



Cricklade Court Leet

The Manorial Court for the Hundred and Borough

Joe Richardson
Planning Department
Wiltshire Council
Bythesea Road
Trowbridge
Wiltshire
BA14 8JN

24th February 2026

Dear Mr Richardson,

Newland Homes Approval of Reserved Matters PL/2026/00347 Land at Stones Farm, West Mill Lane, Cricklade

We write on behalf of Cricklade Court Leet Charity regarding the above Reserved Matters application and its compliance with Regulation 63 of the Conservation of Habitats and Species Regulations 2017.

Legal context

Outline permission was granted following an Appropriate Assessment (AA) which concluded that, with mitigation secured by condition and section 106 agreement, the proposal would not adversely affect the integrity of North Meadow Special Area of Conservation (SAC).

While the Planning Inspector previously undertook an Appropriate Assessment at outline stage, Reserved Matters approval constitutes a separate consent decision under Regulation 63. The competent authority must therefore be independently satisfied, in light of the mitigation measures as now detailed and operationalised, that adverse effects on site integrity can still be excluded beyond reasonable scientific doubt. This requires consideration of mitigation design, management certainty, monitoring arrangements and governance frameworks as part of the authority's own Habitats Regulations Assessment at this stage.

Where mitigation detail is subsequently fixed, or where material information relevant to deliverability or effectiveness arises, the authority must undertake fresh Habitats Regulations Assessment (HRA) screening and, if necessary, a further Appropriate Assessment.

Fixing of the operational mitigation design

At outline stage, the 11 hectare Habitat Support Area (HSA) was conceptual.

The Reserved Matters submission now fixes:

- The detailed layout and configuration of the HSA
- The division between Recreation Area and Biodiversity Area
- Path alignments and access points
- The interface between the HSA and North Meadow SAC

These details are materially determinative of whether the HSA can function as effective recreational mitigation.

The Council must therefore consider whether the mitigation, as now designed and fixed, continues to exclude adverse effects on site integrity beyond reasonable scientific doubt.

Reliance solely on the outline-stage Appropriate Assessment would not address the mitigation as now operationalised.

Management and deliverability

The Inspector accepted at outline stage that long-term management arrangements would be deliverable and that alternative management options were available.

However, it is understood that:

- The Natural England team responsible for management of North Meadow has declined to assume responsibility for management of the HSA
- No conservation body has been formally secured to undertake long-term ecological management
- No formal governance body overseeing HSA management and monitoring has been constituted
- No evidence has been provided of substantive post-appeal progress in securing such arrangements.
- The integrity conclusion at outline stage was predicated on mitigation being secured and deliverable.

If management governance remains unresolved, reasonable scientific doubt remains as to whether the mitigation relied upon can be effectively implemented in practice.

This is directly material to Regulation 63 compliance.

Monitoring, bond mechanism and adaptive management

The section 106 agreement includes provisions for monitoring, reporting, step-in rights and a bond mechanism in relation to the HSA.

However:

- Monitoring appears to commence following issue of the HSA Completion Certificate and is time-limited
- The bond mechanism secures compliance with the HSA Management Scheme but does not define ecological performance standards linked to SAC integrity
- Council intervention appears discretionary rather than triggered by defined ecological thresholds
- Certain potential corrective measures (e.g. alteration of public rights of way, Thames Path diversion, drainage modification) would require separate regulatory processes not secured by the section 106 agreement
- It has not been demonstrated that funding and governance arrangements are in place to implement major corrective interventions should monitoring reveal displacement failure

Where mitigation depends upon adaptive management, the competent authority must be satisfied that the monitoring and corrective framework is secured, operational, adequately funded and capable of implementation.

The existence of a monitoring and bond mechanism does not, of itself, remove reasonable scientific doubt as to whether adverse effects on North Meadow SAC can be excluded.

Reliance on the North Meadow Interim Mitigation Strategy

The outline-stage Appropriate Assessment placed significant weight on compliance with the North Meadow Interim Mitigation Strategy (NMIMS).

However, Regulation 63 requires the competent authority to undertake a project-specific assessment and to reach its own conclusion beyond reasonable scientific doubt.

Compliance with a strategic mitigation document does not, in itself, demonstrate that adverse effects on site integrity can be excluded in respect of the development as now detailed.

If fresh HRA screening or Appropriate Assessment is undertaken, the Council must:

- Assess the scientific basis for recreational displacement at the proximity proposed;
- Consider whether absence of any development exclusion or buffer mechanism is consistent with integrity protection;
- Assess the cumulative scale of development relative to the assumptions underpinning the NMIMS;
- Assess governance, monitoring and adaptive management certainty;
- Provide clear reasoning as to why reliance on the NMIMS removes reasonable scientific doubt.

A strategic mitigation document cannot substitute for the Council's independent duty under Regulation 63.

Outstanding environmental information

Requests have been submitted under the Environmental Information Regulations 2004 seeking clarification regarding:

- Collection and expenditure of mitigation funds
- Implementation of Strategic Access Management and Monitoring measures
- Governance and delivery arrangements for the Habitat Support Area
- Consideration of development exclusion or buffer mechanisms

The information requested is directly relevant to the deliverability and effectiveness of the mitigation relied upon in the outline-stage Appropriate Assessment.

Until that information is available and considered, the Council cannot be satisfied that the mitigation framework is operational in the manner assumed.

It would therefore be inappropriate to determine this Reserved Matters application without first considering that material environmental information as part of HRA screening.

Supporting Document

We have submitted concurrently a supporting document entitled “**Matters Requiring Explicit Consideration in Any Further Appropriate Assessment – North Meadow Special Area of Conservation.**” This document identifies specific ecological, hydrological, governance and mitigation deliverability considerations directly relevant to Regulation 63 compliance and to the Council’s assessment of whether reasonable scientific doubt can be excluded. These matters should be expressly considered as part of HRA screening and any further Appropriate Assessment.

HRA Screening Request

North Meadow SAC is a European protected site. The statutory test under Regulation 63 is strict and precautionary.

In light of the above, we formally request confirmation that:

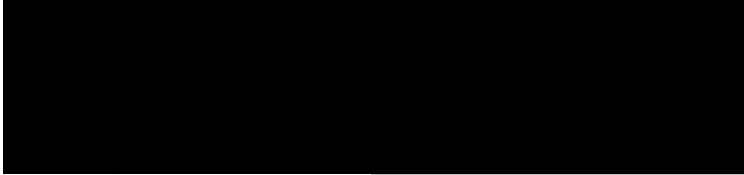
1. The Reserved Matters application will be subject to fresh HRA screening
2. A further Appropriate Assessment will be undertaken if likely significant effects cannot be excluded
3. The Council will expressly consider mitigation design, management certainty, monitoring governance and deliverability as part of that assessment

We would be grateful if the Council could confirm its HRA screening conclusion and reasoning in writing, including its consideration of mitigation effectiveness, governance certainty and monitoring arrangements relevant to SAC integrity.

In the present circumstances and considering the matters identified above and in the accompanying supporting document, the competent authority cannot lawfully assume that this test is satisfied without undertaking appropriate HRA screening and, if necessary, a further Appropriate Assessment.

We trust that the Council will ensure its Habitats Regulations Assessment fully addresses these matters and provides clear, evidence-based reasoning demonstrating how the statutory integrity test under Regulation 63 has been lawfully satisfied.

Yours sincerely,



Clive Smith B.Ed (Hons), C.Ed.
High Bailiff

John Barratt BSc (Hons) Env Sci
Court Hayward

Copy To:

Cllr Adrian Foster - Cabinet Member for Strategic Planning, Development Management, and Housing

Niall Machin - Ecology Manager, Wiltshire Council

Cllr Mark Clarke - Chairman Cricklade Town Council

Cllr Nick Dye - Wiltshire Councillor for Cricklade, Latton & Marston Meysey

Dr Roz Savage MP - South Cotswolds constituency (Case Ref: RS6167)

Nick Squirrell - Senior Officer Conservation and Planning Natural England

Alice James - Senior Reserve Manager Natural England

Professor David Gowing –Director Floodplain Meadows Partnership

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

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The Manorial Court of the Hundred and Borough of Cricklade

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