

Regulatory Committee - 04 February 2020

Creation and management of 3 no. wildlife ponds on farmland as part of the Warwickshire, Coventry and Solihull great crested newt conservation strategy, Oversley Hill Farm, Oversley Green, Alcester, B49 6LR.

SDC/19CC016

Application No.: SDC/19CC016

Advertised date: 19 December 2019

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Registered by: The Strategic Director for Communities on 13 December 2019

Proposal: To create and manage 3 no. wildlife ponds on farmland as part of the Warwickshire, Coventry and Solihull great crested newt conservation strategy.

Site & location: Oversley Hill Farm, Oversley Green, Alcester, B49 6LR.
[Grid ref: 411138.256416].

See plan in Appendix A

Recommendation

That the Regulatory Committee authorises the grant of planning permission for the creation and management of 3 no. wildlife ponds on farmland as part of the Warwickshire, Coventry and Solihull great crested newt conservation strategy at Oversley Hill Farm, Oversley Green, Alcester, subject to the

conditions and for the reasons contained within Appendix B of the report of the Strategic Director for Communities.

1. Application details

- 1.1 The application seeks planning permission for the creation of three wildlife ponds on farmland to the south of the A46 Stratford Road. The ponds would be created as part of the Warwickshire, Coventry and Solihull great crested newt conservation strategy.
- 1.2 The aim of the strategy is to create and increase the amount of high-quality aquatic and terrestrial habitat which would be achieved by creating and or restoring habitat in strategic locations where there are known newt populations; good newt habitat and connectivity, thereby extending the range and amount of good habitat for newts.
- 1.3 The habitats created as part of the strategy are designed to compensate for development impacts on great crested newts in advance of impacts occurring in locations beyond the application site. The new habitats would deliver long-term net gain for the species by securing all habitat enhancements through 30-year agreements.
- 1.4 The three ponds proposed at Oversley Farm are close to known great crested newt populations. The ponds would be surrounded by and linked to good terrestrial habitat for newts, including the extensive area of woodland, hedgerows and meadow grassland which provide good resting; sheltering and foraging habitat for great crested newts. Creation of the ponds would also have the benefit of increasing the biodiversity value of the site for other species including amphibians, invertebrates, birds and reptiles.
- 1.5 It is proposed that the ponds would be excavated by a 360° excavator with the work undertaken during the winter 2019/20. The clay ground would be puddled to eliminate pores and cracks and impede drainage. The ponds would be allowed to fill naturally by rainfall and surface water run-off.
- 1.6 Pond A would be located within an area of some 84 m². The site lies in a narrow strip of scrub habitat between an arable field; the route of Public Right of Way (PRoW) AL37a and the bank and ditch on the eastern edge of Oversley Wood. The pond area would be cleared of existing dense scrub vegetation and the existing hollow area excavated to a depth of 0.3 metre. The pond would be puddled with clay and allowed to fill with rainwater draining from Oversley Wood. The resultant spoil amounting to approximately 20m³ would be used to close off the ends of the hollow to retain the pond and to form a bund to a maximum height of 1.0 metre adjacent to the PRoW (AL137a) which would be seeded with a wildflower mix. No trees would be removed to create the pond. The pond would not extend beneath the canopy area

of nearby trees and for this reason would not have an impact on the roots of those trees.

- 1.7 Pond B would be located approximately 24 metres to the south of the junction of the two PRow (AL37 and AL37a). An area of some 78 m² would be excavated to a depth of up to 0.5 metre. The margins of the pond would have a shallow gradient to maximise the bare muddy margins which would be exposed as water levels recede. There would be a limited amount of spoil created. The excavated soil would be spread on the adjacent arable field covering an area of approximately 122m². The area of the scrape would not be planted but allowed to be naturally colonised by both terrestrial and aquatic species as it settles. Green hay taken from a local species-rich grassland would be spread around the pond margins to create a grassland buffer strip to provide amphibian habitat.
- 1.8 The pond would be slightly down slope from Oversley Wood and would be naturally filled by surface water run-off from the wood and by rainwater. No trees would be felled to create the pond.
- 1.9 The pond would be linked to other ponds in the area by Oversley Wood and the hedgerow between Oversley Wood and Alcock's Arbour, allowing wildlife to move between the different water bodies and to forage and migrate to hibernation areas.
- 1.10 Pond C would be located in an area to the south-east of Oversley Wood. This area was part of a large arable field, set aside during the 1980s and reverted to grassland. The site of the pond is currently poor semi-improved grassland within a clearing in an area of young native trees planted by the owner in 2005. The ground in the clearing is on a gentle slope on the south-western side of a small hill with a natural hollow which would be deepened to create the pond. The pond would be free of tree cover.
- 1.11 The pond would have an area of some 135 m² with gently sloping margins to provide areas of shallow water and a maximum depth of 1.5 metres. The pond would naturally fill with rainwater and with run-off from the adjacent land.
- 1.12 The vegetation would be stripped from an area measuring approximately 91 m² on the north-east side of the pond. Some of the topsoil from the proposed pond would be spread over the stripped area. The remainder of the excavated soil would be used to create a bund no more than 1 metre in height and 1 to 4 metres in width on the south-west side of the pond. The combined area of the pond and the adjacent area of excavated soil would amount to approximately 328 m². Green hay taken from a species-rich grassland or a wildflower seed mix would be spread over the bund and the stripped area to the side of the pond to create wildflower grassland.

- 1.13 The three ponds would be monitored after their construction to ensure they become established and provide the intended habitat. Management of the ponds would be required initially to prevent algal growths or invasion by competitive plants which may colonise new ponds. The ponds are not to be stocked with fish which would predate great crested newts.
- 1.14 The applicant advises that in the longer term, management of the ponds would potentially require thinning of aquatic plants every 5 years and dredging to remove excess leaf litter. This is particularly the case for Pond A which would be partially shaded by trees from Oversley Wood. No trees overhang Pond B or Pond C so the accumulation of leaf litter would be expected to be less. The need for dredging would be reviewed after 10 years and every 10 years thereafter.

2. Consultation

- 2.1 **Stratford District Council – Planning:** No comments received.
- 2.2 **Stratford District Council – Environmental Health:** No comments received.
- 2.3 **Alcester Town Council:** The Town Council is keen to support the creation and restoration of habitats to encourage and enhance biodiversity. It is pleased that the ponds and the surrounding habitats will be managed for their long-term ecological importance, particularly with respect to Great Crested Newts. It understands that this proposal will contribute to the Pond Local Biodiversity Action Plan for Warwickshire, Coventry and Solihull.
- 2.4 **Councillor Mark Cargill:** No comments received by 21 January 2020.
- 2.5 **WCC Flood Risk and Water Management:** No comments received.
- 2.6 **WCC Highways:** No objection.
- 2.7 **WCC Archaeology:** No comment to make.
- 2.8 **WCC Ecology Services:** No objection subject to the attachment of a condition for a Construction and Environmental Management Plan; a condition relating to Biodiversity Net Gain and notes to be attached relating to brown hare, reptiles and amphibians and a general trench note.
- 2.9 **WCC Rights of Way Team:** No objection, subject to a condition requiring a gap of at least 2 metres between the edge of the pond and the edge of the public footpath. In addition it is requested that advisory notes be added to any consent.

2.10 4 site notices posted – 18 December 2019

2.11 Press notice posted on - 19 December 2019

3. Representations

3.1 No comments have been received at the time of writing.

4. Previous Planning History

4.1 There is no previous planning history for the application site.

5. Assessment and Observations

Location

5.1 Oversley Hill Farm lies just over a kilometre to the south-east of Alcester. The farm is bisected by the A46 Stratford Road. The farmhouse and farm yard are located to the north of the A46 while the site for the 3 proposed wildlife ponds are located to the south of the A46. To the west of the application site is the large ancient woodland of Oversley Wood which is owned by the Forestry Commission.

5.2 Public Right of Ways (PRoW) numbered AL37a (The Arden Way) and AL37 run north to south along the eastern edge of the Oversley Wood in the vicinity of the application site. The two footpaths diverge at a point between the location of Pond A and Pond B, with footpath AL37 running west to east along a field boundary before turning north towards the A46.

Planning Policy

The National Planning Policy Framework (NPPF)

5.3 The NPPF February 2019 explains that there is a presumption in favour of sustainable development and that planning applications for development proposals which accord with the development plan should be approved without delay.

5.4 The NPPF states that the planning system has three overarching objectives; economic, social and environmental which are interdependent and need to be pursued in mutually supportive ways. Planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area.

- 5.5 Chapter 15 of the NPPF relates to conserving and enhancing the natural environment. Paragraph 174 states that plans should protect and enhance biodiversity by the promotion of conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species and by identifying and pursuing opportunities for securing measurable net gains for biodiversity. Paragraph 175 (d) continues by stating that development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.

The Development Plan

- 5.6 The Development Plan relevant to the proposal in this case consists of the Stratford-on-Avon District Council Core Strategy (Adopted July 2016). Therefore, the application should be determined (as required by Section 38(6) of the Planning and Compulsory Purchase Act 2004) in accordance with those policies unless material considerations indicate otherwise.

Stratford-on-Avon District Council Core Strategy (Adopted July 2016)

- 5.7 **Policy CS.1 Sustainable Development:** requires that all development proposals should contribute towards the character and quality of the District and to the well-being of those who live and work in and visit the District.
- 5.8 **Policy CS.6 Natural Environment:** states that proposals will be expected to minimise impacts on biodiversity and where possible to secure a net gain in biodiversity by safeguarding and, where possible, enhancing existing habitats. In addition proposals should make provision, where appropriate, for measures that will secure the creation and management of additional habitats, to strengthen networks of habitats, to foster landscape scale conservation in line with identified opportunities and priorities, to address the priorities of the Local Biodiversity Action Plan and to support an increase in the local populations of species of principal importance.
- 5.9 **Policy CS.7 Green Infrastructure:** states that
- A) the existing Green Infrastructure network in the District will be promoted through the principles of protection, enhancement, restoration and creation.
 - B) the availability of open spaces, waterways and other green infrastructure features will be maintained and improved as a contribution towards: including - quality of life and attractive communities; biodiversity and the provision of habitats.

- 5.10 **Policy AS.10 Countryside and Villages:** This policy applies to all parts of the District apart from those which lie within the Built-Up Areas Boundaries defined for Stratford-upon-Avon and the Main Rural Centres. In order to help maintain the vitality of rural communities and a strong rural economy, provision will be made for a wide range of activities and development in rural parts of the District. In order to help maintain the vitality of rural communities and a strong rural economy, provision will be made for a wide range of activities and development in rural parts of the District. All proposals will be thoroughly accessed against the principles of sustainable development, including the need to minimise impact on the character of the local landscape, communities and environmental features.

Amenity and Environmental Issues

Visual Impact

- 5.11 The sites of the ponds are currently an area of open field; a scrubby hollow and a grassy hollow. The three ponds would be shallow features with associated raised bunds no more than 1 metre in height. The development would not have an adverse impact on the appearance of the area. There are no residential properties within the vicinity of any of the three ponds that would be impacted by the development.

Highway and Public Right of Way Issues

- 5.12 The application site is accessed via an unclassified rural lane leading from Trench Lane to the north of A46 Stratford Road. The single-track rural lane passes under the A46 and leads to Oversley Wood Car Park and the PRow AL37a also named The Arden Way.
- 5.13 The applicant has indicated that the excavation work required for the creation of the ponds would be carried out with the use of a 360° excavator. There are no materials to be imported to the site. In addition, no excavated material would be removed from the site as excavated soil would be used to create bunds on site or to be spread in the vicinity of the ponds.
- 5.14 The Highway Authority raised no objection to the proposed development.
- 5.15 Pond A and Pond B are both located adjacent to the PRow AL37a and AL37. Pond A is proposed to have a bund along the eastern edge of the pond which would retain water in the pond and create a separation between the pond and the public right of way to ensure there is no adverse impact on the footpath.
- 5.16 Pond B is proposed to be located within the area of the field to the east of PRow AL37a. A line of trees stands along the western edge of the

field separating the footpath and the field. There would be no adverse impact on the footpath following the creation of the pond.

- 5.17 The Warwickshire County Council Rights of Way Team commented that the route of footpath AL37a in the proximity of Pond B appears to have deviated slightly from the route shown on the definitive map, but that the deviation is considered de minimis. The existing track to the west of the line of trees appears to be the route currently in use by walkers and it is not considered necessary to legally divert the public footpath onto the existing track to enable construction of Pond B. The Rights of Way Team confirmed that there is no objection to the proposed pond construction subject to the inclusion of a planning condition requiring a gap of at least 2 metres to be retained between the edge of both Pond A and Pond B and the edge of the footpath.

Ecology

- 5.18 The applicant informed that long-term survival of great crested newts is dependent on the persistence of viable meta-populations (a group of spatially separated populations of the same species which interact at some level). Clusters of ponds in an extensive, well connected landscape are much more important for the long-term viability of the species than larger, but isolated populations. Newt movements are fairly limited with most individuals rarely moving more than a few hundred meters from the breeding pond. Some individual newts do however travel over a kilometre. It is the movement of these individuals that ensures the maintenance of the meta-populations and genetic diversity. For this reason, breeding ponds need to be reasonably close to other ponds which act as 'stepping stones' and allow great crested newt populations to shift around the landscape in terms of both location and over time as ponds change their suitability for both breeding and foraging.
- 5.19 The three wildlife ponds are proposed to be created within an area containing high quality terrestrial habitat for great crested newts, including the extensive area of woodland, semi-improved grassland managed for hay and hedgerows. These habitats provide foraging, shelter and hibernation opportunities for newts throughout the year. They also would provide good connectivity between the proposed ponds and the existing ponds in the area.
- 5.20 The County Ecologist commented that there are records of invertebrates, bats, badger, brown hare, slow worm and grass snake in the area surrounding the sites for the ponds. In addition, there is nesting bird habitat. A planning condition is recommended requiring submission and approval of a Construction and Environmental Management Plan (CEMP). The CEMP should include pre-checks for badger and checks for nesting birds if the works are not undertaken outside the bird nesting season.

- 5.21 A survey would normally be required for slow worm on the site of Pond A, but the site is prone to waterlogging and would not therefore provide suitable hibernation habitat as such species hibernate underground or under cover preferably in warm, well drained and frost-free locations. For this reason, a survey is not required. However, it is recommended that a method statement of works for slow worm is included as part of the CEMP.
- 5.22 There are two existing ponds in the area to the east of the site of Pond C. The County Ecologist has recommended a great crested newt eDNA survey of the ponds be undertaken to determine whether or not great crested newts are present. However, it is considered that as the proposed development is specifically for the creation of habitat for great crested newts and there is known to be suitable habitat in the locality, the eDNA survey would not provide additional information that is necessary to determine this application. It is recommended that the CEMP should include a working method statement for great crested newts to ensure that the protected species is not harmed during the construction of the ponds.
- 5.23 The County Ecologist also recommended a condition to secure the delivery of net biodiversity gain measures and a management and monitoring plan to ensure that the biodiversity net gain measures are maintained for a minimum of 30 years.

Heritage

- 5.24 The Conservation Area and the Listed buildings in the village of Upton are over 1.3 kilometre from the location of pond A. The closest listed buildings; Rollswold Farmhouse and the stable and barn to the south-east of the farmhouse, are located approximately 1 km to the east of the application site. Given the separation distances and the minor scale of the proposed development, there is no impact on heritage assets as a result of the proposed pond creation.

6. Conclusions

- 6.1 The proposed development would create suitable habitat for great crested newts; provide good connectivity between the proposed and existing ponds and enhance biodiversity in the locality. The creation and maintenance of the ponds would compensate for impacts on great crested newts as a result of development elsewhere in the County.
- 6.2 The proposed development is considered to accord with the aims of the NPPF and Policy CS.6 of the Development Plan to increase net biodiversity and for this reason is recommended for approval subject to the recommended conditions.

7. Supporting Documents

7.1 Submitted Planning Application – Planning reference SDC/19CC016

7.2 Appendix A – Map of site and location.

7.3 Appendix B – Planning Conditions.

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