

APPEAL STATEMENT

IN RESPECT OF THE PLANNING AND HERITAGE ISSUES RELATING
TO THE DEVELOPMENT OF LAND AT GREGORY FARM, BROCKWEIR,
CHEPSTOW

On behalf of:
Acerbic Ltd

References:
LPA: P1102/16/FUL
Planning Heritage: 1719

June 2017



PLANNING HERITAGE

Conservation Planning Consultancy

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Planning Heritage Ltd is instructed by and to act on behalf of Acerbic Limited, to pursue an appeal with regard the refusal of the application relating to the land at Gregory Farm. The following statement has been written by Mr Gregory Beale MSc, BA(Hons), Dip TP IHBC, MRTPI, Director at Planning Heritage Limited. I hold a Master of Science in the Conservation of Historic Buildings, an honours degree in the Bachelor of Arts in Planning Studies and a Graduate Diploma in Town Planning. I was formerly the Avon county representative on the South West Committee of the IHBC and subsequently held a co-opted position as Private Practice Representative on that same committee. I have organised an annual IHBC School and given seminars both to the IHBC SW Branch and private practices on heritage planning related topics. I have since stepped down from the SW committee.

From 1992 to 1995 I worked at Mendip District Council where I worked on many aspects of the historic built environment. From 1995 to 1996 I worked for Northavon District Council as the Buildings at Risk Officer within the Conservation Team. Following Local Government reorganisation I was employed by South Gloucestershire Council as the Planning (Listed Buildings) Officer where, amongst other duties, I was responsible for assessing buildings for listing and delisting, reviewing the Statutory List of Buildings of Special Architectural or Historic Interest, the Local List and I also assessed a number of Conservation Areas, organised the monthly Conservation and Design Advisory Panel, ran the Historic Buildings Grant scheme as well as advised the planning department on listed building applications and acted as an expert witness at appeal.

In 2006 I joined CgMs Consulting where I was promoted to Associate Director within the Historic Building team. My role included the research, assessment and submission of justifying statements for numerous historic buildings, represented clients at all levels of the appeal process and advised on all aspects of the planning legislation with regard to listed buildings and conservation areas. My work at CgMs also included the assessment and production of Conservation Area Character Appraisals for Local Authorities.

In July 2009 I left CgMs and worked for the Heritage Planning Practice, a small conservation consultancy. In July 2013 I formed Planning Heritage a bespoke planning consultancy focusing upon the historic built environment for both private and public sector clients.

SUMMARY

A revised application has been made for the redevelopment of the former oil depot and HPPA site at Brockweir, Gloucestershire. The development proposes 9 houses and two flats.

This Statement, in conjunction with the accompanying Design and Access Statement, and Impact on Heritage Assets report, demonstrates that the proposals are appropriate for the Site and that the scheme has been designed so as to mitigate the Council's reasons for refusal of the previous redevelopment proposals submitted pursuant to application reference P1543/14/FUL.

The proposal is for the same quantum of development but the design and materials have been amended following discussion with planning and conservation officers of the Council and Historic England. The proposals are also accompanied by relevant planning policy justification in this Statement and by an assessment of their impact on the setting of the adjacent Listed building and the Brockweir Conservation Area.

The development proposals accord with national planning guidance and local planning policy; are appropriate for the Site and would cause no detrimental harm to either the setting of the adjacent listed building or the significance of the Conservation Area.

Furthermore, the proposal will regenerate a derelict and vacant plot in an important location within Brockweir and the wider Conservation Area. It will introduce required housing provision.

Overall, the proposal represents an important new development in Brockweir that very much accords with the Local Plan and is one that should be granted planning permission without delay in accordance with the presumption in favour of sustainable development

1.0 INTRODUCTION

- I.1 Acerbic Ltd. has submitted a Section 78 Appeal in relation to the refusal by the Local Planning Authority, Forest of Dean District Council (FoDDC) of planning application reference P1102/16/FUL.
- I.2 A detailed planning application was submitted to on 30 August 2016 for the:
Erection of 9 houses and 2 flats on land formerly used as an oil distribution depot and a horse and pony sanctuary.
- I.3 The application was recommended for refusal by officers and reported to the Planning Committee on 13 December 2016 where it was minded to be refused, following Sites Inspection visit by the Council on 6 December 2016. The decision was issued on the 14 Dec 2016, enclosed at Appendix 1.

Appendix 1: Decision Notice P1543/14/FUL

- I.4 Members of the Committee agreed with the officer recommendation and the Decision Notice (enclosed at Appendix 2) dated 10 March 2017 provides three reasons for refusal:
- i) *'the proposed development by virtue of its height, scale and prominence, fails to take proper account of and, causes substantial harm to the significance of the Brockweir Conservation Area and former mill building. In addition causes less than substantial harm to the Grade II* listed Malt House. It is considered that there are no substantial public benefits that outweigh the harm. As a consequence the proposed development fails to preserve or enhance the setting of the nearby listed buildings and the character or appearance of the Conservation Area, as required under sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and is contrary to Section 12 of the National Planning Policy Framework and Policy CSP.1 of the Core Strategy.'*
 - ii) *'insufficient information has been submitted to demonstrate that the proposed development would not have an unacceptable impact upon the biodiversity and ecology of the area contrary to the National Planning Policy Framework and Policy CSP.1 of the Core Strategy.'*
 - iii) *'insufficient information has been submitted to demonstrate that acceptable and improved drainage facilities can be achieved to avoid unacceptable risk of flooding contrary to the National Planning Policy Framework and Policy CSP.1 of the Core Strategy.'*
- I.5 A draft Statement of Common Ground (SOCG) has been prepared by the Appellant and is enclosed at Appendix 2. It is not yet agreed with the Council.

Appendix 2: Statement of Common Ground

2.0 CONTEXT

- 2.1 The Appellant will provide a detailed account of the principal factual matters relevant to the appeal site and proposal, which will include the matters set out below.

THE APPEAL SITE AND CHARACTER OF THE LOCATION

- 2.2 The appeal site is an area of cleared land, which formerly had a number of agricultural and industrial buildings upon it. The site has housing to the north and west sides and a large agricultural shed is adjacent to the east side.

Appendix 3: Site Location

Plates: 1-3

- 2.3 The former oil depot and HPPA (Horse And Pony Protection Association) stable buildings were demolished in 2015 and the site has remained vacant since that time. In this regard, the appeal site is a gap in the urban landscape that makes no positive contribution and detracts from the character and appearance of the area.
- 2.4 The Site comprises 0.28Ha of land, which lies within the settlement boundary and a further 0.05Ha that lies outside that boundary, which is proposed to be developed for affordable housing. Although outside the settlement boundary, discussions with officers of Forest of Dean Council, confirmed this area is, in principle, appropriate for residential development.
- 2.5 The Site was occupied by a former oil depot and HAPPA stables, which had both ceased operating by 2015 and since that time it has remained vacant. It has become dilapidated over the years and partly derelict following the demolition of the buildings in compliance with a planning condition relating to an approved permission for a new property on part of the Gregory Farm site (P0521/13/FUL). The Site represents an ongoing safety concern. As a previously commercial property the Site comprises previously developed land, although it is located in part outside the settlement boundary.
- 2.6 The appeal site is located within the Brockweir Conservation Area and now forms a prominent and obvious area of derelict land on the southern side of the village. The vacant and undeveloped character of the site appears very much at odds with the developed character of the village and detracts from the character and appearance of the area.
- 2.7 FoDDC have not appraised the conservation area since it was designated in September 1989.
- 2.8 Hewelsfield and Brockweir Parish Council have produced the Brockweir Character Appraisal in November 2016, as a direct response to the redevelopment proposals for the Site and it is enclosed in Appendix 4.

- 2.9 The document has not been formally adopted by FoDDC and as such it is a material consideration, although the weight afforded to it should be limited.

**Appendix 4: Hewelsfield and Brockweir Parish Council
Brockweir Character Appraisal**

- 2.10 The character of the Conservation Area is derived from the cluster of closely packed buildings centred on the bridge at the bottom of Mill Hill. The character of the properties within Brockweir is that of houses of modest detailing and largely of 1 or 2 storeys in height. The exteriors generally have roughcast render or stone rubble with slate or clay tile roofs. There are tall buildings in the village, including some prominent 3 storeys buildings of which more than a third of properties in Brockweir are of 3 storeys, not least the Malt House, Manor House and properties overlooking the Quayside.
- 2.11 Prior to the clearance of the site, there were a variety of buildings dating from former activities. The buildings were typical of many agricultural barns of steel framed construction, roofed and clad in cheap corrugated materials. The rooftops of the structures could be glimpsed from various viewpoints including the bridge and more obviously from the fields to the south. They were of no merit nor did they contribute in any way to the conservation area. Residents informally used the site as a car park, a fact recognised in the Brockweir Character Appraisal.

Plates: 4-12

- 2.12 A former mill building and small brick office building associated with the oil depot do not form part of the application site. These buildings form part of a parallel application, which has been withdrawn, pending the outcome of this appeal.

Plates: 9-12

- 2.13 A culvert runs through the site in front of the former mill building, which has in part collapsed. This diverts an existing stream underground, which reappears at the entrance to the site.
- 2.14 The Site is a vacant brownfield plot, which has resulted in acknowledged blight to the Conservation Area and detrimentally affects the setting of the adjacent Listed Building and the Mill, a non-designated heritage asset.

The character of the location

- 2.15 Brockweir is located on the eastern bank of the River Wye, now dominated by the road bridge built in 1906. Until the bridge was built, Brockweir was only accessible from the Welsh side via a ferry and from the east via a single road.
- 2.16 Brockweir is a tightly packed settlement centred upon the Bridge. The River Wye heavily influenced the development of the village, which was located at the furthest upstream

navigable point. As a result, it became a thriving port in which there were trades such as shipbuilding and boat repairs as well as being an active trading point with 16 pubs.

- 2.17 Pevsner describes Brockweir as '*a hamlet of rendered C15-C18 stone houses clustered tightly in narrow lanes. It was an important centre for the Wye river trade until the late C19, the highest navigable point for larger vessels*'. The appeal site was not described.
- 2.18 The surrounding countryside on both sides of the river is characterised by hills and woods, with the river plains to the north and south of Brockweir.
- 2.19 The centre of Brockweir is located at the river bridge and extends outwards up and along the hill following Mill Hill and Underhill. On Mill Hill, houses line the road as it climbs away from the river to the east, whilst to the north the houses have spread along the hillside between Underhill and Quayside. The organic development of the settlement beyond the cluster around the bridge creates a distinctive character defined by the roof forms and glimpses of render and stone walls within a wider rural setting. The appeal site sits adjacent to the village centre on the south side, behind properties in the southern half of the hamlet. Due to the lack of buildings on site it is not possible to perceive the site from the river, although prior to the clearance of the onsite structures, the roofs formed part of the collection of rooftops on this side of the village.
- 2.20 Within Brockweir 9 properties are listed, including the Grade II* Malt House and the converted Grade II listed Abbots barn. These are both on the north side of the site and are the closest listed buildings to the appeal site.
- 2.21 The cartographic evidence shows the development of the village and the appeal site, showing the gradual development of the land along Mill Hill.

Figures: I-4

- 2.22 The site topography is such that the land to the north is much higher and as such the properties built alongside Mill Hill are set above the Site. There is a gradual slope across the Site from east to west.
- 2.23 The centre of the village is located to the north west of the appeal site and comprises a collection of domestic properties, the majority of which have a traditional appearance. To the south side of the site is agricultural land and to the east, a large agricultural shed.
- 2.24 As a direct result of the need to comply with Condition 4 of the earlier permission (P0521/13/FUL) relating to the conversion of the adjacent stable buildings, the Site was cleared which has resulted in a new and inappropriate openness within the village settlement envelope, a situation that has only existed since 2015 following demolition of the buildings. This has had a direct result of creating more open views of the village from land to the south.

- 2.25 The key public views of the appeal site, both from the site and the surrounding area are described below.

The adjacent Listed Building and the former site buildings

- 2.26 The Malt House is located at the junction of the lane and Mill Hill and can be seen in part from the site. It is listed at Grade II* and was included in the statutory list of buildings of special architectural or historic interest on 7 August 1954.

Plates: 13-14

- 2.27 It is acknowledged the Malt House is a significant building within Brockweir, Pevsner describing it as *'the rubble Malt House further E (now a pottery) may have been part of a grange belonging to Tintern Abbey. The S part is C15, two-storeyed, the ground floor entered by a four-centred W doorway, the upper by opposing near-central N and S doorways. Cinquefoil-headed W and S lights near the SW corner; other windows C19. Gabled C16 NW range with reset N doorway; C19 NE infill with two smaller gables'*. The building is one of the earliest properties in Brockweir.

- 2.28 The Malt House, has a prominent position in the centre of the settlement on the junction of Mill Hill and the lane to the appeal site, with housing around it.

- 2.29 The now demolished former oil depot and HAPPA buildings did not in any way refer to or reflect the historic setting of the Malt House, rather their demolition has created a gap within the urban fabric, which is no more than an undeveloped building site which detracts from the character of the wider area. This is in no manner reflective of the historic appearance of the village, particularly when seen from the south or wider views from the west.

Figures 5 - 6: Historic photographs showing the appeal site

- 2.30 The former oil depot and HAPPA buildings were typical of large agricultural and semi-industrial buildings as shown on the aerial photograph in Figure 4. The buildings were large and of a scale that ensured the rooftops could be glimpsed from the Bridge.

Figure 4 and Plate 4: Aerial photograph of the Site, showing former oil depot and HAPPA buildings

- 2.31 Taking into account the architectural evidence, the conclusion is that the demolished buildings were of a considerable scale and appearance and were in part taller than the surrounding properties. The siting of these buildings dominated the lane and the southern side of the village and were visually dominant with the obvious impact upon views from the properties that surrounded the Site and from the countryside beyond.

Key Views

- 2.32 Within the wider context, the proposed development and the roofs of the properties will not look incongruous. Nor will they be particularly visible when seen in relationship to the village from those public viewpoints to the north, east and west. From the south it is accepted the

development will be more visible, but still seen in the context of a village setting. Whilst the development will be seen from some locations within the village and elsewhere, this does not mean that it will be harmful.

- 2.33 Turning to consider the key views of the appeal site from the immediate locality and the surrounding area, these are described below:

Key Views of the appeal site from the east

- 2.34 The agricultural building obscures public views of the appeal site from the east. The views from the east are not significant.

Key Views of the appeal site from the south

- 2.35 Views from the wider countryside to the south, looking towards the village are possible and are of significance in that they show the village nestled in the landscape with the Site in the foreground.

- 2.36 In its previous form, prior to the clearance of the former oil depot and HAPPA site, the buildings formed a collection of expansive rooftops and structures, which did not enhance the setting or context of the village. The present situation following the demolition of those buildings has only served to exacerbate the situation by leaving an unattractive site with the footings and floor-plates exposed.

- 2.37 When seen from the south, the Site appears in the foreground of the village and in its present state does not contribute positively to the setting of the village. The present state of the Site has created an unsympathetic and jarring sense of space/openness on the south side of the village. It is a scar on the landscape.

- 2.38 The distinctive character of the village is derived from its variety of building styles and roofs, some of which have pitches similar or greater than those proposed and as such the development will blend in with this scene, despite the modern houses set above the Site on Mill Hill.

- 2.39 Approaching from the south along the lane to Mill Hill, mature hedging and the raised banks prevent clear views of the Site, although as one draws closer one would become aware of development on the site, but this would not be of a harmful nature, rather it would simply be recognition of the development of the village.

- 2.40 The appeal proposals will not affect in any harmful way views from this direction, rather they will enhance and contribute to the appearance of the village and its setting.

Plates: 14-16

Views of the appeal site from the north

- 2.41 The location of the Site means only a limited area can be glimpsed between and over a mix of buildings when seen from the junction with Mill Hill, otherwise the housing within the village blocks views from the north. In views from those limited points it would be possible to see the rooftops of buildings on the site nestled amongst the existing built form of the village, with the countryside beyond forming a backdrop.
- 2.42 The appeal proposals will not affect in any harmful way views across the village from this direction, rather being able to glimpse the collection of properties would add to and enhance the aesthetics of the village which had for many years included partial views across and of agricultural and light industrial units.
- 2.43 The appeal proposals would contribute to and enhance the visual qualities and appearance of the village within its wider rural setting by filling in a large gap in the topography.

Plates: 16-18

Views of the appeal site from the west

- 2.44 The views from the west are significant and comprise those from the bridge and those from the far river bank.
- 2.45 The nature of both those locations mean the appeal site is obscured by buildings within the village resulting in only glimpsed views being obtained of the site and any buildings within it. The mass and scale of those buildings surrounding the Site and their relationship to it ensure they effectively obscure the appeal site.
- 2.46 In considering views from the bridge, the area of the appeal site is only partially visible above the rooftops of the houses and when seen from the north side of the bridge that view is further restricted.
- 2.47 Views towards the Site from the west bank, directly opposite are similarly obscured. The present view shows a variety of buildings along the lane and Mill Hill. Should development be allowed, these views will change and as such the new properties will appear amongst the collection of roofs and gables nestling amongst those older properties and mature gardens.

Plates: 19-23

Views out from the appeal site

- 2.48 The Site has been cleared of buildings, which has created a gap in the historic built landscape and as discussed in this statement, this has resulted in a false sense of space/openness on the Site and its immediate context.
- 2.49 It is accepted that the demolition of those earlier buildings has opened views of the hills beyond the village to the south, however those views are recent and do not reflect the nature of this Site, which has been developed for the 100 years up to 2015.

The impact of the appeal proposal in key views

- 2.50 In the views from the south, the development will be visible in the foreground of the village and as such it will appear as part of the built form of Brockweir. The fact the buildings will be visible, does not mean the proposed development of the Site is harmful or that they will not contribute to the character or appearance of the village.
- 2.51 In the same way, when viewed from within the village, from the bridge or the west bank of the River Wye, the development will offer interest and architectural variation, unlike the former oil depot and HAPPA buildings, which were dominant in terms of their overall scale and mass, even though in most views, as with the proposed development they too were largely obscured from sight.
- 2.52 The proposed buildings will fill the void left by the demolition of the oil depot and HAPPA buildings and this will have a positive impact upon the townscape and the context in which it is seen and understood through the reintroduction of buildings, which will sit comfortably on the site and successfully integrate with the existing properties.
- 2.53 The appeal proposals will enhance the understanding and appearance of the site and the context in which it is by providing a logical development of suitable design, mass and scale.
- 2.54 The appeal scheme has been revised to ensure that the new buildings are more traditional in appearance with smaller window openings as well as revisions to the house nearest the listed Malt House, which has a lowered roof to reduce its scale. This will ensure that in those glimpsed views of the site, the properties appear well suited to the village environment in which they are located.

When viewed from these locations, the proposed development will be seen in context of the village, in the same way as the former oil depot and HAPPA buildings were viewed, however, unlike those buildings the new development will contribute positively to those views and enhance the conservation area and the setting of the Malt House and old Mill House.

- 2.55 The appeal proposals will therefore have a positive effect upon views.
- 3.0 **THE APPEAL PROPOSALS**
- 3.1 The proposal, the subject of this appeal, is to redevelop the present vacant and undeveloped brownfield site and construct a modest number of residential units which will in effect replace the mass and scale of built form that stood on this site to 2015, and which stood comfortably within the streetscene albeit without making any positive architectural contribution to the character and significance of the area.
- 3.2 In contrast to the present gap site, which makes no positive contribution to the wider context, the proposed buildings will be of a complimentary, high quality design with modest

detailing that will enhance the area, reflecting the vernacular building materials of the surrounding village.

- 3.3 At the same time, the proposed design does not seek to compete with the significance of the Malt House in terms of architectural detailing, scale or height and as such this will have a positive effect upon the location and not harm the setting of the listed building.
- 3.4 Equally, the development has been designed to accommodate the old Mill and create an enhanced setting by giving the property a more spacious frontage and by keeping the new development away from the building, unlike the former oil depot buildings, which were built hard up against it on three sides.
- 3.5 The proposed dwellings will be of a similar scale and mass to those traditional houses and properties, which surround the site and architecturally reflect the vernacular language of the village and as such will be a positive enhancement of the Site and the wider conservation area.
- 3.6 The scheme comprises a residential development of 9 houses and 2 flats. There will be a mix of family homes and affordable homes facing into the site. Unlike the hard surfaces of the oil depot and HAPPA Stable yards, the development will be softened by the opening up of a landscaped stream and gardens ~~plots~~ set back from the central social area.
- 3.7 The gardens on the southside were designed to provide enclosure and privacy for the houses whilst allowing the occupants to retain the uninterrupted views to the countryside beyond, while the smaller gardens on the north of the development and adjacent to the stream will provide a pleasing area of green within the scheme.
- 3.8 The house design would reflect the characteristics of neighbouring properties with tile roofs, and rough-cast walls.
- 3.9 The proposed development seeks to respond to and respect the scale of the surrounding properties and as such the scheme has been conscientiously designed to ensure the properties on the appeal site reflect the appearance, scale and mass of the adjacent dwellings including the Malt House.

Ecology

- 3.10 Throughout the determination period, the LPA ecology officer requested additional information regarding the ecological mitigation measures. The information requested was forwarded to the LPA's ecology officer for consideration during the determination period up to and including as enclosed in Appendix 5.

Appendix 5: Ecological Assessment and Bat Surveys

Appendix 6: Ecology Statement of Common Ground

- 3.11 The Council Ecology Officer is in receipt of the relevant requested information, however no decision as to the acceptance of that information has been forthcoming.

Drainage

- 3.12 The initial scheme (PI543/14/FUL) was refused however drainage issues were not grounds for refusal. In the course of this application the Lead Local Flood Authority (LLFA) was set up and became involved in the present scheme.
- 3.13 As part of the application process, additional information requested regarding the drainage mitigation measures by the LLFA was requested and submitted for consideration following repeated requests for clarification throughout the determination period.
- 3.14 Notwithstanding that the LPA is the determining authority, the Council retain no in-house specialist flood/drainage advisors and as such matters relating to hydrology are referred to the LLFA.
- 3.15 There have been on-going discussions with the LLFA and additional information was submitted and has been considered to be acceptable. The LLFA have relayed their comments to the LPA stating the LLFA *'rescinds any previous objections to the surface water drainage proposals and considers the additional information submitted together with the FRA to be adequate'*.

Appendix 7: LLFA letter dated 30 May 2017

- 3.16 To date FoDDC have yet to formally consider the advice of the LLFA and have not made a decision on this matter.

4.0 BACKGROUND TO THE APPEAL

- 4.1 The Site has been subject to only one previous planning applications for residential development, (PI543/14/FUL) made by the appellant and was similar to the appealed proposals.
- 4.2 The application was submitted to the Council in October 2014 and subsequently refused in August 2015 on the grounds of harm to the conservation area, setting of the listed building and non-designated heritage asset (the former Mill) and a lack of biodiversity and ecology information. The decision notice, enclosed in Appendix 2 was issued in December 2015.

Appendix 2: PI543/14/FUL Decision Notice

5.0 NATIONAL AND LOCAL PLANNING POLICY

National Planning Policy and Guidance

- 5.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the provisions of the Development Plan unless material considerations indicate otherwise.

5.2 The appellant will refer in Section 6 below to The Planning (Listed Building and Conservation Areas) Act 1990, However, the Council have considered there to be some harm caused by the proposals to setting of the listed building and is the Inspector is minded to considered this and engage Paragraph 134 of the National Planning Policy Framework (NPPF) and Guidance Notes (as appropriate) in order to demonstrate that the appeal proposal is in accordance with national planning policy, in particular in the following respect: -

Planning Policy

- 5.3 The first reason for refusal identifies the scheme as conflicting with Policy CSP.1 Design, environmental protection and enhancement of the FoDDC Core Strategy.
- 5.4 The reason for refusal states that the proposals are regarded as unacceptable by reason of it failing to preserve or enhance the setting of the nearby listed building or the character and appearance of the Brockweir Conservation Area.

6.0 THE APPELLANT'S CASE

- 6.1 Council has refused the works proposed as one, which would not preserve or enhance the character of the conservation area or the setting of the Grade II* Malt House. The LPA also refused the application on the grounds that insufficient information had been submitted to demonstrate that the proposed development would not have an unacceptable impact upon the biodiversity and ecology of the area as well as stating there was insufficient information to demonstrate that acceptable and improved drainage facilities could be achieved to avoid unacceptable risk of flooding.
- 6.2 The conservation issue relating to this appeal, is whether the new buildings will impose an alien feature to the extent that they will have such a dramatic impact as to cause harm and fail to preserve or enhance the wider conservation area or the setting of the Grade II* Malt House and the corn Mill being a non-designated heritage asset. In regard to this consideration, the reason for refusal states that the proposal 'causes substantial harm to the significance of the Brockweir Conservation Area and former mill building. In addition causes less than substantial harm to the Grade II* listed Malt House ... the proposed development fails to preserve or enhance the setting of the nearby listed buildings and the character or appearance of the Conservation Area'.
- 6.3 In considering this reason for refusal The Planning (Listed Buildings and Conservation Areas) Act 1990 Section 72 (1) states a local authority is obliged, when considering whether to grant planning permission for development which affects any buildings or other land in a conservation area, the Council should pay '*special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area*'.
- 6.4 Interestingly, the 1990 Act does not place a duty upon applicants to ensure that development proposals '*enhance*' a conservation area, rather the development proposals simply '*preserve*'. Therefore an application that does not demonstrably harm the character or appearance should be considered to pass that test.
- 6.5 In regard to the policies contained within the National Planning Policy Framework these relate to the Governments wish to ensure that proposals conserve and enhance the historic environment. It defines in the Glossary (page 52) the historic environment as '*all aspects of the environment resulting from the interaction between people and places through time, including all surviving physical remains of past human activity, whether visible, buried or submerged, and landscaped and planted or managed flora*'. The NPPF Glossary further classifies a '*heritage asset*' as '*a building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest*' (page 52).
- 6.6 When considering development proposals and the impact upon a heritage asset the Local Authority should take into account the particular nature of the significance of the heritage

asset.

- 6.7 The NPPF states that *'the purpose of the planning system is to contribute to the achievement of sustainable development'* and that there are *'three dimensions to sustainable development: economic, social and environmental'* (NPPF paragraph 7). The paragraph continues to describe that the Government see the role of the environment as being one of *'contributing to protecting and enhancing our natural, built and historic environment; and as part of this, helping to improve biodiversity, use of natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy'*.
- 6.8 Within the over-arching roles that the planning system will play, a set of 12 *'core land-use planning principles'* have been developed to underpin place-shaping and decision making. The 10th principle is stated as being one that will seek to *'conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations'* (NPPF paragraph 17 p.6).
- 6.9 NPPF paragraph 128 states that *'in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance'*.
- 6.10 Paragraph 132 of the NPPF states that *'when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting'*.
- 6.11 In considering substantial harm, NPPF paragraph 133 states that *'where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:*
- *the nature of the heritage asset prevents all reasonable uses of the site; and*
 - *no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and*
 - *conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and*
 - *the harm or loss is outweighed by the benefit of bringing the site back into use.*

6.12 Importantly the NPPF advises in paragraph 134 that where *'a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal'*.

6.13 In this case, there is a need to assess impact of the proposal upon the character and appearance of the conservation area and the need to preserve or enhance the same as well the setting of the listed building and that of the non-designated heritage asset.

Impact upon the character and appearance of the conservation area

6.14 Firstly, there is a need to assess the character of the conservation area in regard to what it is now and what it has been historically and secondly the impact of the proposed development upon the character and historic significance of the site.

6.15 The appellant does not contest the fact that the proposed development will affect change to this part of the village and as such the wider conservation area, however it is contended that the proposed development will not cause any detrimental effect or harm the character of the conservation area when compared to the site previously, rather it is contended that the proposed scheme will enhance the Site and village. It is considered that whilst elements of the proposal would be seen from Mill Hill, the Bridge and some footpaths to the south and west as well as from the properties on the lane, this does not mean the housing contained within the appeal site would be harmful.

6.16 The appeal scheme seeks to introduce a modest degree of well-designed built form on what is a brownfield site, which itself is screened from public views to the north, east and west by existing buildings, whilst in views from the south the Site is seen in the context of the village and development in this location will be an improvement over what was there previously and the current cleared site.

6.17 In considering the appeal site as it is now and thus its contribution to the conservation area, it is apparent that its visual contribution is one that blights the wider area and although views out into the countryside are now available, such views can and will be maintained as part of the development proposals and will not affect the rural setting of the village.

6.18 It is also apparent the 'gap' created by the demolition of the former oil depot and HAPPA buildings creates an inappropriate sense of openness in this location, as a situation that has for over a century not been the case.

6.19 In this regard, the appeal proposals will not intrude in a harmful manner or cause the loss of any previous views of importance or character, accepting that development will change the existing appearance. Thus the proposed development will not have a detrimental impact upon

the character or appearance of the conservation area.

6.20 It is not disputed that the site lies within the wider conservation area, however, it is the impact of the development upon the wider setting that is in question.

1) The principle of 'harm'

6.21 Notwithstanding the above arguments, this is the principal issue relating to this appeal. I propose to concentrate on the test of whether 'harm' would be caused to the character of the conservation area.

6.22 To a degree any impact upon the conservation area has to take into account the extent of the surroundings in which the heritage asset is experienced. These points were discussed above, but one should also consider what the character of the conservation area is or indeed was.

6.23 Thus in order to determine what constitutes '*harm*', one must first understand the character. In such cases it is the character of the area in which the site is experienced must be assessed. Thus where development is proposed, such as is the case in this appeal the affect that must be considered is upon how the heritage asset is experienced and the setting in which they are found.

6.24 In previously accepting the principle of development and the extent of demolition on this site the Council have accepted change will happen through the development in some form and that no harm need occur to the character or appearance of the wider context, albeit without an approved scheme.

6.25 Thus if a scheme was in principle acceptable, on the basis that a Council is guided to not allow demolition to occur without an approved redevelopment proposal that is commensurate in scale to its surroundings and thus presumably considered to be one which did not cause 'harm', so we must consider the impact caused to the whole by the proposed.

6.26 It is apparent the immediate setting of the appeal site is defined by the demolition of the earlier structures and continues to blight the character.

6.27 In this regard, the development will have no harmful impact upon the character of the wider conservation area.

6.28 However, the first refusal reason sets out the level of harm as being in their opinion, 'substantial to the significance of the Conservation Area and setting of the former mill but less than substantial harm to the setting of the listed Malt House.

- 6.29 The setting of the appeal site and the context in which it is seen, is defined by the surrounding development and landscape that form its boundaries.
- 6.30 It is, however apparent that any impact, if indeed there is one, is seen from the village, the bridge and wider countryside when looking towards the appeal site. In those views, the change in character will be one that introduces a collection of built form, which will positively enhance not just the appeal site but also the wider area. The development will sit comfortably on a brownfield site within the village and not appear as an alien insertion. It will make a positive contribution to the overall setting as an attractive and initially modern addition to Brockweir.
- 6.31 As such the significance of the appeal site is derived not from it being an open area of undeveloped land within the settlement with views to the countryside beyond, rather it is derived from the fact that it forms a parcel of previously developed land, which provides a opportunity for new and well-designed built form.
- 6.32 The development of the appeal site, which in itself is not harmful, will introduce development that compliments and enhances the surroundings in a way that will not adversely affect any views of importance. As such the conservation area will remain unharmed by the proposed development.
- 6.33 However, in considering the issue of substantial harm, if the Inspector is minded to engage NPPF paragraph 133, there is a need to weigh up that harm against the criteria set out that paragraph which states that the 'harm' or 'loss' is necessary to achieve substantial public benefits that outweigh any such harm or that scheme complies with the 4 criteria set out in NPPF paragraph 133.
- 6.34 In assessing the scheme, there are a number of social benefits that would offset any perceived harm including the provision of housing and affordable housing; the decontamination of the site; new riverside public access; relandscaping of the stream to make an open and enhanced setting through the site with the benefits to the conservation area and to local wildlife including the elimination of any flood risk; provision of bat-roots in the form of a specially built 'bat house' and swallow accommodation.
- 6.35 Equally, in considering the criteria set out in NPPF paragraph 133, it is possible to apply all to the appeal site:
- the contamination of the site by former uses (the oil depot) requires considerable mitigation measures ensuring schemes for uses other than residential are not economically viable
 - the site has been vacant since 2012 with no other interest

- the HAPPA use was no longer viable and to date no other community use has been proposed
- there would be considerable enhancement of the site and wider area should the proposal be approved.

6.36 For these reasons, it is difficult to see how the proposal would cause an unacceptable impact upon the Brockweir Conservation Area.

Impact upon the setting of the listed building and the former Mill

6.37 As the refusal reason considered the setting of the listed Malt House and the non-designated heritage asset of the former Mill to have been adversely affected there is a need to assess the setting of both in regard to what it is now and what it has been historically and secondly the impact of the proposed development upon the character and historic significance of the site. The appellant does not contest the fact that the (demolished) oil depot and HAPPA comprised a number of large buildings of no merit. Neither is it contended that the former site buildings were built across the entire appeal site, however it is now contended by the Council that the proposed development will detrimentally affect the setting of the listed building and harm the character of the conservation area more so than the previous buildings.

6.38 In fact, the proposed development palpably seeks to enhance the Site by introducing traditionally detailed built form on the site, of a domestic scale which was not present for approximately 100 years and which included significant blank elevations and large and highly visible industrial rooftops when seen from the wider south and west viewpoints

6.39 The oil depot and HAPPA buildings were built to accommodate much of the site and as such were of a size and scale that both physically and visually filled the site, not least hid the old mill building.

6.40 This was unlike the proposed scheme, which is designed to provide an open setting to the former Mill and to provide views through to the countryside beyond with landscaping within the site to soften the former industrial yards. The scheme is therefore architecturally more respectful and 'polite' to the former mill as well as more respectful of the need to improve the setting of the listed Malt House building, than the former oil depot or HAPPA site ever were.

6.41 In considering the site as it is now and thus the setting of the Malt House and old mill building, it is apparent the derelict nature of the appeal site blights the setting of mill building and the wider conservation area, which in turn can be argued to apply to the setting of the listed building. It is also apparent that as a 'gap/vacant site' in the conservation area it is by nature, harmful and detrimental to the character and appearance of the location and creates a false

sense of openness on the southside of the village, a situation that was not historically the case in living memory. Equally, it is apparent the character and appearance of the site does not in any way reflect the original landscape of Brockweir, rather it forms an incongruous and jarring element in the village to the detriment of the conservation area, the wider setting of the listed building and the setting of the Mill.

6.42 In this regard, the appeal proposals will reintroduce built form on the site that has existed since at least the late C19, in a manner that will compliment the site and context and not cause the loss of any historic setting.

6.43 The reinstatement of the built form, as proposed will have a positive effect upon the character of the conservation area and provide an appropriate setting for the mill building and the wider context in which it is located. Equally the impact upon the setting of the Malt House will be enhanced in comparison to what was on the Site previously. The design of the scheme responds to the constraints of the site and reflects the built form of the village. As a development it will sit comfortably within the village and as with many other properties, respect the setting of and contribute positively to the wider character and appearance of the conservation area, without harm to the setting of the listed building or the Mill.

6.44 The design, by virtue of its size and materials will remove the blight caused by the derelict site in an important location on the edge of the conservation area.

6.45 It is not disputed that the site could be considered to lie within the setting of the former mill building, the listed building or indeed the wider conservation area, however, it is the impact of the development upon the setting as a whole that is in question.

6.46 To a degree any impact upon the setting has to take into account the extent of the surroundings in which the heritage asset is experienced. These points were discussed above, but one should also consider what the character and the setting of both the listed building (the Malt House) and the former mill is or indeed was.

6.47 Turning to the listed building, to determine what constitutes 'harm', one must first understand the character of the 'setting' of the building as one of special interest. In such cases it is the character of the area in which the building is experienced must be assessed. Thus where development proposed is in close proximity to the listed building, such as is the case in this appeal, the affect of that development upon how the heritage asset is experienced and the setting in which they are found must be considered.

6.48 The Council, in previously accepting the principle of demolition in close proximity to the listed building through the approval of the earlier scheme and without an approved scheme of

replacement development, have accepted change to the setting of the listed building. Likewise, there has to be some consideration as to why the Council considered the demolition acceptable without any replacement proposal.

- 6.49 It is not apparent as to the reasons for an acceptance of the demolition, however that has resulted in the site being left derelict since 2015.
- 6.50 The vacancy of the site has been detrimental to the character as well as creating a false setting whereby both the mill building is now seen in an open landscape, which has not been the situation for many years. The affect upon the setting of the Malt House has also been detrimental in that when seen from the village, it now has the backdrop of a derelict site, notwithstanding the lack of lorry traffic. Thus, if the appeal scheme is considered to be one, which causes 'harm', so we must consider the impact caused to the whole by the proposed.
- 6.51 It is apparent the immediate setting of the mill was enclosed by the former oil depot and indeed the immediate setting of the Malt House at the time of listing was equally affected by the same and so considerably different to the present. Neither building therefore had a setting that was in any way 'open' to the south.
- 6.52 As discussed above, the immediate setting of these buildings continues to have a large open derelict site adjacent to it, which blights not only their setting but also the wider context in which it is experienced. The appeal site forms part of the village and in wider views it forms part of the village environment of Brockweir.
- 6.53 As it is now, the site forms an alien gap in the village, providing an inappropriate setting to the mill building and the setting of the Malt House. Likewise, the appeal site remains in a derelict state and as such forms part of the glimpsed views towards the Malt House.
- 6.54 In considering the appeal site from public viewpoints, it remains a visible eyesore that also allows glimpses of elevations, which would not normally have been seen. The development proposals, will close off those views and return the setting and the context of the village, listed and non-listed buildings to its true state, with buildings of similar scale adjacent to it.
- 6.55 In this regard, the development will have a positive and enhancing impact upon both the setting and the character of the listed building, the non-designated heritage asset and wider conservation area.
- 6.56 The setting of the appeal site and the context in which it is seen, is defined by the surrounding development and the village that form its boundaries. Historically the oil depot and then later the HAPPA centre formed part of the streetscene of Brockweir, however, there was never

any intellectual or physical relationship with the Malt House. The relationship with the mill house was different in that the buildings on the site surrounded and were linked to the former mill. That relationship was lost when the buildings were demolished.

6.57 The conclusion of that understanding is that the mill building was lost amongst those previous structures and now sits in a site which remains derelict and blights the context in which it is seen.

6.58 It is, however apparent that any impact, if indeed there is one, is seen from the surrounding lanes and wider countryside when looking towards the appeal site. In those views, the change in character will be one that reintroduces built form, but in a manner that reflects the character of the village rather than that of an industrial yard, which will positively enhance not just the appeal site but also the wider area.

6.59 A scheme such as this must be preferable to that of a derelict site, which harms the setting of the adjacent properties and the character and appearance of the conservation area.

6.60 As such the significance of the appeal site is derived not from any historic or architectural merit, rather it is derived from the fact that it provided a part of the built form within this location.

6.61 The development of the appeal site, which in itself is not harmful, will reintroduce development in a sensitive manner and one, which will enhance the setting of both the village and buildings. As such the Malt House and its setting will remain unharmed by the proposed development whilst the setting of the mill will be enhanced which together with those properties in the village will form a harmonious group.

6.62 For this reason, it is difficult to see how the reason for refusal would cause an unacceptable impact upon the setting of the Malt House, the mill or be harmful to the Conservation Area.

The Impact upon Biodiversity and Ecology

6.63 The appellant submitted a full ecology report to the Council and proposals to construct a new bat roost, however additional information was requested by the Council's Ecologist on 8 December 2016. The Ecology Assessment and Bat Surveys is enclosed in Appendix 5.

6.64 The application was refused on the 13 December 2016 stating "*insufficient information has been submitted to demonstrate that the proposed development would not have an unacceptable impact upon the biodiversity and ecology of the area*".

6.65 The Council Ecology Officer has stated that it would be acceptable to include the additional survey data to be provided to FoDDC as an appendix to the ecology statement of common

ground as enclosed in Appendix 6. To date there has been no comment on the submitted material or this particular matter.

Appendix 6: Ecology Statement of Common Ground

6.66 With regard to the matter relating to land contamination issues the Council's Ecologist has confirmed these are no longer contentious. The LPA Ecology Officer's request for information on sewage treatment and surface water drainage (in memo dated 16th November 2016) was in relation to potential effects on the River Wye SAC. The LPA's Habitats Regulations Assessment (HRA) for the proposed development (dated 7th December 2016) stated that 'in the absence of suitable information and uncertainties ...the competent authority is unable to ascertain that the project would not adversely affect the integrity of the River Wye SAC as a result of potential impacts to water quality'. This assessment was based, in part, on the fact that LLFA had requested evidence to demonstrate that the soil characteristics are suitable for infiltration, the LPA Ecology Officer being guided by the LLFA's expertise in these issues. The HRA stated *'it would appear that with the absence of this information the relevant consultees are unable to provide comment. If infiltration is not possible then other solutions would need to be assessed. This current lack of information provides a high level of uncertainty for the competent authority on which to base a judgement'*.

6.67 As the LLFA have been provided with further information, and have subsequently withdrawn their objection to the proposals, it should be possible for the LPA ecology officer to repeat the HRA for the proposals, and for that HRA not to be affected by a lack of certainty over these effects on the integrity of the River Wye SAC.

The Impact upon Drainage and Flooding

6.68 The Council does not retain a drainage engineer as such issues relating to flooding and drainage are considered by the LLFA in Gloucester.

6.69 Information relevant to the application was submitted to the LLFA in November 2016 and the LLFA subsequently requested further additional information on 6 December 2016, 8 days prior to the determination of the application by the Council.

6.70 In seeking clarification on those matters, the appellant submitted additional information to the LLFA.

6.71 The additional information was considered by the LLFA to resolve their concerns and as such informed the Council of their decision to withdraw their objection to the proposal, as enclosed in Appendix 7: LLFA letter dated 30 May 2017.

Appendix 7: LLFA letter dated 30 May 2017

6.72 Accepting the Council is the determining authority on planning matters, the withdrawing of their Flood Advisors' objections would appear to resolve the issues relating to refusal reason

3, subject to the Council's confirmation that this is acceptable.

7.0 CONCLUSIONS

- 7.1 Following my appraisal of the site and its relationship to the conservation area, it is my professional opinion that the proposed development will not cause harm in any way to the setting or significance of the heritage assets. When all is said and done, this is the only statutory and policy test in conservation terms, as set out by Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) and amplified in the NPPF and local policy.
- 7.2 The principle of development within the conservation area has been considered by the Council to be acceptable in the past, as was evident by the former oil depot and HAPPA stables.
- 7.3 It is accepted that the use of vernacular detailing and materials is appropriate to ~~of~~ the location and as such the detailing and design of the proposed will respond and reflect the properties, which surround it and it is considered the visual impact of the development will be in no way harmful to the character of the wider conservation area.
- 7.4 It is therefore considered that the development proposed will not cause detriment or harm to the historic significance of the setting of Brockweir, the Malt House, the former Mill building or the conservation area and that should 'harm' be seen to occur there are considerable public benefits that arise from the site's redevelopment, not least the enhancement of the site through a well designed scheme that facilitates much needed housing and the opportunity for affordable housing.
- 7.5 Therefore, the appellant respectfully requests that the Inspector grant planning permission and accepts that this development enhances the setting, character and or appearance of the wider conservation area.

FIGURES



Figure 1: Extract from 1887 OS map

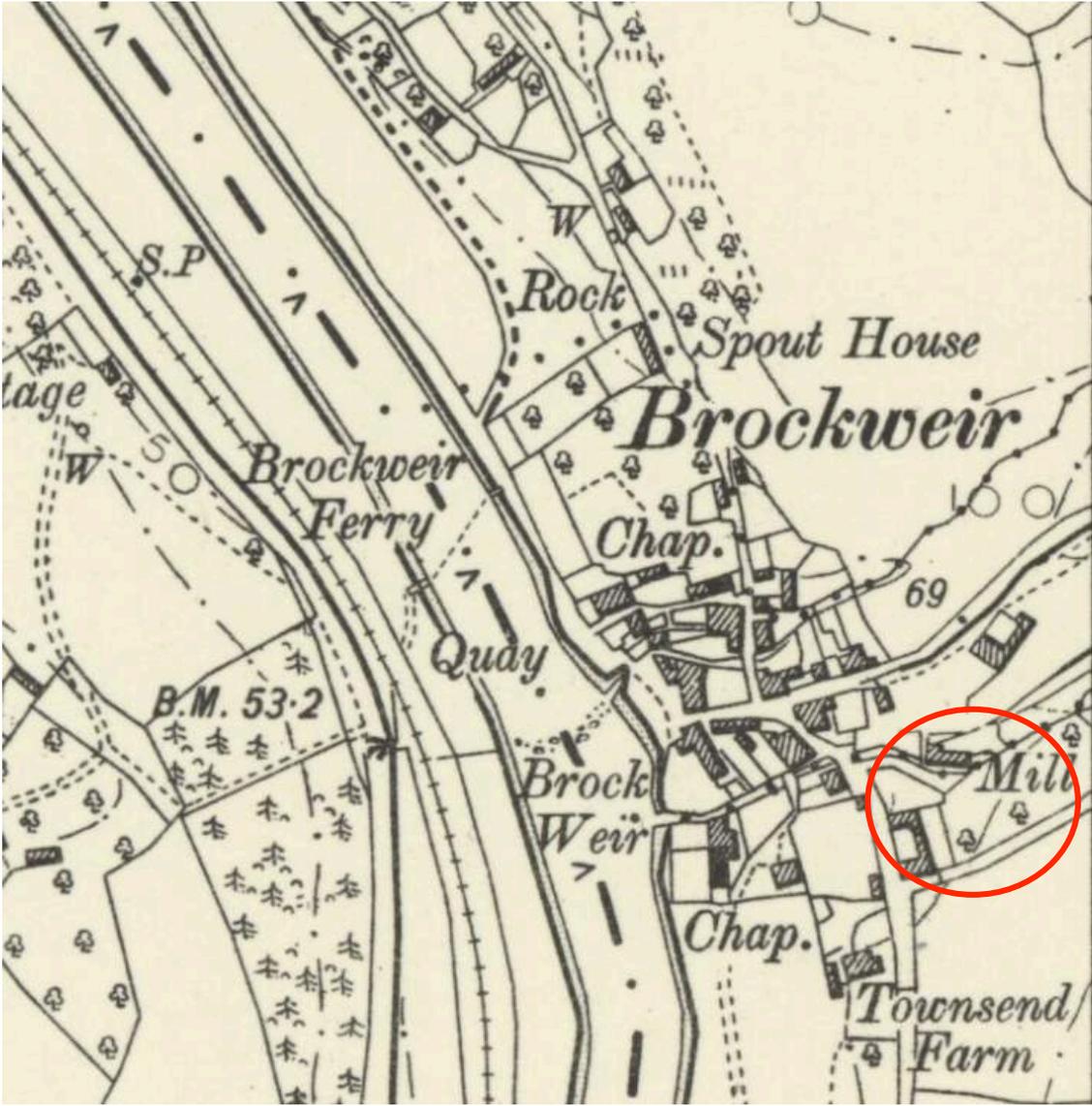


Figure 2: Extract from OS map, 1903

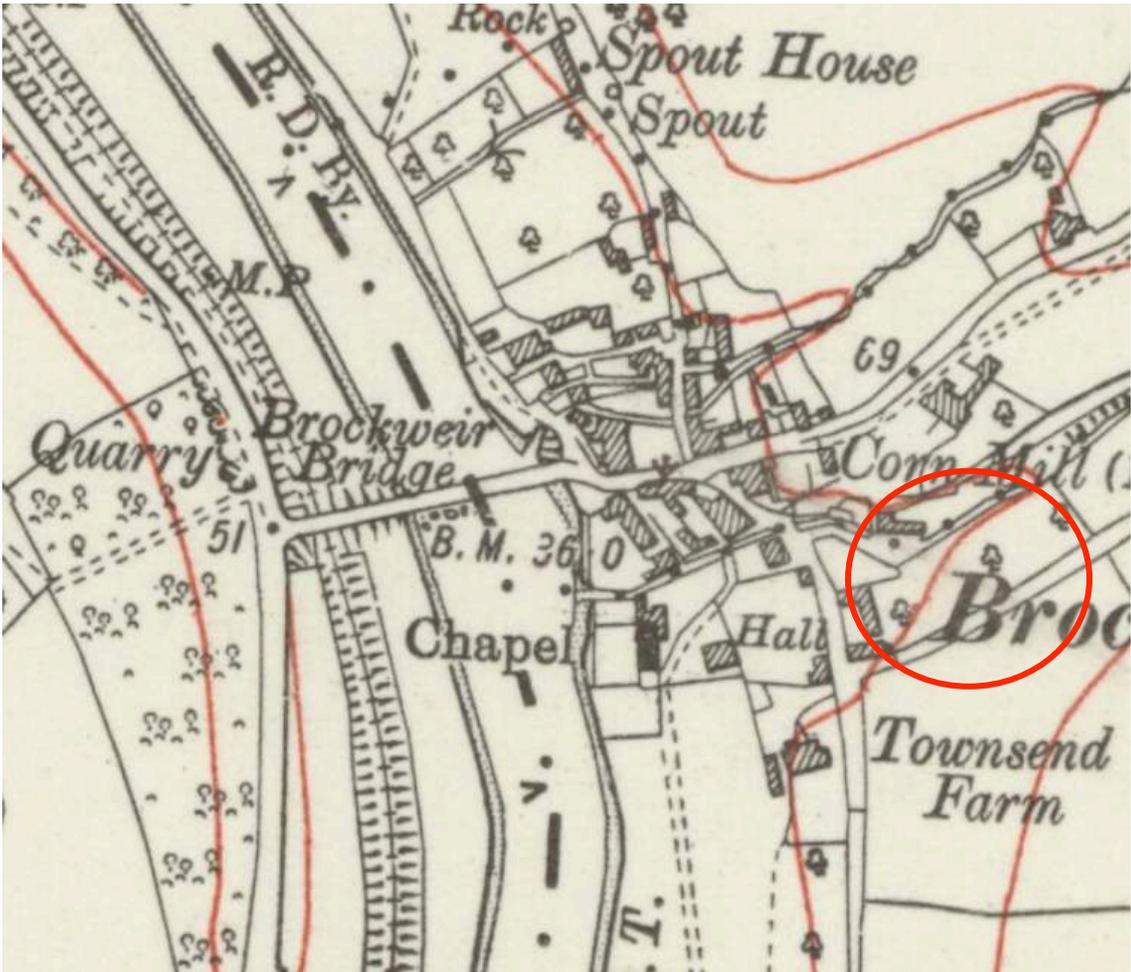


Figure 3: Extract from OS map 1924, noting Corn Mill as disused

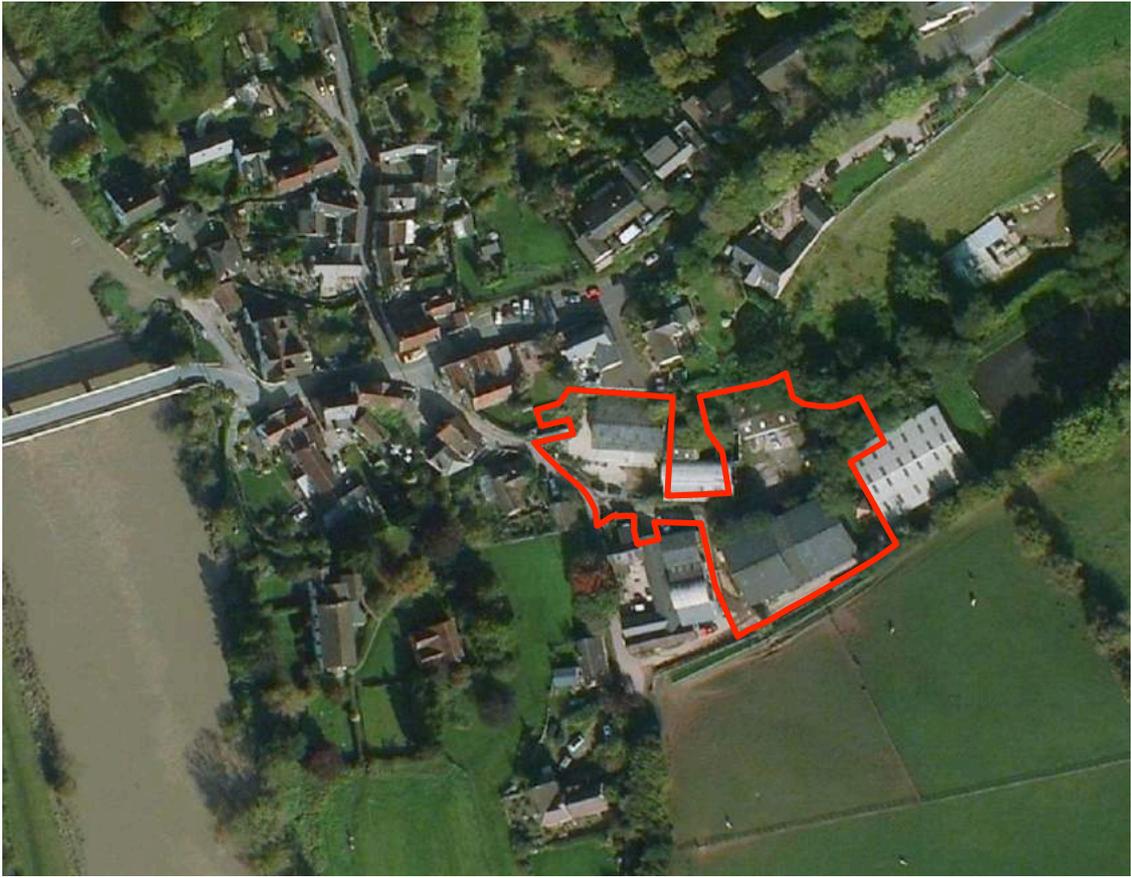


Figure 4: Aerial photograph showing the village, appeal site and former buildings on the appeal site



Figure 5: The appeal site in context with the village c. 1890

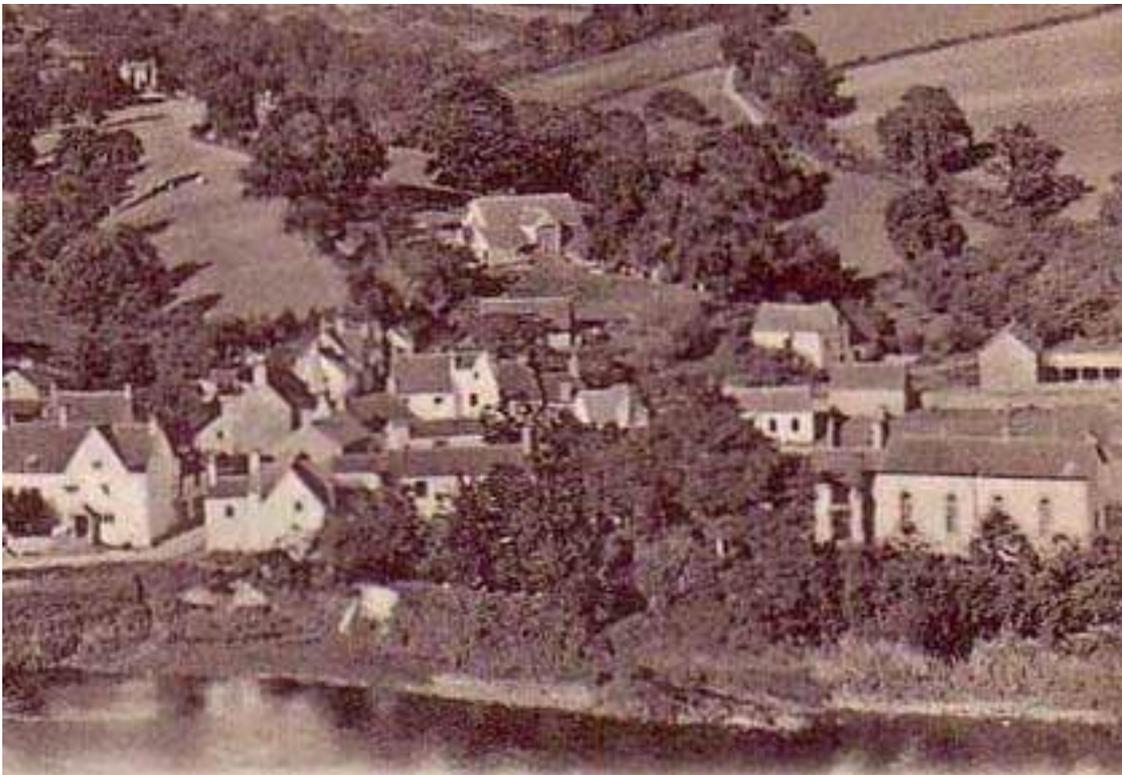


Figure 6: Brockweir c.1900 showing the appeal site to the far side of the Moravian Church

PLATES



Plate 1: The appeal site looking towards the west and the village



Plate 2: The appeal site, looking across the site from the southern boundary



Plate 3: The appeal from the lane looking towards the agricultural building beyond the site boundary



Plate 4: Aerial view of the appeal prior to site clearance



Plate 5: The appeal site entrance prior to the demolition of the former oil depot and HAPPA buildings



Plate 6: The appeal site prior to the demolition of the former oil depot and HAPPA buildings



Plate 7: The appeal site showing density of the structures looking towards the village



Plate 8: The appeal site prior to demolition viewed from the south



Plate 9: The oil depot office



Plate 10: The former mill building, south elevation



Plate 11: The former mill, west elevation



Plate 12: The Former mill, east elevation



Plate 13: The Malt House



Plate 14: The Malt House, north/Mill Hill elevation



Plate 15: View from the south showing the site prior to demolition



Plate 16: View towards site entrance from Lane



Plate 17: View of site from junction of Mill Hill and lane



Plate 18: View looking towards the site from Mill Hill and the bridge, the appeal site being set behind the housing



Plate 19: Looking east across the Bridge, the appeal site is to the right



Plate 20: Looking towards the site from the Bridge



Plate 21: View towards the site from the north side of the Bridge



Plate 22: View towards the site, which is located behind the mature planting of gardens and properties as seen from the western riverbank



Plate 23: View looking back towards the site from western riverbank, screened by trees and houses

APPENDICES

APPENDIX I: DECISION NOTICE PI 543/14/FUL

To:	Acerbic Ltd C/o Marshall & Kendon Architects FAO Mr J Johnson-Marshall 94 Whiteladies Rd Clifton Bristol BS8 2QX	PLANNING REFERENCE NUMBER AND DATE OF APPLICATION
		P1102/16/FUL 10/08/2016

In accordance with their powers under the above Act, the Council
as a Local Planning Authority

REFUSE

the development described below

Description of Development

Erection of 9 houses and 2 flats on land formerly used as an oil distribution depot and a horse and pony sanctuary.

Address

Gregory Farm Brockweir Chepstow
Hewelsfield & Brockweir Parish

THE REASONS FOR THE COUNCIL'S DECISION TO REFUSE PERMISSION ARE:-

1. The proposed development, by virtue of its height, scale and prominence, fails to take proper account of and, causes substantial harm to the significance of the Brockweir Conservation Area and former mill building. In addition causes less than substantial harm to the Grade II* listed Malt House. It is considered that there are no substantial public benefits that outweigh the harm. As a consequence the proposed development fails to preserve or enhance the setting of the nearby listed buildings and the character or appearance of the Conservation Area, as required under sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and is contrary to Section 12 of the National Planning Policy Framework and Policy CSP.1 of the Core Strategy.
2. Insufficient information has been submitted to demonstrate that the proposed development would not have an unacceptable impact upon the biodiversity and ecology of the area contrary to the National Planning Policy Framework and Policy CSP.1 of the Core Strategy.
3. Insufficient information has been submitted to demonstrate that acceptable and improved drainage facilities can be achieved to avoid unacceptable risk of flooding contrary to the National Planning Policy Framework and Policy CSP.1 of the Core Strategy.

THIS REFUSAL RELATES TO THE FOLLOWING PLANS:

Drawing(s) Title	No.(s)	Received on:
Location Plan	730-21 REV A	9 August 2016
Sections or cross sections	730-202 REV A	9 August 2016
House Types	730-22 REV A	9 August 2016
Proposed details	730-302	9 August 2016
Roof plan	730-23	9 August 2016
Access details	730-20 REV A	9 August 2016
Aerial photographs	730-300	9 August 2016
House Types	730-150 REV A	9 August 2016
House Types	730-151 REV A (FLATS)	9 August 2016
House Types	730-152 REV A	9 August 2016
House Types	730-153 REV A	9 August 2016
House Types	730-154 REV A	9 August 2016
Planning Layout	730-210	9 August 2016
Planning Layout	730-211	9 August 2016
Sections or cross sections	730-201 REV A	9 August 2016
Sections or cross sections	730-200 REV A	9 August 2016
House Types	730-157 REV A	9 August 2016
House Types	730-155 REV A	9 August 2016
House Types	730-158 REV A	9 August 2016
House Types	730-159 REV A	9 August 2016
Proposed details	730-301	9 August 2016
House Types	730-156 REV A	9 August 2016
Survey	2286/1	9 August 2016

NOTE

1. In accordance with the requirements of the National Planning Policy Framework, the Local Planning Authority has sought to determine the application in a positive and proactive manner offering pre-application advice, made available detailed published guidance to assist the applicant

and published to the council's website relevant information received during the consideration of the application thus enabling the applicant to be kept informed as to how the case was proceeding. In an attempt to overcome the planning objections and the conflict with Development Plan Policy negotiations have taken place with the applicant to address identified issues of concern. However, negotiations have failed to achieve sustainable development that would improve the economic, social and environmental conditions of the area for the reasons set out above.

ft.M.
Williams
Strategic Group
Manager

DRAFT STATEMENT OF COMMON GROUND

Gregory Farm,
Brockweir,
Chepstow

References:
Forest of Dean DC: PI 102/16/FUL
Planning Heritage Ref: 1719

MAY 2017



PLANNING HERITAGE

Conservation Planning Consultancy

I INTRODUCTION

- I.1. This Statement of Common Ground (SOCG) has been prepared in accordance with the Planning Inspectorate's Procedural Guide for Planning Appeals (April 2014).
- I.2. The SOCG contains factual information about the appeal site and sets out matters, which are not disputed by the Local Planning Authority, Forest of Dean District Council (FDDC).
- I.3. It also details the agreed list of plans on which the appeal proposal is to be determined and agreed list of draft conditions.
- I.4. This SOCG accompanies an appeal against the decision of FDDC to refuse planning permission for a residential development on the site of the former oil distribution depot and a horse and pony sanctuary at Gregory Farm, Brockweir, Chepstow NP16 7NG.
- I.5. The application was accepted on the 10 August 2016 and reported to FDDC's Planning and Highways committee on 13 December 2016.
- I.6. The decision notice contained three reasons for refusal:
 - i. *The proposed development, by virtue of its height, scale and prominence, fails to take proper account of and, causes substantial harm to the significance of the Brockweir Conservation Area and former mill building. In addition causes less than substantial harm to the Grade II* listed Malt House. It is considered that there are no substantial public benefits that outweigh the harm. As a consequence the proposed development fails to preserve or enhance the setting of the nearby listed buildings and the character or appearance of the Conservation Area, as required under sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and is contrary to Section 12 of the National Planning Policy Framework and Policy CSP.1 of the Core Strategy*
 - ii. *Insufficient information has been submitted to demonstrate that the proposed development would not have an unacceptable impact upon the biodiversity and ecology of the area contrary to the National Planning Policy Framework and Policy CSP.1 of the Core Strategy*
 - iii. *Insufficient information has been submitted to demonstrate that acceptable and improved drainage facilities can be achieved to avoid unacceptable risk of flooding contrary to the National Planning Policy Framework and Policy CSP.1 of the Core Strategy*

2 THE PROPOSAL AND PLANS FOR DETERMINATION

- 2.1 The proposed development is for the erection of 9 houses and 2 flats on land formerly used as an oil distribution depot and the Horses & Ponies Protection Association (HAPPA) sanctuary.
- 2.2 The dwellings would be accessed from the lane, which connects to Mill Hill.
- 2.3 It is agreed that the proposed residential use is appropriate for this Site and location.
- 2.4 The following are the relevant plan numbers and reports for the purposes of this appeal:

Submitted for approval:

2286/1	survey
730-20 REV A	Site access & circulation
730-21 REV A	Site location plan
730-22 REV A	Site plan, house types, levels & gradients
730-23	Site roof plan and landscaping
730-150 REV A	House Type A Plan, sections & elevations
730-151 REV A	Flats Type B ditto
730-152 REV A	House Type C ditto
730-153 REV A	House Type D1 ditto
730-154 REV A	House Type D2 ditto
730-155 REV A	House Type F1&2 Elevations
730-156 REV A	House Type F1 Plans & sections
730-157 REV A	House Type F3&4 Elevations
730-158 REV A	House Type F2&3 Plans & sections
730-159 REV A	House Type F4 ditto
730-200 REV A	Proposed site sections A to C
730-201 REV A	Proposed site sections D to F
730-202 REV A	Proposed site sections G to H
730-210	Brockweir town profile N-S
730-211	Brockweir town profile E-W
730-300	Aerial view of proposals
730-301	View north – Malthouse in proposed context
730-302	View east – Malthouse in proposed context
730 – 351B	Proposed mitigation Bat Roost – details

Reports submitted for approval:

Affordable Housing Statement	- Nov 2013
Ecological Assessment and Bat Survey	- August 2016
Ecological Assessment	- Nov 2013
Flood Risk Assessment	- undated

Flood Risk Review	- August 2015
Contaminated Land Review	- July 2015
Pollution control method statement	- undated
Tree retention & working Rev A	- August 2016
Tree Survey	- September 2013

- 2.5 It is agreed that the Inspector should determine the appeal on basis of the plans listed above.
- 2.6 In relation to Refusal Reason 3 *Insufficient information has been submitted to demonstrate that acceptable and improved drainage facilities can be achieved to avoid unacceptable risk of flooding contrary to the National Planning Policy Framework and Policy CSP.1 of the Core Strategy*, the Lead Local Flood Authority (LLFA) have received the additional information submitted together with the Flood Risk Assessment (FRA) and consider it to be adequate. The LLFA has therefore rescinded their previous objections to the surface water drainage proposals. In their letter dated 30 May 2017 ref F/2016/036754, they set out a list of recommended conditions should the application be approved.
- 2.7 As regards refusal reason 2, information has been submitted to the LPA demonstrating that the proposed development would not have an unacceptable impact upon the biodiversity and ecology of the area. Discussions are ongoing on these matters.

3 THE SITE AND SURROUNDING AREA

- 3.1 The extent of the Appeal Site is shown on the Plan 730-21 REV A.
- 3.2 The Site is accessible from the lane off the main road through the village.
- 3.3 The Site comprises an area of cleared land, lying on the southern side of Brockweir village. It slopes gradually from east to west. The site lies within the Brockweir Conservation Area. The Site was formerly occupied by a collection of buildings relating to two activities; an oil distribution depot and the HAPPA horse sanctuary. The latter had earlier been called Townsend Farm and Caswell Farm.
- 3.4 The Site is previously developed land.
- 3.5 The Site areas measures 0.33ha and has been vacant since February 2013, after which the collection of industrial and agricultural buildings were demolished in December 2015, as required by a condition of the 2014 planning permission granted by the Council for the erection of a dwelling house at Gregory Farm. A spoil heap has been created at the site entrance to stop informal parking of vehicles, which previously took place.
- 3.6 As shown on Plan 730-21 Rev A, the Site boundary does not include the former mill building, which is in the ownership of the appellant and for which a separate application (P1580/16/FUL) was submitted in November 2016. This separation was necessitated by difficult bat mitigation

negotiations. The application was withdrawn on 15 May 2017 on the grounds of the mill proposals being dependant on the appealed proposals. The location plan also shows 2 further parcels of land; 1x at the entrance and is the existing single storey building and the second is at the eastern boundary. No development is proposed in this area.

3.7 A diverted stream runs through a culvert, across the site running in an east/west direction following the fall of the slope. The culvert has become exposed in front of the former Mill, where it has partially collapsed.

3.8 The site is located adjacent to the recently converted stable buildings of the former HAPPA site. The buildings are now in residential use.

4 RELEVANT PLANNING HISTORY AND PROPOSAL

4.1 The Site was formerly used as an oil depot and the HAPPA horse sanctuary. Buildings relating to these activities were demolished in December 2015 and it is accepted the site is now a brownfield site and one that makes a 'negative' contribution to the character and appearance of the village and conservation area.

4.2 The planning history of the site covers both the oil depot and the horse sanctuary.

4.3 The Old Mill site is within the appellant's ownership but excluded from this appeal. A separate application (P1580/16/FUL; *Conversion and extension of existing Old Mill into a dwelling. Construction of a new bat roost*), was submitted to the Council but withdrawn on 15 May 2017.

5 RELEVANT PLANNING POLICY

5.1 Part of the site was used as an oil depot until 2008 and part as the HAPPA horse sanctuary until 2013. The buildings were demolished at the of 2015 and it is accepted the site now makes a 'negative' contribution to the character and appearance of the village and conservation area.

5.2 A previous similar application made in October 2014 (P1543/14/FUL) was refused in August 2015 on ecology and conservation grounds. Subsequent discussions with the conservation officer and Historic England then guided the current application, to which HE did not object.

5.3 In August 2016 proposals were submitted (reference P1102/16/FUL and DF3895) for the erection of 9 houses and 2 flats. The application was refused on 14 December 2016.

6 RELEVANT PLANNING HISTORY AND PROPOSAL

6.1 Section 38(6) of the Planning and Compulsory Purchase Act (2004) requires that applications for development to be determined in accordance with the provisions of the statutory development plan unless material considerations indicate otherwise. The development plan

for this Appeal comprises the policies of the Forest of Dean adopted Core Strategy (2012) and policies contained within the Allocations Plan currently under examination. The Plan is a material consideration and is afforded moderate weight in the decision making process.

- 6.2 It is agreed that the relevant planning policy, supplementary guidance and other material documentation relevant to this appeal is as follows:

Core Strategy:

CSP.1 – Design and Environmental Protection

CSP.2 – Climate Change

CSP.3 – Sustainable Energy Use with Development Proposals

CSP.4 – Development at Settlements

CSP.5 – Housing

CSP.9 – Recreational and Amenity Land

CSP.16- Development at Villages

Allocations Plan:

API – Sustainable Development

AP4 – Design of Development

AP5 – Style and Materials

AP7 – Biodiversity

AP8 – Green Infrastructure

Supplementary Planning Documents SPD's
Landscape SPD

Residential Design Guide

Brockweir Parish Character Appraisal (NOT PUBLISHED UNTIL AFTER THE APPLICATION
WAS SUBMITTED)

National Planning Policy Framework (NPPF)

- 6.3 It is agreed between the parties that the NPPF (2012) focuses on the presumption in favour of sustainable development and is a material consideration of significant weight in the determination of this appeal.

National Planning Practice Guidance (NPPG)

- 6.4 It is agreed between the parties that the NPPG is of relevance in applying the guidance contained within the NPPF.

7 DESIGN

- 7.1 It is agreed that the height, scale and mass of the proposed development is appropriate in this location.

- 7.2 Due to the historic significance of the adjacent former Malt House building and its prominence within the street scene, it is agreed that it would not be appropriate for any redevelopment of the Site to be visually dominant.
- 7.3 It is agreed that the design of the buildings should ensure the main focus in the street scene and the village remains the main street and surrounding houses.
- 7.4 It is agreed that the pallet of materials proposed are appropriate within the context of the Site and its location within a Conservation Area and in close proximity to a Listed Building.

7 HERITAGE

- 7.1 The site lies within the Brockweir Conservation Area (BCA) boundary runs along the rear boundary of the site. The BCA was designated in 1989.
- 7.2 That the former mill building is a non-designated heritage asset and was until the site was cleared, surrounded by agricultural and industrial buildings of no merit.
- 7.3 To the north west of the site is the former Malt House, listed at Grade II* in 1954 and the description reads: *Malt House (formerly 7.8.54 listed as Old Malt House) - II* Dwelling and workshop or store, sometime malt house, now dwelling and pottery. C15 or C16, C19 and C20. Original block in sandstone rubble with some carving on the principal south front, remainder painted rubble, all roofs concrete tile. A two-storey original C15 or C16 block with gable to road, with later 2½ storey building forming an L, and C19 infill to interior of L. The oldest block with an entry at the upper level by external steps. The original building gabled, with one stone gable stack, and a second stone stack at 45° in the junction with L-extension. Main front is 2 storeys with at first floor a pointed cusped single light in square head with drip, then two 2-light C19 casements with bars and between these a C20 door in 4-centred opening to square head with drip - all the stone detail in soft sandstone very badly worn; at ground floor a rectangular light, left, and a small single light in chamfered opening, right, with flight of stone steps to upper door between. Gable return left, 2½ storeys with small rectangular casement in worn stone surround in gable, over a 2-light casement with bars and in extreme outer corner a pointed cusped light with square head and drip, all badly worn over two C20 casements at ground floor and a central wide plank deep set door in 4-centre opening formed from two large stones as lintol. To left, slightly set forward, a two storey 2-windowed wing with 2-light C19 casements with horizontal bars and wood lintols and stone cills, central 4-panel moulded door to C20 porch. Return front, to main road, is two small gables and one large gable, various openings including a C20 shop front, left, two small casements in chamfered surrounds, right, and to left of the principal gable a C16 stone door opening to 4-centred head, chamfered including jambs. 4-bay roof with 2 purlins. Interior: original block much modified, has walls c700mm thick, and some wattle and daub partitioning in the open gable to the return block, and an open bressummer fire with large square stone lintol over carved and moulded stone cheeks; the return block includes a right spiral stone stair in cylindrical well and stone paved passage from C16 doorway. A stone doorway gives from internal staircase to the upper level of the original building. A complex historical growth, externally still of*

significance; dates of 1360 and 1514 for the original block and later wing have been suggested by the occupant.

7.4 The building is a local landmark.

7.5 It is the Council's case that the proposed development will lead to a level of harm to the setting of the Malt House that would be '*less than substantial*'(paragraph 134 of NPPF).

8 ECOLOGY

8.1 Information has been submitted to the LPA and discussion are ongoing with regard these matters.

9 DRAINAGE

9.1 It is agreed the measures proposed to alleviate and accommodate water flow and runoff submitted to the Lead Local Flood Authority (LLFA) together with the Flood Risk Assessment (FRA) are considered adequate.

9.2 The LLFA has rescinded their previous objections to the surface water drainage proposals. Their letter dated 30 May 2017 ref F/2016/036754, sets out a list of recommended conditions on the basis the application is approved.

10 DECLARATION

10.1 This Statement has been agreed between the following parties:

Signed:

Date: 1 June 2017

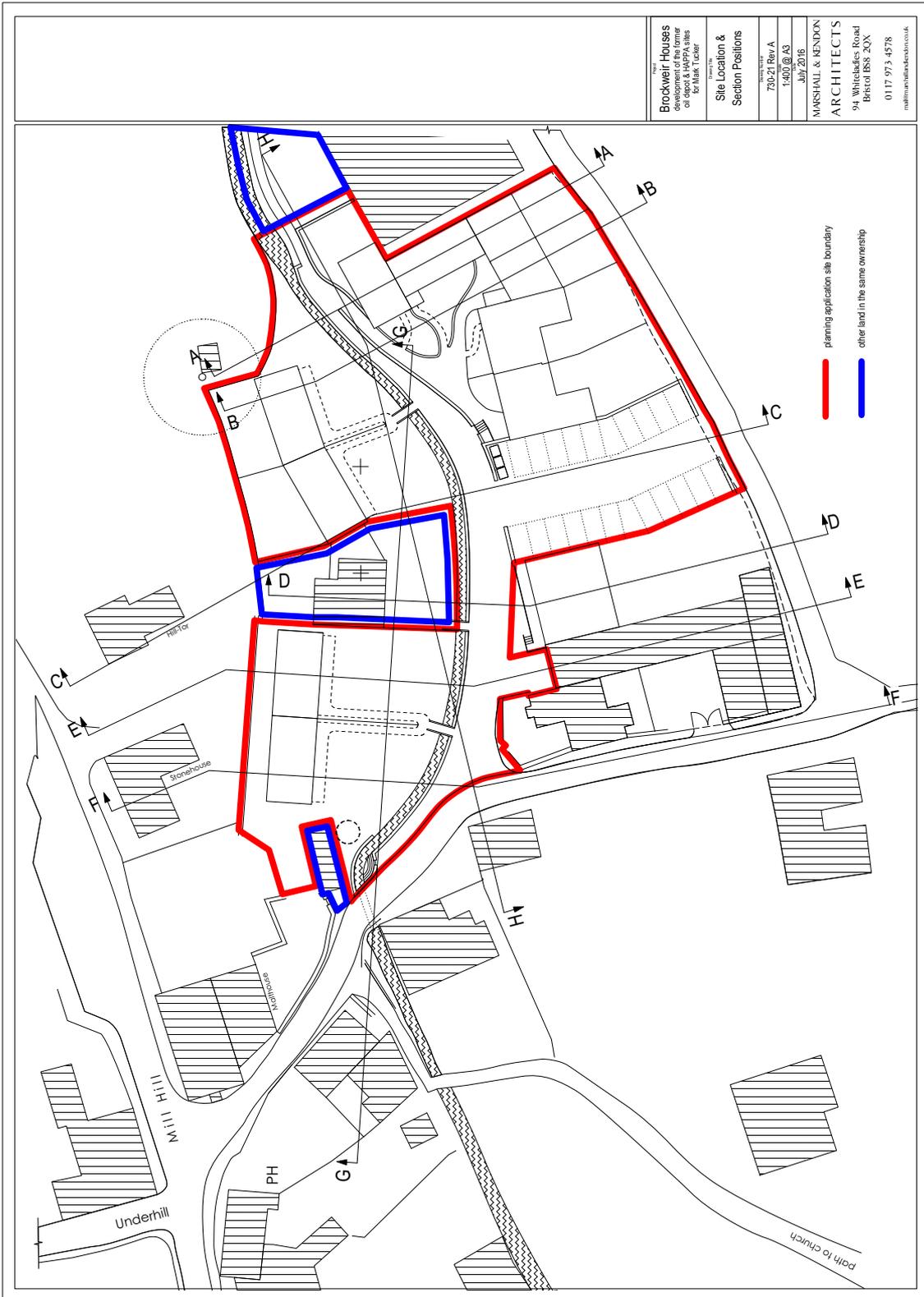
Planning Heritage on behalf of Acerbic Limited

Signed:

Date:

Forest of Dean District Council

APPENDIX 3: SITE LOCATION



BROCKWEIR CHARACTER APPRAISAL

NOVEMBER 2016 (adopted version)



Village pre-bridge with graving dock



V & A Watercolour of Brockweir

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1. THE PURPOSE OF THE CHARACTER APPRAISAL

1.1 This document has been produced by Hewelsfield and Brockweir Parish Council following a comprehensive local study of the design and character of both the natural and built environment of Brockweir and its immediate surroundings.

1.2 The development of this document has been guided by a number of planning policies. Of particular relevance is paragraph 58 of the National Planning Policy Framework:

Local and neighbourhood plans should develop robust and comprehensive policies that set out the quality of development that will be expected for the area. Such policies should be based on stated objectives for the future of the area and an understanding and evaluation of its defining characteristics. **Planning policies and decisions should aim to ensure that developments:**

- will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit;
- optimise the potential of the site to accommodate development, create and sustain an appropriate mix of uses (including incorporation of green and other public space as part of developments) and support local facilities and transport networks;
- **respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation;**
- create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion; and
- are visually attractive as a result of good architecture and appropriate landscaping.

1.3. The document's development has also been guided by the Local Character and Assets statement included in the Forest of Dean District Council's Allocation Plan (Interim Draft):

This statement above expresses the intention to use and improve local evidence to inform planning decisions including plan making. It applies to character and design generally but also to information in respect of additional or existing heritage assets.

1.4. The document has been subject to public consultation and subsequent revision and was adopted by Hewelsfield & Brockweir Parish Council on 1st November 2016. Formal endorsement by the Forest of Dean District Council is now sought. Subject to this endorsement it is expected that the document will form a material consideration in relation to future planning applications.

1.5. The document has been produced primarily to promote high standards of new development design that respects, conserves and enhances the character of the Parish. Developers are encouraged to refer to it when considering the location and design of their proposals.

- 1.6. The document identifies a range of both national and local heritage assets that make an important contribution to the character of the Parish. This list of assets will form the basis of a future study to help recognize and protect local heritage assets.

Process

This Character Appraisal is written to establish the characteristics that make up the value of Conservation Area designation and of the village itself. The assessment process includes a review of the existing boundaries, whether they are appropriate, and any possible modifications that could be made. The process of adopting a character appraisal has a number of stages; the draft document is the subject of a public consultation. The local community and residents within the villages are consulted, as are a number of interested local and national organisations. All the comments received during the consultation period are considered and any amendments made, a final draft is then produced. This document is formally considered by members of the Forest of Dean District Council Planning Committee on the 13th December 2017 formally adopted and is included within its evidence base. The Forest of Dean District Council is not bound by the document its contents will be taken into consideration in determining planning applications.

Consultation Stages

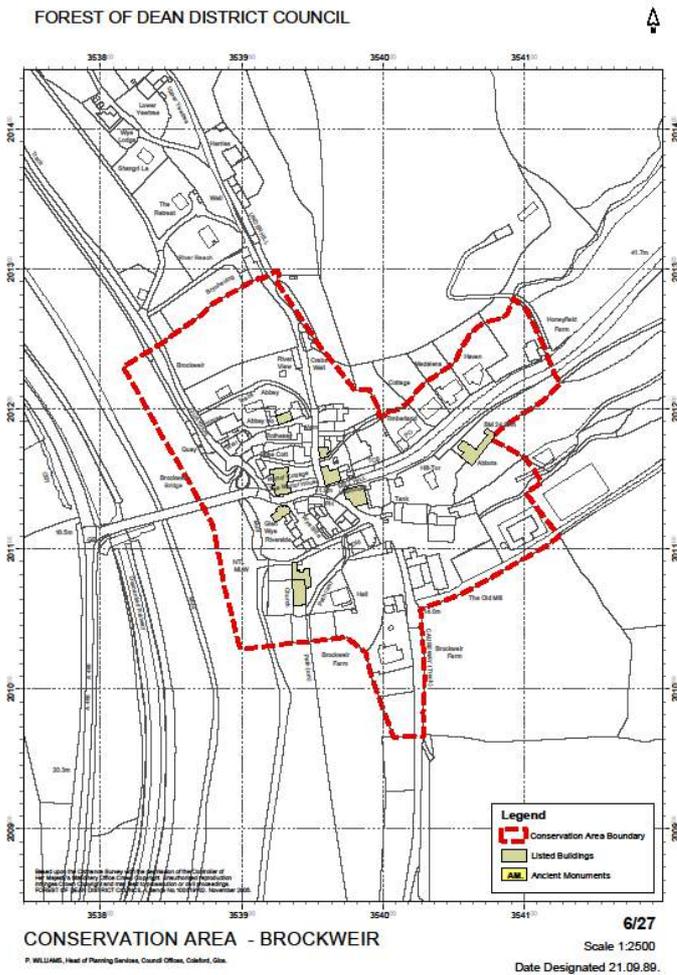
Stage	Date
Initial meeting with Forest of Dean District Council	22 nd September
First draft presentation to Forest of Dean District Council	20 th April 2016
Second draft document sent to Forest of Dean District	24 th October 2016
Adoption of final character assessment by Parish Council	1 st November 2016
Endorsement by Forest of Dean District Council	November/December 2016

As identified in the Local Development Plan, there are no suitable sites for development save the possible development on the former CPL site.

Brockweir Conservation Area

Brockweir was designated a Conservation Area on September 21st 1989 and extends beyond a defined settlement boundary in places and the settlement boundary as now in the Allocations Plan Draft goes beyond the Conservation Area in one area.

It covers the village itself – see attached map.



There are 9 listed buildings within the Conservation Area.

For avoidance of doubt, where the boundary of the Conservation Area is shown on a wall, fence, hedgerow, tree line or other means of enclosure, it shall be deemed to be included within the Conservation Area.

2. PARISH OVERVIEW

2.1 Evolution of area

Development

'In a wooded cove at the foot of the lofty Forest Hills, situate in the Hundreds of St. Briavels, divided by the River Wye from Tinteryne, in the county of Monmouth as the crow flies, forty-eight furlongs distant North from Chepstow, fifty-six furlongs distant South West from Coleford and sixty-four furlongs distant South East from Monmouth, lies a village, and a small port, from which iron and timber and other commodities are conveyed to Bristol. '

The name Brockweir dates from about the 7th century; previously it was known in Welsh as *Pwll Brochuail*, the pool of Brochuail or Brockmael, a prince of Gwent. The place name is mentioned in the Book of Llandaff (a 12th century compilation of documents) in relation to the traditions of king Tewdrig, a king of the early Welsh kingdoms of Gwent and Glywysing. The village sits below Offa's Dyke.

The weir was once owned by Monmouth Priory and later Tintern Abbey and the oldest existing building, the Malthouse, is believed to have formed part of a grange owned by Tintern Abbey. The Wye has a history of conflict between being a navigable river, and its flow being harnessed to power mills. The weir at Brockweir was certainly used by the monks of Tintern Abbey as a salmon fishery.

The development of Brockweir owes much to the river Wye, with Brockweir being the furthest point upstream that it was possible for seagoing vessels to reach. This led to the development of Brockweir as a significant port, a transit point for cargoes that were transferred to shallow barges and hauled upriver by teams of men and horses, and a loading place for produce from the Forest of Dean.

There was also a thriving ship-building, fitting-out and repair industry with a ship-building yard next to Quay House (now a domestic garden) and several slips. In fact, Brockweir boasts an original quay that continues to be used by canoeists and adventure groups. The view of this from the bridge forms part of the opening scenes for a popular television property program, and Brockweir is generally regarded as a 'jewel of the Forest'. The Moravian presence in Brockweir dates back to 1833. In those days Brockweir had a population of about 350. The nearest place of worship was Hewelsfield, a long walk up a steep hill. However, the village boasted many cider houses, with up to 16 being reported. A contemporary writer described it as being 'noted as a city of refuge for persons of desperate and lawless character. The Lord's Day was kept as a day of unhallowed revelling and desecrated by cock-fighting, gambling and quarrelling.' The peaceful river- bank setting where the Moravian Church is now situated was once the site of much of this revelry.

Originally only one narrow road led into the village and a ferryman transported passengers across the river Wye until 1906, when a bridge across the river was completed. In a well-documented high court case between the owner of the ferry and the bridge developers, it was recorded that

rates for the ferry were: 1d per adult, ½ d for a child, and 1d for a pig, sheep or bicycle. Annual earnings were £305 in 1905, the year before the bridge was built.

Brockweir is now a much-visited tourist destination, especially for walkers, hikers and lovers of nature. Both the Wye Valley Walk and Offa's Dyke path overlook the village, and Brockweir sits within the AONB and is a SSSI in the Lower Wye Valley.



Geology

The geology of the parish is fairly simple; essentially it consists of a lower section of Devonian red sandstone overlain in part by Carboniferous limestone.

The sands are approximately 350 million years old and were deposited over 30 million years in a semi-arid delta in restricted stretches of water, rivers with intermittent floods and with the addition of added windblown material from surrounding deserts called loess.

The lowest and oldest of this lower series are the Brownstones, fine grained purple grey micaceous sands. They occur in the lower valley but are not seen as outcrops because they are relatively soft; they are often encountered in foundation excavations in lower Brockweir. After a break in deposition associated with the Caledonian tectonic event the rocks of the Upper Old Red Sandstone were deposited. These were more significant for the area both geographically and historically. They consist initially of very hard coarse conglomerates, cemented with silica called 'Jackstones'. They form the upper resistant lip of the valley's profile and were extensively quarried for the manufacture of millstones, gateposts and as building material.

In turn these are overlain by the softer buff sandstones of the Tintern Group which outcrop in the Hudnalls over to Harthill and north to the valleys of Mork. The soils they produce are called brown earths, typically well drained coarse loams, acid and only moderately fertile supporting poor grassland and even heath. Because Brockweir sits at the bottom of a steep valley, these naturally occurring stones have provided a ready source of building material. The houses, cottages and walls including field boundaries of Brockweir are largely constructed from a combination of Jackstone and sandstone.

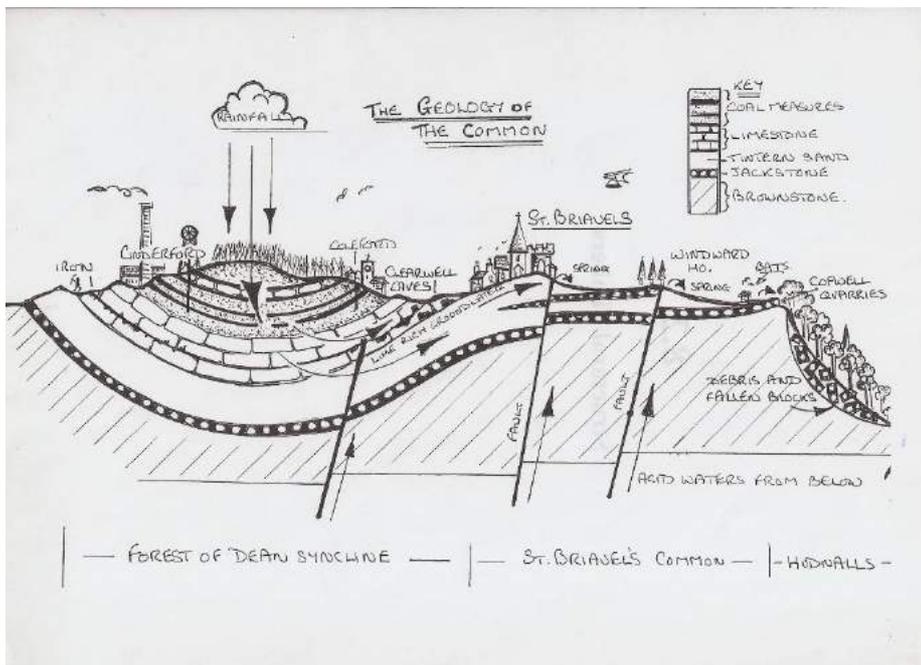
The end of the Devonian period is marked by an extensive rise in sea level and the transition from a land based fluvial system to a clear warm marine environment rich in life shown by the lower

limestone group abundant in fossils. These rocks, which used to be quarried for building lime, are currently economically the most significant being actively quarried at Stow. They cap the higher areas of the parish from Poolfield, east of Hewelsfield and St Briavels onto Bearse Common providing the richer farmland capable of arable production.

This sequence of outcrops repeats in reverse to the east down to Clanna, after it was deposited there followed the Hercynian tectonic event causing major uplift erosion and faulting. These faults, though not active today are lines of weakness and cross all over the parish witnessed by the numerous springs. The largest, the St Briavels Fault runs beneath the castle and over the common, an offshoot of which runs down the valley to Brockweir, along the course of Merricks Brook and passing through the heart of the village, creating the weir and then on to Tintern.

These faults provide communication with deep aquifers and are the origin of the permanent wells that were traditionally the source of drinking water. Numerous springs saturate the ground and combine with surface run off, consequently streams in the area are often full and at times of high rainfall and tide are prone to flooding. A recent report estimates that in the future, accounting for global warming, the stream in Brockweir that drains 4 square kilometres of steep grassland will have to accommodate up to 940 gallons or 3 1/2 tons per second. This flows directly through the demolished CPL Oil depot site. A copy of the report is attached as an appendix.

Predominantly as a result of underlying geology the parish can be divided into five distinct geographical areas.



Upland calcareous farmland

Larger hedged fields, lighter more fertile soils arable crops, little woodland.

Upland acid farmland

Smaller hedged fields predominantly grassland, little woodland.

Valley slopes

Small stone walled relic smallholdings now residential, much woodland with many springs and streams.

Flood plain

Rough pasture prone to flooding.
Village boundaries.



Archaeological significance

Townscape

Analysis Setting

Brockweir is a small, tightly clustered riverside settlement situated on the eastern bank of the river Wye. It is located within the Wye Valley Area of Outstanding Natural Beauty (AONB).

To the north and south narrow floodplain pastures bound the village. These can be seen extending up the valley sides to the north of the village and up Madgetts Hill to the east. There is no settlement along the valley sides to the south of the Conservation Area due to the steep landscape. To the north, linear settlements have developed along Underhill at various stages throughout Brockweir's history.

To the east, Brockweir & Hewelsfield Common is surrounded by relatively steep sided hills characterised by fields and scattered buildings, and in parts, dense woodlands. Across the river to the west, the landscape is characterised by steep sided hills with dense woodlands.



Skyline

From the centre of the village, buildings climb up the hills to the east and the north and in these directions, the skyline is dominated by the varying shapes and heights of rooftops due to the haphazard development of the settlement, giving Brockweir village much of its characteristic outlook.

Further views can be obtained between buildings and on the outskirts of the settlement towards the hills surrounding the village to the south and the west, with wooded ridges of these hills dominating the skyline. The surrounding area is sparsely populated by rural homesteads, predominantly refurbished farm cottages interspersed with a number of 20th century bungalows. Fortunately, the traditional stone cottages are in the majority. Where new properties have been proposed, it has always been of paramount importance to the Parish Council that the rural atmosphere of the surrounding countryside needs to be maintained.

Long distance views of wooded hills and open countryside exist from the riverside towards the north along the river Wye, while a meander in the river to the south cuts off the long-distance views in this direction.



Approaches

Vehicular access is from the east down Mill Hill with a relatively steep descent into the village, past 20th century suburban outlying houses on both sides of the road. A long-distance view down Mill Hill and across the river is terminated by the wooded hills on the other side of the river.

The centre of the village, where Mill Hill intersects with Underhill and the road to the oil yard past the Malt House and Monks Hall, is a natural hazard for unwary walkers from vehicles and bicycles descending Mill Hill.

Travelling from the west, Brockweir is approached across the tall cast iron bridge over the river Wye that provides views across and down into the village below. Situated directly opposite the bridge is the 16th century Manor House, and rooftops of surrounding buildings can also be seen. The ground around the foot of the bridge was raised considerably during its construction, causing a steep slope down towards the village once the bridge has been crossed. Glen Wye, another Tudor house, had a wing removed to enable the construction of the bridge. The road passes above the quayside before skirting the southern corner of the Manor House to reach the centre of the village where a visitor can fully appreciate its historic character.

A number of historic routes into the village are preserved as footpaths. From the north, Brockweir is approached down Underhill along narrow lanes lined with mature trees, hedgerows, walls and houses. Towards the centre of the village, the view is characterised by the roofscape and built environment of varying historic architectural styles.

Approaching from the south it is possible to enter the village either through the pastures along the riverbank and across a stile, past the Moravian church leading onto narrow lanes running between stone walls that cross the brook before entering the village, or via the Monks Path, an ancient (14th century) footpath that leads from Tintern Abbey into the heart of the village. The view approaching the village from the pastures is dominated by the 19th century Moravian chapel and Brockweir Farm. The view from the historic Monks Path that runs beneath overhanging tree canopies until it reaches the village, is of various ancient buildings including the Monks Hall and Malt House. This historic route emerges at the centre of the village by the derelict site of the old oil depot behind which rises the characteristic roofscape of Brockweir. Unfortunately, newer houses built up Mill Hill overlook the village, and some of these contribute little to the historic architecture of the village. However, there is little opportunity for further such development within the settlement boundary except at the old oil yard site, and any re-development should contribute to the aesthetics of the village.

There are long distance views of the village from Madgetts Hill along the Offa's Dyke footpath, and there is a well-trodden unmade road that leads down into the village with views that would be impacted by any ill-considered development of the oil yard.



Landmarks

Due to its location on the valley bottom, there are few landmarks that can readily be observed from a distance other than the village itself and the cast iron bridge crossing the river Wye. This was completed in 1906 and is built in the style of a typical railway bridge, but it can only be observed from riverside locations in the village or from the Offa's Dyke footpath on Madgetts Hill. The river constitutes the boundary between England and Wales.

The listed Moravian Church, unlike many churches which have a chosen location on a hill or prominent landscape feature, was constructed on the location of a cock fighting pit, and lies on the very edge of the riverbank on the outskirts of the village and lower than the majority of buildings. Whilst it is relatively young in comparison with most of the buildings in the village itself, it certainly adds to the character through its simple arts & crafts architectural style.



Views

The tightly clustered centre of the village with buildings climbing up the hill to the east leaves magnificent views of the fields and woodlands on the surrounding hills from within the village. Around the perimeter of the village there are good views into the surrounding countryside. These views change throughout the seasons due to the amount of tree cover, and the valley in autumn is a glorious sight. From the riverside and the bridge there are views both north and south along the river Wye. The wooded hills with their seasonal colour have inspired the likes of Wordsworth, Turner and Gainsborough as well as many amateur artists, many of who are regular repeat visitors along with the walkers and hikers.



Structure

The built environment is characterised by a sporadic development with no predominant building pattern, giving Brockweir its unique character. The older historic buildings dating from the 14th to the 17th century are spread throughout the village with more recent infills, many of which can be dated to the 18th and 19th century. The majority of buildings are one and a half to two storey buildings, but due to the long historic development of the village, there is very little uniformity to the form and architectural styles of buildings. The houses and cottages are primarily constructed from local stone, and roofs are either clay tile or slate. Some of the older houses even have features that seem rather high-brow for humble village cottages. These include carved mullions, one of which has actually been used backwards. It suggests that Tintern Abbey was used as a quarry after Henry VIII had it destroyed in 1536.

Mill Hill road cuts through the centre of the village in an east-west direction. There are no other vehicular thoroughfares through the village, leaving navigation around the core of the village to narrow lanes with tight or no vehicular access, and to narrow cul-de-sac lanes to the settlements along Quayside, Brockweir House and Underhill to the north, and to Brockweir Farm to the south.

Buildings are set back from the roadside on Mill Hill except in the centre of the village, but are otherwise located alongside the roads and lanes. Most houses have no front gardens and entrances are directly onto the pavement or lanes. The focal point of the historic buildings in the village is the river, with most of these facing the riverside.

Apart from the village green by the Moravian Chapel and the quay, both of which are protected open spaces, there are no open public spaces between buildings.

The demolition in the late 1940's of a row of Victorian Cottages fronting the northern side of Mill Hill Lane has led to an open space now being used as a garden and parking. The demolition of the former HAPPA stables has led to an open space around the former oil depot, and the only building still standing on the site is the Old Mill. This demolition has opened up views into the heart of the village from the unmade road that descends Madgetts Hill.

Modern development (1950s and onwards) is concentrated to a few properties on both sides of Mill Hill Road, with the majority of buildings in the village dating to the late 19th century or earlier.

Property boundaries consist mainly of stone walls, on a few instances fences and hedgerows.





Hierarchy

The oldest standing building in the village is the c14th century Malt House and Monks Hall, a Grade II* listed building, originally a single building reputed to be a grange belonging to Tintern Abbey. Situated in the heart of the village, the building is a prominent feature. In the 19th century the building was used as a malthouse by the notable Jane family.

Other noticeable buildings in the village are the c16th Manor House directly opposite the bridge on the north side of the road and Glen Wye, a 15th/16th century house on the riverbank on the south side of the road. These are both Grade II listed buildings.

Historically, the Moravian Chapel (dated to 1832 and a Grade II listed building) and the adjacent Moravian Hall became important social, cultural and religious focal points for the community, and continue to perform this function.

Another socially important building is the pub “The Brockweir Country Inn”, the only remaining pub in the village. Brockweir was reputed to have had as many as 16 inns during the heyday of the river trade.

Brockweir Farm is a prominent building if the village is approached on foot from the south. This is reported to have a priest hole inside the chimney breast.

Of importance to the history of the village is the only remaining structure of the c18th century mill (in use until the early 20th century). Historic maps indicate that the mill comprised several buildings associated with a mill stream. There is evidence of a mill pond and leat further up the stream, and historic records record another mill in the 12th century of which no thing remains.

The Grade II listed Brockweir Bridge is a significant structure due the impact its construction had upon communications, social life, and the local economy historically, as well as being a well- known and much photographed landmark of today.

Other Grade II listed buildings within the Conservation Area are the Manse, attached to the chapel and now a dwelling; Abbey House (c16th); the Post Office (c16th); Spring Cottage (c17th)

and a 18th century field barn at Honeyfield Farm, all which are examples of the rich and varied local history.



Quality of Spaces

Due to the tight boundaries around the built-up area as well as the nature and shape of the settlement, there are very few open spaces within the village itself. However, the surrounding countryside with its plethora of public rights of way are only a few steps away (including the Offa's Dyke Path, the Monks Path and the Wye Valley Walk on the Welsh side of the river).

Adjacent to the Moravian Chapel and Hall is a protected open space covered in grass and surrounded by stone walls and some mature trees.

The quay on the riverfront is protected as an important open area and is both aesthetically and historically of interest. In fact, it is a favourite spot for walkers to rest on a well-sited bench next to the river.

There are some areas of negative space, these will be dealt with under a separate heading.



Landscape setting

Topography

Identification of Sub Areas

Brockweir is a small Conservation Area. The riverside sub-area includes an ancient wharf, as well as a path running North along the bounded by the river, river meadows, woods and river. This path was originally used to tow the trows that carried goods on the river above Brockweir. Some of the older houses show signs of historical use associated with the river trade.

The River Wye is a nationally designated Site of Special Scientific Interest (SSSI) and an internationally designated Special Area of Conservation (SAC). The River Wye forms one of the longest, near natural rivers in England and Wales. The River Wye (Lower Wye) is a rare example of a near natural, large western eutrophic river which, unlike many rivers of a similar type, has not been subject to significant modification from human activities. The river is of special interest for three main aquatic plant community types - rivers on sandstone, mudstone and hard limestone, clay rivers and lowland rivers with minimal gradient, as well as for certain flowering plants and bryophytes.

The river is also designated for its importance for certain species including White-clawed crayfish, Sea lamprey, Brook lamprey, River lamprey, Twaite shad, Atlantic salmon, Bullhead and Otter.

There is another sub-area to the south of the village which is associated with the Moravian chapel. It includes the chapel itself, the old Sunday School which is used by various village societies and groups, the village grave-yards and some lawns.

The old CPL oil yard is currently a demolition site with the derelict old mill. A proposal to build a high-density development of 3 storey modern townhouses was refused planning Permission under P1543/14/FUL on 12th August 2015. The reasons for the Council's decision to refuse permission were:-

1. The proposed development, by virtue of its height, scale and prominence, fails to take proper account of and, causes unacceptable harm to the significance of the affected designated heritage assets and their settings, in this case the Grade II* listed Malt House and the Brockweir Conservation Area. As a consequence it fails to preserve or enhance the setting of the nearby listed buildings and the character or appearance of the Conservation Area, as required under sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and is contrary to Section 12 of the National Planning Policy Framework and Policy CSP.1 of the Core Strategy.
2. Insufficient information has been submitted to demonstrate that the proposed development would not have an unacceptable impact upon the biodiversity and ecology of the area contrary to the National Planning Policy Framework and Policy CSP.1 of the Core Strategy.

The developer has since submitted a revised planning application with very little change to the previously refused scheme. The site itself is bisected by a stream that can flood badly after prolonged or heavy rainfall. When the oil company sold the site, it was cleaned up to an industrial rather than residential standard. A Flood Risk Review Report and Contaminated Land Review produced by HYDOGEO Groundwater and Environment were commissioned on behalf of Hewelsfield and Brockweir Parish Council on this site and are available to view on the parish website independent of this document.

The area could lend itself well for village use – perhaps a combination of light industrial and craft type premises along with much-needed parking. A sympathetic redevelopment of the site might include the restoration of the mill to generate electricity for the village for example.

About ¾ mile East up Mill Hill the village has both a village hall and an award-winning eco-shop and café with play area. These serve the larger community of Brockweir and Hewelsfield as well as the large number of tourists, hikers and guests of local holiday cottages.

Condition of built fabric

The buildings in Brockweir are generally in good condition and are well maintained by their owners.

One exception is the former mill, which is currently preserved as an upstanding structure, but is in a poor condition. This building, whilst perhaps not significant in its architecture, is a significant remnant of Brockweir's past.

Buildings

Brockweir contains houses of varying age and architectural styles, with a significant number of Tudor houses compared to other riverside settlements along the river Wye.

The buildings in Brockweir are largely of one and a half or two storeys in height. The historic buildings are of stone, roughcast render or stone rubble with slate and clay tiles roofs. Where taller buildings occur these are the exception. However, it is not just the height that gives Brockweir its unique appearance - it is the way buildings are positioned in the landscape. What is noticeable is that in the view eastwards from the bridge the buildings all appear very uniform in height despite the steeply sloping ground. But when looking from the south you see the modern houses on the south side of Mill Hill opposite the allotments standing out high above the old oil yard site, and their particularly light colour gives them far greater landscape impact. The historic buildings in the heart of the village are very obvious when viewed from the South East and immediately identify Brockweir as an ancient settlement. This is particularly obvious when walking the ancient Monks Path, the path from Tintern Abbey to Brockweir. Any development should not impact this view.

Occupation levels

All houses in Brockweir are occupied, although some are used as holiday homes for rental and a further few as private holiday homes. The infrastructure of the village is already stretched with little communal parking, no centralised sewage system, and few facilities. Any significant development within the village boundaries should consider this. The only shop is run mostly by community volunteers and is located $\frac{3}{4}$ mile up Mill Hill. Whilst it is very popular, it probably would not be utilised for a weekly shop. There is no school within the parish, children travel to nearby towns for their education. There is also no bus service within the village, to access the local bus service where concessions can be used means walking uphill to the B4228. Travel concessions cannot be used by English residents on bus services which use the A466 on the Welsh side of the valley.'

Negative spaces

The former oil depot and site of the former HAPPA stables are both negative spaces, but are in the process of being developed subject to planning permission. Any possible contamination or pollution issues arising from the former oil depot would need to be fully resolved at the time of any redevelopment if not before. The Parish Council would like to draw your attention to the Hydrogeo Contaminated Land and Flood Risk Review Reports which were commissioned by the Parish Council to inform future development of this sensitive site on the contamination and flood issues which need to be addressed within the site and these are available to view on the Hewelsfield and Brockweir Parish Council website.



Potential areas which could be enhanced

The lack of car parking in the village is a cause of concern and impacts negatively on the village due to the number of cars being parked along the road down Mill Hill. Since the demolition of the buildings in the former oil yard no informal parking has been available on this site, and parked vehicles now extend some way up Mill Hill. This area also sees an excessive use of road markings.

On the northernmost perimeter of the Conservation Area is an open space that is privately owned. Having been cleared to a certain degree, the space is still used for storage of old haybales and could be enhanced.

Street Furniture

There are a couple of wooden benches on the riverside overlooking the river Wye that are much used by walkers in the area. A traditional phone box is tucked away in a corner behind the car park on Mill Hill Lane. The approach into the village down Mill Hill is not subject to a 30mph speed limit, therefore street lighting is sparse. There are a few bollards to protect pavements from illegal parking.

Paving traditions

Pavements are mainly tarmac. The amount of tarmac particularly in the centre of the village is in contrast to the historic houses. In the narrow lanes from the quay to Underhill and from the Moravian Chapel to the brook, there is a mixture of ancient cobbled surfaces and tarmac.

To the east there are grass verges rather than pavements, with vegetation that creeps over the road edge and softens its appearance. Paths along the verges have recently been tarmaced.

The historical surfacing was likely to have been cobbles, and some examples remain although most have been replaced with or drowned by tarmac. Certainly, cobbles would be more aesthetically pleasing.

Wirescape

Overhead wiring is visually dominant in the centre of the village and on the bridge footing. It would be an improvement if these were underground.

Local Building Patterns

- Vernacular is a term used to describe buildings that are built to suit the needs of the owner, with materials that are to hand, rather than following a set form of architectural style such as neoclassical or Gothic. Vernacular buildings are generally simple in form and primarily functional.
- Polite architecture is the reverse of vernacular; it relates to buildings that are architecturally designed in a well-defined style, using materials sourced from afar that sometimes needed to be transported into the area. This form of architecture generally relates to country houses and other status buildings.

The buildings in Brockweir are all vernacular in style, including the Moravian Chapel, which in many other cases portrays more architectural elements (arts & crafts) than the surrounding properties. The buildings demonstrate elements of almost every period of vernacular architecture, with a significant number of Tudor houses compared to other riverside settlements along the river Wye.

Some buildings do show elements of detailing, such as the windows on the 16th century Manor House, which have chamfered mullion stone casements, possibly salvaged from the site of Tintern Abbey.



The buildings in the centre of the village are important traces of Brockweir's social and economic development. The Malt House is thought to have been part of a grange belonging to Tintern

Abbey while Glen Wye, Manor House, Abbey House and Quay House all have histories strongly associated with the trade and shipping industry on the river.

There are very few houses from the 20th century in the village itself and most of these are located to the east up Mill Hill Lane or along Underhill. The decline in building activity coincides with the decline in the trade on the river Wye, with the last ship to sail to Brockweir being the *Belle Marie* in 1914.

The buildings in Brockweir are largely of one and a half or two storeys in height. Where taller buildings occur these are the exception.

Materials

The historic buildings are of stone, roughcast render or stone rubble with slate or clay tile roofs.

Another characteristic feature of the village are the high enclosed retaining walls either side of some of the lanes through the village, such as between the Moravian Chapel and the brook and between the quay and Underhill.

Brockweir seems to have largely avoided the late 20th century plague of concrete, and the buildings and walls are predominantly constructed from local stone. A number of the houses and cottages have been pebble-dashed, others have been returned to their original stone. Residents are proud of their village and there is a tendency to maintain the atmosphere through sympathetic improvements. Any poorly sited or ill-considered proposed developments are fiercely criticised and contested.

Looking Ahead – conserve, enhance, create

- > There is a need to conserve the historic heart of the village and the older dwellings that populate the hillsides;
- > Where opportunities arise it would be desirable to improve the material finishes to some buildings and other surfaces for example more use of cobbles rather than tarmac.
- > Where opportunities arise it would be desirable to decrease traffic speeds and volumes;
- > It would be desirable to create off street public car parking provision for visitors.

Activities, uses and linkages

The pub, which is dated from 1793, is continually busy and benefits from the large number of tourists who pass through the village, particularly along the footpaths from either Bigsweir or Tintern. It hosts activities such as the village book club and regular ‘open mike’ sessions.

The Moravian Hall is another community space, which is also regularly in use along with the old Sunday school. Outside of the Conservation Area, the Village Shop was built as the result of a community wide survey which voted for a new ‘eco’ village shop. The previous shop had closed and become a domestic dwelling prior to becoming a pine furniture shop. The building of the shop was funded by a grant and matched funding from villagers. The shop has received the Telegraph award for small village businesses. It runs with volunteer help and is a viable business. Since the shop opened a children’s playground has been added again using grants.

The Mackenzie village hall, about $\frac{3}{4}$ of a mile up Mill Hill, hosts many and varied activities such as indoor bowls, the Brockweir Amateur Dramatic Society {BADS} productions, and the annual senior citizens lunch, many traveling musical productions and has an adjacent tennis court.

The Moravian Church Hall hosts various community groups such as table tennis, history society, pensioners' lunches and the like.

There are a number of home-based businesses in the village and its immediate vicinity including a leading historical stained glass restorer and a local cider producer. Further mixed development could enhance the village and it may be appropriate for the redevelopment of the oil yard site to offer opportunities for light industry as well as much-needed parking. Brockweir did not benefit from the 'Fastershire' implementation of high-speed broadband. There are a number of professionals who work from home, and fast broadband would certainly be of great benefit to creating local employment.

The parish council has created a number of workgroups aimed at village improvement and of maintenance of the extensive network of foot and bridle paths that surround the village. Brockweir attracts a considerable number of tourists and walkers who appreciate its ancient appeal.

Images and associations

Sounds

Rural sounds dominate, with birdsong and the more distinctive calls of pheasants, owls and buzzards being heard. However, the noise of the valley road can be intrusive when near the river. The river itself has many moods and only falls truly silent at high tide.

Associations

The writer Flora Klickmann (1867–1958), who wrote several popular books about her experiences of living in the Wye valley as well as on other subjects, is buried in the Moravian churchyard.

Monk Optics observatory in the village is housed in the old school premises and the Brockweir Glass Company is in the village itself. Orchard Cider is produced along Underhill. The Brockweir Inn does a brisk trade from both locals and visitors. There are a number of livestock farmers, as well as some arable farming.

Conclusion

Brockweir boasts a single surviving pub, an award-winning eco-shop, a Moravian Chapel, a village hall and a vibrant community. Brockweir has retained much of its character from when it was a busy port. It sits within the magnificent scenery of the lower Wye Valley, steeply wooded slopes that run down to the River Wye itself, and is largely a collection of ancient cottages and houses. These were originally inhabited by people who largely made their living from the river, whether through trade, salmon or elver fishing, or indeed providing hospitality to the traders. This eventually led to the Moravians building their chapel, presumably to save the village from debauchery.

This location places Brockweir somewhat at the mercy of the elements, and flooding can come from the rain-swollen streams running down through the village, or spring high tides sometimes exaggerated by low pressure from storms blowing up the Bristol Channel. If all three of these events coincide, then many of the lower lying houses of Brockweir will flood.

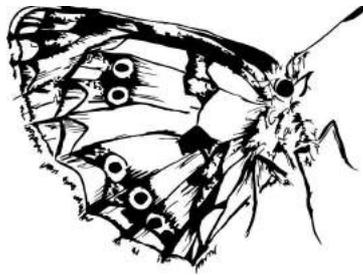
This contrasts starkly with the beauty of the setting for most of the year - river meadows surrounding the village, which host events such as an annual cricket match for example. The fauna includes a number of rare species of bats.

Offa's Dyke sits above the village and crosses through the parish, and the Wye Valley Walk is on the opposite bank of the river. The parish is criss-crossed by numerous footpaths, many of which traverse land that bears the evidence of ancient toil.

The village has developed over many centuries and thus created its own special ambiance. This has been recognised through its designation as a Conservation Area. Any development should be sympathetic to preserving this ambiance whilst adding to the facilities to support modern life, and not compounding the congestion due to the limited underlying infrastructure. Brockweir, as a historic rural community, lacks many of the facilities one would expect in a modern urban environment such as mains sewage, gas etc. The particular character of the community should therefore be preserved by carefully considered sympathetic development including a possible restoration of the mill and leat. Any development should certainly consider the risk of natural factors such as pluvial and fluvial flooding.

ECOLOGICAL ASSESSMENT AND BAT SURVEYS

**FORMER OIL DEPOT,
BROCKWEIR,
GLOUCESTERSHIRE**



Helping to build a sustainable future

Prepared on behalf of Mr Mark Tucker

August 2016

Report written by D Wells BSc (Hons) CEnv MCIEEM
Report checked by R Collins BSc (Hons) CEnv MCIEEM

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This report presents the results of a Phase 1 habitats and protected species walkover survey of an area of disused light/industrial and agricultural buildings on the outskirts of the village of Brockweir, Gloucestershire, and of subsequent bat emergence/re-entry surveys and surveys to establish flight lines used by lesser horseshoe bats.

Surveys were originally carried out between August 2012 and July 2013 by David Wells whilst trading as David Wells Ecology; this report has been updated by Collins Environmental Consultancy Ltd. in order to include the results of further surveys undertaken between June and August 2015, and to take account of comments made by Forest of Dean District Council (FoDDC) and Natural England (NE).

The aim of the initial Phase 1 habitats and protected species walkover survey was to identify any evidence of notable habitats, or protected or notable species within the survey site, in order to assess whether any ecological features of the site would represent a constraint to proposed development within the survey area, and to provide recommendations for ecological mitigation measures where appropriate. Having previously identified evidence of roosting bats in 2012/2013, further bat surveys in 2015 aimed to update the roost survey information, and to determine the flight line connections across the development site by which lesser horseshoe bats could commute to or from other nearby roosts for this species, including a component site of the Wye Valley and Forest of Dean Bat Sites Special Area of Conservation (SAC) approximately 1.4km north-west of the site.

Surveys found that the majority of the site comprised buildings and hard standing of negligible ecological value. A culverted stream flows beneath the site and into the River Wye SAC a short distance downstream of the site. A bat emergence survey in 2015 confirmed continued use of the former mill building by roosting lesser horseshoe, *Myotis* (probable whiskered or Brandt's) and common pipistrelle bats. Previous surveys had also identified use of the building by brown long-eared and possibly serotine bats. None of these species used the building as a maternity roost site. Flight line surveys identified commuting routes used by lesser horseshoe bats to and from the former mill building, and across the site and surrounding land. Evidence of nesting birds was also present.

Development proposals, comprising construction of new residential dwellings on the site and, as a separate application, renovation and extension of the former mill building, therefore have the potential to affect roosting bats and nesting birds. The proposals would unavoidably result in the loss of the loft area currently used as a roost site by lesser horseshoe, *Myotis*, brown long-eared and serotine bats.

Mitigation measures to offset these impacts have therefore been proposed, comprising: incorporating access points for crevice roosting bats into the restored mill building; constructing a dedicated roost building on the eastern edge of the site, with a range of features to ensure its suitability for lesser horseshoe, brown long-eared, *Myotis* and serotine bats; timing of works or precautionary checks to avoid impacts on nesting birds; and implementing pollution prevention measures to prevent any impact on the stream flowing through the site, either from contaminants or silt.

Construction works around the former mill, and exclusion of bats from the former mill building would be licensable and therefore need to take place under licence from Natural England.

Even in the absence of mitigation the proposed works would not be likely to have a significant impact on the River Wye SAC. The proposed development, in particular loss of the former mill building roost and associated flight line to the south, and disturbance to bats using this roost during construction around it, have the potential to result in significant disturbance to small numbers of lesser horseshoe bats in the Wye Valley and Forest of Dean Bat Sites SAC, though the proportion of the SAC population using the roost means it is unlikely that significant impacts on the SAC population as a whole would occur, even in the absence of mitigation.

2. Introduction

2.1. Survey Context

Bats and their places of shelter are protected primarily under the Conservation of Habitats and Species Regulations 2010 (as amended)¹, which implement the requirements of the EC Habitats Directive² in England and Wales. These make it an offence to: deliberately capture, kill, or injure these species; to deliberately cause them significant disturbance; and to damage or destroy a place of shelter for these species. This summary is only a guide and the legislation should be referred to for definitive advice on what may constitute an offence.

Licences for otherwise illegal activities can be obtained from Natural England, provided three 'tests' can be met: 1) that the proposed activities are for preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature; 2) that there is no satisfactory alternative to the proposed activities; and 3) that the favourable conservation status of the species affected will be maintained. In practice, the latter means that mitigation measures, and a commitment to post-construction monitoring, form an essential part of any licence application.

All wild British birds, their nests and eggs (with certain exceptions) are protected against: intentional killing, injury or taking; intentional taking, damaging or destroying of nests which are in use or being built; intentional taking or destroying of birds' eggs; and possession of live or dead wild birds or eggs; under the Wildlife and Countryside Act 1981 (as amended)³.

The National Planning Policy Framework (NPPF)⁴, issued in March 2012, has superseded Planning Policy Statement 9: Biodiversity and Geological Conservation (August 2005), though existing supplementary guidance in Government Circular ODPM 06/2005 on Biodiversity and Geological conservation⁵ remains valid. The NPPF simplifies and collates a number of previous planning documents and outlines the government's objectives towards biodiversity. The NPPF identifies ways in which the planning system should contribute to and enhance the natural and local environment (Paragraph 109), including:

- protecting and enhancing valued landscapes, geological conservation interests and soils;
- recognizing the wider benefits of ecosystem services;
- minimizing impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.

When determining planning applications, the NPPF states that local planning authorities should aim to conserve and enhance biodiversity (Paragraph 118) by applying principles including:

- if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;
- proposed development on land within or outside a Site of Special Scientific Interest likely to have an adverse effect on a Site of Special Scientific Interest (either individually or in combination with other developments) should not normally be permitted. Where an adverse effect on the site's notified special interest features is likely, an exception should only be made where the benefits of the development, at this site, clearly outweigh both the impacts that it is likely to have on the features of the site that make it of special scientific interest and any broader impacts on the national network of Sites of Special Scientific Interest;
- development proposals where the primary objective is to conserve or enhance biodiversity should be permitted;
- opportunities to incorporate biodiversity in and around developments should be encouraged;
- planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland, unless the need for, and benefits of, the development in that location clearly outweigh the loss; and
- the following wildlife sites should be given the same protection as European sites: potential Special Protection Areas and possible Special Areas of Conservation; listed or proposed Ramsar sites; and sites identified, or required, as compensatory measures for adverse effects on European sites, potential Special Protection Areas, possible Special Areas of Conservation, and listed or proposed Ramsar sites.

The Natural Environment and Rural Communities Act (2006)⁶ states that a public authority must, "in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity; Conserving biodiversity includes, in relation to a living organism or type of habitat, restoring or enhancing a population or habitat".

Local Planning Authority (LPA) policies adopted by the Forest of Dean District Council in their Core Strategy⁷ include the following:

Policy CSP.1: Design and Environmental Protection

This states that "The design and construction of new development must take into account important characteristics of the environment and conserve, preserve or otherwise respect them in a manner that maintains or enhances their contribution to the environment, including their wider context. New development should demonstrate an efficient use of resources. It should respect wider natural corridors and other natural areas, providing green infrastructure where necessary". The policy states that presence of protected sites (for natural and heritage reasons) will be considered in achieving this policy.

Policy CSP.2: Climate Change

This identifies biodiversity as one key issue in addressing climate change and states that "Developments must support green infrastructure corridors that link to existing habitat features and networks. They must show that the integrity of any affected nature conservation sites is not compromised by the development proposed. Proposals that prevent or restrict network connections will not be supported". In addition, it states that "Developments will be required to make long

lasting biodiversity enhancements which could include the creation of new habitats where these would be appropriate. They should support existing features (trees, ponds, hedgerows etc.), provide and manage public open space and should also provide additional features for a wide variety of species and habitats in appropriate locations throughout the development. Additional features provided should be consistent with the characteristics of the surrounding area”.

2.2. Instructions

In accordance with instructions received from Mr Mark Tucker of Acerbic Ltd, 28 Clifton Wood Road, Clifton, Bristol BS8 4TW., Collins Environmental Consultancy Ltd (CEC Ltd) undertook an update to the previous Phase 1 habitats and protected species walkover survey of an area of disused light/industrial and agricultural buildings on the outskirts of the village of Brockweir, Gloucestershire. In addition CEC Ltd undertook an emergence survey of the former mill building on 17th June 2015, to update the results from previous surveys in 2012 and 2013, and three surveys to establish the flight lines used by lesser horseshoe bats entering and leaving the former oil depot site on 30th June, 11th August and 26th August 2015.

The update Phase 1 habitats and protected species walkover survey was undertaken by David Wells BSc (Hons) CEnv MCIEEM (staff profiles provided in Appendix VII) on 17th June 2015, and further surveys for bats were led by him.

2.3. Site details/address

The former oil depot site is situated on the southern edge of the village of Brockweir, in the Forest of Dean, Gloucestershire, NP16 7NG at Ordnance Survey (OS) Grid Reference SO540011⁸. The site boundary is shown in Figure 1 in Appendix 3.

2.4. Proposed development and purpose of report

Planning permission is being sought for construction of nine houses and two flats on the former oil depot site. These would form a row of buildings with the former mill in the centre, and additional dwellings on the south-east part of the site. A communal parking area would be provided in the southern part of the site, and the culverted section of watercourse would be opened up and restored, with dwellings to the north of the stream accessed via footbridges. Low level lighting will be provided along footpaths and in the car park area for pedestrian safety. The former mill building on the site is subject to a separate planning application, submitted in parallel with the application for the rest of the site, for renovation, extension and conversion to an additional dwelling.

The purpose of this report is to identify ecological constraints and opportunities (protected areas or species, other areas or species of conservation concern, and invasive species) associated with proposed development on the site. In particular, this report aims to describe the status of the site for roosting and commuting bats. Suitable avoidance, mitigation or compensation measures are proposed to address identified ecological constraints.

2.5. Information sources

The sources of information used in this report are listed in Appendix I. These are numbered in the appendix and references in the text are numbered accordingly.

3. Methodology

3.1. Desktop survey

Existing records of protected or otherwise notable species, and of non-statutory sites designated for their nature conservation value were obtained from Gloucestershire Centre for Environmental Records (GCER)⁹ and the South-east Wales Biodiversity Records Centre (SEWBRc)¹⁰ in 2012 for the site and a 1km radius around it. Information on statutory sites designated for their nature conservation value was obtained online from www.magic.gov.uk for a 2km radius around the site.

Records held are not an indication of local protected or notable species numbers, just of the level of recording effort; i.e. if it is not recorded it does not mean that it is not present. OS Explorer Map OL14 (1:25,000 scale) was used to establish the location and identify surrounding habitats of the site.

3.2. **Site assessment**

A walkover survey of the site was carried out by David Wells (see Appendix VII for staff profiles) to identify any protected or notable species or habitats which could represent a constraint to proposed development on the site.

The habitat survey involved identifying the dominant habitat types following the survey methodology recommended by Natural England¹¹. Identified habitat types are listed in the descriptions below. Dominant plant species were noted, along with any notable plant species or those associated with particular habitat types. Not all plant species would have been visible during a single survey visit; consequently no attempt was made to compile exhaustive species lists. Botanical names follow Stace (1997)¹².

Trees and buildings were inspected, using binoculars where necessary, in order to identify potentially suitable access points for bats, and any evidence of their use by bats, such as droppings or fur-staining around access points. Buildings were also inspected internally where safe to do so. The likely suitability of the watercourse for protected species such as otters and water voles was assessed, and where appropriate a brief search was carried out for evidence of these species. The suitability of terrestrial habitats for reptiles and amphibians was also assessed. A search was carried out for badger setts, pathways and latrines, and any setts found were classified using best practice guidance (Natural England, 2007)¹³.

3.3. **Bat emergence survey**

The bat emergence survey followed the methodology used during surveys of the former mill building in 2012/2013. Three surveyors monitored bat activity in and around the former mill building. Surveyors used Wildlife Acoustics EM3+, Batbox Duet and Pettersson D240 detectors, recording calls on digital recorders for subsequent identification. Whenever bats were observed, their behaviour was noted. The dusk survey commenced at sunset and continued for 90 minutes. The former mill building (Building 3) and surveyor locations are shown on Figure 2 in Appendix III.

Three surveys had been undertaken in September 2012, May 2013 and July 2013. On the first emergence survey in September 2012 an SM2 bat detector was positioned in the mouth of the culvert running beneath the site, at the upstream end (the downstream end being largely choked with vegetation). As the data from these surveys was available (and is presented in the Results section below), and the site remained largely unchanged, a single update emergence survey was considered sufficient to confirm the current status of the roost.

Surveys were undertaken by qualified and experienced surveyors, led by David Wells (see Appendix VII for staff profiles). Dusk and dawn bat activity surveys were undertaken using

guidelines set out by Natural England (NE)¹⁴ and the Bat Conservation Trust (BCT)¹⁵. If a bat was detected the species was identified, where possible, and recordings made to confirm identifications using Batsound and Analook software.

3.4. **Bat flight line surveys**

Three flight line surveys were undertaken between June and August 2015. Four surveyors monitored bat activity on and around the site in order to identify flight lines between the former mill roost and site boundaries, and therefore to infer likely flightpaths connecting this roost to other known lesser horseshoe roosts nearby. Surveyors used Wildlife Acoustic EM3+, Batbox Duet and Pettersson D240 detectors; on one occasion a Wildlife Acoustics SM2 BAT+ was also used. Surveys commenced at sunset and continued for 90 minutes. Surveyor locations are shown on Figure 2 in Appendix III.

Surveys were undertaken by qualified and experienced surveyors, led by David Wells.

3.5. **Site survey constraints**

There are a number of standard constraints that affect bat activity surveys. These include the fact that bat detectors are directional, therefore may only record bats passing in one direction or those passing very close by the detector, and some may only record one call (the loudest call) at a time. All bat detectors have a limited range; therefore survey relies heavily on the observation skills of the surveyors, particularly as some bat echolocation calls are very faint. The fact that bats do not always echolocate also means that their behaviour can be missed. Due to the similarity of some calls, it is difficult to identify some species beyond generic level. Many bat species exit from, or return to, their roosts when light levels are low, therefore it can be very difficult for surveyors to observe exact numbers and positions of roosts.

There was restricted access into the former mill building during the surveys, for safety reasons, though the loft area could be viewed via the rear door at first floor level.

4. **Results**

4.1. **Desktop Survey**

Part of Caswell Wood, approximately 300m south of the site, is a Site of Special Scientific Interest (SSSI), due to the ancient woodland habitat it supports. This site is included in the Wye Valley Woodlands Special Area of Conservation (SAC). The River Wye, approximately 100m west of the site, is also designated a SSSI and SAC, for the habitats and species it supports. Part of the Wye Valley and Forest of Dean Bat Sites SAC lies 1.4km north-west of the site; this site is also designated as a SSSI (the Sylvan House Barn SSSI) for the large maternity roost of lesser horseshoe bats that it supports.

Information provided by GCER identified two non-statutory Key Wildlife Sites (KWS) within 1km of the site. 'Lippets Grove KWS' and 'Oakhill Wood KWS' are both ancient woodland sites, approximately 900m south and south-east of the site. Information provided by SEWBRc identified two non-statutory Sites of Importance for Nature Conservation (SINCs) within 1km of the site: 'Coed Beddick South of Track SNCI' and 'Coed Beddick South East SNCI' are both woodland sites on the western side of the Wye Valley, opposite Brockweir village.

Protected species records within 1km of the site included records of lesser horseshoe bats on the western side of the Wye valley opposite Brockweir village, to the north of Brockweir, in woodlands to the south of the village, and a record of a maternity colony west of Tintern. Greater horseshoe bats have been recorded in woodlands to the south of the site. Droppings from an unidentified bat species were recorded in a building adjacent to the site in 2006, and both pipistrelle and brown long-eared bats have been recorded roosting in Tintern. Flight records of pipistrelle, Natterer's and noctule bats also exist for Tintern. A night roost for lesser horseshoe and brown long-eared bats was identified in the adjoining property (in the same ownership) immediately to the south of the site in 2013.

Radio-tracking as part of a PhD study on lesser horseshoe bats by Tessa Knight, in 2004¹⁶, identified the former mill building as a day and night roost for this species, and identified a number of other roosts in and around Brockweir and St. Briavels, six of which (including the former mill building) were used by more than one radio-tracked bat. However, assessment of roost type was outside the scope of that study, and specific flightpaths between roosts were not presented in the thesis.

There are also records of: dormice within 1km, on both sides of the Wye; otters and water voles on the Wye close to Brockweir, though there are no recent (post 1980) records of water voles in this location; and badgers. There are also records of several rare plant and invertebrate species within 1km of the site, mainly associated with the designated sites described above.

All bat Species of Principal Importance that occur in Gloucestershire (including lesser horseshoe, soprano pipistrelle, brown long-eared, noctule, dormouse, otter and water vole) are considered priority species in the Gloucestershire LBAP.

4.2. **Previous surveys of the site**

Surveys undertaken in 2012 and 2013, comprising a Phase 1 habitats and protected species walkover survey and three emergence or re-entry surveys of the former mill building for bats, identified that the former oil depot site largely comprised six buildings surrounded by hard standing, with vegetated areas largely comprising scrub regeneration around the margins of the site. The site, as observed during the update habitats survey in 2015, is described more fully in sections 4.3 and 4.4 below.

Several other buildings adjacent to the site were in the same ownership in 2013 and have been subject to a separate planning application and ecological assessment^{17, 18}, which identified a lesser horseshoe and long-eared bat night roost/feeding perch. This application (reference P0521/13/FUL) has been granted planning permission.

Internal inspection of buildings, during the 2012 habitats survey, identified that while the majority of buildings were unsuitable for bats, the upper floor of the former mill building supported roosting lesser horseshoe bats (8 observed in August 2012). Subsequent DNA analysis of droppings found in the ground floor room confirmed use of the building by one or more serotine bats. Emergence and re-entry surveys undertaken in September 2012 and May and July 2013 confirmed the presence of roosting lesser horseshoe (peak count of six during May survey), long-eared (two present during all three surveys), small *Myotis* (peak count of two during September survey), common pipistrelle (peak count of three during September survey) and soprano pipistrelle (peak count of one during May survey) bats.

4.3. **Description of the site & surrounding area**

The survey area comprised a former oil depot on the outskirts of Brockweir village, with eight buildings (at the time of survey in June 2015) largely surrounded by hard standing and scrub. It is understood that six of the buildings (i.e. all buildings on site except the former mill building and former office close to the entrance to the site) were subsequently demolished in November 2015 (this being a requirement of the planning consent for conversion of the adjacent buildings into a dwelling). A culverted stream runs beneath the site, with the ends of the culvert close to the eastern and western site boundaries.

The former oil depot site largely comprised buildings and hard standing with very little vegetation. However several areas around the margins of the site supported scrub dominated by common nettle, bramble and elder. The northern edge of the site comprises a terrace, supported by a retaining wall approximately 3m high, on which semi-mature ash, sycamore, and willows are growing, over an understory of bramble and common nettle. These are in turn set approximately 5m below the level of gardens on adjoining land. It is understood that trees close to buildings and around the main ‘yard’ area were felled in 2015, though those on the northern edge of the site remain.

In some areas vegetation was colonizing the hard standing; butterfly-bush, bramble, herb-Robert, willowherbs, cock’s-foot and annual meadow-grass tended to dominate these areas.

An area close to the upstream end of the culverted stream on the eastern edge of the site also supported semi-mature ash, sycamore and willows over ground vegetation dominated by bramble and common nettle, though there was an area dominated by the invasive non-native species Indian balsam on this part of the site boundary.

Areas around the former stable buildings were similarly dominated by hard standing, with small areas of mown lawns, semi-mature sycamore and ash. A plan of the habitats present on the site at the time of survey is provided as Figure 1 in Appendix III. Photographs are provided in Appendix IV.

4.4. Bats

External and internal inspection of buildings on the site in June 2015 found that the majority were unsuitable for use by roosting bats, being steel-framed structures with unlined cladding. The buildings surveyed are described in Table 1 below. The former mill building had previously been confirmed as a roost during surveys in 2012 and 2013 (see above).

The culvert running beneath the site was grilled at both ends; the downstream end was obstructed by bankside vegetation at the time of survey and consequently not considered suitable for use as an emergence point by bats. The upstream end was also considered sub-optimal due to the design of the grating over the culvert mouth (vertical bars, obstructing access for flying bats).

Table 1: Building descriptions and results of daytime inspections

Building Number (see Figure 1)	Description of building	Evidence of bats found
1	Single-storey office/reception building for site, with brick walls and a slate roof. Not accessible to survey internally, but no visible access points for bats, with gable ends, fascias all sealed and no missing or slipped roof slates.	No evidence of use by bats found

2	Former warehouse building, partially-open sided steel-framed structure with blockwork walls and unlined corrugated sheet roof and gables. Some crevices in blockwork but none identified as suitable roosting sites for bats. It is understood this building was demolished in late 2015.	No evidence of use by bats found.
3	Stone-walled two-storey former mill building with a slate roof. Doorway/window openings into the adjoining Building 5 on the south side, Building 4 to the east, and an external doorway at first floor level on the north side. First floor unsafe preventing a comprehensive inspection of the building.	Aug 2012: 8 lesser horseshoe bats (plus one long dead one) roosting in first floor room. Serotine droppings in ground floor room. April 2013: 1 lesser horseshoe bat in first floor room. June 2015: at least one lesser horseshoe bat roosting in first floor room
4	Standing blockwork walls of building with roof almost entirely missing. Not suitable for roosting bats. It is understood this building was demolished in late 2015.	No evidence of use by bats found.
5	Steel-framed Dutch Barn with unlined corrugated sheet walls and roof, open at east and west ends. Not suitable for roosting bats. It is understood this building was demolished in late 2015.	No evidence of use by bats found in 2015, though a few small bat droppings were found scattered within building in 2012.
6	Former workshop building, steel-framed with blockwork and unlined corrugated sheet walls, and an unlined corrugated sheet roof. Not suitable for roosting bats. It is understood this building was demolished in late 2015.	No evidence of use by bats found.
7	Modern stable building of steel-framed construction with blockwork and timber slat walls, and unlined corrugated sheet roofing. Not suitable for roosting bats. It is understood this building was demolished in late 2015.	No evidence of use by bats found.
8	Toilet block with tiled roof lined with underfelt. No visible access points into loft for bats. It is understood this building was demolished in late 2015.	No evidence of use by bats found.

A dusk emergence survey was undertaken on 17th June 2015, to update the findings of previous surveys in 2012/2013. The survey used three surveyors, positioned as shown on Figure 2 in Appendix III. The results of the survey are summarized in Table 2 below.

Table 2: Summary of bat emergence/re-entry survey results June 2015

Date: 17th June 2015 Number of surveyors: 3

Sunset Time: 21:32		Cloud Cover Initial: 100% Final: 20%	Precipitation Initial: 0 Final: 0	Temperature Initial: 19.6°C Final: 17.9°C	Wind (Beaufort Scale) Initial: 2 Final: 1
Survey Start: 21:30					
Species	Number	Foraging/ commuting**	Roosting/ emergence**	1 st detection time	
Lesser horseshoe	5+	Several <i>F</i> among trees on bank to north of former mill building	5 <i>E</i> from eastern ground floor window and northern first floor doorway of former mill building, also <i>LS</i> at these points and beneath the canopy of Building 5	21:50	
<i>Myotis</i>	1+	1 <i>C</i> around mill from Building 5 then north offsite, following emergence from former mill. Also 1 <i>F</i> along trees on north edge of site	1 <i>E</i> from former mill building into Building 5	21:38	
Common pipistrelle	1+	1+ <i>F</i> over parking area and within Building 5	1 <i>E</i> former mill building into building 5	21:50	
Noctule	1+	1+ <i>F</i> overhead	-	22:00	
Soprano pipistrelle	1+	1+ <i>F</i> along trees on bank to north of former mill building	-	22:38	
Survey Constraints: difficulty in accessing terrace at rear of former mill building, restricted visibility beneath tree canopy and canopy of building 5.					
**Key: <i>F</i> = foraging, <i>R</i> = roosting, <i>RS</i> = resting, <i>RB</i> = roosting behaviour, <i>C</i> = commuting, <i>SW</i> = swarming, <i>E</i> = emergence, <i>ER</i> = emergence routine, <i>SC</i> = social calls, <i>LS</i> = light sampling.					

Flight line surveys were undertaken on 30th June, 11th August and 26th August 2015. Each survey used four surveyors, positioned as shown on Figure 3 in Appendix III from sunset for at least 90 minutes. On one occasion an SM2 BAT+ static detector was also used in addition to surveyors. The timings of lesser horseshoe bat passes and the flightpaths used (where observed) were recorded in order to map and infer flight lines across the site, and connectivity between the former mill building roost and other nearby roosts for this species.

Table 3: Summary of bat flight line survey results

Survey visit	North of site (road)	South of site (Bridleway)	South-east of site (Offa's Dyke path)	East of site (stream corridor)
30 th June 2015. Survey 2120 – 22:50 (sunset 21:33). Dry, 10% cloud, calm, 19.7°C falling to 16.9°C at end.	Eight lesser horseshoe passes between 22:06 and 22:40. Only two observed, one flying towards the site at 22:18 and one away from the site at 22:39.	Seven lesser horseshoe passes between 22:10 and 22:43. All but one flying away from site, the other towards site.	One lesser horseshoe pass at 22:11 heading away from site. Static detector data on adjoining hedgerow: 11 passes between 22:17 and 22:47.	Two lesser horseshoe passes at 22:13 and 22:19, neither observed.
	Noctule, soprano pipistrelle, common pipistrelle, also recorded.	Common pipistrelle, soprano pipistrelle, noctule, <i>Myotis</i> , and greater horseshoe (one pass) also recorded.	Common pipistrelle, noctule, soprano pipistrelle also recorded Four greater horseshoe passes on static detector between 22:11 and 22:18.	Common pipistrelle, noctule, soprano pipistrelle, <i>Myotis</i> also recorded.
11 th August 2015. Survey 20:40 – 22:15 (sunset 20:42). Dry, 25% cloud, calm, 17°C falling to 13.3°C at end.	Four lesser horseshoe passes between 21:33 and 22:11. Two observed flying towards site, and two flying away from site.	No lesser horseshoe passes.	Two lesser horseshoe passes at 21:18 and 21:32, both flying away from site.	No lesser horseshoe passes.
	Noctule, common pipistrelle, long-eared bat and <i>Myotis</i> also recorded.	Soprano pipistrelle, common pipistrelle, noctule, <i>Myotis</i> and long-eared bats recorded.	Noctule, common pipistrelle, soprano pipistrelle, <i>Myotis</i> and long-eared bats also recorded.	Common pipistrelle, noctule, <i>Myotis</i> , soprano pipistrelle and long-eared bats recorded.
26 th August 2015. Survey 20:10 – 21:40 (sunset 20:11). Dry, 80% cloud, light breeze, 16.4°C falling to 14.8°C at end.	Seven lesser horseshoe passes between 20:37 and 21:41. Five observed, four away from site and one towards site.	Three lesser horseshoe passes between 21:04 and 21:29. Two observed, one flying towards site and one away from site.	No lesser horseshoe passes.	One lesser horseshoe pass at 20:51, not observed.
	Soprano pipistrelle, common pipistrelle and noctule also recorded.	Common pipistrelle, soprano pipistrelle, long-eared bat and <i>Myotis</i> also recorded.	Soprano pipistrelle, common pipistrelle, <i>Myotis</i> and long-eared bat also recorded.	Common pipistrelle, soprano pipistrelle, long-eared bat and <i>Myotis</i> also recorded.

4.5. Birds

Building 3 had evidence of use by nesting birds including swallows, jackdaws and robins. No evidence of barn owls was recorded in any of the buildings.

4.6. Amphibians

There are no nearby records of great crested newts, and no ponds are shown within 500m of the site on Ordnance Survey 1:25000 maps, consequently it is considered extremely unlikely that this species would be present on or near the site.

4.7. Reptiles

Given that the site largely comprised buildings and hard standing, and that vegetated margins of the site were heavily shaded until tree felling in 2015, it is considered unlikely that the site would support significant populations of any common reptile species, although slow worms, if present in nearby gardens, could be present in small numbers along the northern edge of the site above the existing buildings.

4.8. Otters and water voles

The culverted watercourse on the site was not suitable for use by water voles, and was largely unsuitable for use by otters due to the confined space and high flow rate in the culvert.

4.9. **Dormice**

It was considered that the site supported insufficient woody vegetation to provide suitable habitat for use by dormice, even if present in the hedgerow network to the east of the site (which may connect to woodlands in which dormice have previously been recorded).

4.10. **Badgers**

No badger setts were recorded on or adjacent to the site, though a badger pathway and latrines were present along the track beyond the site boundary to the east.

5. **Site Interpretation**

The majority of the survey area is of very low nature conservation value, comprising hard standing supporting a limited range of plant species, and buildings of an unsuitable design for roosting bats. Features of ecological significance on the site are therefore limited to the roosting lesser horseshoe bats, other roosting bat species, nesting birds, and the proximity of the site to the River Wye SAC.

5.1. **Lesser horseshoe bats**

The relatively low, but variable, numbers of lesser horseshoe bats using the roost in the former mill building indicate that it is likely to be a 'satellite' roost for a nearby larger maternity roost for this species. Given the distance between the site and the Sylvan House Barn SSSI maternity roost to the north, which forms part of the Wye Valley and Forest of Dean Bat Sites SAC, it is likely that at least some of the bats using the former mill building roost are from the SAC population, and that the SSSI roost may be maternity roost of which this is a satellite (although satellite roosts are usually rather closer to maternity roosts than the 1.4km between these). Flight line surveys at dusk recorded bats flying towards the site from the north, as well as flying away from the site to the north, while other flight lines predominantly recorded bats flying away from the site, indicating that the former mill building is associated with a roost to the north, and that areas used by bats to the south are used for foraging.

Lesser horseshoe bats were the only species present in sufficient numbers for clear flight lines to be evident. One led from the roost beneath tree canopies along the vegetated slope on the northern edge of the site, and then via gardens to the road through the village. A treeline overhanging the roadside footpath was used as a commuting route up the hill a short distance before bats headed north across the road and into gardens. A smaller number of bats commuted south across the site and along the footpath heading south, having emerged from the former mill building roost via the adjoining Building 5. Smaller numbers of bats again were recorded using the stream corridor and track to the east of the site. Identified flight lines are shown on Figure 3 in Appendix III. Records of bats entering the former mill building from the north, during emergence surveys of this building, indicate that the commuting route to foraging habitat south of the site runs through the former mill building and the adjoining Building 5 (though the latter has now been demolished).

The site is too small and does not support suitable habitats to provide a significant foraging resource for lesser horseshoe bats.

5.2. **Other bat species**

The presence of four other species of roosting bats (brown long-eared, *Myotis*, common and soprano pipistrelle, with serotine also recorded but only from droppings) adds to the importance of the former mill building. All of these species were present in small numbers, likely to represent lone males or non-breeding

females, associated with breeding populations roosting elsewhere nearby. Prior to its demolition, pipistrelle bats used the cover provided by the adjoining Building 5 as a light sampling and foraging area, while *Myotis* and long-eared bats used openings at the rear of the building to emerge into the cover of the tree canopy.

The long-eared bats are likely to be brown long-eared bats (*Plecotus auritus*) due to the fact that grey long-eared bats (*P. austriacus*) have not been recorded in the county and are generally restricted to the south coast of England (both species look and sound very similar; it is not possible to separate the species without handling individuals or undertaking DNA analysis of their droppings). *Myotis* species are also difficult to distinguish from echolocation calls alone, though calls recorded indicated the likely presence of either whiskered or Brandt's bats (as alcathe bat has not been recorded in Gloucestershire). It is considered likely that the site represents an occasional feeding perch or night roost only for serotine bats, as none of these were recorded using the building during any of the four surveys in 2015.

5.3. Nesting birds

There was evidence of nesting birds in Building 3, and other buildings were accessible to nesting birds, having suitable access points for both crevice-nesting species (e.g. robins) and those which fly into nest sites (e.g. swallows). Scrub habitat around the margins of the site is also suitable for use by a range of nesting bird species typical of garden and urban fringe habitats. Several species of conservation concern¹⁹ were observed during surveys (see species list in Appendix II), but are considered unlikely to be present in significant numbers.

5.4. The River Wye SAC

The culverted stream running through the site flows into the River Wye approximately 100m downstream of the site. Consequently, although the stream running through the site is of low ecological value (especially the culverted section), activities on the application site have the potential to affect SAC habitat, if only at a local level.

6. Ecological Constraints and Opportunities

6.1 Ecological constraints to proposed development

The ecological constraints to development comprise: the presence of roosting lesser horseshoe bats (part of the SAC population) in the former mill building, the presence of other roosting bat species in the former mill building, the seasonal presence of nesting birds on site, and the risk of effects on the River Wye SAC.

Lesser horseshoe bats roosting in the former mill building would be directly affected by its renovation and conversion, but could also be disturbed by construction works taking place on the former oil depot site, which surrounds the former mill building on three sides. Construction site noise, artificial lighting (e.g. temporary lighting for security during construction, as well as the proposed permanent lighting associated with the proposed dwellings, footpaths and parking area), and potentially dust and vibration associated with removal of the stream culvert could all disturb bats in the roost. Some disruption of the commuting routes to and from the former mill building could be caused by the proposed development, particularly through artificial lighting on the site, though bats commuting across the site between north and south may already have been affected by the removal of Building 5, the Dutch barn adjoining the former mill, which was demolished in November 2015.

Effects on other bat species would be similar to those on lesser horseshoes, but as these other species are not listed as qualifying features on the Wye Valley and Forest of Dean Bat Sites SAC, the significance of the impacts would be lower. The pipistrelle species would be less severely affected by artificial lighting than the brown long-eared or *Myotis* bats (or lesser horseshoes), as pipistrelle bats will forage on insects attracted to some types of artificial lighting.

Nesting birds would represent a constraint to vegetation clearance and to renovation of the former mill building seasonally, during the breeding season (March to mid-August for most bird species). Construction of new dwellings adjacent to the former mill building is considered unlikely to obstruct birds' access to nest sites (if in use at the time of construction), as there are access points in the front (south) side of the former mill building which will remain unobstructed.

The presence of the River Wye SAC a short distance downstream of the site represents a constraint to the working methods used during removal of the existing culvert, hard standings and subsequent landscaping of the site and stream corridor. A method statement for assessment of contaminants on the site has been prepared (Marshall & Kendon Ltd, 2016)²⁰. This details methods by which contamination of the watercourse (by waste, silt or hydrocarbons) will be avoided. Measures proposed include: site investigations to identify contaminants if present; retention of the culvert during the majority of construction works, in order to avoid materials/plant etc. having to cross the open stream channel; improvements to the upstream end of the culvert to reduce the risk of flooding on the site; and use of a temporary lagoon and soakaway for controlling site run-off and any water pumped out during works on the culvert or replacement stream channel.

It is therefore unlikely that there will be impacts on the watercourse downstream of the site during demolition and construction works, particularly given the small scale of the proposed works in the context of the River Wye SAC. However, potential effects if these measures should fail are assessed below.

6.2 Likely impacts on designated sites

As the proposals have the potential to affect the Wye Valley and Forest of Dean Bat Sites SAC and the River Wye SAC, the likelihood of significant effects resulting from the proposed development has been assessed for each of the two designated sites. A Habitats Regulations Screening matrix is provided in Appendix V allowing a 'test of likely significant effect' to be carried out as required under the Conservation of Habitats and Species Regulations (2010, as amended).

6.3 Ecological opportunities from proposed development

The primary ecological benefit arising from the proposals would be the restoration of approximately 70m of stream channel, by removal of the existing culvert and replacement with a more natural bank structure. In addition to ecological benefits from this work, removal of the culvert would reduce flood risk on the site and therefore reduce sediment entering the stream and River Wye from surface water run-off.

7. Recommendations for mitigation

The following measures are proposed to avoid, mitigate or compensate for the potential impacts described above on: lesser horseshoe bats, including any impacts on the Wye Valley and Forest of Dean Bat Sites SAC; other bat species; nesting birds; and the stream feeding into the River Wye SAC.

7.1 Lesser horseshoe bats

Loss of access to the loft area of the former mill building will necessitate provision of an alternative roost site elsewhere on site for the lesser horseshoe satellite roost. Retention of the roost in situ is not possible due to the small size of the former mill building, which would mean the ground floor area, even if extended, would be too small for a dwelling.

Due to the potential for disturbance of bats in the former mill building roost during construction activities on the surrounding former oil depot site, the alternative roost site should be provided during the first phase of development on the site, whether that is construction of dwellings or renovation of the former mill.

Guidelines for provision of replacement roosts for this species such as Mitchell-Jones (2004) and Schofield (2008)²¹ include the following principles, which should be applied in the design of any replacement roost:

- The replacement roost must be connected to existing flight lines and be as close to the existing roost as possible;
- The replacement roost must not be completely shaded (though partial shade, as with the existing roost, is acceptable);
- Guidelines state that replacement maternity roosts should have an internal volume of 250m². As the roost requiring replacement is not a maternity roost, the internal volume can be less than this provided it allows space for roosting and light sampling (the internal volume of the former mill building roost is approximately this volume, but there is little evidence of lesser horseshoe bats using the ground floor area except for light sampling);
- The internal design of the roost must provide a range of micro-climates (warmer and cooler areas);
- Internal flight spaces must be unobstructed, with traditional 'cut and pitch' roof construction rather than pre-formed trusses. A ceiling (with open loft hatch) must be present to provide different microclimates in roof and ground floor levels. The roof must be lined with either timber sarking or type 1F bitumastic underfelt, not breathable roofing membranes (BRM);
- If blockwork is used for walls, it must be rendered inside;
- A 'fly-in' entrance point must be provided, of at least 300mm wide by 150mm high.

Detailed proposals for the replacement roost, to be positioned in the wooded valley to the east of the development site (an area which is connected to the identified flight lines, see Figure 4 in Appendix III) are provided in a separate document.

In addition to the replacement roost, the development must ensure that lesser horseshoe bats are able to commute between the northern and southern edges of the site, and between the flight line and the replacement roost. With the replacement roost positioned to the east of the development site, the connectivity to the flight line north of the site is good, but connectivity to the footpath running south of the site would need to be improved by planting to screen the track running along the southern boundary of the site from lighting associated with the development (see Figure 4 in Appendix III).

Because lesser horseshoe bats using the existing roost are likely to be from the SAC population, appropriate assessment as required under the Conservation of Habitats and Species Regulations will be necessary, comprising at least a screening process (Test of Likely Significant Effects). A draft screening matrix is provided in Appendix V.

A Natural England licence will be required to enable any works which could modify roosts in the former mill building. Licences can only be applied for once planning consent is in place, and applications must meet certain criteria (see below). The alternative roost site for lesser horseshoe bats must be provided in

advance of excluding bats from the existing roost. In addition, works to exclude bats from the former mill building is likely to be seasonally constrained to the winter months (October to March), though the end of this period may also be subject to nesting bird constraints.

7.2 Other bat species

The former mill building also supports non-breeding roosts of brown long-eared, whiskered/Brandt's, common and soprano pipistrelle and possibly serotine bats. Roosting pipistrelle species can be accommodated into the renovated mill building without compromising its use as a dwelling. Although bats of these species observed emerging from the building flew out of window openings from the loft area, these species typically roost in crevices between roof slates/tiles and roof linings.

Access points for these species must therefore be created in three locations on the re-instated roof of the former mill building (two on the eastern face and one on the northern face of the roof, to provide different microclimate conditions and minimize their visual impact from the rest of the site). Access points can be created by use of a lead 'saddle tile' just below the ridge line in place of a slate, with a raised section approximately 40mm wide and 15 mm high. Edges of the underlying slates below must be crimped to provide a similar sized access into the space between slates and the roof lining. As it has been shown that breathable roofing membranes can kill bats through entanglement on the surface fibres, it is essential that either traditional type 1F bitumen-based roofing membrane or timber sarking are used in areas where bat access is provided.

The remedial treatment of timber for wood-boring insects and rot must only be with fluids containing permethrin, cypermethrin or flufenoxuron with a copper, zinc or boron compound, in emulsion or aqueous solution. This treatment must be carried out when the bats are not present. Cracks and crevices in large timbers should be examined closely, prior to spraying, to ascertain whether they are being used by bats. New timber must only be treated with recommended chemicals, such as Protim products that are vacuum impregnated. Wood pre-treated by an organic solvent process can contain chemicals that are extremely toxic to bats and must not be used.

The other bat species can be accommodated in the artificial bat roost constructed for lesser horseshoe bats. Features to include for these species comprise:

- a high level access point suitable for serotine and brown long-eared bats, comprising a 25mm wide by 20mm high slot at the apex of one of the gable ends of the building, with an unobstructed flight path outside;
- two mortise joint style bat boxes (e.g. <http://www.wildcareshop.com/truss-bat-box.html> or equivalent constructed on site) to be provided inside the loft area for *Myotis* bats.

Re-pointing (internally and externally) of the former mill building must take account of the potential presence of roosting bats in crevices within stone and brickwork. Only crevices where the full depth of the crevice can be seen should be re-pointed, so that bats are known to be absent. Crevices where the full depth cannot be seen should be checked with an endoscope by a qualified and licensed ecological clerk of works.

As for lesser horseshoe bats, a Natural England licence will be required to enable any works which could modify roosts in the former mill building. Licences can only be applied for once planning consent is in place, and applications must meet certain criteria as described below.

7.3 Consideration of species licensing tests

Any licence application for works affecting roosting bats is expected to meet three criteria: 1) that the proposed activities are for preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature; 2) that there is no satisfactory alternative to the proposed activities; and 3) that the favourable conservation status of the species affected will be maintained. The Local Planning Authority will consider the ability of the proposals to meet these criteria in their determination of a planning application.

It is proposed that re-use of the site will have a significant benefit on the overall character and quality of the Brockweir Conservation Area, and with this in mind the proposals aim to provide high quality housing in keeping with the village's existing character, without encroaching on undeveloped land.

Leaving the site in its current condition is not considered to be a satisfactory alternative, but alternative development layouts have been considered. It is understood that retention of the former mill building as a dedicated bat roost would compromise the role of this building as the only retained structure restored as a key feature of the new development. As the former mill building is a relatively small structure, it has been calculated that it would not be possible to retain a loft area for bats in the roof of the building whilst also providing sufficient space to enable use of the rest of the building as a dwelling, though it would be possible to incorporate roost features for crevice-roosting bats (i.e. common and soprano pipistrelle) into the renovated mill building. Consequently it is not considered that there are any viable alternatives which retain the existing lesser horseshoe, brown long-eared, *Myotis*, and serotine roosts in situ.

Away from the roost, the proposed residential development layout retains the existing bat flight line along the northern edge of the development, where even though some trees will be removed, the change in levels, and trees and shrubs bordering the site will ensure that a linear boundary feature is retained to the rear of new dwellings. Depending on the timings of works on construction of new dwellings and conversion of the former mill building, retention of this flight line in the long term may be of less importance (as it was used by lesser horseshoe bats moving to and from the former mill building roost and foraging areas to the south) given that the existing roost will be lost and the commuting route between the roost and southern boundary of the site will be modified. However, access points for other bat species would be provided in the renovated mill building, and consequently this flight line could continue to be used by other bat species. The vertical separation between the proposed development and the flight line may help to reduce disruption of the flight line through light-spill from new dwellings.

Given that retention of the roost site in situ is not considered viable, it will be necessary to provide mitigation measures to ensure that the favourable conservation status of the bat species present will be maintained following development of the site. Proposed mitigation measures to achieve this are outlined above, with the design for a replacement roost provided in a separate document.

7.4 Nesting birds

Impacts on nesting birds will be avoided by demolishing buildings or felling trees outside the nesting bird season (i.e. outside March to August inclusive) or, if this is not possible, by preceding works with an inspection by a suitably qualified ecologist to confirm the absence of active nests. As there is no licensing route to removal of nesting birds, in the event that active nests are present in buildings to be demolished or trees to be felled it will be necessary to delay works until any young have fledged and left the nests.

7.5 River Wye SAC

In the absence of mitigation, the proposed development has the potential to result in localised effects on the River Wye SAC. Proposed measures for mitigation these impacts are provided in the pollution control method statement produced by Marshall & Kendon Ltd. This includes measures to prevent release of contaminants, construction site waste and silt into the watercourse, in line with current guidelines. Appropriate assessment as required under the Conservation of Habitats and Species Regulations will be necessary, comprising at least a screening process (Test of Likely Significant Effects). A draft screening matrix is provided in Appendix V.

The proposed changes to the stream corridor across the site represent an ecological enhancement, as the stream will be uncovered, and in a more natural channel than the current culvert provides.

7.3 Lighting

Excessive outside lighting must be avoided as this has a negative impact on local wildlife, particularly bats. In order for the mitigation for bats outlined above to be effective, lighting must be low intensity (for example 15 Watts) and be set low down (e.g. as bollards or 'studs' at ground level) to avoid disturbance to bats, especially near the retained and artificial roost sites. If security lighting is required, for example for a parking area, it must not be of the sort that is left on continually, but of the type that responds to movement (a timer must be used to control the duration for which the light is operative). 150 Watts is

the maximum strength of bulb used for such security lighting applications. Lighting that responds to movement must be set to a reduced sensitivity, i.e. not lighting when a small object such as a moth or bat passes the beam, and set on a short time interval. All lighting must be deflected downwards by suitable fixtures to direct light to the areas where it is required and away from those where it is not. Light spill from windows must also not impact upon retained roost access points.

7.4. **Site wildlife awareness**

It is the responsibility of the developer and their contractors to maintain due care and attention throughout the development process in respect to protected species. The behaviour of wild animals is unpredictable and species that one would not anticipate to be on site may be discovered. If there is any doubt with regards to wildlife or protected species on the site, professional advice should be immediately sought.

Professional Compliance

All methods and techniques employed by Collins Environmental Consultancy Ltd. comply with the Chartered Institute of Ecology and Environmental Management's (CIEEM) Code of Professional Conduct, all relevant legislation and guidelines for best practice as issued by NE and NE's NGO partners, and NRW.

Disclaimer

Whilst every effort has been taken in order to ensure the accuracy of the information contained in this report, CEC Ltd. will not be held responsible for omissions, errors or inaccuracies contained herein. This report is based on the information provided and ecological data available at the time of presentation.

External Information Sources

CEC Ltd. uses a number of sources of information when advising of appropriate working practices and mitigation measures for those species found during surveys and other protected or notable species that may be on or near the site. These guidelines are recognised by the official bodies that award licences as being authoritative sources on the relevant subjects; these sources are listed below.

1. Conservation of Habitats & Species Regulations 2010 (as amended).
2. Council Directive 92/43/EEC on the Conservation of natural habitats and of wild fauna and flora.
3. Wildlife and Countryside Act 1981 (as amended).
4. *National Planning Policy Framework*, 2012. Department for Communities and Local Government.
5. *Biodiversity and Geological Conservation: Circular 06/2005*, 2005. Department for Communities and Local Government.
6. Natural Environment & Rural Communities Act 2006.
7. Forest of Dean District Council (2012) Core Strategy Adopted Version
8. Explorer OL14: Wye Valley and Forest of Dean, 1:25,000 scale (2002). Ordnance Survey.
9. Gloucestershire Centre for Environmental Records data.
10. South East Wales Biological Records Centre data.
11. Nature Conservancy Council, 2003. *Handbook for Phase I Habitat Survey (5th edition)*. JNCC. Peterborough.
12. Stace C., 1997. *New Flora of the British Isles (2nd Edition)*. Cambridge University Press. United Kingdom.
13. *Badgers and Development*, 2010. Natural England. Peterborough.
14. Mitchell-Jones, A.J., 2004. *Bat Mitigation Guidelines*. English Nature. Peterborough.
15. Hundt, L., 2012. *Bat Surveys – Good Practice Guidelines*. BCT. London.
16. Knight, T., 2006. *The use of landscape features and habitats by the lesser horseshoe bat*. PhD thesis, University of Bristol.
17. David Wells Ecology, 2013. *Ecological assessment of proposed development at former HAPPA stables, Brockweir*,
18. David Wells Ecology, 2013. *Addendum to Ecological assessment of proposed development at former HAPPA stables, Brockweir*.
19. BTO, 2015. *Birds of Conservation Concern 4*
20. Marshall & Kendon Ltd., 2016. *Brockweir Houses, development of the former oil depot & HAPPA sites. Pollution control method statement*.
21. Schofield, H.W., 2008. *The Lesser Horseshoe Bat Conservation Handbook*. Vincent Wildlife Trust. England.

Appendix II

**Summary of Species found During Survey Work
at former Oil Depot, Brockweir**

Survey carried out by Collins Environmental Consultancy Ltd.

Ordnance Survey Grid Reference: SO540011

Date & Surveyors	Species
17 th June 2015	Common nettle <i>Urtica dioica</i>
DW, RC, SC	Bramble <i>Rubus fruticosus</i> agg.
	Elder <i>Sambucus nigra</i>
	Ash <i>Fraxinus excelsior</i>
	Sycamore <i>Acre pseudoplatanus</i>
	Willows <i>Salix</i> spp.
	Butterfly-bush <i>Buddleja davidii</i>
	Herb-Robert <i>Geranium robertianum</i>
	Willowherbs <i>Epilobium</i> spp.
	Cock's-foot <i>Dactylis glomerata</i>
	Annual meadow-grass <i>Poa annua</i>
	Indian balsam <i>Impatiens glandulifera</i>
	Lesser horseshoe <i>Rhinolophus hipposideros</i> roosting
	<i>Myotis</i> species roosting
	Common pipistrelle <i>Pipistrellus pipistrellus</i> roosting
	Noctule <i>Nyctalus noctula</i>
	Soprano pipistrelle <i>Pipistrellus pygmaeus</i>
	Tawny owl <i>Strix aluco</i> chicks calling
	Swift <i>Apus apus</i>
	Blackbird <i>Turdus merula</i>
	Robin <i>Erithacus rubecula</i> nest
	Wren <i>Troglodytes troglodytes</i>
	Song thrush <i>Turdus philomelos</i>
	House martin <i>Delichon urbica</i>
	Swallow <i>Hirundo rustica</i> nests
	Jackdaw <i>Corvus monedula</i> nest
30 th June 2015	Lesser horseshoe
DW, RC, SC, GB	Noctule
	Soprano pipistrelle
	Common pipistrelle
	<i>Myotis</i> species
	Greater horseshoe <i>Rhinolophus ferrumequinum</i>
11 th August 2015	Lesser horseshoe
DW, RC, SC, GB	Noctule
	Common pipistrelle
	Long-eared bat <i>Plecotus</i> species
	<i>Myotis</i> species
	Soprano pipistrelle
26 th August 2015	Lesser horseshoe
DW, RC, SC, GB	Soprano pipistrelle
	Common pipistrelle
	Noctule
	Long-eared bat
	<i>Myotis</i> species

Surveyors: Rebecca Collins (RC), Steve Coney (SC), David Wells (DW), Graham Brown (GB)

Birds shown on Birds of Conservation Concern 4 (BTO, 2015) as amber or red listed are shown in the appropriate colours in the table above.

Site Plans, Former Oil Depot, Brockweir

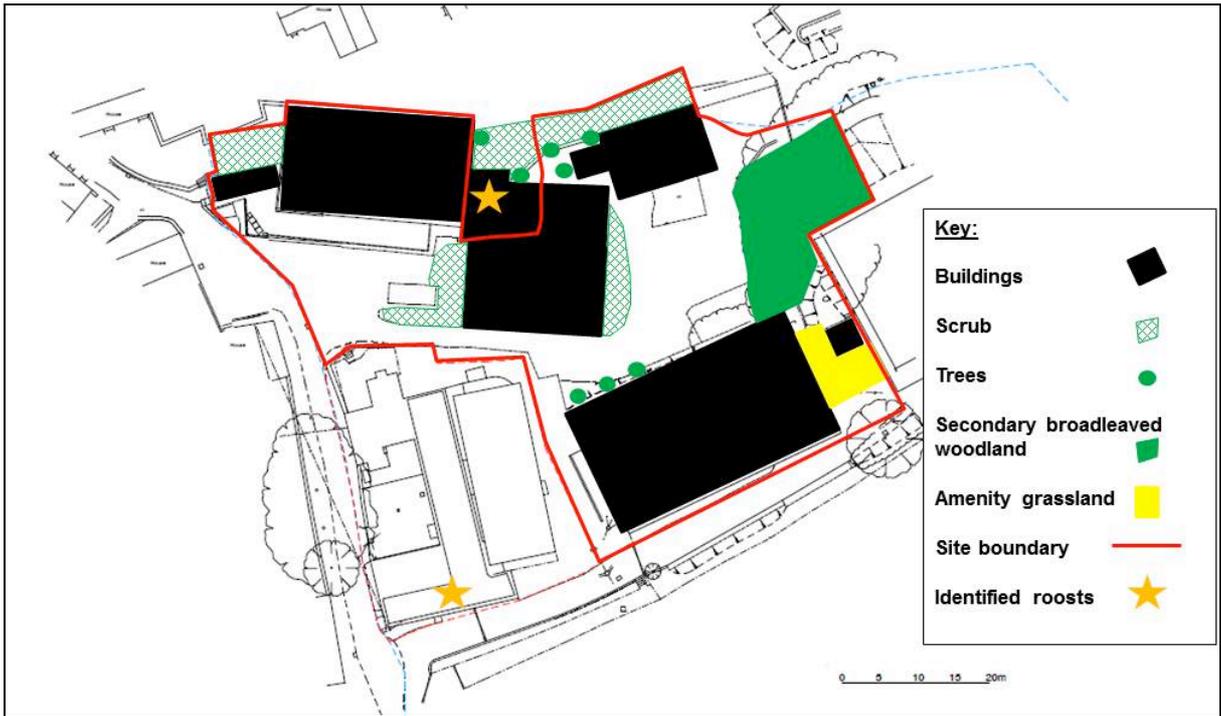


Figure 1: Phase 1 habitats map of site (as of June 2016), showing location of identified bat roosts on and adjacent to site, and site boundary.

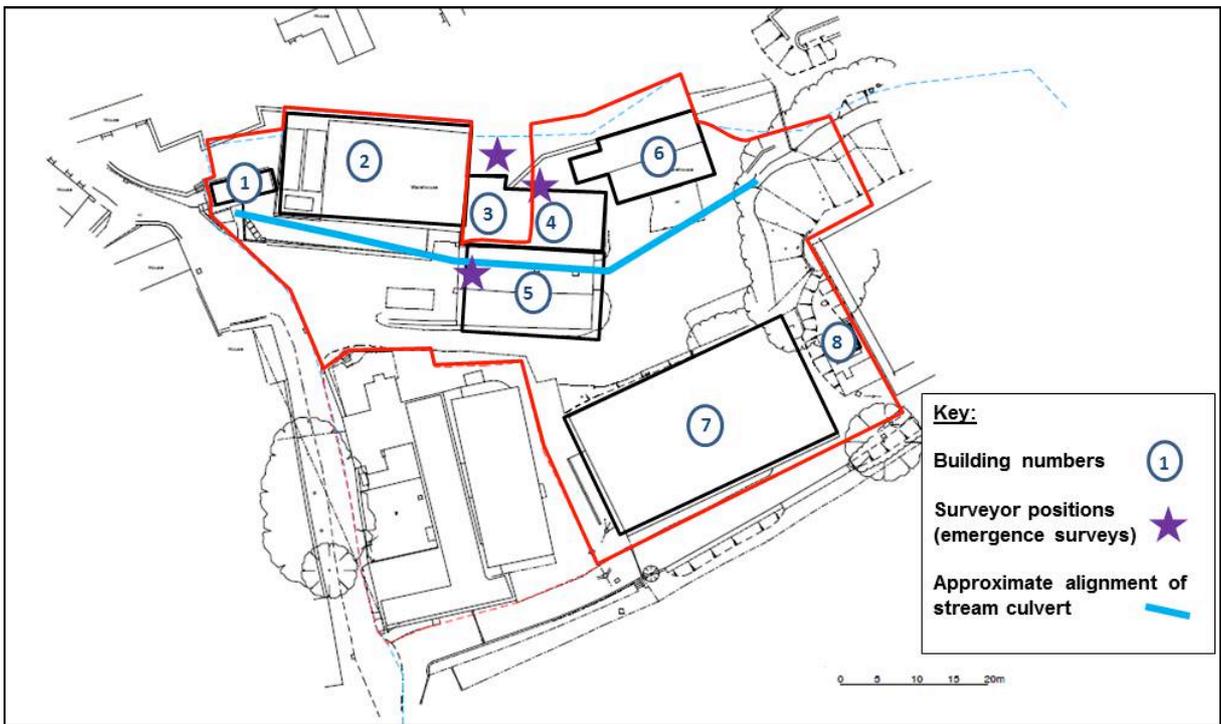


Figure 2: Locations of buildings surveyed, bat surveyor positions for emergence surveys (in 2012/13 and 2015) and approximate alignment of culvert (in blue)



Figure 3: Lesser horseshoe bat flight lines identified on and adjacent to former oil depot site

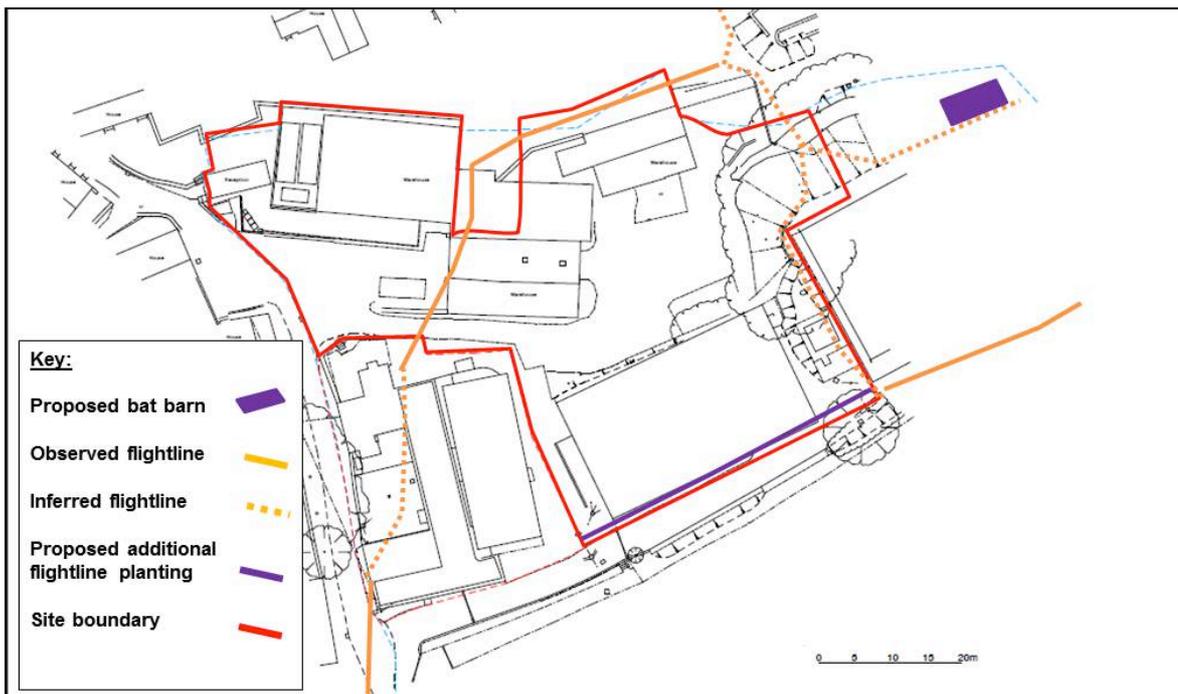


Figure 4: Location of proposed bat barn, in relation to existing and proposed flight lines

Photographs of former oil depot, Brockweir

Note: all show condition of site prior to demolition of modern buildings



Figure 5: Vegetation colonizing bare ground on the former oil depot site



Figure 6: Building 2



Figure 7: Building 3, from north-east (roof of Building 2 beyond)



Figure 8: Buildings 2 (left), 3 (centre, at rear) and 5 (right)

Habitats Regulations Assessment Screening Matrix

Project Name:	Proposed construction of nine houses and two flats on former oil depot site and renovation and extension of retained former mill building.
Natura 2000 Site under Consideration:	Wye Valley and Forest of Dean Bat Sites SAC River Wye SAC
Date: August 2016	Author (Name/Organisation): David Wells BSc (Hons) CEnv MCIEEM, Collins Environmental Consultancy Ltd.
Description of Project: <i>Likely direct, indirect or secondary impacts of the project on the European Site by virtue of:</i>	
Size & scale	The project comprises construction of nine houses and two flats on a former oil depot site (majority of buildings now demolished). A former mill building, also derelict, will be renovated and converted to residential use under a separate planning application. The former mill building is used as a satellite roost by lesser horseshoe bats. The site area is 0.33ha, and the development is considered small scale in the context of the European sites.
Land-take	The development site area is 0.33ha, none of which is within either of the European sites.
Distance from the European site or key features of the site	The Wye Valley and Forest of Dean Bat Sites SAC is made up of several component sites. The nearest component site is approximately 1385m north-west of the development site. The Rive Wye SAC is approximately 92m west of the development site, at its closest point. A stream feeding into the SAC runs through a culvert beneath the development site.
Resource requirements	There are no known resource requirements of the development on either SAC; flow rates in the stream feeding into the SAC will not be affected.
Emissions	It is proposed to remove the culvert and reinstate more natural banks on the stream running through the development site, resulting in potential for release of construction site run-off into the stream. A method statement detailing measures to avoid release of silt, contaminants or site waste has been produced. Measures include: site investigations to identify contaminants if present; retention of the culvert during the majority of construction works, in order to avoid materials/plant etc. having to cross the open stream channel; improvements to the

	upstream end of the culvert to reduce the risk of flooding on the site; and use of a temporary lagoon and soakaway for controlling site run-off and any water pumped out during works on the culvert or replacement stream channel. It is not known whether existing surface water run-off is released into the stream or River Wye SAC.
Excavation requirements	The proposals will require construction of retaining walls along the northern edge of the site, excavation to construct footings for new buildings, and excavation to remove the existing stream culvert. Some excavation will also be required for installation of services. In addition, excavation may be required to remove contaminated soils from the site, though it is understood that some remedial work of this kind has already been completed.
Transportation requirements	During construction there will be movement of vehicles removing and delivering materials and equipment. Once in operation the transportation requirements of the site will primarily be residents' access to and from the site (i.e. 12 households). No new transport infrastructure is required for construction or operation of the development.
Duration of construction, operation etc.	The duration of construction is currently unknown, though seasonal constraints are likely to be imposed on works affecting the bat roost in the former mill building, in order to meet licensing requirements (i.e. avoiding works during the summer period when the roost is used by lesser horseshoe bats which may have dependant young in this roost or within roosts in the SAC). Once completed, the development will be occupied for the foreseeable future.
Other	-
Description of avoidance and/or mitigation measures: <i>Assumed, plainly established and uncontroversial mitigation measures</i>	
Nature of proposals	Measures will be put in place to avoid pollution of the stream from construction site run-off, following the pollution control method statement for the site, and relevant pollution prevention guidance. Sewerage is to be treated by an appropriate local system, either using existing facilities on site (if survey confirms these are sufficient) or a new treatment plant. Operational surface water run-off will be released into the stream via a Sustainable Drainage System.
Location	All works associated with the site will be located within the site.
Evidence of effectiveness	The measures to be put in place are commonly used and are accepted best practice in such developments.

Mechanism for delivery	Construction as part of the development.
Characteristics of European Site(s)	
Name of European Site & its EU code	Wye Valley and Forest of Dean Bat Sites SAC UK0014794
Location & distance of the European Site from the proposed works	The nearest component of the SAC is approximately 1385m north-west of the site. A satellite roost of lesser horseshoe bats, probably from the SAC breeding population in the nearest component of the SAC, uses the former mill building within the development site.
European Site size	142.7ha.
Key features of the European Site (including primary reasons for selection & other qualifying interests)	<p>Primary reasons:</p> <p>Lesser horseshoe bat <i>Rhinolophus hipposideros</i>. The SAC supports a breeding population comprising approximately 26% of the national population of this species.</p> <p>Greater horseshoe bat <i>Rhinolophus ferrumequinum</i>. The SAC supports a breeding population of this species in the northern part of its range, comprising approximately 6% of the UK population.</p> <p>Qualifying reasons: none</p>
Vulnerability of the European Site (information available from the standard data forms on potential effect pathways).	<p>“The site is composed of parts of a number of buildings in everyday use (mainly roof-spaces) used by the bats for breeding and a series of mines used by bats for hibernation. Within the roost the bats are vulnerable to disturbance at critical times, structural alteration and changes in the characteristic ventilation patterns. Any proposed changes which are likely to have an impact on the bat populations within the breeding roosts will be discussed with the relevant owners and occupiers. Where appropriate to any populations potentially damaging works will be addressed through appropriate planning regulation, management agreements and monitoring of individual roosts. Regular liaison takes place with site-owners.</p> <p>The human use of the mine systems (continued mineral working and recreational caving/research) is regulated by Forest Enterprise in consultation with English Nature where appropriate. Site Management Statements have been agreed with the owners of working mines to secure conservation of the populations alongside continued working. In addition, the preparation of Cave Conservation Plans will be promoted to maintain and enhance the underground environment for bats”.</p>
European Site conservation objectives (if available)	“Ensure that the integrity of the site is maintained or restored as appropriate, and

	<p>ensure that the site contributes to achieving the Favourable Conservation Status of its Qualifying Features, by maintaining or restoring;</p> <ul style="list-style-type: none"> • The extent and distribution of the habitats of qualifying species • The structure and function of the habitats of qualifying species • The supporting processes on which the habitats of qualifying species rely • The populations of qualifying species, and • The distribution of qualifying species within the site”.
Name of European Site & its EU code	River Wye SAC UK0012642
Location & distance of the European Site from the proposed works	The Rive Wye SAC is approximately 92m west of the development site, at its closest point. A stream feeding into the SAC runs through a culvert beneath the development site.
European Site size	2234.89ha.
Key features of the European Site (including primary reasons for selection & other qualifying interests)	<p>Primary reasons: Water courses of plain to montane levels with the Ranunculion fluitantis and Callitricho-Batrachion vegetation The Wye, on the border of England and Wales, is a large river representative of sub-type 2. It has a geologically mixed catchment, including shales and sandstones, and there is a clear transition between the upland reaches, with characteristic bryophyte-dominated vegetation, and the lower reaches, with extensive <i>Ranunculus</i> beds. There is a varied water-crowfoot <i>Ranunculus</i> flora; stream water-crowfoot <i>R. penicillatus</i> ssp. <i>pseudofluitans</i> is abundant, with other <i>Ranunculus</i> species – including the uncommon river water-crowfoot <i>R. fluitans</i> – found locally. Other species characteristic of sub-type 2 include flowering-rush <i>Butomus umbellatus</i>, lesser water-parsnip <i>Berula erecta</i> and curled pondweed <i>Potamogeton crispus</i>. There is an exceptional range of aquatic flora in the catchment including river jelly-lichen <i>Collema dichotum</i>. The river channel is largely unmodified and includes some excellent gorges, as well as significant areas of associated woodland.</p> <p>White-clawed crayfish <i>Austropotamobius pallipes</i>. The Welsh River Wye system is the best site known in Wales for white-clawed crayfish <i>Austropotamobius pallipes</i>. The tributaries are the main haven for the species, particularly at the confluences of the main river and the Edw, Dulas Brook, Sgithwen and Clettwr Brook.</p>

Sea lamprey *Petromyzon marinus*

The Wye is an extensive river system crossing the border between England and Wales and the sea lamprey *Petromyzon marinus* population is found in the main stem below Llyswen. The site provides exceptionally good quality habitat for sea lamprey and supports a healthy population.

Brook lamprey *Lampetra planeri*

The Wye is an extensive river system spanning the border between England and Wales and the brook lamprey *Lampetra planeri* population is widely distributed in its catchment. The river provides exceptionally good quality habitat for brook lamprey and supports a healthy population.

River lamprey *Lampetra fluviatilis*

The Wye is an extensive river system crossing the border between England and Wales, and the river lamprey *Lampetra fluviatilis* population is widely distributed in the catchment. The Wye provides exceptionally good quality habitat for river lamprey and supports a healthy population.

Twaite shad *Alosa fallax*

Twaite shad *Alosa fallax* have long been abundant in the Wye, an extensive river system spanning the border between England and Wales. Twaite shad often spawn at or just above the tidal limit, but in the Wye they migrate over 100 km upstream, the highest spawning site being at Builth Wells. Data held by the Environment Agency indicate that, of the three selected rivers, the largest spawning areas for this species occur on the Wye. The river has relatively good water quality, adequate flows through an unobstructed main channel and a wide range of aquatic habitats conducive to supporting this fish species. In particular, there are a number of deep pools essential for congregation before spawning.

Atlantic salmon *Salmo salar*

Historically, the Wye is the most famous and productive river in Wales for Atlantic salmon *Salmo salar*, with high-quality spawning grounds and juvenile habitat in both the main channel and tributaries; water quality in the system is generally favourable. It is also one of the most diverse river systems in the UK, with a transition from hard geology, high gradients, rapid flow fluctuations and low nutrient-content in its upper reaches, to a more nutrient-rich river with lower gradient,

more stable flow and softer geology in the lowlands. The effect of river engineering work on migration and spawning has been limited, although there is a localised influence from the Elan Valley reservoirs, through inundation of spawning and nursery habitat and fluctuations in flow and water levels in the upper Wye. The most important tributaries for spawning are included in the SAC. Although in the past non-native salmon may have been released to the system, the impact of this is likely to have been minimal. The Wye salmon population is particularly notable for the very high proportion (around 75%) of multi sea winter (MSW) fish, a stock component which has declined sharply in recent years throughout the UK. This pattern has also occurred in the Wye, with a consequent marked decline in the population since the 1980s. However, the Wye salmon population is still of considerable importance in UK terms.

Bullhead *Cottus gobio*

The Wye represents bullhead *Cottus gobio* in an extensive river system crossing the border between England and Wales. The Wye is one of the most diverse river systems in the UK, with a range of nutrient conditions and aquatic habitats and generally good water quality for fish species. The diversity of habitat types in the Wye means that it is likely to represent most of the habitat conditions in which bullhead occurs in Britain, highlighting the conservation importance of this river.

Otter *Lutra lutra*

The Wye holds the densest and most well-established otter *Lutra lutra* population in Wales, representative of otters occurring in lowland freshwater habitats in the borders of Wales. The river has bank-side vegetation cover, abundant food supply, clean water and undisturbed areas of dense scrub suitable for breeding, making it particularly favourable as otter habitat. The population remained even during the lowest point of the UK decline, confirming that the site is particularly favourable for this species and the population likely to be highly stable.

Qualifying reasons:

Transition mires and quaking bogs

Allis shad *Alosa alosa*

Vulnerability of the European Site
(information available from the standard data

“Water quality impacts arising from
changing agricultural land-use within the

forms on potential effect pathways).

catchment are having direct and indirect effects on the SAC interests through effects of diffuse pollution such as nutrient run-off and increased siltation. English Nature and the Countryside Council for Wales are seeking to address such issues through improved targeting of existing and new agri-environment schemes and through improvements in compliance with agricultural Codes of Practice.

Water quality is also affected by synthetic pyrethroid sheep-dips and by point-source discharges within the catchment. The impact of sewage treatment works on the SAC is being addressed through the Asset Management Plan process and review under the Habitats Regulations. Loss of riparian habitat is occurring as a result of changes in agricultural land-use practices and other factors, including riverside development and the loss of alder tree-cover through disease. These impacts and concerns over water quality will be identified and actions recommended within the joint English Nature/Environment Agency/Countryside Council for Wales conservation strategy for the river.

Fishing activities are implicated in the decline of the salmon; initiatives such as the Wye Salmon Action Plan will help to address this issue.

There is increasing demand for abstraction from the river for agriculture and potable water. The impact of this is still being investigated by the Environment Agency, but maintenance of water levels and flow will be addressed under the review of consents under the Habitats Regulations.

Demand for increased recreational activities is a source of potential concern for the future. Regularisation of the functions of the competent authorities, currently being sought, should reduce the risk of damage to the SAC as a result of developments for such activities.”

European Site conservation objectives (if available)

“Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the Favourable Conservation Status of its Qualifying Features, by maintaining or restoring;

- The extent and distribution of qualifying natural habitats and habitats of qualifying species

- The structure and function (including typical species) of qualifying natural habitats
- The structure and function of the habitats of qualifying species
- The supporting processes on which qualifying natural habitats and habitats of qualifying species rely
- The populations of qualifying species, and,
- The distribution of qualifying species within the site.”

Assessment Criteria

The elements of the project which have potential to give rise to impacts on the European Sites are:

- Disturbance to lesser horseshoe bats using the satellite roost within the development site, during construction works;
- Disruption of lesser horseshoe flight lines along the northern boundary of the site and across the site between north and south due to artificial lighting from newly constructed dwellings (if occupied before renovation of the former mill building), and lighting associated with footpaths and parking area;
- Loss of the lesser horseshoe satellite roost in the former mill building, during renovation and conversion work;
- Construction site run-off releasing silt into the stream, and consequently into the River Wye, particularly during removal of the existing culvert;
- Other contamination (oil from the sites former use as an oil distribution centre) entering the stream and River Wye during construction works on site.

Initial Assessment

Likely changes to the site arising as a result of:

Reduction of habitat area	None
Disturbance of key species	<p>The proposals are likely to disturb lesser horseshoe bats using the satellite roost during construction works. The proposals also include the exclusion of lesser horseshoe bats from this roost (under licence) and provision of an alternative roost to the east of the development site, though up-take of this alternative roost cannot be guaranteed. Surveys of the existing roost identified its use by up to eight lesser horseshoe bats at any one time.</p> <p>The aquatic species most likely to be present on, or close to, the development site are bullhead, which may be present in the stream bed within the culvert on site and immediately downstream. Given the small size of the watercourse and the length of the channel within the site (70m), it is likely that only a small population could be subject to direct disturbance.</p>
Habitat or species fragmentation	Depending on the timings of exclusion of bats from the former mill building, vegetation clearance on the northern edge of the site, and occupation of new dwellings, there may also be disruption of the bats' flight line from the existing roost along the northern boundary of the site, and across the site to the south (though this

	<p>disruption would be reduced if bats had been excluded from the roost before occupation of the new dwellings).</p> <p>It is likely that the removal of the culvert on the site will reduce fragmentation for aquatic species which may use this side-stream of the River Wye, and stream habitats.</p>
Reduction in species density	None anticipated.
Changes in key indicators of conservation value	<p>Lesser horseshoe bat populations are vulnerable to loss of supporting habitats, including potentially minor roost sites such as satellite roosts which support breeding colonies. However, it is likely that other satellite roosts exist within this part of the roost sustenance zone for the maternity roost.</p> <p>Populations of aquatic species are also vulnerable to loss of supporting habitats, though the impact on the stream will be only temporary, and there will be an increase in habitat in the long term.</p> <p>No other changes in key indicators of conservation value are anticipated.</p>
Climate change	None
<i>Likely impacts on the European Site as a whole in the terms of:</i>	
Interference with the key relationships that define the structure of the site	None
Interference with key relationships that define the function of the site	Localised and affecting only small numbers of individual animals.
<i>The significance as a result of the identification of impacts set out above in the terms of:</i>	
Reduction of habitat area	None
Disturbance to key species	<p>Local impacts, which may be significant for a small proportion of the nearby SAC lesser horseshoe maternity colony, but which are unlikely to be significant for the colony or SAC as a whole.</p> <p>Not likely to result in significant impacts on bullhead.</p>
Habitat or species fragmentation	<p>Local impacts on lesser horseshoe commuting routes, potentially significant for that proportion of the SAC population foraging south of the site.</p> <p>Not likely to result in significant impacts on bullhead.</p>
Loss	Loss of the lesser horseshoe satellite roost, may have a significant effect on that proportion of the SAC population using the former mill building roost.
Fragmentation	None
Disruption	None
Disturbance	None
Change to key elements of the site	None
<i>Which elements of the project, or combination of elements, where the above impacts are likely to be significant or where the scale or magnitude of impacts is not known</i>	
Loss of the former mill building roost, fragmentation of a commuting route and/or disturbance to bats using the roost may be significant for the small proportion of the SAC population which use the roost.	
Using BCT population estimates for the English lesser horseshoe population (c.22,000), the SAC population is estimated at approximately 5000. Whilst it is not known how many of the	

SAC population use the former mill building roost, the peak count during surveys is eight bats, representing an estimated 0.2% of the SAC population.

Outcome Screening Stage:

Potential for significant effects though only on a very small proportion of the Wye Valley and Forest of Dean Bat Sites SAC lesser horseshoe population.

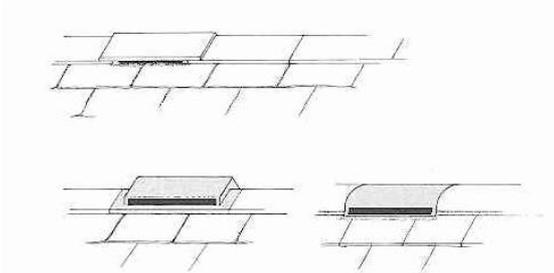
No potential for significant effects on the River Wye SAC.

Are the Statutory Environment Bodies in agreement with this conclusion?

Unknown at this stage

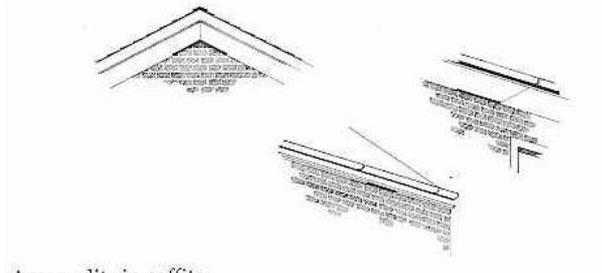
Bat access points within buildings.

Illustrations as published in Chapter 10, page 107, ed. A J Mitchell-Jones & A P McLeish (2004) 3rd Ed. 'Bat Worker's Manual', JNCC.



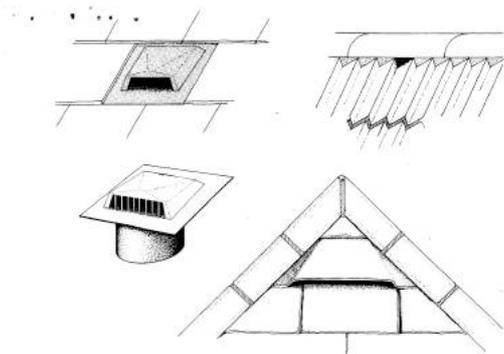
Ridge ventilators can be adapted as bat access points. It may be necessary to remove internal mesh or plastic mouldings.

Raising several ridge tiles along the length of the roof creates bat roosting opportunities



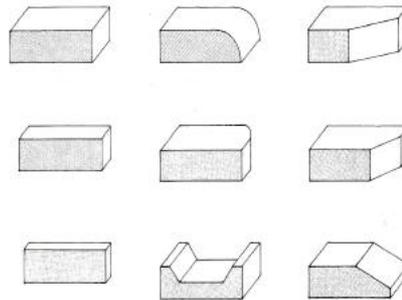
Access slits in soffits.

Leaving or creating small gaps behind the soffit boards creates access points for bats.



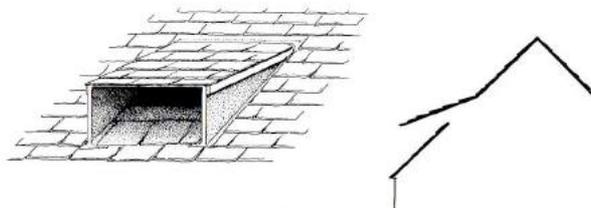
Lead saddle in place of a slate to allow bats access to ridge or roof void. Lead flashing around chimneys or other features can also be moulded to form bat access points.

Access points in roofline by purpose made tiles or moulded lead



Walling bricks for creating bat access points. A standard brick is shown top left. Purpose-made bat bricks can also be used.

Bat bricks allow bats to enter a roost space through the gable end wall



Dormer entrance, particularly suitable for horseshoe bats.

Dormer entrances allow bats to fly straight into the roost area, a requirement for horseshoe bats.

Staff Profiles

David Wells BSc (Hons) CEnv MCIEEM, Technical Director

David has a Biology degree from Southampton University and is a professional ecologist with nineteen years' experience, including fifteen years working as a consultant. He is a specialist in protected species surveys, impact assessment and mitigation design, particularly for bats and dormice, and is an experienced Ecological Clerk of Works. Formerly a Technical Director at a large, well-respected ecological consultancy, he has extensive experience of bat surveys and mitigation design, training of other staff, production of ecology chapters for Environmental Statements, and production of Habitats Regulations Assessments. David holds NE & NRW survey licences for bats, dormice, barn owls and great crested newts; licence numbers WMLCL18(Level 2)- 2015-13591-CLS-CLS, 61100:OTH:CSAB:2014, WMLCL10A(Level1)-CLS01327, 57918:OTH:SA:2014, 2016-22428-CLS-CLS, 63842:OTH:DBE:2015, WMLCL08-CLS01327 and 57900:OTH:SA:2014 respectively. David also holds an SNH bat licence (34151). He is the named ecologist on numerous development licences in England and Wales, mainly for bats and dormice, but also badgers. David is the author or co-author of several publications, including several articles in CIEEM's *In Practice* magazine and the Mammal Society's *UK BAP Mammals: Interim Guidance for Survey Methodologies, Impact Assessment and Mitigation*. He teaches courses on dormice and other mammals for the Mammal Society and has been an external tutor for Bristol University. David is a member of CIEEM (and is a member of CIEEM's Membership Admissions Committee), and also holds Chartered Environmental status. He also holds a Construction Skills Certification Scheme (CSCS) Environmental Manager Passport and a City & Guilds Certificate in Confined Space Entry (6150-02).

Rebecca Collins BSc (Hons) CEnv MCIEEM Managing Director

Rebecca has a degree from the University of Wales, College of Cardiff, where she read Zoology. She was the recipient of a Millennium Award for Conservation from Bristol Zoological Gardens for developing monitoring programmes for bats. She has over eighteen years' conservation experience specialising in bats, but also covering other legally protected species. Rebecca is heavily involved in bat and mammal conservation at local, regional and national level in voluntary and professional capacities (including appearing on local and national radio & television). She has over sixteen years' experience as an environmental consultant to property developers, providing clients with advice with regards to mitigation and compliance. NE and NRW requires that a suitably experienced ecologist to obtain European Protected Species licences on behalf of developers; Rebecca has acted as licence ecologist for many developers, providing the expertise for the timely delivery of the licence requirements. Rebecca holds NE licences to survey for bats, great crested newts, barn owls, small mammals and shrews, and dormice; licence numbers WMLCL18(Level 2)- 2015-14886-CLS-CLS, WMLCL08- 2016-20994-CLS-CLS, CL29/00100, SA:195:95 and WMLCL10A-2016-22629-CLS-CLS respectively; NRW bat, great crested newt and dormouse licences, nos. 61286:OTH:CSAB:2014, 61420:OTH:SA:2014, 60642:OTH:SA:2014 respectively; SNH bat licence 11744. She has an NE possession licence (20080403) for live and dead bat specimens, and is an accredited agent on NE white-clawed crayfish licence 20100127. She is a Registered Consultant (RC116) able to use the Bat Low Impact Class Licence system. Rebecca is an accredited bat worker trainer for the BCT and NE and delivers training courses for other organisations, including a module for an MSc in Biological Recording for Manchester Metropolitan University. Rebecca is a member of the Chartered Institute of Ecology and Environmental Management (CIEEM) (and is a member of CIEEM's Professional Standards Committee), and holds Chartered Environmental status as awarded by

the Society for the Environment. She also holds a City & Guilds Certificate in Confined Space Entry (6150-02).

Steve Coney, Ornithologist and Field Ecologist

Steve is a highly skilled ornithologist with forty-five years' experience. He has appeared on local and national radio and is a co-author of 'Where to Watch Birds in the West Midlands'. He is the Herefordshire County Bird Recorder and is active at local and regional level. Steve holds an NE licence for bats and for great crested newt, nos. WMLCL18(Level 2)-CLS00370 and WMLCL08-CLS00370 respectively, and NRW bat and great crested newt licences, no. 41858:OTH:CSAB:2012 and no. 57322:OTH:SA:2014. He is accredited to hold bat specimens under NE licence 20080403. Steve also has many years' of experience of site supervision as an Ecological Clerk of Works.

Graham Brown HND, Associate Field Ecologist

After an early career in agriculture, Graham gained his Certificate of Education and pursued a career as a teacher in environmental sciences. After receiving a Higher National Diploma in Environmental Management, he undertook forestry management for the Ministry of Defence.

He has undertaken several seasons of hedgehog and badger field surveys for FERA (formerly CSL), and a season of farmland bird surveys for the RSPB. Graham has been undertaking bat activity surveys for over 6 years and holds NE bat licence no. WMLCL18(Level 2)-CLS03289. As a volunteer, Graham has been a warden for the RSPB, undertakes bat roost visits, and is an active member of the local mammal group.

CEC Ltd. has a number of associates for specialised surveys, and a team of sub-contractors, who work under the direct supervision of CEC Ltd.'s experienced ecologists, regardless of their level of experience.

CEC Ltd. staff and their sub-contractors undertake regular in-house and external training as part of their Continuing Professional Development, including "Working at Heights" and First Aid.

**Ecology Statement of Common Ground: Appeal against
refusal of planning application P1102/16/FUL**

Former Oil Depot, Brockweir, Gloucestershire



Helping to build a sustainable future

Prepared for Marshall and Kendon Architects on behalf of
Mr Mark Tucker

May 2017

Version 1

Report written by D Wells BSc (Hons) CEnv MCIEEM Checked
by R J Collins BSc (Hons) CEnv MCIEEM

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1. EXECUTIVE SUMMARY

Collins Environmental Consultancy Ltd. has been asked to prepare an Ecology Statement of Common Ground between Marshall & Kendon Architects on behalf of Mr Mark Tucker, and the Forest of Dean District Council, in connection with a proposed appeal against refusal of planning permission for residential development on land formerly used as an oil distribution depot and horse and pony sanctuary at Brockweir in Gloucestershire (Planning application reference P1102/16/FUL).

A number of ecological issues remained unresolved at the time the planning application was determined; these have formed the basis for discussions between David Wells of CEC Ltd. and Caroline Lidgett of FODDC during May 2017.

Unresolved ecological issues covered by this statement are:

- The need for an updated Phase 1 habitats survey of the application site;
- The need for an extended Phase 1 habitats and protected species survey of the proposed bat house site;
- Some aspects of the proposed bat house design requiring amendment;
- Natural England required an in-combination effects assessment of impacts on bats, taking into account other adjacent developments;
- Details of post-development safeguard of the proposed bat house required;
- The need for hedgerow planting to maintain connectivity for commuting bats along the south and south-eastern boundaries of the site;
- The need for information on external lighting proposals, in order to assess the impact of this on commuting bats. Natural England had requested a lighting strategy, and suggested that adherence to the strategy could be a condition of any consent;
- The need to make provision for nesting swallows as part of the proposals;
- The need for an assessment of the former oil depot site for reptiles;
- The need for an assessment of the proposed bat house site for dormice.

During May 2017, further information has been obtained (and is provided as an annex to this document or as a separate Ecological Mitigation Measures plan), mitigation measures have been discussed and, where appropriate, added to the proposals or the proposals modified to accommodate them, in order to reach common ground between the appellant and FoDDC.

Following these discussions and the provision of further information, it is considered that there is common ground between the appellant and FoDDC on all ecological issues listed above, and described in detail within this Statement.

2. INTRODUCTION

- 2.1 This Statement of Common Ground between the Forest of Dean District Council (FoDDC) and Marshall & Kendon Architects on behalf of Mr Mark Tucker, has been prepared by David Wells BSc (Hons) CEnv MCIEEM of Collins Environmental Consultancy Ltd (CEC Ltd.), and checked for quality assurance purposes by Rebecca Collins BSc (Hons) CEnv MCIEEM (see Annex IV for staff profiles).
- 2.2 In accordance with instructions received from Mr Mark Tucker, this Statement of Common Ground has been prepared in connection with an appeal against refusal of planning permission for residential development on land formerly used as an oil distribution depot and horse and pony sanctuary at Brockweir in Gloucestershire. Planning application reference P1102/16/FUL was validated on 9th August 2016 by FoDDC, and subsequently refused on 14th December 2016.
- 2.3 The proposed development was described as “Erection of 9 houses and 2 flats on land formerly used as an oil distribution depot and a horse and pony sanctuary”.
- 2.4 This statement provides a brief description of the ecological issues on site and describes the areas of common ground and any areas of disagreement between the Appellant and FoDDC with regard to ecological matters.

The sources of information used in this report are described in the text and provided as footnotes when first listed. This report has been prepared with reference to the Chartered Institute of Ecology and Environmental Management’s (CIEEM’s) Guidelines for Ecological Report Writing¹.

- 2.1. All methods and techniques employed by CEC Ltd. comply with CIEEM’s Code of Professional Conduct, all relevant legislation and best practice guidelines set out by Natural England, Natural Resources Wales and recognised specialist organisations, as detailed below.

3. SITE DESCRIPTION

- 3.1. The application site was formerly used as an oil distribution depot, and comprised several warehouse and storage buildings separated by areas of bare ground. Within the oil depot site, but outside of the application site boundary, is a stone-built former mill building, which was identified as a bat roost during ecological surveys in 2012. Also within the application site boundary was a large barn, formerly part of the HAPPA (Horses and Ponies Protection Association) premises.
- 3.2. With the exception of the mill building, all buildings on site were demolished in November 2015, as this was a requirement of a planning consent granted by FoDDC on part of the former HAPPA premises, which lie immediately to the south of application site. An update extended Phase1 habitats and protected species walkover survey of the application site was carried out in May 2017, to record the habitats on site post-demolition of these buildings. A plan and target notes are provided in Annex I of this Statement.
- 3.3. The application site largely comprises hard-standing, either where the concrete floors of now

demolished buildings have been retained, or where gravel-surfaced hard-standing between

¹ CIEEM (2015). *Guidelines for Ecological Report Writing*.

building footprints has been retained. The concrete areas are very sparsely vegetated, with plants largely restricted to cracks or joints between concrete slabs; those species that are present are typical colonisers of bare ground such as curled dock, bramble, butterfly-bush, herb-Robert and common nettle. Gravel areas have slightly higher vegetative cover, but are still dominated by bare ground colonisers with those listed above and also broadleaved and ribwort plantain, creeping buttercup, bent-grass, Yorkshire fog and some black medick.

- 3.4. Two bunds have been constructed using demolition rubble in order to secure the site from vehicular access. The bund on the western boundary of the site is mostly vegetated, with a range of ruderal species including garlic mustard, curled dock, common nettle, herb-Robert, bramble and butterfly-bush. The bund on the southern boundary of the site supports a similar range of species, but is much more sparsely vegetated.
- 3.5. In the centre of the site, adjacent to the former weighbridge, is a stone wall which has been colonised by some specialist wall plants, in addition to butterfly-bush and bramble. Maidenhair spleenwort, navelwort and ivy-leaved toadflax are present in this area; the large retaining wall on the western part of the site's northern boundary also supports navelwort among colonising ruderal species.
- 3.6. A strip of improved grassland on a north facing bank runs east-west across the site.
- 3.7. Scrub areas are present in several places around the site. The area on the western boundary is dominated by bramble, as are parts of the scrub on the eastern edge of the site, though this also supports woody species including hazel, elder, alder, willow, blackthorn and sycamore. The area shown as scrub on the northern boundary has semi-mature ash and sycamore, as well as laurel, over a ground layer of bramble and common nettle, but with several other ground flora species typical of well-established habitat (e.g. dog's-mercury, hart's-tongue fern, male fern). It is likely that this area would become woodland if left unmanaged.
- 3.8. A short section of un-culverted watercourse lies within the site boundary (the watercourse runs beneath the site but, apart from one section opened up to allow inspection of the structure, the culvert is intact). No higher plants were evident in the watercourse itself, its banks within the site were dominated by ground-elder. Himalayan balsam was also noted to be present in this part of the site.
- 3.9. The adjacent mill building was not inspected internally in May 2017, but remained suitable to support bats. A badger path and latrines were noted along the southern bank of the watercourse, with the path entering the eastern end of the site through the scrub area close to the watercourse, but an inspection of the site and surrounding land to the east identified no setts within 30m of the application site.
- 3.10. The majority of the bare ground and hard-standing is unlikely to provide optimal conditions for reptiles, given the sparse ground cover. Of the habitats on site, the most suitable was the bund on the western boundary, though even this is of recent origin and not directly connected to other suitable habitat (though suitable gardens are nearby). As a result, this area was considered sub-optimal and unlikely to support reptiles in large numbers.
- 3.11. Scrub areas, wherever these occur on the site, are potentially suitable for use by nesting birds. However all these scrub areas would be too small to represent a significant foraging resource for dormice, even if present in hedgerows and woodlands adjoining the site.

4. RELEVANT BACKGROUND INFORMATION

- 4.1. Ecological surveys for previous applications on the site had identified that the mill building is used as a satellite roost for lesser horseshoe bats, with up to eight bats present during survey visits (peak count from August 2012), and that these bats are likely to be part of the Wye Valley and Forest of Dean Bat Sites Special Area of Conservation (SAC) population. Other species of bats also roost in the mill building, including non-breeding roosts for small numbers of brown long-eared, common pipistrelle, soprano pipistrelle, serotine and a small *Myotis* species. Flight line surveys were done in 2015 to identify routes used by lesser horseshoe bats moving across the application site and to and from the mill building roost. These surveys identified that the main route used by bats to access the mill building roost was through vegetation along the northern boundary of the site but that, prior to demolition of other buildings on site, some lesser horseshoe bats also commuted across the site to the south. Lesser horseshoe bats were also recorded using the vegetation associated with the stream corridor to the east of the application site.
- 4.2. Apart from the lesser horseshoe bats, the main ecological receptors potentially affected by the proposed development were: the River Wye SAC, a short distance downstream of the site; other bat species using the mill building as a roost; and nesting birds, including nesting swallows in the mill building.
- 4.3. Documents relevant to ecological impacts of the development which were submitted in support of application P1102/16/FUL included:
- An ecological assessment including bat flight line surveys²;
 - A proposed mitigation bat roost location plan³;
 - A proposed mitigation bat roost details plan⁴.
- 4.4. FoDDC provided comments on these documents in the form of consultation response memos, and also undertook a Habitats Regulations Assessment (HRA) Screening exercise and subsequently an Appropriate Assessment for the proposed development, in view of potential effects on the Wye Valley SAC (a short distance to the west of the site, into which the stream passing through the site flows), and the Wye Valley and Forest of Dean Bat Sites SAC (one of the component sites of which lies to the north of Brockweir village). The FoDDC memos relevant to ecological issues are:
- HRA screening assessment, prepared by Caroline Lidgett of the FoCCS Sustainability Team, dated 3rd October 2016;
 - Objection and comments on ecological information submitted, prepared by Caroline Lidgett, dated 3rd October 2016;
 - Objection and comments on updated ecological information submitted (an earlier version of the ecology assessment having been originally submitted in error), prepared by Caroline Lidgett, dated 16th November 2016;
 - Appropriate assessment, prepared by Caroline Lidgett, dated 7th December 2016.

² CEC Ltd. (August 2016) Ecological Assessment and Bat Surveys

³ Marshall & Kendon (August 2016) Bat House Location Plan (Drawing number 730/350A)

⁴ Marshall & Kendon (October 2016) Bat House Detail Plan (Drawing number 730/351B)

- 4.5. Natural England objected to the proposed development, based on the need for further information to assess the effects of the proposals on the two SAC's, by letter from Gillian Driver, dated 19th September 2016. Natural England also confirmed their agreement of the FoDDC's HRA screening conclusions, by letter from Tom Amos dated 5th December 2016.
- 4.6. Taken together, the objections and comments submitted by FoDDC and Natural England constitute requests for more information a) to enable the Appropriate Assessment exercise to be re-run once areas of uncertainty have been resolved; and b) to clarify several other ecological issues relevant to the site, but not to the two SAC's. These issues of insufficient information and clarification had not been resolved when the application was refused, and therefore represent the issues to be resolved through this Statement of Common Ground. The issues are summarised below (mainly from Caroline Lidgett's memo dated 16th November 2016, with elements from other documents where appropriate).
- A) The need for an updated Phase 1 habitats survey of the application site;
 - B) The need for an extended Phase 1 habitats and protected species survey of the proposed bat house site;
 - C) Some aspects of the proposed bat house design requiring amendment;
 - D) Natural England required an in-combination effects assessment of impacts on bats, taking into account other adjacent developments;
 - E) Details of post-development safeguard of the proposed bat house required;
 - F) The need for hedgerow planting to maintain connectivity for commuting bats along the south and south-eastern boundaries of the site;
 - G) The need for information on external lighting proposals, in order to assess the impact of this on commuting bats. Natural England had requested a lighting strategy, and suggested that adherence to the strategy could be a condition of any consent;
 - H) The need to make provision for nesting swallows as part of the proposals;
 - I) The need for an assessment of the former oil depot site for reptiles;
 - J) The need for an assessment of the proposed bat house site for dormice;
 - K) The need for clarification of surface water and foul water treatment from the site. Natural England requested that a CEMP should be prepared.
- 4.7. Items C), D), E), F), G) and K) from the above list are directly relevant to the Appropriate Assessment for the proposed development, as these items relate to lesser horseshoe bats (within the SAC population) or the River Wye SAC.
- 4.8. Several discussions between David Wells (CEC Ltd.) and Caroline Lidgett (FoDDC Sustainability Team) have taken place during May 2017 with the aim of resolving these outstanding issues, such that it is possible to produce this Statement of Common Ground. Each issue is therefore described in more detail below.

5. STATEMENT OF COMMON GROUND

A) The need for an updated Phase 1 habitats survey of the application site

- 5.1. CEC Ltd.'s Ecological Assessment (dated August 2016), submitted in support of the planning application, based the description of habitats within the site on field survey work from June 2015, prior to demolition of the former oil depot buildings: no additional survey work took place in 2016.
- 5.2. An update Phase 1 habitats survey of the application site, recording the habitat areas currently present, has been carried out in May 2017 (by David Wells BSc CEnv MCIEEM, see Annex IV for staff profiles), and is provided in Annex I of this Statement. The survey aimed to identify any habitat areas of ecological importance, and to identify the presence or potential presence of protected and notable species, such as bats, badgers, dormice, otters, nesting birds and reptiles. There were no significant site survey constraints, other than that the mill building adjacent to the site was only assessed externally. This update survey has informed the site description provided above in Section 3.

B) The need for an extended Phase 1 habitats and protected species survey of the proposed bat house site

- 5.3. No survey data was presented for the proposed bat house location in the August 2016 Ecological Assessment. An extended Phase 1 habitats and protected species survey of the proposed bat house location has been carried out in May 2017, and is provided in Annex II of this Statement. The survey was carried out by David Wells, and aimed to identify any habitat areas of ecological importance, and to identify the presence or potential presence of protected and notable species, such as bats, badgers, dormice, otters, nesting birds and reptiles. There were no significant site survey constraints.
- 5.4. The survey found that the proposed bat house location was an area dominated by common nettle, beneath the shade of a twin-stemmed alder (which would need to be felled) and a weeping willow and elder (which would need to be pruned, but not felled). Some bramble and Himalayan balsam was present; the latter is an invasive non-native species (although widespread in the local area), so care should be taken not to allow its further spread through contamination of tools or equipment during construction.
- 5.5. The vegetation present was therefore generally too sparse to support nesting birds (or dormice, see below). The tree which would require felling was not itself suitable for use by roosting bats, and the only evidence of protected species observed was a badger path running from the application site eastwards along the southern slope of the valley. No badger setts were present within 30m of the proposed bat house location.

C) Some aspects of the proposed bat house design requiring amendment

- 5.6. FoDDC had recommended a number of amendments to the submitted bat house design which had not been agreed at the time the application was determined. Further discussion on these has taken place between David Wells and Caroline Lidgett in May 2017. As a result, the following amendments to the submitted bat house design have been agreed:

- Bat access points to be positioned 2m from the southern end of the western wall of the building and 1m from the western end of the north wall of the building, with their lower edges at c. 1.5m above ground level;

- Bat access points to be 500mm by 500mm, sub-divided by two horizontal bars (to secure the building from unauthorised access while allowing access by bats);
- Human access door to be close to the western end of the south side of the building.
Vandal-proof door to be fitted;
- Inside the building a partition (which can simply comprise orientated strand board (OSB) on a timber stud frame) will be created to screen the bat access points from the rest of the ground floor roosting area. The partition will run across the building between the north and south walls, with an access point 500mm by 500mm positioned centrally in the partition wall, with its lower edge at c. 0.5m above floor level, and a door for human access fitted close to the southern wall of the building;
- A partition will also be created inside the main access door, between the western wall of the building and the larger partition, to screen the doorway from the roost area, on those occasions the doorway is opened for maintenance or monitoring;
- The ground floor roosting area will have additional ‘wall baffles’ fitted to the walls. These will comprise at least six baffles constructed of OSB, open to the front and below, of 500mm width and height (i.e. each baffle comprises two sides and a roof, fitted to the wall of the building).

5.7. Two other FoDDC recommendations have been discussed: the height of the bat access points (which FoDDC suggested should be lower) and the extent of the ceiling between ground floor and roof level (which FoDDC suggested should only extend across half the area of the building). Due to the height of vegetation surrounding the proposed bat house location (largely common nettle), higher access points are retained in the design in order to minimise the risk of them becoming obscured by vegetation. Also, a complete ceiling with open ‘loft access’ point is retained in the design, as this will allow the building to support a wider range of microclimates (i.e. this will maintain cooler temperatures in the ground floor room than in the loft area, than would be the case if only a partial ceiling were provided). Both these aspects reflect the existing situation in the mill building. An annotated version of the submitted bat house design, indicating these changes, forms Annex III of this document.

D) An in-combination effects assessment of impacts on bats, taking into account other adjacent developments

5.8. The adjacent developments are the conversion of the former HAPPA offices, immediately south of the application site, to a dwelling house (P0521/13/FUL, granted planning permission in May 2013), and conversion of the mill building to residential use, for which an application has not yet been submitted. A stable at the former HAPPA offices was identified as a night roost and feeding perch for lesser horseshoe and brown long-eared bats.

5.9. The mitigation measures proposed as part of the conversion of the former HAPPA offices aimed to mitigate any impacts on bats on that site, without the need for off-site mitigation. None of the

mitigation proposals for that development are compromised by the proposed development (or any future proposals for the mill building), as a hedgerow is proposed to ensure connectivity between existing flight routes, and no lighting from the proposed development would affect the roost area in the former HAPPA offices.

- 5.10. It was identified that the proposed development on the oil depot site, even though it excludes the mill building, could affect bats' use of that roost. Therefore the bat house and other aspects of bat mitigation proposed as part of the development on the oil depot site are

intended to mitigate impacts of both the oil depot development and any subsequent conversion of the mill building.

- 5.11. Given that mitigation associated with the former HAPPA offices is not affected by the current or future proposals, and that the bat mitigation within the current proposed development is intended to address impacts of both this development and any future conversion of the mill building, it is considered that the August 2016 Ecological Assessment does represent an in- combination assessment of effects. Mitigation proposed in the Ecological Assessment, modified where appropriate by amendments described in this document, seeks to address the impacts on bats of both developments.

E) Details of post-development safeguard of the proposed bat house required

- 5.12. The bat house will remain in the ownership of the appellant post-construction. It is proposed that post-construction maintenance and repair should be secured through a Section 106 agreement as part of any planning consent.

F) The need for hedgerow planting to maintain connectivity for commuting bats along the south and south-eastern boundaries of the site

- 5.13. The results of flight line surveys indicated that bats crossed the site between the north and south, including flying through the mill building and Dutch barn (the latter now demolished) during commuting movements. The proposed development layout has an open area in this central part of the site, which will be subject to some bollard lighting. As a result, it was identified that hedgerow planting linking the stream corridor vegetation to the east of the site, (which remains linked to the north and east, and is the proposed site of the bat house), and the identified commuting route which heads south along the footpath immediately south of the former HAPPA offices, is necessary.
- 5.14. This south-eastern corner of the site is defined by the edge of the concrete base for the adjoining barn, which extends beyond the barn to create a walkway c. 1.5m wide. The development proposals in this area comprise a retaining wall on the site boundary, with proposed dwellings on a lower level than the barn; no windows are proposed facing the barn or retaining wall on these dwellings (some roof lights are proposed), and no external lighting is proposed in this area. The gap between the barn adjacent to the site and the proposed dwellings will therefore represent a dark corridor for movement of bats (prior to demolition of workshops on the oil depot, lesser horseshoe bats did use these buildings to orientate, as they are known to do on other sites). In addition shrub planting is proposed in the narrow (c. 300mm) space between the concrete plinth supporting the barn and the top of the retaining wall. This will provide a vegetated feature which bats can use (either flying along the walkway beside the barn, or alongside the retaining wall) along this part of the site boundary.
- 5.15. Marshall and Kendon Architects have produced an Ecological Mitigation Measures plan⁵, detailing planting proposals on the application site. This includes a hedgerow along the southern boundary of the site, linking areas to the east with the footpath to the south-west, and the planting proposed along the western end of the barn adjacent to the application site. These features are intended to maintain connectivity for light-averse bats around the site.

⁵ Marshall & Kendon (May 2017) Ecological Mitigation Measures Plan (drawing 730-26)

G) The need for information on external lighting proposals, in order to assess the impact of this on commuting bats

- 5.16. Lesser horseshoe bats are light-averse, and therefore the effectiveness of retained or proposed commuting features for them will depend on the levels of artificial light illuminating those features.
- 5.17. Marshall and Kendon Architects' Ecological Mitigation Measures Plan shows proposed positions of lighting associated with the development. All external lighting will be 5 Watt LED PIR-activated lighting, either as wall-mounted lights outside the door of each dwelling (at 1600mm above ground) or low-level bollard type lighting. PIR-activation of lighting will be set at a sensitivity where it will not be triggered by bats, so that it is only operational when require by humans.

H) The need to make provision for nesting swallows as part of the proposals

- 5.18. Nesting swallows have been recorded using the mill building and other (now demolished) buildings on the former oil depot site. Swallows require large overhangs or access to the insides of buildings (via open doorways or windows) for their nest sites, consequently provision of nest sites on the proposed dwellings is not possible. The bin store proposed is unlikely to provide suitable conditions for nesting, due to its size and height, and it is considered undesirable for swallows to nest in the proposed bat house.
- 5.19. The appellant has retained a right to use part of the modern barn, immediately south-east of the application site, though the building is now not in his ownership (this arrangement was originally set up when it was proposed to accommodate the bat house within the existing barn). This section of the barn will be partitioned off and a minimum of four swallow nest cups provided (Schwegler model No. 10) to mitigate the loss of swallow nest sites elsewhere. An access point into the partitioned area will need to be created, in the east-facing wall of the building; this opening should be at least 500mm by 500mm, and the space inside will have a sloping floor lined with waterproof material, so that any rain blown in through the opening will run back out of the opening, rather than spreading further into the building.

I) The need for an assessment of the former oil depot for reptiles

- 5.20. Following demolition of the former oil depot buildings in 2015, it was identified that the application site may have become more suitable for reptiles, and that as the ecology survey data preceded the demolition, this was not assessed in the August 2016 Ecological Assessment.
- 5.21. Update survey of the former oil depot site in May 2017 identified that the majority of the site comprised hard-standing (concrete slabs on the footprints of demolished buildings) or partially vegetated gravel. Although the margins of these areas would provide suitable basking sites for reptiles, there were few features on site that were likely to provide shelter, basking sites, and foraging habitat for reptiles in close proximity. Due to the sparsely vegetated character of much of the site, it is likely to support a relatively low biomass of invertebrates, and therefore it is likely that there are rather limited foraging resources for reptiles on the application site. No reptiles were seen during the May 2017 update survey (undertaken during sunny weather conditions, with light winds and an air temperature of approximately 20°C).
- 5.22. The most suitable habitat area for reptiles was the bund along the western boundary of the site, as this was mostly vegetated, with some exposed rocks providing suitable basking locations, as well as crevices between rubble forming the bund, which could provide suitable shelter. However, this bund is of recent origin, being constructed from demolition rubble in

2015, and although there is suitable habitat for reptiles nearby (such as gardens associated with nearby properties) the bund is not well connected to these. As such, it is considered very unlikely that the bund, or the rest of the application site, would support significant reptile populations. As small numbers of reptiles could be present, the FoDDC Precautionary Method of Working for Common Lizard, Slow Worm Grass Snake and Adder⁶ would be adopted during construction works.

J) The need for an assessment of the proposed bat house site for dormice

- 5.23. Dormice are present in woodlands to the east and south of Brockweir, and so it is possible that they are present in the woodland areas associated with the stream corridor to the east of the application site. As stated above under item B), although the proposed bat house location is in this woodland, there is only one tree (a twin-stemmed alder) within the footprint of the building, and two adjacent trees may require some pruning. The ground vegetation is dominated by common nettle.
- 5.24. Therefore, even if dormice are present in the woodland, the habitat affected by the bat house proposal is of very limited value for foraging or nesting dormice. As the vegetation is not dense, it would be possible to inspect it exhaustively to confirm the presence or absence of nests, prior to commencement of vegetation clearance, therefore it is proposed that this inspection (by a suitably qualified and licensed ecologist) forms part of the ecological mitigation for the development. In the unlikely event of a nest being found, it would be necessary for the vegetation clearance to take place under licence from Natural England.

K) The need for clarification of surface water and foul water treatment from the site

- 5.25. Although foul or surface water entering the watercourse, or flowing off the site, could affect an ecological receptor (the River Wye SAC), the further information required is not, itself, ecological. As such it is outside the scope of this document; clarification of proposals relating to surface water and foul water are provided separately.

6. CONCLUSIONS

A) The need for an updated Phase 1 habitats survey of the application site

- 6.1. The outstanding requirement at the time the planning application was refused was the need for updated Phase 1 habitats survey data for the application site. This has been obtained, and is provided as an annex to this report. As such, it is considered that there is common ground between the appellant and FoDDC on this issue.

B) The need for an extended Phase 1 habitats and protected species survey of the proposed bat house site

- 6.2. The outstanding requirement at the time the planning application was refused was the need for habitats and protected species survey data for the proposed bat house location. This has been obtained, and is provided as an annex to this report. It does not flag up any ecological constraints which would render the proposed bat house location inappropriate and, as such, it is considered that there is common ground between the appellant and FoDDC on this issue.

⁶ FoDDC (2012) <http://www.fdean.gov.uk/media/3289/precautionary-method-of-working-for-reptiles.pdf>

C) Some aspects of the proposed bat house design requiring amendment

- 6.3. FoDDC recommendations on amendments to the bat house design have largely been adopted; two have been discussed but not adopted as it has been agreed that the existing design is sufficient in those respects. An annotated version of the bat house design is included as an annex to this document, showing the agreed changes. As such, it is considered that there is common ground between the appellant and FoDDC on this issue.

D) An in-combination effects assessment of impacts on bats, taking into account other adjacent developments

- 6.4. As CEC Ltd.'s August 2016 report considered impacts on bats resulting both from the former oil depot application and any future application for conversion of the mill building, and the mitigation proposed as part of the former oil depot application (modified, where appropriate by measures set out in this document) seeks to address the impacts of both developments. The other development affecting this group of buildings, which has been granted planning permission, mitigated impacts on a lesser horseshoe and brown long-eared bat night roost/feeding in-situ, and none of the impacts associated with the more recent application compromise those proposals. As such, it is considered that the submitted ecological report does represent an assessment of in-combination effects on lesser horseshoe and other bat species within the former oil depot and former HAPPA sites, and that there is common ground between the appellant and FoDDC on this issue.

E) Details of post-development safeguard of the proposed bat house required

- 6.5. The bat house will remain in the appellant's ownership post-construction, and it is agreed that post-construction maintenance and repair of the building can be secured through a Section 106 agreement.

F) The need for hedgerow planting to maintain connectivity for commuting bats along the south and south-eastern boundaries of the site

- 6.6. The Ecological Mitigation Measures Plan produced by Marshall and Kendon shows this hedgerow planting has been added to the proposals, to maintain connectivity for bats. As such, it is considered that there is common ground between the appellant and FoDDC on this issue.

G) The need for information on external lighting proposals, in order to assess the impact of this on commuting bats

- 6.7. The Ecological Mitigation Measures Plan produced by Marshall & Kendon also shows proposed locations for external lighting, and confirms the type and intensity of lighting proposed. All external lighting is to be PIR-activated and set at a sensitivity level to avoid lights being triggered by bats. As such, it is considered that there is common ground between the appellant and FoDDC on this issue.

H) The need to make provision for nesting swallows as part of the proposals

- 6.8. Provision for nesting swallows will be made in the modern barn adjacent to the application site, as the appellant retained the right to use part of this building for ecological mitigation at the time of its sale. As such, it is considered that there is common ground between the appellant and FoDDC on this issue.

I) The need for an assessment of the former oil depot for reptiles

- 6.9. Update surveys of the former oil depot site in May 2017 have assessed the potential of the site to support reptiles. The update survey data is provided as an annex to this Statement, and the assessment of the site's current potential for reptiles is described above.
- 6.10. This assessment concluded that the majority of the site was sub-optimal for reptiles as, although basking sites were present, the site does not support the small-scale mosaic of basking sites, shelter, and foraging areas required by reptiles. The most suitable part of the site for reptiles is a fairly recently constructed bund along the western boundary of the site. This is unlikely to support significant populations of reptiles, and can therefore be cleared under FoDDC's Precautionary Method of Working for reptile species. As such, it is considered that there is common ground between the appellant and FoDDC on this issue.

J) The need for an assessment of the proposed bat house site for dormice

- 6.11. Surveys of the proposed bat house site in May 2017 included an assessment of the likely value of the site for dormice. The survey data is included as an annex to this document, and the assessment of the bat house site is described above.
- 6.12. The vegetation which would be affected by construction of the bat house is of very limited value for dormice (if present in the woodland along the stream valley), being fairly sparse and of species not of particular value to dormice. It would be possible to inspect it exhaustively to confirm the presence or absence of nests, prior to commencement of vegetation clearance; therefore it is proposed that this forms part of the ecological mitigation for the development. As such, it is considered that there is common ground regarding likely impacts on dormice between the appellant and FoDDC.

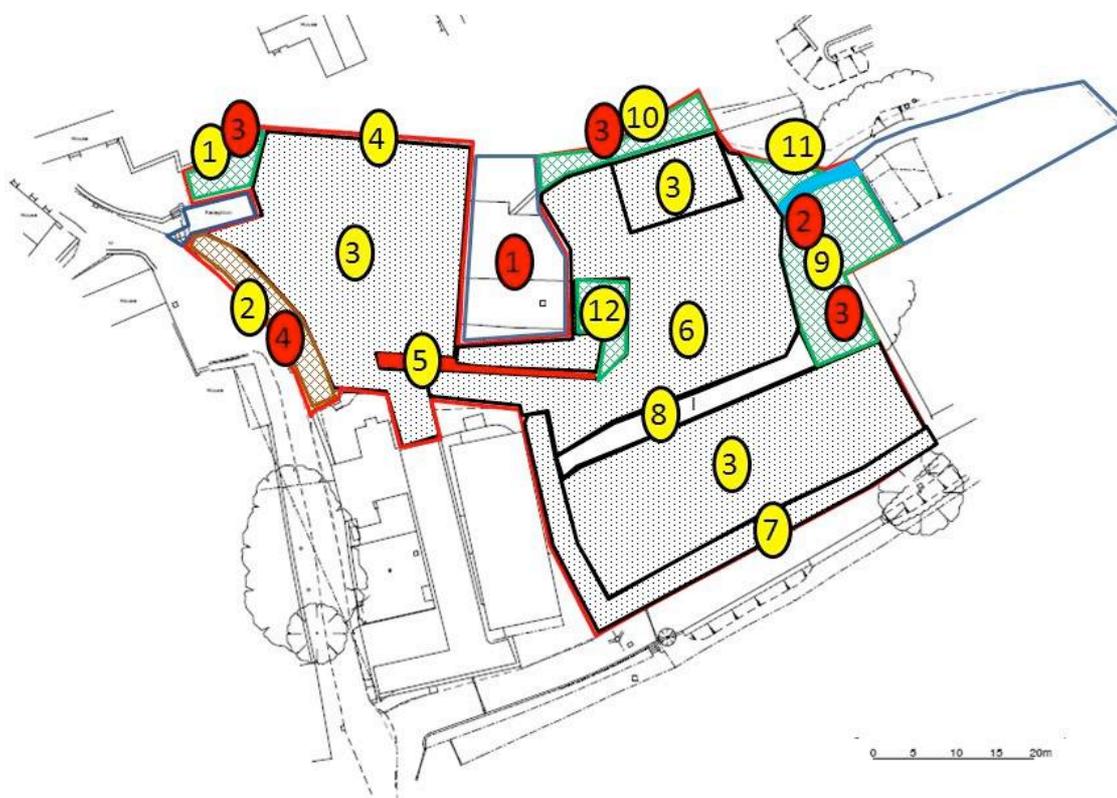
K) The need for clarification of surface water and foul water treatment from the site

- 6.13. Information on these issues is provided separately, and is intended to provide greater clarity on the likely effects of the proposed development on the River Wye SAC.
- 6.14. It is therefore considered that all outstanding ecological issues (except impacts on the River Wye SAC, addressed elsewhere) have been addressed through provision of further information or revisions to the mitigation proposals, and that as a result there is common ground between the appellant and FoDDC on these ecological aspects of the proposed development.

Annex I

Update Phase 1 and protected species survey of former oil depot site, Brockweir, Gloucestershire

Survey carried out by David Wells, CEC Ltd.,
 May 2017 Ordnance Survey Grid Reference:
 SO540011



Key

Site boundary	—	Bare ground/hard standing	
Other land in same ownership	—	Ruderal vegetation	
Habitat area target notes	①	Scrub	
Protected species target notes	①	Wall	—
	①	Improved grassland	
	①	Running water	

Habitat area Target Notes

1	Dense scrub dominated by bramble.
2	Recently constructed bund (using demolition rubble), which has been colonised by a range of ruderal species including garlic mustard, curled dock, common nettle, herb-Robert, bramble, butterfly-bush, ribwort plantain, white clover, cleavers, and ivy-leaved toadflax.
3	Concrete hard-standing, very sparsely vegetated (plants generally growing only in cracks between concrete slabs), supporting curled dock, bramble, butterfly-bush, dandelion, herb-Robert, common nettle and bent-grass.
4	Retaining wall on site boundary supports red valerian, butterfly-bush, bramble, navelwort and herb-Robert, with common nettle, herb-Robert and Yorkshire-fog along the base of the wall.
5	Low stone wall supporting ivy-leaved toadflax, navelwort, maidenhair spleenwort, wood avens, butterfly-bush, curled dock and bramble.
6	Sparsely vegetated gravel surface, supporting broadleaved and ribwort plantains, bent-grass, black medick, creeping buttercup, broadleaved dock, Yorkshire fog and butterfly-bush seedlings.
7	Recently constructed bund (using demolition rubble), more sparsely vegetated than area 2 above, but supporting common nettle, butterfly-bush, herb-Robert, bramble, with willowherb species, creeping thistle, Yorkshire fog, red fescue and creeping buttercup also present.
8	Improved grassland on north-facing bank, supporting perennial rye-grass, creeping buttercup, Yorkshire fog, great willowherb, broadleaved dock, common nettle, hogweed, ground-elder, white clover, ribwort plantain and dandelion.
9	Scrub area on slope below adjacent barn (outside application site), supporting hazel, elder, alder, willow, blackthorn, sycamore, bramble and nettle.
10	Scrub, developing towards woodland, supporting semi-mature ash, sycamore and laurel over bramble- and nettle-dominated ground. Other species present include hart's-tongue, dog's mercury, pendulous sedge, male fern, foxglove and ivy.
11	A small area of recently established scrub supporting bramble, hazel, ash and hawthorn, also ramsons, dog's mercury, wood avens, ground elder and garlic mustard. Immediately to the south is a section of watercourse upstream of the existing culvert mouth; vegetation on its banks is dominated by ground elder. Some Himalayan balsam is also present in this area.
12	A small area of scrub including goat willow as well as bramble, common nettle and also some cow parsley.

Protected species Target Notes

1	Former mill building. Not examined internally, but appears to be suitable for continued use by roosting bats and nesting birds.
2	Badger path and latrine present in this scrub area on the south side of the watercourse. The path extended west onto the site and east along the slope between the watercourse and barn/ménage. No setts were present within 30m of the proposed development site.
3	Scrub areas suitable for use by nesting birds, but unlikely to be of any significant foraging value for dormice, even if present in nearby woodlands and hedgerows, due to the small size of the scrub areas.
4	Vegetated rubble bund, constructed in 2015 to restrict vehicular access to the site, represents sub-optimal habitat for reptiles due to its recent origins and lack of connectivity to other suitable habitat. Considered unlikely to support a

	larger reptile population, but represents the most suitable area for reptiles on the site.
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Figure 1: Former oil depot site viewed from east, showing southern boundary bund (to left), hard standing areas and mill building (to right)



Figure2: North-eastern part of former oil depot site, showing vegetated slop on northern boundary (to left), stream corridor and barn adjacent to site (to right).

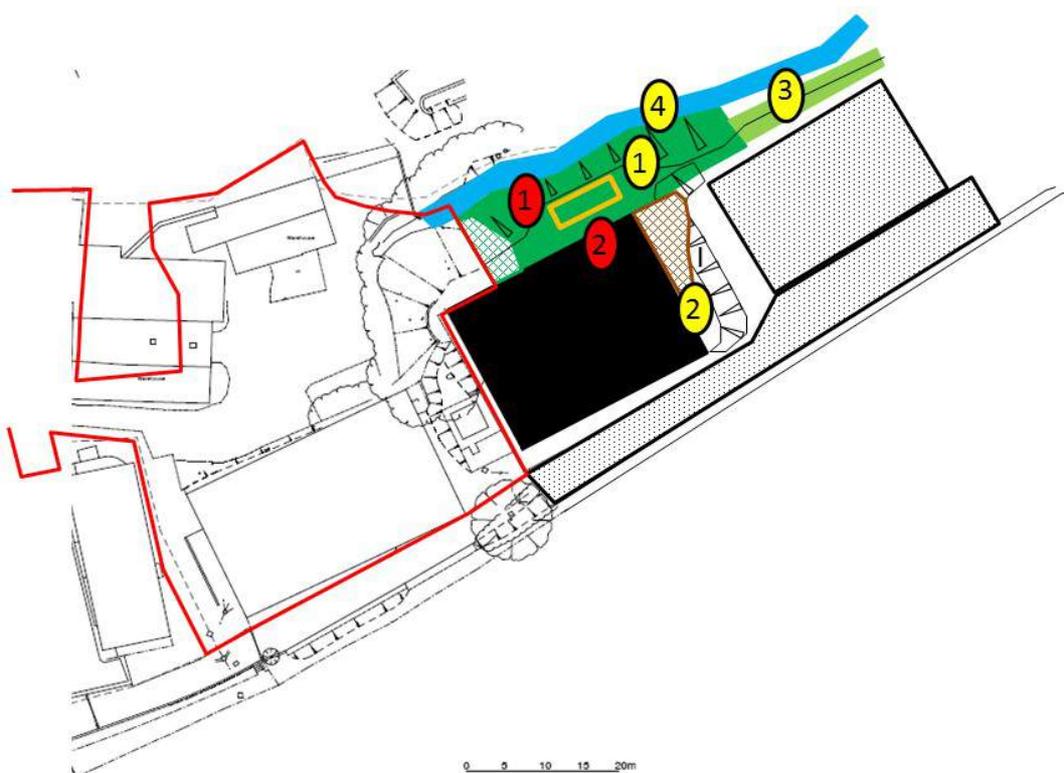


Figure3: Western part of former oil depot site showing hard standing, gravel areas and vegetated bund on western boundary (to right).

Annex II

Phase 1 and protected species survey of proposed bat house site adjacent to former oil depot, Brockweir, Gloucestershire

Survey carried out by David Wells, CEC Ltd.,
 May 2017 Ordnance Survey Grid Reference:
 SO540011



Key

Proposed bat house location		Bare ground/hard standing	
Application site boundary		Ruderal vegetation	
Habitat area target notes		Scrub	
Protected species target notes		Broadleaved woodland	
Building		Improved grassland	
Coniferous treeline		Running water	

Habitat area Target Notes

1	Area of secondary broadleaved woodland, supporting birch, willow, alder, elder and hazel, over a ground layer dominated by common nettle and bramble. Other species present within the proposed bat house location include butterfly-bush, ivy and Himalayan balsam
2	Improved grassland, increasingly dominated by ruderals (common nettle) further down the slope facing the adjacent barn, and at the northern end of this area
3	Row of coniferous trees screening the ménage area from the opposite side of the watercourse
4	Watercourse, largely unvegetated, runs along lower edge of woodland area. Mature trees were formerly present on the opposite (north) side of the watercourse, which would have provided a fairly continuous canopy cover over the watercourse. However, these trees (outside the appellant's ownership) have recently been felled

Protected species Target Notes

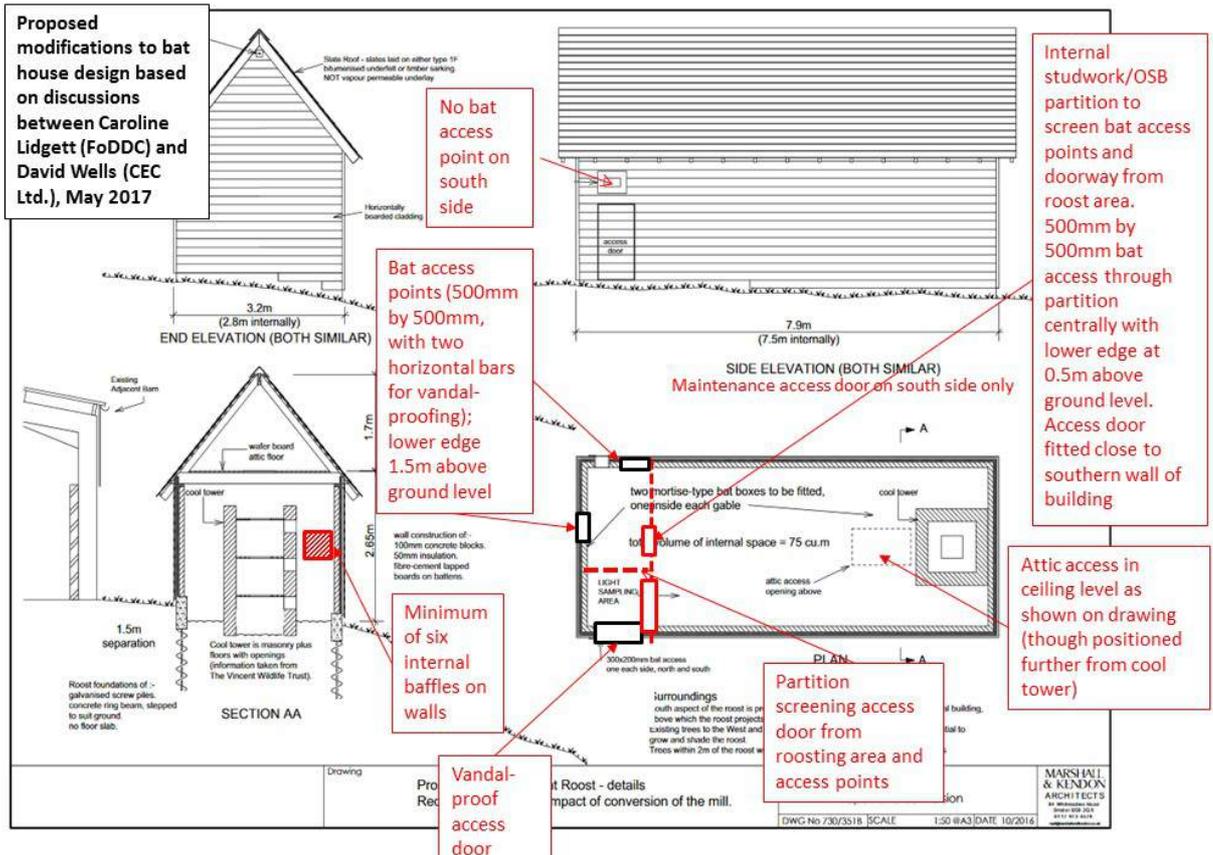
1	Badger path runs along the slope above the southern side of the watercourse, on to the application site (to the west) and up the valley to the east. No setts are present within 30m of the proposed bat house location
2	The proposed bat house location comprises an area dominated by common nettle with sparse bramble, beneath a canopy of weeping willow, alder and elder. The only tree requiring felling is a twin-stemmed alder, which is not suitable for roosting bats. Canopies of the willow and elder may be pruned to facilitate construction of the bat house and avoid the shading of it. The proposed bat house location is sub-optimal for dormice and nesting birds, as it is fairly open in character without suitable natural nest sites or significant foraging resources present.



Figure 4: Proposed bat house location (blue 'flags' showing north-west (foreground) and north-east (background) corners).

Annex III

Annotated Bat House Design Plan showing modifications agreed between appellant and FoDDC, May 2017



Annex IV

Staff Profiles

Rebecca Collins BSc (Hons) CEnv MCIEEM Managing Director

Rebecca has a degree from the University of Wales, College of Cardiff, where she read Zoology. She was the recipient of a Millennium Award for Conservation from Bristol Zoological Gardens for developing monitoring programmes for bats. She has over eighteen years' conservation experience specialising in bats, but also covering other legally protected species. Rebecca is heavily involved in bat and mammal conservation at local, regional and national level in voluntary and professional capacities (including appearing on local and national radio & television). She has over sixteen years' experience as an environmental consultant to property developers, providing clients with advice with regards to mitigation and compliance. NE and NRW requires that a suitably experienced ecologist to obtain European Protected Species licences on behalf of developers; Rebecca has acted as named ecologist on development licences for many developers, providing the expertise for the timely delivery of the licence requirements. Rebecca holds NE licences to survey for bats, great crested newts, barn owls, small mammals and shrews, and dormice; licence numbers WMLCL18(Level 2)- 2015-14886- CLS-CLS, WMLCL08- 2016-20994-CLS-CLS, CL29/00100, SA:195:95 and WMLCL10A-2016-22629- CLS-CLS respectively; NRW bat, great crested newt and dormouse licences, nos. 61286:OTH:CSAB:2014, 61420:OTH:SA:2014, 60642:OTH:SA:2014 respectively; SNH bat licence

11744. She has an NE possession licence (20080403) for live and dead bat specimens, and is an accredited agent on NE white-clawed crayfish licence 20100127. She is a Registered Consultant (RC116) able to use the Bat Low Impact Class Licence system. Rebecca is an accredited bat worker trainer for the BCT and NE and delivers training courses for other organisations, including a module for an MSc in Biological Recording for Manchester Metropolitan University. Rebecca is a member of the Chartered Institute of Ecology and Environmental Management (CIEEM) (and is a member of CIEEM's Professional Standards Committee), and holds Chartered Environmental status as awarded by the Society for the Environment. She also holds a City & Guilds Certificate in Confined Space Entry (6150-02).

David Wells BSc (Hons) CEnv MCIEEM, Technical Director

David has a Biology degree from Southampton University and is a professional ecologist with nineteen years' experience, including fifteen years working as a consultant. He is a specialist in protected species surveys, impact assessment and mitigation design, particularly for bats and dormice, and is an experienced Ecological Clerk of Works. Formerly a Technical Director at a large, well-respected ecological consultancy, he has extensive experience of bat surveys and mitigation design, training of other staff, production of ecology chapters for Environmental Statements, and production of Habitats Regulations Assessments. David holds

NE & NRW survey licences for bats, dormice, barn owls and great crested newts; licence numbers WMLCL18(Level 2)- 2015-13591-CLS- CLS, 61100:OTH:CSAB:2014, WMLCL10A(Level1)-CLS01327, 57918:OTH:SA:2014, 2016-22428- CLS-CLS, 63842:OTH:DBE:2015, WMLCL08-CLS01327 and 57900:OTH:SA:2014 respectively. David also holds an SNH bat licence (34151). He is the named ecologist on numerous development licences in England and Wales, mainly for bats and dormice, but also badgers. David is the author or co-author of several publications, including several articles in CIEEM's *In Practice* magazine and the Mammal Society's *UK BAP Mammals: Interim Guidance for Survey Methodologies, Impact Assessment and Mitigation*. He teaches courses on dormice and other mammals for the Mammal Society and has been an external tutor for Bristol University. David is a member of CIEEM (and is a

member of CIEEM's Membership Admissions Committee), and also holds Chartered Environmental status. He also holds a Construction Skills Certification Scheme (CSCS) Environmental Manager Passport and a City & Guilds Certificate in Confined Space Entry (6150-02).

CEC Ltd. has a number of associates for specialised surveys, and a team of sub-contractors, who work under the direct supervision of CEC Ltd.'s experienced ecologists, regardless of their level of experience.

CEC Ltd. staff and their sub-contractors undertake regular in-house and external training as part of their Continuing Professional Development, including "Working at Heights" and First Aid.

forwarded this information to the LPA but are

Lead Local Flood Authority

Shire Hall
Gloucester
GL1 2TH

Tony Pope
Forest of Dean District Council
Council Offices
High Street
Coleford
Gloucestershire
GL16 8HG

email: david.graham@gloucestershire.gov.uk

Please ask for: David Graham

Phone: 01452 425629

Our Ref: F/2016/036754

Your Ref:
P1102/16/FUL/LLFA

Date: 30 May 2017

Dear Tony Pope,

TOWN AND COUNTRY PLANNING ACT 1990 LEAD LOCAL FLOOD AUTHORITY RECOMMENDATION

LOCATION: Gregory Farm Brockweir Chepstow NP16 7NG
PROPOSED: Erection of 9 houses and 2 flats on land formerly used as an oil distribution depot and a horse and pony sanctuary

I received additional information regarding the above application on the 23 May, 2017 regarding the flow volumes through the proposed open channel. I have reviewed this information which I have forwarded to you at the LPA but can summarise it as follows.

The applicant has now calculated the total flow from the catchment which flows to the upstream point of the existing culvert at the eastern boundary of the site. This has been calculated at 2.5 m³/s for the 1 in 100 year 6 hour rainfall event. The downstream stone arch culvert under the road west of the site boundary has a calculated capacity of 5.23 m³/s. The cross sectional area of the proposed open channel as shown in Appendix B of the original FRA is greater than that of the road bridge and will not restrict the flow of the watercourse in the above storm event.

Water in the proposed open channel does not come out of bank onto the site in the design storm scenario. An increase of 40% for climate change does not exceed the capacity of the stone arch culvert and the applicant has produced exceedance flow routes for the more extreme events.

Surface water runoff rates were produced in the letter from the applicant's consultant's Cole Easdon dated 14 November 2016 and these show a significant decrease in the proposed rates e.g. in the 1 in 100 yr event, from 55.4l/s pre development to 13.8 l/s post development. This is acceptable for a Brownfield site.

The LLFA therefore rescinds any previous objections to the surface water drainage proposals and considers the additional information submitted together with the FRA to be adequate. ~~It is recommended that any approval includes the following conditions:-~~

Condition: No development shall commence on site until a detailed design, maintenance & management strategy and timetable of implementation for the surface water drainage strategy (SuDS and de-culverting of the watercourse) as presented in the Flood Risk Assessment, surface water runoff rates as contained in 'drainage information' of the 14 November 2016 and supplementary information dated 23 May 2017 has been submitted to and approved in writing by the Local Planning Authority. The detail must demonstrate the technical feasibility/viability of the drainage system through the use of SuDS to manage the flood risk to the site and elsewhere and the measures taken to manage the water quality for the life time of the development. The scheme for the surface water drainage shall be carried out in accordance with the approved details before the development is first put in to use/occupied.

Reason: To ensure the development is provided with a satisfactory means of drainage and thereby preventing the risk of flooding. It is important that these details are agreed prior to the commencement of development as any works on site could have implications for drainage, flood risk and water quality in the locality.

Condition: No development shall be put in to use/occupied until a SuDS management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime, has been submitted to and approved in writing by the Local Planning Authority. The approved SUDS maintenance plan shall be implemented in full in accordance with the agreed terms and conditions.

Reason: To ensure the continued operation and maintenance of drainage features serving the site and avoid flooding.

NOTE 1 :The Lead Local Flood Authority (LLFA) will give consideration to how the proposed sustainable drainage system can incorporate measures to help protect water quality, however pollution control is the responsibility of the Environment Agency

NOTE 2 : Future management of Sustainable Drainage Systems is a matter that will be dealt with by the Local Planning Authority and has not, therefore, been considered by the LLFA.

NOTE 3: Any revised documentation will only be considered by the LLFA when resubmitted through suds@gloucestershire.gov.uk e-mail address. Please quote the planning application number in the subject field.

Yours sincerely,

Appeal Statement:
Gregory Farm, Brockweir, Chepstow, Glos
On behalf of Acerbic Ltd

David Graham
Strategic Flood Risk Management Officer