



Cricklade Court Leet

The Manorial Court for the Hundred and Borough

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

6 August 2026

Dear Mr Richardson,

PL/2026/00347 – Stones Farm – Response to July 2026 amendments and HRA matters

1. Purpose and Overall Position

Cricklade Court Leet has reviewed the July amendments to Reserved Matters Application PL/2026/00347.

We are pleased to see that the recreational function of the Biodiversity HSA has been restored, with access from the development and mown paths around the field. The greatly increased habitat management detail provides a much better understanding of the proposed scheme.

The principle of using an HSA as part of the mitigation strategy was accepted at outline stage. What now needs to be determined is whether the final detailed mitigation package enables Wiltshire Council to ascertain, without reasonable scientific doubt, that the proposal will not adversely affect the integrity of North Meadow SAC.

In our view, the revised material represents a significant improvement, but important matters remain unresolved. As a result, the effectiveness, deliverability and long-term security of the mitigation have not yet been demonstrated with the certainty required for a favourable Appropriate Assessment.

2. Why particular assurance is required at North Meadow

North Meadow is already under significant recreational pressure. Natural England has closed the meadow for several weeks in each of the last four years to protect this rare and vulnerable habitat from trampling and compaction damage. Closure of the CROW access land does not itself close the public rights of way across the site.

Natural England's latest feature-condition records for North Meadow SSSI, which underpins the North Meadow component of the SAC, record the Lowland Neutral Grassland (MG4) feature as

“Unfavourable – Declining” on 17 September 2025 and the *Fritillaria meleagris* feature as **“Unfavourable – Recovering”** on 17 March 2026. The accompanying condition comments state that the site’s failure is due to hydrological impacts and recreational pressures, including trampling, nutrient enrichment and erosion, and not due to management.

Evidence specific to North Meadow demonstrates the strong influence of proximity. The 2023 EPR visitor survey found that 53% of surveyed groups came from within 1 km of North Meadow. It also identified a 0.7 km 75th-percentile catchment for dog-walking groups arriving on foot, meaning that three-quarters of those surveyed had home postcodes within 0.7 km of the nearest site boundary.

This demonstrates that routine recreational use is dominated by nearby residential development and that the site functions as a primary local destination. This pattern is consistent with the wider evidence base. The Footprint Ecology work at Burnham Beeches SAC (2019) demonstrates that recreational use declines exponentially with distance from the SAC. The analysis indicates that a single dwelling at 0.5 km may generate comparable visit pressure to eight dwellings at 2 km, 57 dwellings at 4 km and 81 dwellings at 5.6 km.

Continuation of traditional grazing is integral to maintaining MG4 floodplain meadow as referenced in the site SAC designation. North Meadow grazing requires provision of approximately 60–70 cattle, weather-dependent timing, rapid livestock removal capability during flooding, and management within a publicly accessible environment. 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.

3. What has improved

Our review of the latest documents revealed some welcome improvements:

- access between the Recreational HSA and the Biodiversity HSA has been restored, and the drawings now show all the public access points around the development
- the mown paths around the Biodiversity HSA are now shown together with some helpful interpretation boards
- the ecological/habitat management is now much better developed
- monitoring and remedial measures for habitat condition have been provided
- a Management Company is now contemplated to manage the HSA

These changes address a number of the shortcomings identified in our February representation. They do not, however, resolve the central HRA assurance questions concerning recreational effectiveness and its long-term delivery.

4. Principal outstanding HRA issues

A. Will the mitigation actually change visitor behaviour?

The principal HRA purpose of the HSA is to reduce the recreational pressure on North Meadow that would otherwise arise from the development.

The revised proposals now provide a much clearer description of the HSA, including restored recreational access through parts of the biodiversity area, mown routes and a separate recreational area. These are significant improvements. The remaining question, however, is whether it has been

demonstrated that the final scheme will change resident behaviour sufficiently to avoid an adverse effect on the integrity of the SAC.

Currently there are 581 dwellings within 500 metres of North Meadow and the additional 140 dwellings in this development will increase this by 24%. The proximity of the Stones Farm development to North Meadow (the nearest house is approximately 280 metres walking distance from the West Mill entrance) makes a robust understanding of how residents are likely to use the HSA particularly important. The EPR and wider distance-decay evidence demonstrate that proximity is an important influence on recreational behaviour and that the behavioural challenge facing the mitigation is substantial.

Newland therefore presents an unusually demanding mitigation case. The development is sufficiently large to generate material recreational demand, while its exceptional proximity means that North Meadow will remain readily accessible to future residents. Even a relatively modest shortfall in HSA use could consequently translate into additional frequent visits to the SAC. This makes a defined recreational outcome, measurable success criteria and effective corrective mechanisms particularly important.

The revised documents describe the physical and ecological management of the HSA in considerable detail. However, describing the recreational offer is not the same as demonstrating its behavioural effectiveness.

We have not identified an assessment in the latest documents explaining how or why residents are expected to use the HSA, what level of recreational diversion is required, or what proportion of residents is expected to use the HSA rather than North Meadow. Without that information there is no clear benchmark against which the success of the mitigation can later be assessed. In our view, the effectiveness of the mitigation therefore remains an assumption rather than a demonstrated outcome.

For comparison, the July 2026 Bellway submissions provide an application-specific assessment of the expected resident and dog population, the scale and layout of accessible open space, a circular walking route, an enclosed dog-exercise area, connected local walking routes, resident information, delivery before first occupation and lifetime management. Whether or not the Council ultimately accepts Bellway's conclusions, this is a materially more explicit assessment of how the recreational offer is expected to function than has been provided for Newland.

This understanding is important not only to the initial Appropriate Assessment but also to the proposed monitoring and adaptive-management arrangements. Unless the intended recreational outcome is defined at the outset, there is no objective basis for determining whether the mitigation is succeeding, whether corrective action is required, or what that corrective action needs to achieve.

The behavioural case should also establish what recreational routes, gates, signage, dog-walking provision and other facilities will be complete and usable before first occupation, and how seasonal wetness, grazing and biodiversity-management constraints will affect the attractiveness and year-round functionality of the HSA.

The Biodiversity HSA is required both to establish species-rich grassland and to accommodate sufficient public and dog-walking use to perform its recreational-mitigation function. Those objectives may be compatible, but their compatibility is not automatic. The final scheme should demonstrate how trampling, dog fouling, livestock and visitor interaction, hay cutting, seasonal wetness, temporary path changes and any need to redirect or restrict access will be managed without undermining either grassland restoration or the attractiveness and availability of the HSA.

The AA should also identify the respective roles of the HSA and the strategic SAMM measures and demonstrate how the combined mitigation package achieves the required outcome, rather than assuming that either element compensates for an unresolved weakness in the other.

We therefore ask the Council to identify, before reaching a favourable AA conclusion, the behavioural evidence upon which it relies, the recreational outcome the HSA is expected to achieve, and the measurable criteria by which that outcome will be judged.

B. Is there a realistic, costed and secure delivery model?

The Outline Application proposed that Natural England's NNR team would manage the HSA. However, this option became uncertain at the appeal in December 2024. To address that uncertainty, the Section 106 provides a management hierarchy, with Natural England as the preferred option, followed by an NGO and then a Management Company.

At the appeal, the appellant advised that communication with Natural England's NNR team was ongoing and that its resource position might change. No current written commitment from the NNR team has been identified, no NGO has been identified, and the July LEMP now anticipates a developer-established Management Company.

The arrangements must go beyond naming a future Management Company. The documents should identify the accountable day-to-day operator and the minimum operating model relied upon by the AA, including routine inspections, public-safety risk assessment and insurance, incident and complaint response, management of gates and fencing, authority to redirect or temporarily restrict access, and coordination of ecological, mowing, hay-cutting and grazing contractors. These functions are particularly important because the Biodiversity HSA must reconcile active public and dog-walking use with specialist grassland restoration and agricultural management.

Ownership and management also need to be distinguished. The executed Section 106 records the application land as divided between the trustees of the Tony John Hooper Smith Will Trust, under titles WT290630 and WT247389, and Newland Homes Limited, under title WT444419, but neither the deed nor its plans identifies which title contains each HSA area. Schedule 7 paragraph 5.1 provides for transfer of responsibility for management after at least five years; it does not require transfer of the freehold or another controlling interest. The Council should therefore establish who currently owns, and who will own or control, every part of the HSA for the necessary period.

Wiltshire Council had already identified a costed management plan and management responsibility as matters requiring resolution before the outline appeal.

To demonstrate a coherent and enduring delivery structure, the following matters need to be resolved:

1. Confirm the current and intended long-term ownership and legal control of every part of the HSA.
2. Identify the accountable day-to-day operator and any warden, ranger or equivalent site-supervision provision.
3. Secure the operational rights, access, public-safety, insurance, liability and contractor arrangements required to run the HSA.
4. Produce a costed management, recreational-effectiveness monitoring and adaptive-management programme.
5. Determine the indexed annual fee and secure enduring funding, reserves and contingency provision.

The ownership and management structure should also explain whether the land will be retained or transferred, what legal rights enable a separate manager to enter and operate it, how obligations and resources continue following a change of ownership, and what happens if the owner or manager defaults, becomes insolvent or ceases to operate. A planning obligation that binds successors does not by itself demonstrate that a future owner will be willing, competent and adequately resourced.

No complete costed model has yet been identified. The Section 106 bond provides security against specified default; it does not establish the enduring income required for routine operation, public-safety and site-supervision functions, recreational-effectiveness monitoring or adaptive measures. Unless ownership, operation and funding are resolved as one coherent delivery structure, the Council cannot be certain that the HSA will remain safe, attractive, ecologically functional and effective for the necessary period.

C. How will Wiltshire Council know whether mitigation succeeds, and what happens if it does not?

A robust process is required to test whether the mitigation is achieving its intended outcome and to implement corrective action where it is not:

1. Determine success criteria
2. Monitor performance against the criteria
3. Set failure triggers
4. Define the decision-making role and operation of the Section 106 Steering Committee
5. Determine corrective action
6. Draw upon an established, secure funding stream

The July LEMP and HMMP set out extensive habitat-condition monitoring, but this does not determine whether visitors are being successfully diverted from North Meadow. Natural England specifically envisaged visitor surveys to establish whether residents were using the HSA and a steering group capable of agreeing modifications. By comparison, the proposed Hannick monitoring condition expressly requires performance indicators, measurable targets, reporting procedures and remedial measures where the identified objectives are not met.

We have not identified an equivalent mechanism for determining whether the recreational mitigation is underperforming and, if so, triggering and funding corrective action. It is also unclear whether the Section 106 Steering Committee will operate during the initial five-year period, when Newland and/or the Management Company will be responsible and when any underperformance is first likely to become apparent.

D. Is the mitigation secure for the necessary duration?

The duration of the mitigation is not expressed consistently across the latest documents. The HMMP, LEMP and Section 106 contain differing 30-year, 80-year and perpetuity formulations. The AA needs to be based on one coherent understanding of what continues, for how long, who delivers it and how it is funded.

Condition 16 requires the approved HSA to be implemented before first occupation and thereafter maintained for the lifetime of the development. That needs to be reconciled with the Section 106 Maintenance Period and the differing 30-year, 80-year and perpetuity formulations in the current management documents.

The obligations must continue to bind successors in title and remain effective where the appointed manager changes, defaults or ceases to operate.

If the development continues to generate recreational effects beyond the secured Maintenance Period, what legal and financial mechanism ensures the mitigation continues to operate?

E. Wider effects: neighbouring development and hydrology

In combination effects

The Mac Mic development of 315 dwellings and the Bloor development of 49 dwellings are sufficiently large and close to the Newland HSA that cross-use of the respective recreational mitigation areas could materially influence the visitor-behaviour assumptions on which each scheme relies (see Appendix 2).

We have not identified an assessment of whether residents of adjoining developments are likely to use the Newland HSA, whether this could affect its capacity or attractiveness to Newland residents, or whether connections between the mitigation areas could alter movement towards North Meadow.

The recently submitted Bellway documents acknowledge the potential for recreational connectivity with the adjoining Hannick scheme and compare the respective mitigation offers. They do not, however, assess likely cross-use, combined recreational capacity or how a connected network would influence movement towards North Meadow or use of the Newland HSA. We have not identified an equivalent assessment of the interaction between the Newland, Mac Mic and Bloor mitigation schemes.

The Hannick officer report prepared for the 12 August 2026 committee further illustrates the need for a current and transparent in-combination assessment. Its quantified discussion identifies Hannick, Bellway, Bloor and the Ashton Keynes holiday-lodge scheme, totalling 211 units, but does not identify Newland or Mac Mic within that calculation. The Newland Appropriate Assessment should therefore state expressly which relevant plans and projects have been included, the dwelling or accommodation totals used, and the reasons for excluding any apparently relevant scheme.

Wiltshire Council's Bellway Appropriate Assessment dated 5 August 2026 records Natural England's advice that residential growth within the 0–4.2 km Inner Zone of Influence significantly exceeds that anticipated when the NMIMS was prepared. It also identifies Newland, Mac Mic, Bloor and Hannick among the relevant plans and projects. The Newland AA should therefore identify the current scale of relevant planned and permitted development, state transparently which plans and projects have been assessed, and explain whether the strategic assumptions underlying NMIMS remain applicable. This should be confined to plans and projects legally relevant to the in-combination assessment at the date of the AA.

Hydrology effects

North Meadow is a floodplain meadow whose qualifying habitat depends upon an appropriate hydrological regime. The SAC conservation objectives require the maintenance or restoration of the supporting processes upon which the qualifying habitat relies.

The Environment Agency response dated 26 February 2026 identified unresolved questions concerning floodplain storage and drainage. The applicant has indicated that the detailed FRA and Drainage Strategy required by Condition 14 would be submitted after determination of the Reserved Matters application. The Council should establish whether any of those deferred matters are necessary to exclude adverse effects on the water levels, water quality or hydrological processes supporting North Meadow SAC.

The current status of the Environment Agency objection should also be confirmed, including whether it has been withdrawn or superseded following the July amendments.

5. What the Court Leet is asking Wiltshire Council to do

Before determining the Reserved Matters application and reaching a favourable Appropriate Assessment, we ask Wiltshire Council to ensure that:

- the final HSA scheme is internally consistent and enforceable;
- its required recreational outcome and behavioural basis are demonstrated;
- the current and intended long-term ownership and legal control of the HSA, together with the managing body's operational rights and liabilities, are identified and secured;
- the accountable day-to-day operator, public-safety and wardening arrangements, and costed enduring funding model are established;
- recreational-effectiveness monitoring, failure criteria and funded corrective mechanisms are secured from first occupation;
- the duration and legal security of the mitigation are reconciled;
- in-combination and hydrological uncertainties are satisfactorily addressed; and
- matters necessary to demonstrate mitigation effectiveness for the current Appropriate Assessment are resolved before determination and are not deferred solely to subsequent discharge of conditions.

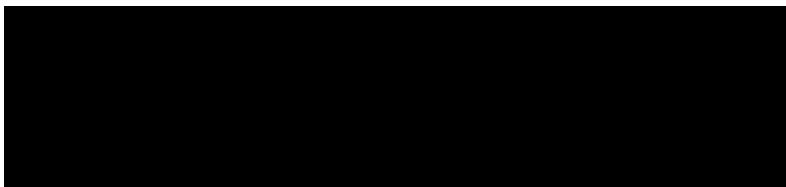
Appendix 1 identifies the detailed outstanding matters and the evidence upon which each concern is based.

6. Conclusion

The Court Leet is not suggesting that every aspect of the mitigation remains unresolved. Significant additional detail has now been provided, particularly in relation to habitat establishment and management. The outstanding difficulty is whether the complete package has yet demonstrated that the mitigation will achieve its HRA purpose and whether a coherent long-term structure for ownership, operational management, funding, monitoring and corrective action has been secured.

On the information presently available, we do not consider that those assurances have yet been demonstrated sufficiently to support a favourable Appropriate Assessment. We therefore ask the Council to obtain and assess the information necessary to resolve the matters identified in Appendix 1 before determining the Reserved Matters application.

Yours sincerely,



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

John Barratt BSc (Hons) Env Sci
Court Hayward

Copies to:

Niall Machin - Ecology Manager, Wiltshire Council
Cllr Adrian Foster — Cabinet Member for Strategic Planning, Development Management and Housing
Cllr Mark Clarke - Chairman Cricklade Town Council
Cllr Nick Dye — Wiltshire Councillor for Cricklade and Latton and Portfolio Holder for Flooding and Water Quality
Dr Roz Savage MP - South Cotswolds constituency (Case Ref: RS6167)
Nick Squirrell - Senior Officer Conservation and Planning, Natural England
Charlotte Targett - Senior Reserve Manager, Natural England

Appendices:

1. Outstanding HRA Issues Schedule
2. Map showing the Newland, Mac Mic and Bloor development cluster, totalling 504 dwellings, in relation to North Meadow SAC.

Development and application references:

1. **Newland** — Stones Farm, 140 dwellings: Reserved Matters PL/2026/00347, pursuant to outline permission PL/2022/02452.
2. **Mac Mic** — Land North and South of Stones Lane and North of Malmesbury Road, 315 dwellings: PL/2026/02134.
3. **Bloor** — Land off Common Hill, 49 dwellings: PL/2021/10404.
4. **Hannick** — Land south of The Forty and north of Chelworth Road, up to 49 dwellings: PL/2023/10331.
5. **Bellway** — Land north-west of the B4553, 43 dwellings: PL/2025/07863.

References:

1. Natural England, North Meadow, Cricklade SSSI — Condition of Features, accessed 3 August 2026.
2. Ecological Planning & Research Ltd (2023), *North Meadow, Cricklade Visitor Questionnaire Survey*.
3. Liley, D. (2019), *Impacts of urban development at Burnham Beeches SAC: update of evidence and potential housing growth*. Unpublished report by Footprint Ecology for Chiltern and South Bucks Councils.
4. The application documents, consultation responses and legal documents supporting the detailed outstanding issues are identified in Appendix 1.

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

Appendix 2 – Newland, Mac Mic and Bloor development cluster:
504 dwellings in relation to
North Meadow SAC

