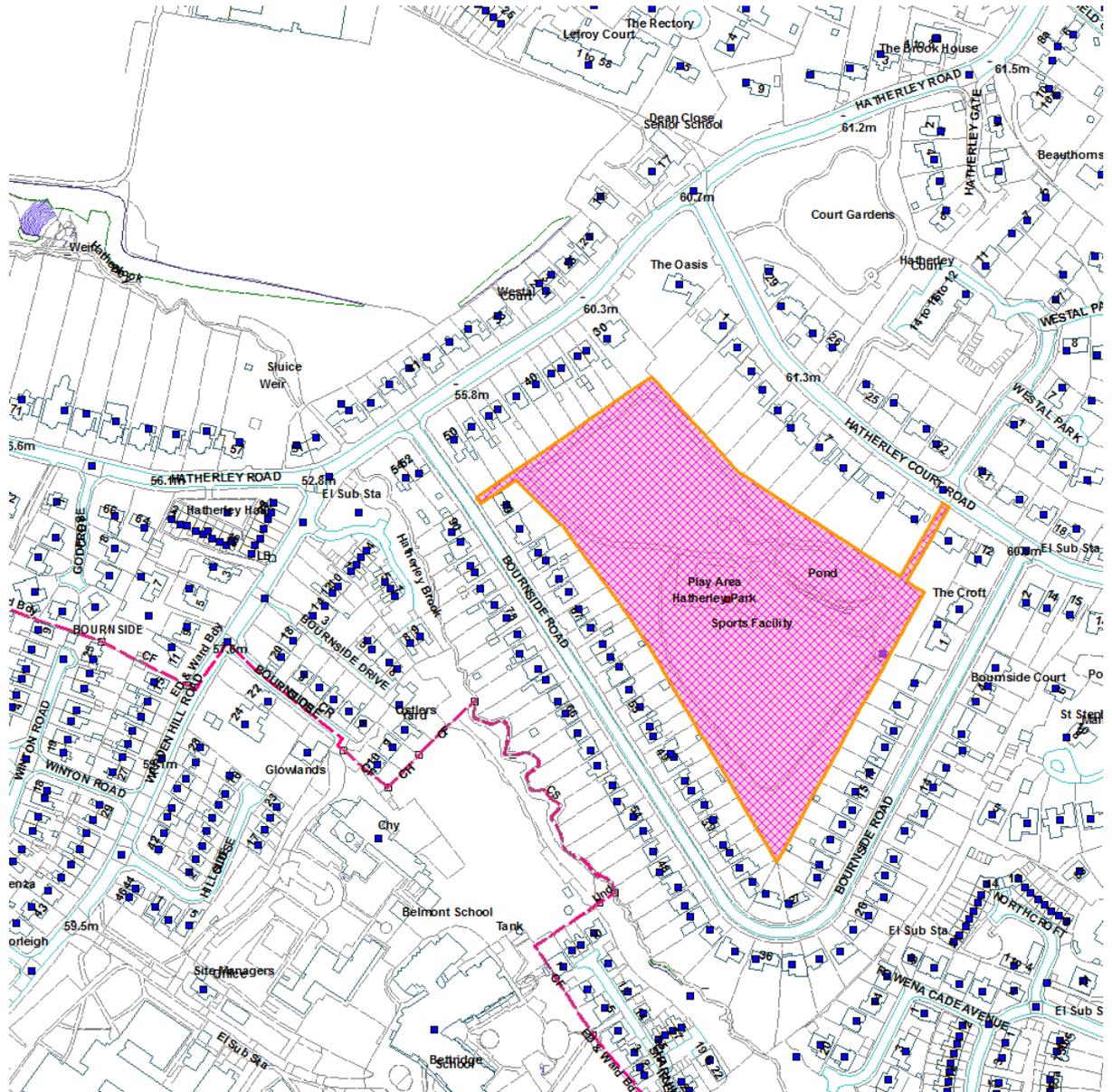


APPLICATION NO: 25/01931/FUL		OFFICER: Mrs Lucy White
DATE REGISTERED: 11th December 2025		DATE OF EXPIRY: 5th February 2026/Extension of Time Agreed Until 23 rd February 2026
DATE VALIDATED: 11th December 2025		DATE OF SITE VISIT:
WARD: Park		PARISH:
APPLICANT:	Cheltenham Borough Council	
AGENT:		
LOCATION:	Hatherley Park Hatherley Court Road Cheltenham	
PROPOSAL:	Remove silt from main lake and transport it to another area of the park to enable it to be de-watered and cultivated into the amenity grassland. Ground to be contoured to direct water towards filtration trench to enhance sustainable drainage. Portion of silt to be reused around lake edge to backfill stone revetment retaining walls, to be planted with aquatic marginal plant species.	

RECOMMENDATION: Permit



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1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 Hatherley Lake is located within the north-east area of Hatherley Park and covers an area of approximately 1036 sqm. The two main entrances to the park are via Hatherley Court Road and Bournside Road and in addition to the main lake, the park features a smaller wildlife pond, children's playground, junior football pitch, circular footpath/running track, pavilion building and café, landscaped gardens and mature specimen trees. The park is enclosed on all sides by residential properties. The boundary of the Central Conservation Area runs along Hatherley Court Road and forms the northern boundary of Hatherley Park.
- 1.2 The application proposes the removal of silt from the main lake and its transport to another area of the park to enable it to be de-watered and cultivated into the amenity grassland. A section of this new ground would be contoured to direct water towards a filtration trench to enhance sustainable drainage within the park. In addition, a portion of silt would be reused around the lake edge to backfill stone revetment retaining walls and then planted with aquatic marginal plant species. The main (pedestrian and vehicular) access from Hatherley Court Road would be used for all de-silting and construction works.
- 1.3 The application is accompanied by various documents, including a Construction Method Statement and Management Plan, Ecology Report (Inc. Biodiversity Net Gain Statement) and Flood Risk Assessment.
- 1.4 This application is being determined by the Planning Committee because Hatherley Park is owned and managed by Cheltenham Borough Council.

2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

Constraints:

Airport safeguarding over 15m
Airport Safeguarding over 45m
Conservation Area
Principal Urban Area
Public Green Space (GE36)
Non-Contact Residents Association
Youth and Adult Play Area

Relevant Planning History:

89/01571/PF 18th January 1990 PER
Re-siting Of Children's Play Area And Replacement Of Equipment

15/02082/FUL 22nd January 2016 PER
Construction of a gravel path

01/00483/FUL 23rd April 2021 PER
Siting of a temporary structure on a purpose built hard standing area within Hatherley Park to serve refreshments

3. POLICIES AND GUIDANCE

National Planning Policy Framework

Section 2 Achieving sustainable development
Section 4 Decision-making
Section 12 Achieving well-designed places
Section 14 Meeting the challenge of climate change, flooding and coastal change
Section 15 Conserving and enhancing the natural environment

Adopted Cheltenham Plan Policies

D1 Design
SL1 Safe and Sustainable Living
GI2 Protection and replacement of trees
GI3 Trees and Development

Adopted Joint Core Strategy Policies

SD4 Design Requirements
SD9 Biodiversity and Geodiversity
SD14 Health and Environmental Quality
INF1 Transport Network
INF2 Flood Risk Management
INF3 Green Infrastructure

Supplementary Planning Guidance/Documents

Cheltenham Climate Change (2022)

4. CONSULTATIONS

See appendix at end of report

5. PUBLICITY AND REPRESENTATIONS

Number of letters sent	64
Total comments received	4
Number of objections	0
Number of supporting	4
General comment	0

5.1 Letters were sent to 64 neighbouring properties. In addition, a site notice was displayed near the entrance to the park. A total of 4 representations were received, all in support of the proposals. The following is a summary of the comments made: -

- The work will enhance the look of the lake, the biodiversity and water quality, and will also help to guard against the lake drying out
- The works will improve the drainage of the lowest part of the park, where the silt is to be deposited
- Visitor experience will be enhanced

6. OFFICER COMMENTS

6.1 Determining Issues

6.2 The key issues for consideration are the impact of the de-silting and ground works on ecology, biodiversity, trees and drainage/flood risk. Access and highway safety implications and the amenity of the neighbouring residents will also need to be considered.

6.3 Layout and Scope of Works

6.4 The proposals include the de-silting of Hatherley Lake and the de-watering, re-cultivation and regrading of the excavated material into amenity grassland within an area to the west

of the lake. The reformed material and amenity grassland would be subtly graded into the surrounding grassland and re-seeded with amenity grassland seed. Any increase in ground levels would not exceed 100mm and thereby would not affect the public's use of the park or its character.

- 6.5** The ground would also be contoured to divert surface water to a new filtration trench and overflow catch pit chamber connection to a culvert. The trench would have a grass covering and its banks would be no steeper than 1:4 or higher than 250mm. These additional works will improve the drainage of the park and the Council's Drainage officer has been heavily involved in the project design.
- 6.6** Following the de-silting works, new stone revetment retaining walls would be installed, and back filled with existing silt and planted up with marginal planting. Essentially, the works will restore water capacity within the lake and improve aquatic habitat, both of which were badly affected by the 2025 summer drought.
- 6.7** The accompanying Planning Statement includes helpful annotated images of the proposed ground works. The site layout drawing (ref. 1931.03 A) also includes details of proposed tree protection and public safety measures (fencing) to be implemented during the de-silting and ground works and areas of the park to be used as a site compound and staff facilities, if required. Although sections of the circular footpath would be closed during the de-silting works, the children's play area and youth sports facilities would be largely unaffected and would remain accessible to the public.
- 6.8** The proposed de-silting works offer clear biodiversity and drainage enhancements and would improve the water quality and the public enjoyment of the park's facilities. Consequently, the proposals adhere to the objectives of policy D1 of the Cheltenham Plan and policies SD4 and SD9 of the Joint Core Strategy.
- 6.9** Drainage and ecological matters are discussed in more detail in later sections of the report.
- 6.10 Impact on neighbouring property**
- 6.11** Section 12 of the NPPF requires development to create places with a high standard of amenity for existing and future users. Policy SL1 of the Cheltenham Plan advises that development will only be permitted where it will not cause unacceptable harm to the amenity of adjoining land users or the locality. In assessing impact on amenity, the Council will take account of matters including, but not limited to, loss of privacy, loss of light and outlook. The policy is consistent with adopted JCS policy SD14.
- 6.12** The park is enclosed on all sides by residential properties in Bournside Road, Hatherley Court Road and Hatherley Road, whose rear gardens back onto the application site.
- 6.13** Overall, the proposed development is not considered to result in any unacceptable loss of amenity for neighbouring land users. Whilst some noise disturbance may occur during the de-silting and ground works, this would be temporary in nature.
- 6.14** It is also noted that no objections or concerns have been raised by local residents. In contrast, several representations have been received in support of the project.
- 6.15** In light of all the above considerations, officers are satisfied that the proposals meet the objectives of Cheltenham Plan policy SL1 and JCS policy SD14.

6.16 Access and highway issues

6.17 Due to the closure of some areas of the park during the de-silting works and the anticipated use of heavy vehicles and mechanical equipment on site, the County Council Highways Development Management Team, acting in its role as local highway authority (HA) was consulted on the application. Their full response can be read in full in the Consultations section of the report.

6.18 In summary, the HA consider the submitted Construction Management Plan (CEMP) acceptable, noting the importance of the access road being safely managed during all on-site works. A condition has been added requiring that the development is carried out in accordance with the CEMP.

6.19 Sustainability

6.20 JCS policy SD3 and the adopted Cheltenham Climate Change SPD seek to ensure the integration of a best-practice approach towards climate change into all new development proposals. The accompanying Planning Statement includes an ecological and environmental impact assessment of the proposed works.

6.21 In this case, there are clear biodiversity and environmental enhancements associated with the de-silting works, which align fully with the objectives of the SPD. These are discussed in more detail below.

6.22 Other considerations

6.23 Ecology and Biodiversity

6.24 The application is accompanied an Ecological Impact Assessment (EIA) which sets out the various biodiversity enhancements of the scheme and the mitigation measures necessary to prevent sediment and construction pollutants entering the watercourse downstream. Although the works are intended to take place outside of the bird nesting season, a method for handling any nesting birds still present is also included. The EIA has been reviewed by the Council's Ecologist (EO) and their comments are set out in full in the consultation section of the report.

6.25 In summary, the site comprises of modified grassland with native and non-native trees, a wildlife pond, Hatherley Lake, and surfaced pathways. An area of Priority Habitat Deciduous Woodland between the lake and the area of grassland to be regraded is largely comprises ornamental species and is not considered to meet the Priority Habitat description. Two trees were found to have bat roosting potential but would not be impacted by the proposals. The smaller wildlife pond was assessed as having 'average' suitability for Great Crested Newts but is not suitable to support a breeding population. The proposed de-silting works are limited to Hatherley Lake and therefore no further GCN surveys are requested. Both the pond and lake are suitable habitats for other reptiles and amphibians, although surrounding habitats are sub-optimal. The lake and surrounding trees and shrubs offer nesting habitat for moorhen and mallards. However, the works are expected to take place outside of bird nesting season and suitable mitigation planting is recommended to replace any lost nesting habitat. There are currently no surviving ornamental fish within the lake.

6.26 The EIA includes recommendations to prevent pollutants from entering the watercourse (silt traps and the temporary blocking up of the culvert).

6.27 The EO concludes that the proposed works to the lake will improve its water quality and overall, will enhance the lake and surrounding areas for wildlife. All works should be carried out in accordance with the mitigation recommendations of the PEA. A condition has been added accordingly.

6.28 However, the EO's request for a Construction Environmental Management Plan (CEMP – B), a 10-year LEMP and an external lighting strategy is considered by officers to be somewhat onerous and unnecessary, given the scale of the works proposed, the Council's on-going management responsibilities of the lake as custodian and the mitigation measures already identified within the EIA. Similarly, the submitted Cross Section Drawing (ref. 1931.02) includes sufficient detail of the proposed marginal aquatic planting species. The development would also need to be undertaken in accordance with the submitted comprehensive Construction Method Statement and Management Plan.

6.29 However, the EO's guidance notes on wildlife protection have been added as informatives.

6.30 Biodiversity Net Gain

6.31 For applications submitted on or after April 2024, a minimum 10% biodiversity net gain (BNG) is now mandatory for all non-householder development. However, the Biodiversity Gain Requirements (Exemptions) Regulations 2024 set out the circumstances where development is exempted from this requirement.

6.32 This application is exempt from BNG; Section 4 of the Regulations being relevant which includes the following exemption criteria: -

- *You do not need to record a habitat as lost when there are temporary impacts to a habitat and the area can be restored to both:*
 - *baseline habitat type within two years of the initial impact; and*
 - *baseline condition within two years of the initial impact*

6.33 The submitted Biodiversity Statement confirms that, in this case, the time required for the creation of modified grassland in 'Poor' condition would be one year. The spreading of silt and seeding is expected to re-establish the impacted grassland within this timeframe. As such, the proposed works meet the above exemption criteria which require the site to be restored to a minimum grassland in 'Poor' condition (baseline habitat type) within 2 years.

6.34 The Council's Ecologist has confirmed that, in this instance, the mandatory 10% BNG is not required.

6.35 Drainage and Flooding

6.36 Although the lake connects with Hatherley Brook at its western end via a culvert, the application site lies within Flood Zone 1 and therefore the potential (fluvial) flood risk is low.

6.37 The Council's Drainage officer (DO) was previously involved in the project at pre-application stage and requested that an independent Flood Risk Assessment (FRA) be undertaken, as the silt was initially proposed to be deposited within an area of the park identified as being at risk of surface water flooding. The submitted FRA, which includes a Sustainable Drainage Strategy and Surface Water Flood Modelling Exercise, assesses the impact of re-using approximately 240 cubic metres of dewatered silt across the amenity grassland on overall flood risk.

6.38 The FRA concludes that the flood risk from surface water is high, however this would affect a local pocketed area and not an overland flow route. The proposed works are not therefore considered to increase flood risk elsewhere, and the proposed landscaping, filtration trench and other ground works would offer betterment in terms of the management of flood risk and surface water drainage within the park.

6.39 The DO has reviewed the FRA and raises no objection. The proposals and FRA confirm that silt will be placed outside the surface water flood risk area and therefore would not increase flood risk elsewhere.

6.40 The application details also include confirmation that the proposed lowering of the lake will not require additional permissions from the Environment Agency. A Waste Classification Assessment Report has been undertaken which identifies the silt as non-hazardous and suitable for re-use.

6.41 Trees and Landscaping

6.42 The Council's Trees Officer (TO) has also been previously engaged in this project and provided guidance on the tree protection areas and Construction Method Statement and Management Plan.

6.43 The TO has reviewed the proposals and raises no objection; their comments are provided in the Consultation section of this report. The only tree works proposed are minor access facilitation works along the lake edge, which would not significantly affect the appearance or amenity value of the trees and may also increase sunlight penetration to the pond edge, thereby enhancing habitat quality. The proposed re-cultivation of silt to the west of the lake lies outside the root protection areas of nearby trees, and the minor change in ground level is not expected to result in any detrimental impact on tree roots.

6.44 Appropriate tree protection (webbing to restrict access) and ground protection is proposed, as detailed within the Construction Method Statement and Desilting and Drainage Intent Plan.

6.45 Public Sector Equality Duty (PSED)

6.46 As set out in the Equality Act 2010, all public bodies, in discharging their functions must have "due regard" to this duty. There are three main aims:

- Removing or minimising disadvantages suffered by people due to their protected characteristics;
- Taking steps to meet the needs of people with certain protected characteristics where these are different from the needs of other people; and
- Encouraging people with certain protected characteristics to participate in public life or in other activities where participation is disproportionately low.

6.47 Whilst there is no absolute requirement to fully remove any disadvantage, the duty is to have "regard to" and remove OR minimise disadvantage and in considering the merits of this planning application the planning authority has taken into consideration the requirements of the PSED.

6.48 In the context of the above PSED duties, this proposal is considered to be acceptable.

7. CONCLUSION AND RECOMMENDATION

7.1 In light of the above assessment, the proposed development is considered to accord with the relevant local and national policies and guidance, and the recommendation is to grant planning permission, subject to the following conditions.

8. CONDITIONS / INFORMATIVES

- 1 The planning permission hereby granted shall be begun not later than the expiration of three years from the date of this decision.

Reason: To accord with the provisions of Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2 The planning permission hereby granted shall be carried out in accordance with the approved plans listed in Schedule 1 of this decision notice.

Reason: For the avoidance of doubt and in the interests of proper planning.

- 3 The development shall be carried out at all times in accordance with the approved 'Hatherley Lake Desilting - Construction Method Statement and Management Plan', received on 1st December 2025.

Reason: To minimise disruption on the public highway and to adjacent land users, and accommodate the efficient delivery and removal of materials and equipment during the course of the works, having regard to adopted policy SL1 of the Cheltenham Plan and policies SD14 and INF1 of the Joint Core Strategy (2017).

- 4 The development shall be carried out in strict accordance with the recommendations and mitigation requirements of the ecological survey report (Ecological Impact Assessment (ATW Ecology) dated September 2025 submitted with the planning application.

Reason: To safeguard important ecological species, having regard to adopted policy SD9 of the Joint Core Strategy (2017).

- 5 The development shall be carried out in accordance with the approved Tree Protection measures shown on Drawing No 1931.03A and set out within the 'Hatherley Lake Desilting - Construction Method Statement and Management Plan', received on 1st December 2025. All protective measures shall be fully installed prior to the commencement of development and shall remain in place until the completion of the de-silting and associated ground works.

Reason: To safeguard the existing tree(s) in the interests of visual amenity, having regard to adopted policies GI2 and GI3 of the Cheltenham Plan (2020).

INFORMATIVES

- 1 In accordance with the requirements of The Town and Country Planning (Development Management Procedure) (England) Order 2015 and the provisions of the NPPF, the Local Planning Authority adopts a positive and proactive approach to dealing with planning applications and where possible, will seek solutions to any problems that arise when dealing with a planning application with the aim of fostering the delivery of sustainable development.

At the heart of this positive and proactive approach is the authority's pre-application advice service for all types of development. Further to this however, the authority publishes guidance on the Council's website on how to submit planning applications and provides full and up-to-date information in relation to planning applications to enable the applicant, and other interested parties, to track progress.

In this instance, having had regard to all material considerations, the application constitutes sustainable development and has therefore been approved in a timely manner.

- 2 Wildlife Protection

The applicant is advised that planning permission does not override the statutory protection afforded to plants and animals protected under the terms of the Wildlife and Countryside Act 1981 (as amended). If a protected species (such as any bat, great crested newt, dormouse, badger, reptile, barn owl or any nesting bird) is discovered using a feature on site that would be affected by the development or related works all activity which might affect the species at the locality should cease. If the discovery can be dealt with satisfactorily by the implementation of biodiversity mitigation measures that have already been drawn up by your ecological advisor and approved by the Local Planning Authority, then these should be implemented. Otherwise, a suitably experienced ecologist should be contacted and the situation assessed before works can proceed. This action is necessary to avoid possible prosecution and ensure compliance with the Wildlife & Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2017 (as amended), the Protection of Badgers Act 1992 and the Wild Mammals Act 1996. This advice note should be passed on to any persons or contractors carrying out the development/works.

3 Birds

All British birds (while nesting, building nests, sitting on eggs and feeding chicks), their nests and eggs (with certain limited exceptions) are protected by law under Section 1 of the Wildlife and Countryside Act 1981 (as amended) and the Countryside and Rights of Way Act 2000. Works that will impact upon active birds' nests should be undertaken outside the breeding season to ensure their protection, i.e. works should only be undertaken between September and February, or only after the chicks have fledged from the nest.

4 General Wildlife Advice

Any trenches dug shall either be covered overnight or fitted with a means of escape (such as a plank of wood) so that badgers and other wildlife do not become trapped. Any close board fencing shall be installed with gaps (13 cm x 13 cm) to allow free movement of hedgehogs and other small mammals across the site. All mammals are protected under the Wild Mammals (Protection) Act 1996 and, therefore, prior to any site works a check should be made to make sure there are no active fox earths present on the site. The use of an animal repellent, such as Scoot, can be used to facilitate this.

Consultations Appendix

Drainage And Flooding

17th December 2025 –

No objection. A flood risk assessment was requested during pre-app as silt was initially intended to be placed within the surface water flood risk area. The revised plans and the flood risk assessment confirm that silt will be placed outside the surface water flood risk area and therefore do not increase flood risk elsewhere.

Environmental Health

19th December 2025 –

The applicant has provided a suitable Construction Method Statement that identifies appropriate methods for the control of noise, dust and odour from the proposed works. I understand from discussions with the applicant that there are also contingency plans for any issues of odour arising from the dredged material. As such, I have no objections to the application or recommendations for conditions to be attached to any consent.

Building Control

5th January 2026 –

No comment.

Tree Officer

12th December 2025 - 25/01931/FUL Hatherley Park de-silting.

The CBC Tree Section does not object to this proposal.

There are only minor proposed access facilitation tree works to trees along the lake edge as a part of the de-silting project. This will involve the removal of minor low branch work to enable access to machinery to desilt under canopies where they overhang low over the lake.

This will not significantly alter the appearance or amenity of the trees and should also help enable more sunlight to reach the pond edge thus improving the quality of this habitat.

Appropriate tree protection (webbing to restrict access) and ground protection will be put in place as appropriate and as detailed within the Construction Method Statement as well as the Desilting and Drainage Intent Plan.

The proposal to spread the silt west of the lake is to be outside the usual root protection area of nearby trees and there should be no detrimental impact on the roots of the trees as a result of the minor change in ground level. Nutrient from this silt should help promote general soil fertility.

Ecologist

5th January 2026 -

We have reviewed the Ecological Impact Assessment (ATW Ecology, September 2025) and Biodiversity Net Gain Statement (ATW Ecology, October 2025), and our response with regards to ecology is provided below.

The site was surveyed in September 2025 and was found to comprise modified grassland with native and non-native trees, a small 'wildlife' pond, Hatherley Lake, and surfaced pathways.

The lake connects to Hatherley Brook at its western end via a culvert. An area of the site between the lake and the area of grassland to be regraded is mapped as Priority Habitat Deciduous Woodland, but largely comprises ornamental species and is not considered to meet the Priority Habitat description.

Two trees were found to have potential bat roosting features (PRFs). A hybrid black poplar has PRFs suitable to support multiple bats, and a horse chestnut has a PRF suitable to support individual bats. These trees will not be impacted by the proposed works. The habitats on-site have moderate suitability for foraging and commuting bats, and a sensitive lighting strategy has been outlined.

The habitats on-site have limited suitability for hazel dormouse, with no connectivity to suitable habitat within the wider landscape; therefore, hazel dormouse are considered likely absent. Otters are likely present within Hatherley Brook and may utilise the lake on occasion to hunt. There are no records of beaver or water vole within 2km.

There are records of great crested newts 1.75km southwest of the site. The lake was assessed as having 'poor' suitability for great crested newts, whilst the pond was assessed as having 'average' suitability for great crested newts. However, the ecologist's opinion is that the pond has negligible suitability to support a breeding population of great crested newts. Suitable terrestrial habitat on-site is restricted to the ornamental shrub beds along the north-eastern boundary. The pond and shrub beds will not be directly impacted by the works, and no further surveys are recommended for great crested newts.

The pond on-site is said to support smooth newt and common frog, and the lake is considered suitable for breeding common toad, but the surrounding habitats are suboptimal. The lake and pond are suitable for grass snake, but the only terrestrial habitats on-site are restricted to the shrub beds. The site has poor connectivity with other areas of suitable reptile habitat. Moorhen and mallards were recorded on-site during the survey. There is suitable nesting habitat in the reeds around the lake and on the island. The surrounding trees and shrubs also provide suitable nesting habitat. Works are expected to take place outside of the nesting bird season to avoid any impacts. Suitable compensatory planting has been recommended to replace any nesting habitat that will be lost.

The lake has previously supported a large population of introduced ornamental fish, which recently died off due to oxygen depletion. No fish are thought to be currently present but suitable measures will be in place if any fish are encountered during the works.

White clawed crayfish are known to be present within Hatherley Brook, which is connected to the lake via a culvert. No hazardous contaminants have been identified within the lake; however, appropriate precautions will need to be taken during the excavation of silt/de-watering of the lake to prevent silt and sediment from entering the culvert and impacting the brook and the species that use it. High-risk activities include the use of cement/ concrete during repairs to stone banks and revetments. Silt traps will be utilised, and the culvert will be blocked while silt is excavated. Further details will need to be outlined within a CEMP: Biodiversity.

The proposals are considered to be exempt from mandatory Biodiversity Net Gain because the habitat impacts are temporary and the baseline habitat types and conditions will be restored within two years. The proposed works to the lake will improve the water quality within the lake but will not affect the outcome of the Condition Assessment. Overall, the proposals will enhance the lake and surrounding areas for wildlife. Further information on the proposed planting and management will need to be provided in a LEMP.

National Planning Policy Framework (NPPF) and Local Plan Policy (Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011 - 2031) (adopted December 2017)) Context:

- NPPF Para 180 - 194 (Conserving and Enhancing the Natural Environment), National Planning Policy Framework1
- SD9 Biodiversity and Geobiodiversity
- INF3 Green Infrastructure

In England, biodiversity net gain (BNG) is mandatory under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021). Developers must deliver a biodiversity net gain of 10%. For significant on-site gains, and all off-site gains, the BNG must be maintained for at least 30 years. Responsibilities should be

set out in a legal agreement. Further guidance can be found at <https://www.gov.uk/guidance/understanding-biodiversity-net-gain>

Cheltenham Plan, Adopted 2020.

- Policy BG1: Cotswold Beechwoods Special Area of Conservation Recreation Pressure
- Policy BG2: Cotswold Beechwoods Special Area of Conservation Air Quality

Wildlife legislation context:

1 The National Planning Policy Framework (NPPF) Paragraph 179 states:

“To protect and enhance biodiversity and geodiversity plans should:

b) ... identify and pursue opportunities for securing measurable net gains for biodiversity.”

- Wildlife and Countryside Act 1981 (as amended)
- Conservation of Habitats and Species Regulations 2017
- Natural Environment and Rural Communities (NERC) Act 2006
- Protection of Badgers Act 1992

Informatives:

Wildlife Protection

The applicant is advised that planning permission does not override the statutory protection afforded to plants and animals protected under the terms of the Wildlife and Countryside Act 1981 (as amended). If a protected species (such as any bat, great crested newt, dormouse, badger, reptile, barn owl or any nesting bird) is discovered using a feature on site that would be affected by the development or related works all activity which might affect the species at the locality should cease. If the discovery can be dealt with satisfactorily by the implementation of biodiversity mitigation measures that have already been drawn up by your ecological advisor and approved by the Local Planning Authority, then these should be implemented. Otherwise, a suitably experienced ecologist should be contacted and the situation assessed before works can proceed. This action is necessary to avoid possible prosecution and ensure compliance with the Wildlife & Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2017 (as amended), the Protection of Badgers Act 1992 and the Wild Mammals Act 1996. This advice note should be passed on to any persons or contractors carrying out the development/works.

Birds

All British birds (while nesting, building nests, sitting on eggs and feeding chicks), their nests and eggs (with certain limited exceptions) are protected by law under Section 1 of the Wildlife and Countryside Act 1981 (as amended) and the Countryside and Rights of Way Act 2000. Works that will impact upon active birds' nests should be undertaken outside the breeding season to ensure their protection, i.e. works should only be undertaken between September and February, or only after the chicks have fledged from the nest.

General Wildlife Advice

Any trenches dug shall either be covered overnight or fitted with a means of escape (such as a plank of wood) so that badgers and other wildlife do not become trapped. Any close board fencing shall be installed with gaps (13 cm x 13 cm) to allow free movement hedgehogs and other small mammals across the site. All mammals are protected under the Wild Mammals (Protection) Act 1996 and, therefore, prior to any site works a check should be made to make sure there are no active fox earths present on the site. The use of an animal repellent, such as Scoot, can be used to facilitate this.

Requirements prior to commencement/conditions to be attached to planning consent:

Construction Environmental Management Plan - Biodiversity (CEMP-B)

No development shall take place (including ground works and vegetation clearance) until a Construction Environmental Management Plan - Biodiversity (CEMP-B) has been submitted

to and approved in writing by the local planning authority. The CEMP should be kept in the site office for reference for site workers. The CEMP-B shall include, but not necessarily be limited to, the following:

- i. Risk assessment of potentially damaging construction activities;
- ii. Identification of 'biodiversity protection zones';
- iii. Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements);
- iv. A precautionary working method statement for the following species: bats, amphibians, reptiles, nesting birds, badger and hedgehog;
- v. The location and timing of sensitive works to avoid harm to biodiversity features (e.g. daylight working hours only starting one hour after sunrise and ceasing one hour before sunset);
- vi. Details of any external lighting required during construction phase;
- vii. The times during construction when specialists ecologists need to be present on site to oversee works;
- viii. Responsible persons and lines of communication;
- ix. The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person(s);
- x. Use of protective fences, exclusion barriers and warning signs, including advanced installation and maintenance during the construction period; and
- xi. Ongoing monitoring, including compliance checks by a competent person(s) during construction and immediately post-completion of construction works.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

Reason: To ensure biodiversity is protected in accordance with the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife and Countryside Act 1981 (as amended), Circular 06/2005, paragraphs 180, 185 and 186 of the National Planning Policy Framework (Chapter 15), the Protection of Badgers Act 1992, Policy NAT1 (Biodiversity, Geodiversity and Important Natural Features) of the Tewkesbury Borough Plan, Policy SD of the Joint Core Strategy Gloucester, Cheltenham and Tewkesbury 2011 – 2031 and in order for the Council to comply with Part 3 of the Natural Environment and Rural Communities Act 2006. It is important that these details are agreed prior to the commencement of development as any on-site works could have implications for biodiversity.

Work undertaken in accordance with Ecology Reports

All works shall be carried out in full accordance with the recommendations contained in the Ecological Impact Assessment (ATW Ecology, September 2025) already submitted with the planning application and agreed in principle with the Local Planning Authority prior to determination.

Reason: To protect and enhance the site for biodiversity in accordance with paragraphs 180, 185 and 186 of the National Planning Policy Framework (Chapter 15), Policy NAT1 (Biodiversity, Geodiversity and Important Natural Features) of the Tewkesbury Borough Plan, Policy SD9 of the Joint Core Strategy Gloucester, Cheltenham and Tewkesbury 2011 – 2031 and in order for the Council to comply with Section 40 of the Natural Environment and Rural Communities Act 2006.

Landscape and Ecological Management Plan (LEMP)

A 10-year Landscape and Ecological Management Plan (LEMP) shall be submitted to, and approved in writing by, the Local Planning Authority prior to any above ground works of the development hereby approved being undertaken. The plan shall be prepared in accordance with the principles set out in the Ecological Impact Assessment (ATW Ecology, September 2025) and must include, but not necessarily be limited to, the following information:

- i. Description and evaluation of features to be managed, including locations shown on a site map;
- ii. Establishment details, including preparation of the land;
- iii. Landscape and ecological trends and constraints on site that might influence management;
- iv. Aims and objectives of management;
- v. Appropriate management options for achieving the aims and objectives;
- vi. Prescriptions for all management actions;
- vii. A work schedule matrix (i.e. an annual work plan) capable of being rolled forward over 5 or 10 year periods;
- viii. Details of the body or organisation responsible for the implementation of the plan;
- ix. Ongoing monitoring of delivery of the habitat enhancement and creation details to achieve net gain as well as details of possible remedial measures that might need to be put in place; and
- x. Timeframe for reviewing the plan.

The LEMP shall be implemented in accordance with the approved details and all habitats shall be retained in that manner thereafter.

External Lighting

Prior to the installation of external lighting for the development hereby approved, a lighting design strategy shall be submitted to and approved by the Local Planning Authority. The details shall clearly demonstrate that lighting will not cause excessive light pollution or disturb or prevent bat species using key corridors, forage habitat features or accessing roost sites.

The strategy will:

- a. Identify the areas/features on site that are particularly sensitive for nocturnal species;
- b. Show how and where external lighting will be installed (including the type of lighting), so that it can be clearly demonstrated that areas to be lit will not disturb or prevent nocturnal species using their habitats or wildlife corridors.
- c. show the position and luminance levels of proposed external lighting and how this responds to the landscape setting of the area.
- d. Methods to control lighting control (e.g. timer operation, passive infrared sensor (PIR)).

The scheme should be implemented and maintained in accordance with the approved details for the lifetime of the development.

GCC Highways Planning Liaison Officer

5th January 2026 –

The submitted Construction Method Statement and Management Plan is acceptable to the local highway authority and should be included as an approved document in the Decision Notice should the application receive consent. It is critical that the access road is managed in a safe manner for the benefit of pedestrians wishing to access the park. It is also important that it remains free of mud for the same reason. These aspects are well covered in the CMS&MP.

The Highway Authority has undertaken an assessment of the planning application. Based on the analysis of the information submitted the Highway Authority concludes that there would not be an unacceptable impact on Highway Safety and therefore recommends that permission be granted incorporating the CMS&MP as an approved document.

Cheltenham Civic Society

19th January 2026 - 25/01931/FUL| Remove silt from main lake and transport it to another area of the park to enable it to be de-watered and cultivated into the amenity grassland.

Ground to be contoured to direct water towards filtration trench to enhance sustainable drainage. Portion of silt to be reused around lake edge to backfill stone revetment retaining walls, to be planted with aquatic marginal plant species.]

SUPPORT

We support this necessary work, though we were not sure why a full planning application was necessary nor why so much documentation and expensive studies were required.