**23/00021/FUL**

**Parcel 7512, Fosseway, Englishcombe, Bath, Bath And North East Somerset**

Reprofiling of land for the purposes of agricultural improvement, biodiversity benefits and landscape screening (Resubmission).

*Objection*

The proposed site of development is a parcel of land associated with the Old Fuller’s Earthworks industrial site, situated within the Bath & Bristol Green Belt and the indicative landscape setting of the World Heritage Site. The parcel of land is closely abutted to the east/south-east by the boundary of the Cotswolds AONB, of which longer-range views can be experienced over the Fuller’s Earthworks from the A367. The built-up, eastern area of the site (which is not included within the development boundary of this planning application) is recognised as a Site of Nature Conservation Interest (SNCI), attached to the SNCI that covers the wider area below the Sulis Down Plateau.

A Public Right of Way (PRoW) is indicated to run through the site on an east-west access below the northern land parcel.

Previous application 10/01774/FUL (though now expired) was granted planning permission for reprofiling and agricultural improvement works to the north and south-eastern land parcels. Further application 18/01068/FUL for similar works to the south-western land parcel was refused on grounds of “unavoidable and irreversible harm to and loss of ecology including priority habitats, grassland with diverse botanical interest, and protected species, and harm to the overall ecological value of land” (see Decision Notice 16/11/2018). At the time, the case officer indicated that the site was “considered to support sufficient ecological interest that it would qualify as a Site of Nature Conservation Interest (SNCI) and may also support UK Priority Species and Habitats” (see Delegated Report 16/11/2018).

As of 2021, the previously permitted land reprofiling works do not appear to have been undertaken, at least on the northern land parcel where the spoil heaps have been retained with adverse impact to the openness and character of the Green Belt, and landscape views within the setting of the World Heritage Site.

We recognise that there is a positive opportunity for the implementation of ecological enhancement works to the site, where existing examples of calcareous grasslands/scrub are of a degraded quality. The planting of a native, species-rich woodland would be positive, although further details are pending clarification regarding the type and mix of trees to be planted.

The success of any enhancement works would be dependent on securing a long-term management plan for the site to ensure it would be appropriately maintained using methods compatible with the specific land requirements. For instance, the proposed “hay meadow management” would require regular mowing at certain times of year, and we recommend this should be consolidated in an accompanying Landscape Ecological Management Plan.

Regardless of this, we maintain strong concerns regarding the proposed use of the existing “historic earth mounds” on the site to reprofile the northern land parcel, despite a lack of appropriate accompanying assessment regarding the content of the earth mounds and any potential contamination. There is no indication that the earth mounds would be suitable for the proposed reprofiling and ecological enhancement works, and any spreading of contaminated material would be contravening the objectives of this proposal for ecological improvements and creation of habitat. We are in strong agreement with the scientific officer with regards for the urgent need of an Investigation and Risk Assessment to determine the nature and extent of contamination, as well as a Remediation Method Statement to outline how any on-site contamination would be treated. However, this information should be provided as part of the full application as a critical consideration to assess the extent of contamination and whether the proposal would be feasible, rather than being requested by a Condition of any consented proposals. This is not a logical process.

Furthermore, it is unclear as to how works would affect the ecological value of adjacent sites and habitats within the SNCI; in particular, the consideration of alternate sites for the provision of Skylark habitat in association with the Sulis Down development site (see 22/02169/EOUT) has included the site of Fuller’s Bank, directly to the south of the Old Fuller’s Earthworks. The success of any ecological improvement works is dependent on the consideration of wider landscape character and value, such as neighbouring habitat types, quality, and recorded species in an area, and we are therefore concerned that the proposals appear to be considered as a standalone scheme rather than accounting for any potential impact on, or change to, neighbouring sites within the landscape setting of a SCNI and the Cotswolds AONB. The submission of an up-to-date Ecological Impact Assessment is strongly recommended to better outline the status and condition of existing habitats on and around the site and how these would be retained and demonstrably enhanced.

This application does not provide sufficient detail to demonstrate that proposals would not cause harm to the openness of the Green Belt, or would not have an adverse impact on the special landscape qualities of the AONB. There is further insufficient information to ensure that development would conserve and increase the ecological value of existing habitats.

The application would be contrary to Sections 13 and 15 of the NPPF, and Policies B1, BD1, SD1, CP6, NE2, NEA, NE3, NE4, and NE5 of the Core Strategy and Placemaking Plan.

We therefore maintain that the reasons for refusal given under application 21/02813/FUL remain unaddressed, and this application should therefore be refused on the same grounds.