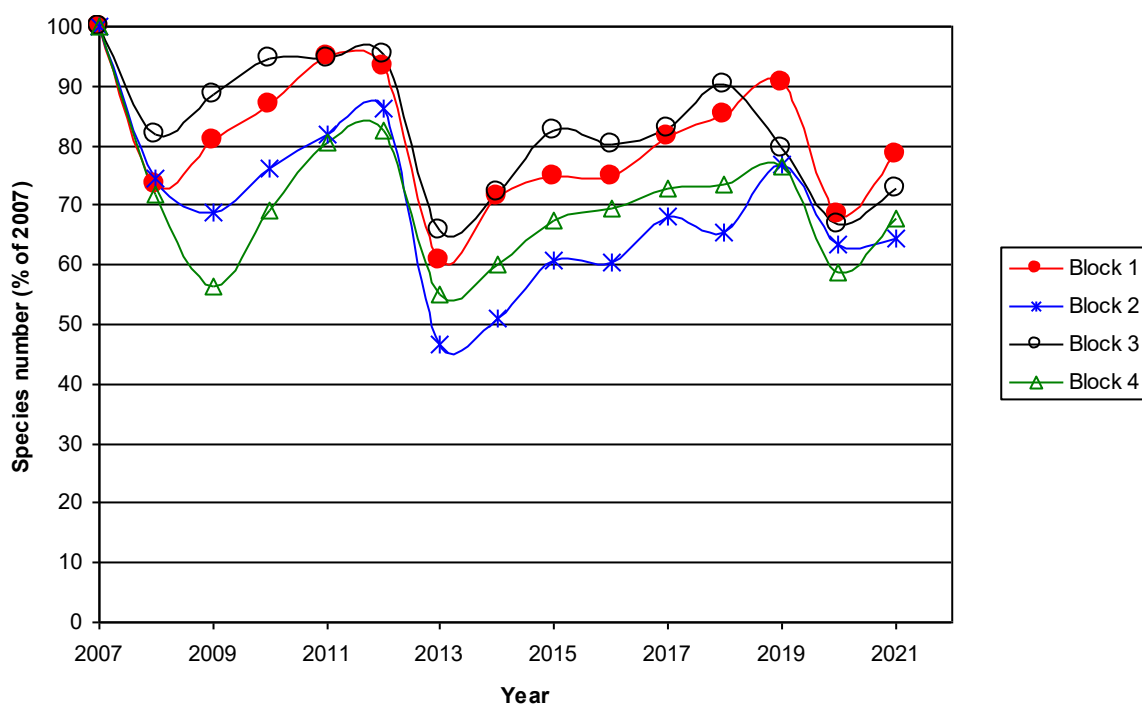


Figure 5. Species richness expressed as a percentage of the 2007 values for each monitoring block.