

Date: 22 August 2018
Our ref: G,C & T JCS & local plans HRA
Your ref: N/a



[REDACTED]
Planning Policy Manager
Gloucester City Council

Customer Services
Hornbeam House
Crewe Business Park
Electra Way
Crewe
Cheshire
CW1 6GJ

BY EMAIL ONLY

T 0300 060 3900

Dear [REDACTED]

Gloucester City, Cheltenham and Tewkesbury LPA areas – Evidence gathering in relation to recreation pressure on European Sites - Information to inform an interim approach to Habitats Regulations Assessment of planning applications

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

Further to our meeting on 8.8.18¹ Natural England proposes that the three Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (JCS) local planning authorities adopt an interim approach based on the following advice. This advice is intended to help the JCS LPAs to discharge their duty as competent authorities under the Habitats Regulations 2017 and to meet their obligation under the Localism Act 2011 'Duty to co-operate'. It is offered to help allow planning decisions to be made pending the outcome of a meeting in September of the County Planning Officers' group to discuss the benefits of a strategic approach by relevant LPAs to recreation pressure on European Sites including the Cotswolds Beechwoods SAC and the Severn Estuary SAC, SPA & Ramsar Site.

Issue

Recreation pressure on relevant European Sites due to additional visitor pressure associated with the delivery of new homes in the JCS area and neighbouring authorities.

Existing Symptoms of recreational pressure include:

1. Cotswold Beechwoods SAC
 - Compaction and erosion of woodland soils
 - Trampling and erosion of associated ground flora
 - Physical disturbance of soils and flora through the creation of tracks and structures

Note - These symptoms are based on the professional judgement of Natural England staff including the SSSI Responsible Officer and National Nature Reserve manager.

¹ Natural England's emails dated 14.8.18 and 15.8.18 provide a note of the meeting.

2. Severn Estuary SAC, SPA and Ramsar Site

- Disturbance of over-wintering birds

Visitor survey evidence – Information available to inform an interim approach

Cotswold Beechwoods SAC

No up to date visitor survey data exists. Natural England's advice is that the most up to date available information should be used to aid decision-making. In advance of up to date data becoming available and subject to the caveat below we advise that the JCS LPAs take into consideration the visitor survey data gathered for the Perrybrook/North Brockworth development (application reference 12/01256/FUL)². The statement of co-operation between the JCS authorities and Natural England (2014) provides further context for our previous advice in relation to using visitor survey data for this allocated site.

We would emphasise that this visitor survey was conducted with the development in question foremost in mind. As a result we advise the LPAs that the *interpretation* of the visitor survey data and the *conclusions* drawn in that particular case should not be regarded as applying to residential development in the wider JCS area. Focused work will be required to interpret the results of a new visitor survey in order to draw up to date conclusions and to inform what mitigation measures may be appropriate.

Key elements of the Perrybrook/North Brockworth visitor survey data for consideration in agreeing an interim approach include:

- Distance travelled from home
 - Normal practice³ regards 75th percentile (75%) of visitors as the relevant 'zone of influence'.
 - The Perrybrook survey showed 10km = 67.9% of visitors
 - The zone of influence would therefore fall between 10-15km distance. Further work would be needed to say exactly what distance would equate to the 75% threshold.
 - The highest numbers of visitors were from postcode location GL3 (15.2%)
- Mode of transport – 79% of visitors interviewed travelled to the SAC by car

HRA of residential development

Natural England notes that the Gloucester City and Tewkesbury LPAs are producing HRAs for development proposals with help from the Forest of Dean District Council Sustainability Team. As part of any interim approach we advise that these HRAs will need to take account of the information above in considering and proposing suitable mitigation measures. Your councils' planning policy framework will also provide important context with regard to the delivery and management of e.g. green/blue infrastructure and related open space resources. In summary the following bullet points provide the basis of a checklist for use when doing HRA for planning applications:

² Reference – Appendix 7 (Nov 2013) of the Ecology Solutions report dated March 2014 submitted to 'Inform an appropriate assessment of the impacts on the Cotswold Beechwoods SAC etc'

³ This statistical approach has been used and tested in relation to a range of other strategic projects including the Cannock Chase SAC and Thames Basin Heaths SPA

- Distance between application site and nearest boundary of SAC
- Route to SAC
- Type of development (E.g. use class C3)
- Alternative recreation resources available – on site and off site

We advise that a case by case basis will be needed. Taking account of the recent People over Wind CJEU ruling⁴ we advise that residential development involving a net increase in dwellings within the zone of influence will need to be subject to appropriate assessment. If the relevant LPA is unable to conclude no adverse effect on the integrity of the SAC then planning permission should be refused.

Severn Estuary SAC, SPA, Ramsar Site (Site of international importance for wetlands)

Up to date visitor survey information is available for the neighbouring Stroud District Council section of the estuary shoreline, while focused visitor survey for the town of Lydney has been carried out by the Forest of Dean DC. Recreation strategy documents have been prepared and published in both cases. Up to date high tide roost survey information has also been published recently. Work is ongoing regarding the location of 'functionally linked land' associated with the SPA's designated wild bird populations.

Relevant links:

Stroud DC –

Severn Estuary Visitor Survey - Report

https://www.stroud.gov.uk/media/2902/severnestuaryvys_report_15581c_final_060616.pdf

Severn Estuary Visitor Survey - Maps

<https://www.stroud.gov.uk/media/2903/severnestuarymaps020616.pdf>

Severn Estuary Recreation Mitigation strategy

<https://www.stroud.gov.uk/media/557874/item-8-appendix-a.pdf>

Forest of Dean DC

The following reports are available via the web-link below:

1. Bird Report evaluating bird usage of the 'New Grounds' area in relation to the Severn Estuary designated site and;
2. A Recreation Survey and strategy as to currently and future levels of disturbance together with mitigation options

<http://www.fdean.gov.uk/residents/planning-building/regeneration/lydney/lydney-docks-harbour/>

High Tide Roost reports

<http://publications.naturalengland.org.uk/publication/5655612985180160>

⁴ 'People over Wind and Sweetman –v- Coillte Teoranta' (Case C323-17)

HRA of residential development

Your Councils will need to decide how the survey data from the above neighbouring authorities may be used in order to inform your chosen interim approach. We strongly recommend that you liaise with your colleagues in those LPAs to discuss your approach. We propose that you contact [REDACTED] Stroud DC and [REDACTED] Forest of Dean DC.

Key elements of the Stroud and Forest of Dean visitor survey data for their respective sections of the estuary include:

- Distance travelled from home – and the resulting ‘zone of influence’ as defined for e.g. the Stroud area (7.7km in that case).
- Increased visitor pressure is anticipated from new homes delivery within the Stroud District while research nationally forecasts a gradual and long term increase in pressure on coastal sites.
- The Stroud district recreation strategy uses a developer contribution approach to fund reasonable and proportionate mitigation.
- The Lydney strategy presents a range of mitigation options, some of which will be suitable for consideration as part of development proposals while others will need to be delivered by other mechanisms.
- Location of wild bird high tide roosts inform both of the resulting strategies.

The same checklist as above (Cotswold Beechwoods SAC) will serve to inform your approach to HRA of planning applications:

- Distance between application site and nearest boundary of SAC/SPA/Ramsar Site
- Consideration of functionally linked land
- Route to SAC/SPA/Ramsar Site
- Type of development (E.g. use class C3)
- Alternative recreation resources available – on site and off site

We advise that a case by case basis will be needed. Taking account of the recent People over Wind CJEU ruling⁵ we advise that residential development involving a net increase in dwellings within the zone of influence will need to be subject to appropriate assessment. If the relevant LPA is unable to conclude no adverse effect on the integrity of the SAC then planning permission should be refused.

Applicant and developer enquiries

If they wish to do so developers have the opportunity to seek advice from Natural England using our Discretionary Advice Service. Further details are available on the gov.uk website:

<https://www.gov.uk/guidance/developers-get-environmental-advice-on-your-planning-proposals>

⁵ ‘People over Wind and Sweetman –v- Coillte Teoranta’ (Case C323-17)

Way forward

September's planned meeting of colleagues across the county allows us the opportunity to discuss the practical delivery of a visitor survey for the Cotswold Beechwoods SAC and to consider how the existing visitor survey evidence base for the Severn Estuary SAC, SPA & Ramsar Site may be shared or supplemented to achieve a joined-up evidence base for that part of the estuary falling within wider Gloucestershire. By achieving these outcomes Natural England and the LPAs will be able to consider what changes can be made to your chosen interim approach.

If you have any queries relating to the specific advice in this letter only please contact me on 020 802 60939. For any new consultations, or to provide further information on this consultation please send your correspondence to consultations@naturalengland.org.uk.

Yours sincerely

