

Matters Requiring Explicit Consideration in Any Further Appropriate Assessment

**North Meadow Special Area of Conservation (SAC)
Reserved Matters Application – [PL/2026/00347]
Submitted on behalf of Cricklade Court Leet Charity**

1. Statutory Context

Under Regulation 63 of the Conservation of Habitats and Species Regulations 2017, the competent authority must be satisfied beyond reasonable scientific doubt that the development, alone or in combination with other plans or projects, will not adversely affect the integrity of North Meadow SAC.

Reserved Matters approval constitutes a separate consent decision for the purposes of the Habitats Regulations, and the competent authority must therefore be independently satisfied, in light of the development as now detailed, that adverse effects on site integrity can be excluded beyond reasonable scientific doubt.

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.

Integrity must be assessed in light of the site's conservation objectives, ecological processes, and practical management requirements necessary to maintain the qualifying habitat in favourable condition.

Under established case law (including *People Over Wind* and *Holohan*), mitigation measures must be certain in their effectiveness, and their efficacy must be demonstrated using objective evidence before consent is granted. Reliance on untested mitigation, or mitigation whose effectiveness will only be assessed after occupation, cannot exclude reasonable scientific doubt.

2. Habitat-Specific Vulnerability – MG4 Floodplain Meadow

North Meadow SAC is designated for its MG4 *Alopecurus pratensis* – *Sanguisorba officinalis* floodplain meadow communities. This habitat is sensitive to trampling, soil compaction, hydrological change, nutrient enrichment, and disruption of the traditional management **specifically referenced in the site SAC designation.**

Unlike more structurally resilient dry grassland systems (for example calcareous grassland SACs such as Rodborough Common), floodplain meadow communities depend upon a precise combination of soil structure, hydrological regime and traditional management continuity. Their

response to disturbance may therefore differ materially from habitats where exclusion zones are not considered necessary.

MG4 floodplain meadow communities are particularly sensitive to trampling and soil compaction, which alter soil structure, disrupt plant root systems, and favour competitive or disturbance-tolerant species, leading to long-term shifts in community composition and loss of characteristic species.

The Appropriate Assessment should explicitly explain how mitigation measures reliably prevent deterioration of ecological integrity.

3. Ecological Condition, Long-Term Scientific Evidence and Species Diversity

Natural England's statutory condition assessment confirms that the qualifying lowland hay meadow habitat is currently in favourable condition (Appendix A).

North Meadow has been subject to extensive ecological monitoring and has been the principal research site for the Floodplain Meadows Partnership for over 25 years, during which time an extensive botanical dataset has been developed, A detailed annual monitoring report has been produced on ecological changes see extract at (Appendix B),

Long-term National Vegetation Classification (NVC) survey data demonstrates measurable change in the extent and composition of MG4 floodplain meadow communities at North Meadow. Professional surveys indicate that total MG4 cover declined from approximately 76% of the site area in 1995/96 to approximately 58% in 2021, alongside shifts in subcommunity composition and increased representation of less species-rich floodplain communities. (Appendix C)

These documented changes demonstrate that the qualifying habitat is responsive to environmental pressures and cannot be assumed to be resilient to additional disturbance without objective scientific evidence.

A comprehensive species database maintained by Cricklade Court Leet Charity currently records over 1,699 species, with more than 300 additional records awaiting species-level identification (Appendix D). Of these species 52 are Section 41 protected and 614 are red listed. The site also has a large population of endangered Water Vole (*Arvicola amphibius*) spread throughout the site.

This extensive scientific dataset reflects the ecological complexity and sensitivity of the site and reinforces the importance of ensuring that mitigation measures reliably maintain site integrity.

4. Existing Recreational Pressure and Management Intervention

Natural England has implemented temporary site closures in recent years to protect sensitive habitat from recreational pressure and trampling damage (Appendix E).

North Meadow SAC was closed:

- For approximately 7 weeks between 14 April and 4 June 2023
- For approximately 10 weeks between 4 April and 13 June 2024
- For additional periods during March 2025.

These closures represent approximately four months (12% of the time) of restricted access within a three-year period. They provide direct site-specific evidence that recreational pressure is capable of adversely affecting habitat condition and demonstrate the importance of ensuring that mitigation measures reliably prevent any increase in recreational pressure arising from new development.

This demonstrates that existing recreational pressure is already sufficient to necessitate management intervention, and therefore any increase in recreational pressure represents a material ecological risk unless mitigation effectiveness is demonstrated beyond reasonable scientific doubt.

The Appropriate Assessment should explicitly consider this management evidence and explain how additional residential development will not result in adverse effects on site integrity.

5. Viability of the Traditional Grazing Regime

Continuation of traditional grazing is integral to maintaining MG4 floodplain meadow as **referenced in the site SAC designation.**

Floodplain grazing requires provision of approximately 60–70 cattle, weather-dependent timing, rapid livestock removal capability during flooding, and management within a publicly accessible environment. Grazing takes place in a restricted timing window of 6 to 12 weeks between the completion of hay cut and the onset of flooding. Grazing is difficult to manage in contrast to dry grassland grazing management which requires a small number of cattle grazing all year.

The grazing regime is not economically self-sustaining. Cricklade Court Leet Charity provides financial incentive payments to secure appropriate grazing management, reflecting the operational and economic challenges associated with grazing a publicly accessible floodplain meadow.

This demonstrates that continuation of grazing cannot be assumed and depends upon ongoing management intervention and farmer willingness, both of which may be adversely affected by increased recreational pressure and operational complexity.

Increased recreational pressure may increase livestock disturbance, safety risks, and operational complexity, which may materially affect grazing viability. Loss or disruption of grazing would directly affect the ecological management necessary to maintain favourable habitat condition.

Mitigation is intended to be in perpetuity and provision should be made for the employment of contractors for hay making and grazing should the challenges of recreational pressure become unsustainable for local farmers.

Loss or disruption of grazing would directly undermine the conservation objectives of the SAC and therefore constitute an adverse effect on site integrity.

The Appropriate Assessment should explicitly consider whether increased visitor pressure could materially affect grazing viability and explain how reasonable scientific doubt is excluded.

6. Proximity and Recreational Displacement

The proposed development lies approximately 280 metres from a North Meadow entrance and entirely within the 500 metre proximity zone (Appendix F).

There are currently approximately 581 residential dwellings within 500 metres of North Meadow SAC. The proposed development would increase this number to approximately 721 dwellings, representing a 24% increase in housing within this proximity zone.

This represents a substantial increase in residential population within immediate walking distance of the SAC and therefore a corresponding increase in the potential frequency and intensity of recreational use originating from the closest proximity zone.

Proximity strongly influences recreational behaviour, and this increase is likely to significantly increase recreational pressure as explained and evidenced in our request to Wiltshire Council for the North Meadow Interim Mitigation Strategy (NMIMS) to be reviewed. (Appendix G1)

Housing within immediate walking distance represents the highest risk category for recreational pressure due to ease of access and frequency of repeat visits. Footprint Ecology research demonstrates that proximity has a disproportionate effect on recreational pressure. Specifically, *“Table 5 highlights that at 0.5km a single dwelling would generate a similar number of visits to 8 dwellings at 2km from the SAC and that by 5.6km the equivalent value is 81 dwellings.”* (Appendix G2). This demonstrates that housing located close to the SAC boundary generates substantially greater recreational pressure per dwelling than housing located further away. **This relationship is not linear. Recreational pressure reduces exponentially with distance from the SAC, meaning that housing located closest to the SAC generates disproportionately greater recreational use than housing located further away.**

This distance-decay effect is well established in visitor behaviour research and is a key factor in assessing recreational impacts on European sites.

In light of this established scientific evidence demonstrating the disproportionate recreational pressure arising from housing in immediate proximity to European sites, the Appropriate Assessment must provide objective, site-specific evidence demonstrating that mitigation measures will reliably prevent adverse effects on the integrity of North Meadow SAC arising from development within the 500 metre proximity zone, and how reasonable scientific doubt is excluded.

This evidence confirms that development within the closest proximity zone represents the highest risk category for increased recreational pressure and therefore requires particularly robust and demonstrably effective mitigation to exclude adverse effects on site integrity.

7. Cumulative Development Scale

The Appropriate Assessment should quantify cumulative housing development within the SAC zone of influence and assess whether mitigation remains effective at this scale.

The NMIMS anticipated a total of 919 houses by 2028. Current proposals for Cricklade and included in the Cotswold District Council Local Plan (just completed Reg18 consultation) now anticipate 8255 houses almost a 10-fold increase see table below. (Appendix H)

Council Area	Anticipated in NMIMS	Now proposed		
		Inner Zone 0 - 4.2km	Outer Zone 4.2 - 9.4km	Total
Wiltshire Council	133	596	81	677
Cotswold District Council	486	527	6751	7278
Swindon Borough Council	300		300	300
Total	919	1123	7132	8255

Mitigation measures designed to address 919 houses cannot be assumed to remain effective when applied to a cumulative scale approaching ten times greater without new scientific evidence demonstrating effectiveness at this increased scale.

The Appropriate Assessment should therefore explain whether mitigation measures remain effective at this substantially increased cumulative development scale and how reasonable scientific doubt is excluded in relation to cumulative recreational pressure effects.

8. Wiltshire Council Ecology Consultation Response

Wiltshire Council's Ecology Officer formally objected to the outline planning application and advised that further information was required before ecological impacts could be properly assessed. (Appendix I)

In particular, the Ecology Officer stated that submission of a costed management plan and confirmation that Natural England's National Nature Reserve team would assume responsibility for the Habitat Support Area were required in order to provide sufficient security regarding mitigation delivery.

The Ecology Officer concluded that the information provided did not provide sufficient security to ensure long-term mitigation delivery and that an Appropriate Assessment must be undertaken.

These concerns relate directly to mitigation deliverability, governance certainty and long-term effectiveness.

If mitigation governance, management responsibility, monitoring and corrective mechanisms remain uncertain or unresolved, the competent authority cannot exclude reasonable scientific doubt regarding mitigation effectiveness.

The Appropriate Assessment should explicitly address these governance and deliverability issues and provide clear, evidence-based reasoning demonstrating how reasonable scientific doubt is excluded.

9. Governance, Monitoring and Adaptive Management

Natural England explicitly advised that visitor surveys should be undertaken to confirm that new residents are using the Habitat Support Area (HSA), to identify any operational issues, and to establish levels of public access and indicative visitor capacity (Appendix J).

“It is recommended that a planning condition is required securing a detailed management plan, to be submitted and approved by your authority and Natural England prior to commencement.

We advise that the following is secured through legally binding requirements:

- *The setting up and installation/maintenance of the Habitat Support Area (HSA) infrastructure for the first 5 years*
- *A legal agreement to secure step in rights for the Council to manage the HSA which will be facilitated by a draw down sum equal to the annual maintenance cost*
- *A legal agreement to secure a suitable financial contribution to be available to the Council to defray any future legal costs of enforcing HSA management repairs*
- *The setting up and installation/maintenance of the Habitat Support Area (HSA) infrastructure for the first 5 years*

A legal agreement to secure step in rights for the Council to manage the HSA which will be facilitated by a draw down sum equal to the annual maintenance cost.

A legal agreement to secure a suitable financial contribution to be available to the Council to defray any future legal costs of enforcing HSA management repairs

The Council is advised that the agreed Management Plan for the HSA will need to be updated and modified over the 80-year period. Natural England advise a steering group consisting of the authority, Natural England and the landowner should be established as part of the plan to agree proposed modifications.

The proposed visitor surveys should aim to confirm that new residents are using the HSA, if there are any snagging problems requiring action and also what the level of public access is and thus an indicative visitor capacity.”

This advice recognises that monitoring of mitigation effectiveness is necessary to confirm that the HSA is functioning as intended in preventing increased recreational pressure on North Meadow SAC.

The Section 106 Agreement secures establishment, management, and maintenance of the HSA, including ecological management and monitoring of habitat condition (Appendix K). However,

the monitoring provisions primarily address implementation and management of the HSA itself, rather than explicitly securing monitoring of its effectiveness in preventing increased recreational use of North Meadow SAC.

In particular, the Section 106 does not clearly identify:

- Monitoring of visitor numbers at North Meadow SAC following occupation of the development
- Monitoring of whether residents use the HSA in preference to North Meadow SAC
- Defined thresholds or trigger points indicating mitigation failure
- Defined corrective measures if mitigation is ineffective
- Secured governance and funding arrangements to implement corrective measures.

Monitoring of mitigation implementation alone does not demonstrate mitigation effectiveness.

All North Meadow SAC entrances are fitted with visitor counters which can be used to monitor changes to recreational pressure.

Without clearly defined and secured mechanisms to verify and, if necessary, correct mitigation effectiveness, reliance on mitigation introduces uncertainty regarding whether adverse effects on site integrity will occur

Hydrological connectivity between the development site, the River Thames, and North Meadow SAC is also recognised (Appendix L1, Appendix L2, Appendix L3), and monitoring alone does not ensure that adverse effects can be prevented or corrected.

Long-term dipwell monitoring demonstrates that groundwater levels and floodplain hydrology are critical determinants of habitat condition at North Meadow SAC (Appendix M), and therefore the Appropriate Assessment should explain how mitigation measures will ensure that these hydrological conditions are not adversely affected, and how reasonable scientific doubt is excluded in relation to hydrological impacts arising from the development.

Adequacy of the 10-Year Landscape Maintenance Programme and Habitat Support Area Management Provisions

The submitted 10-Year Landscape Maintenance Programme and HSA Landscape Plans comprise a generic landscape establishment and maintenance specification and do not provide the level of ecological detail necessary to demonstrate mitigation effectiveness for a Habitat Support Area intended to protect the integrity of North Meadow SAC. The Landscape Maintenance Programme focuses primarily on routine amenity landscape operations, such as mowing, litter removal, and plant establishment, and includes only periodic inspection by a Landscape Architect at five-year intervals. It does not include site-specific ecological performance targets, vegetation composition objectives, hydrological monitoring provisions, or ecological monitoring protocols necessary to assess whether the HSA is functioning as intended to mitigate recreational pressure.

The HSA Landscape Plans similarly refer to grazing management, natural colonisation, and wetland creation, but critical management detail is deferred to future unspecified management plans and grazing regimes. No ecological monitoring framework, success criteria, reporting requirements, or defined corrective mechanisms are specified. In the absence of clearly defined ecological objectives, monitoring protocols, and adaptive management triggers, it is not possible to verify whether the HSA will successfully establish and function as effective mitigation.

Without secured ecological monitoring and adaptive management arrangements capable of demonstrating mitigation effectiveness in practice, reliance on the HSA introduces uncertainty. The Appropriate Assessment must therefore explicitly address how mitigation effectiveness will be objectively verified and maintained over time, and how reasonable scientific doubt regarding adverse effects on the integrity of North Meadow SAC is excluded.

The Appropriate Assessment should therefore explicitly:

- Identify how the effectiveness of the HSA in preventing increased recreational pressure on North Meadow SAC will be monitored
- Identify whether baseline and ongoing visitor monitoring will be undertaken
- Identify thresholds indicating mitigation failure
- Identify corrective measures that would be implemented if mitigation is ineffective
- Identify the responsible authority and secured funding mechanisms for implementing corrective measures
- Explain how reasonable scientific doubt is excluded in relation to mitigation effectiveness.

Corrective measures could involve changes to existing Rights of Way, re-routing of the Thames Path and/or modifications to the design of the SUDs drainage scheme. The Bond securing funding should be of sufficient size to fund these potential requirements and not time limited as mitigation is required to be in perpetuity.

Without secured monitoring of recreational pressure at North Meadow SAC, defined thresholds for mitigation failure, and enforceable corrective measures, the competent authority cannot objectively verify that mitigation measures will prevent adverse effects on site integrity. In the absence of such safeguards, reasonable scientific doubt cannot be excluded.

10. Implications for the Appropriate Assessment Integrity Test

Under Regulation 63 of the Habitats Regulations, consent can only be granted where the competent authority has ascertained that the proposal will not adversely affect the integrity of the SAC beyond reasonable scientific doubt.

The evidence presented demonstrates:

- documented ecological sensitivity and measurable habitat change

- existing recreational pressure sufficient to require site closures
- substantial increase in housing within immediate proximity
- cumulative development substantially exceeding original mitigation assumptions
- absence of secured monitoring of mitigation effectiveness at the SAC
- absence of defined thresholds or corrective mechanisms in the event of mitigation failure

In the absence of objective scientific evidence demonstrating that mitigation measures will reliably prevent increased recreational pressure and associated ecological effects, the competent authority cannot exclude reasonable scientific doubt.

The Appropriate Assessment must therefore explicitly demonstrate, using objective scientific evidence, how adverse effects on site integrity will be avoided.

In particular, where the submitted Landscape Maintenance Programme and Habitat Support Area management provisions do not include site-specific ecological performance targets, ecological monitoring protocols, or defined adaptive management mechanisms, the competent authority cannot objectively verify mitigation effectiveness or exclude reasonable scientific doubt regarding adverse effects on the integrity of North Meadow SAC.

This conclusion is reinforced by the earlier consultation response of Wiltshire Council's Ecology Officer, which identified unresolved uncertainties regarding mitigation governance, management responsibility, and long-term delivery of the Habitat Support Area, and which required further information to ensure sufficient security that mitigation would function as intended.

Natural England's advice further confirms the necessity of monitoring mitigation effectiveness, including visitor surveys and adaptive management arrangements, in order to verify that the Habitat Support Area is functioning as intended and preventing increased recreational pressure on North Meadow SAC.

In the absence of such evidence, the competent authority cannot lawfully conclude that the integrity test under Regulation 63 has been satisfied.

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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.crickladedcourtleet.org.uk

Appendices

Appendix A - Natural England condition assessment

Appendix B - Floodplain Meadows Partnership research – extract from Monitoring Report

Appendix C - NVC survey extract showing decline in North Meadow Designated Feature

Appendix D - North Meadow species database <https://species.crickladecourtleet.org.uk/>

Appendix E - Natural England Direction Notices

Appendix F – Map showing proximity of proposed Cricklade housing development to North Meadow SAC

Appendix G – Cricklade Court Leet Charity letter to Wiltshire Council requesting review of NMIMS dated 29th August 2025

Appendix G2 – Footprint Ecology Report (2019): Impacts of urban development at Burnham Beeches SAC and options for mitigation

Appendix H – Cotswold District Council Housing Development – Indicative Map 3 South Cotswolds

Appendix I - Wiltshire Council Ecology Consultation Response 26 February 2024

Appendix J – Natural England advice letter dated 7th November 2023 setting out HSA monitoring requirements.

Appendix K - Section 106 monitoring provisions

Appendix L1 - Court Leet Charity letter (25 May 2022)

Appendix L2 - Court Leet Charity letter (11 December 2023)

Appendix L3 - Floodplain and hydrological connectivity map

Appendix M – Extract from Monitoring Report showing Dipwell Locations and Hydrographs

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