

Regulatory Committee - 04 August 2020

Creation and management of 2 no. wildlife ponds and butterfly bank on farmland as part of the Warwickshire, Coventry and Solihull great crested newt conservation strategy, Forest of Hearts, Gospel Oak Lane, Pathlow, Stratford upon Avon, CV37 0JA.

SDC/20CC003

Application No.: SDC/20CC003

Advertised date: 11 June 2020

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Registered by: The Strategic Director for Communities on 4 June 2020

Proposal: To create and manage 2 no. wildlife ponds and butterfly bank on farmland as part of the Warwickshire, Coventry and Solihull great crested newt conservation strategy.

Site & location: Forest of Hearts, Gospel Oak Lane, Pathlow, Stratford upon Avon Cv37 0JA
[Grid ref: 259152.419227].

See Appendix A

Recommendation

That the Regulatory Committee authorises the grant of planning permission for the creation and management of 2 no. wildlife ponds and butterfly bank on farmland as part of the Warwickshire, Coventry and Solihull great

crested newt conservation strategy at Forest of Hearts, Gospel Oak Lane, Pathlow, Stratford upon Avon, subject to the conditions and for the reasons within the **Appendix B**.

1. Application details

- 1.1 The application seeks planning permission for the creation of two wildlife ponds, soil spreading and a butterfly bank from pond excavations and the enhancement of grassland in an area of 1.5 hectares in a 2-hectare (ha) field to the north of Gospel Oak Lane, Pathlow. The actual works cover an area of 0.7ha. The plan accompanying the planning application shows indicative proposals for a future orchard on the western side of the site and native tree planting outside the northern application boundary.
- 1.2 Forest of Hearts (FOH) is a charity promoting accessible and sustainable agroforestry or a “Forest Garden” which exists for the enjoyment, education, volunteering and supports good causes. It has plans to create an edible garden at Stratford which can be a community asset and a place of peace and tranquillity. The ponds and butterfly bank are part of a biodiversity offset scheme with WCC that also includes the enhancement of the existing species poor grassland to a Lowland Meadow BAP priority grassland. The biodiversity offset land is owned by the FOH and the scheme will be managed by the FOH. Other schemes planned by FOH, including the edible garden and fruit tree planting, will be carried out on adjacent land that they own.
- 1.3 The ponds and other proposals would be created as part of the Warwickshire, Coventry and Solihull great crested newt conservation strategy. 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 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.
- 1.4 The habitats created and restored 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.
- 1.5 The two ponds proposed at Forest of Hearts are close to a known great crested newt population. The ponds would be surrounded by and linked to good terrestrial habitat for newts, including woodland, hedgerows, semi improved grassland and a belt of trees along Gospel Oak Lane 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.

- 1.6 It is proposed that the ponds would be excavated by a 360⁰ excavator with the work undertaken over one to two days in Autumn 2020. The clay ground would be puddled to eliminate pores and cracks and further impede drainage. The ponds would be allowed to fill naturally by rainfall and surface water run-off.
- 1.7 Pond A would be located within the south west corner of the field covering an area of some 200 m². A 1m high bund would be created on the western side of the pond using some of the excavated pond soils and would be either seeded with a wildflower seed mix or covered by green hay. The pond area would be cleared of existing dense scrub vegetation and excavated to a depth of 1.5 metres. The margins of the pond would be gently sloping to provide areas of shallow water. The pond would be puddled with clay and allowed to fill with rainwater and surface water run-off. 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.
- 1.8 Pond B would be located further east near the southern boundary of the field and would cover an area of 308 m². The pond area would be cleared of existing dense scrub vegetation and excavated to a depth of 1.5 metres. A 1m high bund would be created on the western side of the pond covering an area of 76 m² using some of the excavated pond soil and would be either seeded with a wildflower seed mix or covered by green hay. Some of the margins of the pond would be sloping to provide areas of shallow water but the deepest part at the southern end could facilitate a potential future pond dipping platform to be developed by others in the future.
- 1.9 The pond would be naturally filled by surface water run-off from the field and by rainwater. No trees would be felled 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.
- 1.10 The proposals also include a 1m high, 80m long butterfly bank which would be constructed from subsoil excavated from the ponds and located along part of the northern boundary of the site using a mini digger. Twenty tonnes of crushed stone would be imported and spread to create a 2-metre-wide bare ground buffer either side of the bank. The bank would be spread with green hay or wildflower seed mix suitable for butterflies.

- 1.11 There is an indicative area covering 67m by 12m (approx.) shown on the plans on the western side of the site to be developed as a future orchard. Topsoil from the pond excavations would be spread over the orchard area to facilitate future planting by others later. Any surplus soils from the excavations not used in construction of the bunds and bank would be spread using a dumper truck to a depth of 100mm on the eastern side of the field.
- 1.12 The two 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. The applicant advises that in the longer term, management of the ponds would potentially require thinning of aquatic plants every 5 years.
- 1.13 The bunds and the bank would be managed by ensuring that they do not become overgrowth with tall vegetation and scrub. The existing poor semi-improved grassland would be enhanced by sowing, spreading green hay and long-term management by hay cutting and grazing.

2. Consultation

- 2.1 **Stratford District Council – Planning:** No objection
- 2.2 **Stratford District Council – Environmental Health:** No comments received at the time of writing
- 2.3 **Snitterfield Parish Council:** No comments received at the time of writing.
- 2.4 **Councillor Anne Parry:** No comments received at the time of writing.
- 2.5 **Environment Agency:** No comments
- 2.6 **Natural England:** No objection.
- 2.7 **WCC Flood Risk and Water Management:** No objection
- 2.8 **WCC Highways:** No objection.
- 2.9 **WCC Archaeology:** No comment to make.
- 2.10 **WCC Ecology Services:** No objection subject to the imposition of a planning condition requiring the submission and approval of a Construction Environmental Management Plan to cover a number of

matters and notes being attached to the decision notice to deal with amphibians and reptiles and the impact of ground clearance works and ditches on protected species.

2.11 A site notice posted – 11 June 2020

2.12 Press notice posted on – 11 June 2020

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 The site where the development is proposed lies 2 kms west of the village of Snitterfield and off an unmade track leading from Gospel Oak Lane. The site lies within an existing field which is not classified as best and most versatile agricultural land (Grades 1, 2 and 3a). The unmade track forms the western boundary of the site and fencing the eastern boundary. The northern boundary of the planning application site is not defined on the ground lying between 12m -19m from the northern fence line and the line of the unmade track. The southern boundary is also undefined lying between 5m -11m (protecting tree roots and a ditch) to the north of the southern boundary of the field which is partially trees/hedge and a ditch. The site is open and the ground falls gently from the north to the south.

5.2 To the north west of the site lies fields containing two isolated disused Old RAF Buildings/structures and an Old RAF Building next to the access to the site which has been converted into a storage building by FOH and a purple ISO container used by FOH. To the north east of the site (68 metres at its nearest point) and off the unmade track lies a long single storey Old RAF Building which has been converted into four holiday lets together with other structures/storage containers and a concrete apron (The Marsdens). Beyond that lies the existing Snitterfield airfield which is currently used by Stratford on Avon Gliding Club. The Club does not use the unmade track but gains access from Bearley Road to the north. To the east, south and west of the site lies farmland. Stratford Armouries Museum lies 355 metres to the west.

5.3 The site lies within the West Midlands Green Belt.

Planning Policy

The National Planning Policy Framework (NPPF)

- 5.4 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.
- 5.5 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.
- 5.6 Chapter 13 of the NPPF relates to protecting Green Belt land. Paragraph 146 states that certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of providing land within it and this includes b) engineering operations and e) material changes in the use of land. Paragraph 134 says that the Green Belt serves the following five purposes:
- a) To check the unrestricted sprawl of large built-up areas;
 - b) To prevent neighbouring towns merging into one another;
 - c) To assist in safeguarding the countryside from encroachment;
 - d) To preserve the setting and special character of historic towns; and
 - e) To assist in urban regeneration, by encouraging the recycling of derelict and other urban land.
- 5.7 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

- 5.8 The Development Plan relevant to the proposal in this case consists of the Stratford-on-Avon District Council Core Strategy (Adopted July 2016) and the Snitterfield Neighbourhood Development Plan 2011 - 2031 (adopted 24 April 2018). 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)

- 5.9 **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.
- 5.10 **Policy CS.5 Landscape:** states that the character and quality of the District will be maintained by development which minimises and mitigates its impact and where possible, incorporates measures to enhance the landscape.
- 5.11 **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.
- 5.12 **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.
- 5.13 **Policy CS.10 Green Belt:** states that the purposes of the Green Belt will be upheld by resisting inappropriate development within it, except in the cases where very special circumstances are justified in accordance with the provisions of national policy
- 5.14 **Policy CS 12 Special Landscape Area:** The site lies within the Arden Special Landscape Area. The policy states this area will be protected by resisting development proposals that would have a harmful effect on its distinctive character and appearance.

- 5.15 **Policy CS 26 (e)** deals with general aviation activity which is supported at the existing airfield of Snitterfield. The established southern limit of the airfield lies 115 metres to the north of the site.
- 5.16 **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.

Snitterfield Neighbourhood Development Plan (adopted 24th April 2018)

- 5.17 **Policy NE 1 Protection of Natural Features and Other Area of Rich Biodiversity:** states that development should protect and where possible enhance natural features, ecosites, wildlife corridors and other biodiversity rich areas. All developments should incorporate nectar rich plants in their plans. Opportunities to create, enhance and restore adjacent habitats for biodiversity will be encouraged.
- 5.18 **Policy NE 2 Biodiversity and Protection of Individual Species:** states that development will not be supported unless it protects, enhances and/or restores habitat biodiversity. Development will only be supported in areas where rare or vulnerable wildlife or plant species are present, if the conservation status of such species can be maintained.

Policy Considerations

Green Belt

- 5.19 The wording of the national planning policy on protecting the Green Belt accepts that some level of operational development and changes of use can take place within it without causing any harm. This small development is not considered to be inappropriate development in the Green Belt and therefore would not cause harm to the Green Belt. It does not conflict with the five purposes set out in paragraph 5.5 above because it is not built development, it is distant from Stratford and Warwick, it lies in a rural area and will safeguard the countryside. It would preserve the openness because it does not involve built development, it is a development which would be in keeping with the surrounding farmland, it is a small scale operation which can be carried out in a very short period, it will not have an unacceptable adverse impact on visual amenity, it is clearly related to

other terrestrial and aquatic habitats and species, it will enhance the landscape and will increase biodiversity.

Aviation

- 5.20 The construction and future management of this small-scale development would not impact on the operation of the Gliding Club due to the extent and nature of the works and that the purpose of the ponds is not to create a bird hazard risk.

Amenity and Environmental Issues

Neighbouring Property

- 5.21 Within 70 metres of the northern boundary of the site lies a former RAF building which has been converted into four holiday lets. This building is not screened and has open uninterrupted views of the whole site. It is single storey and orientated in a south west-north east direction. The nearest works would be the construction of the butterfly bank while the pond excavations would take place between 175 - 200 metres away. There would be some impacts in terms of visual intrusion, noise and dust however, this is a small-scale development, it would be completed in a few days and would involve machinery and working not dissimilar to some agricultural operations which benefit from permitted development rights. While distance to the works would to some degree mitigate the impacts on the property it would be advisable to impose a planning condition to restrict operations to 8.00am – 5.00pm Mondays to Fridays to minimise the impact of the development.

Landscape

- 5.22 The site lies within the Arden Special Landscape Area in the adopted Local plan and within the Wooded Estate lands landscape character type where the management strategy is to conserve and enhance the overall structure and well wooded character of the landscape. The proposed development has been designed to avoid carrying out works beneath the canopy area of nearby trees. The creation of the new small features of ponds, bank and the grassland enhancement would enhance the landscape qualities of the area after initial construction and therefore would not have an unacceptable adverse impact on the local landscape.

Visual Impact

- 5.23 The ponds and the butterfly bank would be within an open field which is not visible from public roads due to existing vegetation and distance. The construction works however would be visible from the converted building to the north although the ponds at 175 - 200 metres. The works would be carried out over a very short period. The two ponds would be

shallow features with associated raised bunds no more than 1 metre in height. The butterfly bank is long and thin yet no more than 1m in height and would be treated to soften its initial impact and increase its attractiveness to butterflies. The crushed stone spreading either side of the bank would initially change the appearance of a very small part of the field but once laid and treated would eventually blend into the landscape. Considering all the factors it is considered that the development would not have an unacceptable adverse visual impact.

Highway

- 5.24 The application site is accessed via an unmade track leading to Gospel Oak Lane to the south which connects to the A46 to the east and A3400 Birmingham Road to the west. The unmade track continues beyond the site to the north up to the existing Snitterfield airfield and The Marsdens
- 5.25 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. The only materials to be imported is the equivalent of one lorry load of crushed stone for the butterfly bank. No excavated material would be removed from the site as excavated soil would be used to create bunds and a bank or be spread on the site.
- 5.26 The Highway Authority raised no objection to the proposed development.

Ecology

- 5.27 The applicant advises that the 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 'steppingstones' 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.

- 5.28 The two wildlife ponds are proposed to be created within an area containing high quality terrestrial habitat for great crested newts, including woodland, hedgerows, semi-improved grassland and a belt of trees along Gospel Oak Lane. 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.
- 5.29 The County Ecologist has no objection to the proposals subject to the imposition of a planning condition requiring the submission and approval of a Construction Environmental Management Plan (CEMP) covering a number of matters and notes being attached to the decision notice to deal with amphibians and reptiles and the impact of ground clearance works and ditches on protected species.
- 5.30 While there are records of a small local population of great crested newts and possibly some reptile habitat on the site the County Ecologist recommends that a method statement for dealing with GCN and reptiles found on site be included in a Construction Environmental Management Plan (CEMP). The Plan could also cater for carrying out of works during the bird nesting season if that was necessary. Root protection of any of the hedging along the southern ditch course could also be included in the Plan. Where native trees are to be planted then they should form part of a landscape and ecological management plan and this plan should also address the types and numbers of trees to be planted in the future orchard. Information on the green hay to be used, any wildflower seed mixes proposed and instructions for contractors should also be included in the Plan.
- 5.31 The County Ecologist advises that a Biodiversity Impact Assessment (BIA) has been carried out using the DEFRA metric and the proposed works will provide a net biodiversity gain. This gain, their monitoring and management would need to be delivered through the CEMP.

Heritage

- 5.32 The Conservation Areas and the Listed buildings in the villages of Bearley (north west of the site) and Snitterfield (east of the site) are 1.51 kms and 1.83 kms respectively from the site. The closest listed buildings; The Chimney House (grade II) in Bearley and Wyvern and Wolds Cottage and Barn (grade II) are located 1.5 kms from the site. The site is shown in the Warwickshire Historic Environment Record

(HER) as part of RAF Snitterfield, a Second World War airfield. The Planning Archaeologist has no comments to make on the planning application. Given the separation distances, intervening features and the minor scale of the proposed development, there is no impact on heritage assets or their settings as a result of the proposed pond creation and butterfly bank construction.

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. The creation of the butterfly bank and enhancement of the grassland would increase the level of biodiversity in the area.
- 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, is not inappropriate development and therefore will not cause any harm to the Green Belt and would not result in any unacceptable adverse impacts and for these reasons is recommended for approval subject to the recommended conditions.

7. Supporting Documents

- 7.1 Submitted Planning Application – Planning reference SDC/20CC003
- 7.2 Appendix A - Map of site and location.
- 7.3 Appendix B – Planning Conditions.

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