

**SEVERN ESTUARY SPECIAL AREA OF CONSERVATION  
RECREATIONAL IMPACTS MITIGATION CONTRIBUTION  
UNILATERAL UNDERTAKING  
GUIDANCE NOTES**

**Summary**

This note provides guidance on completing a s.106 Unilateral Undertaking to ensure that the appropriate mitigation is secured to prevent new developments causing additional recreational disturbance to the biodiversity of the Severn Estuary Special Area of Conservation (SAC).

**Background**

The Severn Estuary is an internationally important biodiversity site. The Severn Estuary is designated as a Special Protection Area (SPA) and Ramsar site for its internationally important populations of overwintering birds, and as a Special Area of Conservation (SAC) and Ramsar site for its overwintering birds, estuarine habitats and associated species of fish. The Regulations deal with both the impact of development and of development plans (Stroud District Local Plan) upon National Habitats sites. The Convention on Wetlands, called the Ramsar Convention, is an intergovernmental treaty that provides the framework for national action and international cooperation for the conservation and wise use of wetlands and their resources.

However, recreational pressure from visitors are impacting the site and damaging its interests. It is crucial that steps are taken to protect the site and to reduce the recreational impacts.

**Recreational Mitigation Strategy**

Stroud District Council is legally obliged under the Conservation of Habitats and Species Regulations 2017<sup>1</sup> (as amended) to consider whether any project or proposal, including planning applications would affect the biodiversity of the Severn Estuary SAC, SPA and Ramsar.

We have worked with our partners, including other adjacent Local Authorities and Natural England to develop a strategic recreation mitigation strategy for the site. This includes –

- an analysis of where visitors to the site come from,
- the types of measures necessary to mitigate the impacts. The measures are divided into
  - o on-site measures, e.g., rangers, signage
  - o off-site measures – the provision of suitable alternative natural green spaces, (SANGS).
- the costs of those measures.

The analysis of the visitor information shows that the majority of visitors come from within 12.6km of the Severn Estuary and this has therefore been set as the Core Catchment Area.

All planning applications (and prior approvals) for residential or holiday accommodation, within the 12.6km, will be subject to Habitats Regulations consideration.

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<sup>1</sup> <https://www.legislation.gov.uk/ukxi/2017/1012/contents/made>

This also includes –

- Houses in Multiple Occupation (sui generis).
- Residential institutions within the C2 Use Class where the residents are not severely restricted by illness or mobility.
- Student accommodation.
- Sites for gypsy, travellers and travelling show people.
- Tourist accommodation, including self-catering, caravan and touring holiday accommodation.

The need to address Habitats Regulations issues for other types of development will be considered on a case-by-case basis.

Houses in Multiple Occupation (sui generis);

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- Student accommodation;
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- Tourist accommodation, including self-catering, caravan and touring holiday accommodation.

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### **Implications for Planning Applicants**

If an application falls within the residential/holiday accommodation category and is within the Core Catchment Area, there are two main options for applicants –

- Prepare your own “shadow” Habitats Regulations Assessment detailing the likely recreational impacts caused by your development and the mitigation that will be put in place to address those impacts. This is likely to be a very time-consuming piece of work and will require the input of experienced ecologists and others. This information should be submitted with your application. This will be subject to consultation with Natural England.
- Agree to contribute financially to the recreation mitigation strategy prepared by Stroud District Council and Natural England. The cost are –
  - On-site mitigation      £521/unit
  - Off-site mitigation      £480/unit

If you wish to use the contribution option, you should complete and submit a Unilateral Undertaking (template version available on our website), agreeing that payment will be on commencement of the development. In cases where a S106 Agreement is needed for other reasons; the contribution could be included within that S106 and administration costs will be calculated separately.

- Cost £1,001.95/unit + an administration fee £100

### **Completing a S106 Agreement**

Section 106 Agreements (S106) - allow a Local Planning Authority to enter into a legally-binding agreement or planning obligation, with a land developer over a related issue (often to fund necessary improvements elsewhere). S106 Agreements under the Town and Country Planning Act 1990, can address recreational impacts mitigation contributions. A draft template of the Agreement is available on the Council’s website and can be downloaded or completed digitally.

## **Notes**

### *Application reference number*

The reference provided by the Council is in the format – AA/BBBBB/CCC

AA – the year the application is submitted

BBBBB- unique reference number

CCC – application type e.g. OUT – outline application.

If you have submitted the application online and have not yet received a Council application number you can add the reference number provided by the Planning Portal.

### *Description of development*

This should match the description of development on the planning application form.

### *Address of property*

This should match the site address on the planning application form

## **Signing the Agreement**

Please make sure you sign and date the Agreement and return to the Case Officer for your application. A digital signature is acceptable.

This is a legal Agreement and should be kept in a safe place. Payment will be sought on commencement of said development.

## **Payment of Mitigation Contribution**

Prior to commencement, you should contact the Council via email on [CIL@stroud.gov.uk](mailto:CIL@stroud.gov.uk), giving a provisional commencement date. The Council will then invoice you for the sum set out in the Unilateral Undertaking. Development should not commence until such time as the payment has been made to the Council and acknowledged by the Council.

If the payment is not made prior to commencement, the development will be in breach of the conditions of both the legal agreement and the planning permission. The Council will undertake the appropriate legal and enforcement action to rectify the situation.