



Altus Homes

**London Road, Stroud**

**Appendix E: Shadow Habitats Regulations Assessment**

April 2024

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Rev	Issue Status	Prepared / Date	Approved / Date
-	Draft	AU / 01.03.24	JRM / 13.03.2024
A		AU / 17.04.24	

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**APPENDICES**

Appendix A: The Habitats Regulations Assessment Process and Legislation

## 1.0 INTRODUCTION

- 1.1 The following shadow Habitats Regulations Assessment (sHRA) has been provided by FPCR Environment and Design Ltd (“FPCR”) on behalf of Altus Homes. It relates to the proposed residential development on land off London Road, Stroud referred to as ‘the Site’. It provides information to assist Stroud District Council, who are acting as the ‘competent authority’ under the Habitat Regulations, to either a) conduct their own HRA as is their legal obligation or b) adopt this document or an amended version as the official Habitat Regulations Assessment for this scheme.

### Site Location & context

- 1.2 The Site is approximately 0.43ha in size and is located on the eastern extent of Stroud, Gloucestershire. The habitats comprise built development-sealed surface (hard-standing ground and buildings), in addition to small areas of dense continuous scrub and modified grassland. A mature tree line, comprising five horse chestnut *Aesculus hippocastanum* trees is present along the access road at the northeastern boundary of the site. Off-site habitats comprise a non-native hedgerow at the northern parcel boundary and a native treeline along the southern parcel boundary.
- 1.3 Large expanses of residential housing within the market town of Stroud bound the Site on all sides. London Road, one of the main A roads into Stroud splits the site into two parcels of land. Beyond the residential area to the south lies both the River Frome and the Stroudwater Canal, both with their associated edge habitat. The wider landscape to the south beyond this conurbation is the Rodborough Common SAC, a site of international designation, located approximately 550m south.

### Development Proposals

- 1.4 Full planning application for the demolition of existing buildings and the erection of up to 35 dwellings, including associated hardstanding, carparking facilities and soft landscaping.

### Legislation

- 1.5 The Conservation of Habitats and Species Regulations (CHSR) 2017 (as amended) ratifies into UK law the Habitats Directive (92/43/EEC) and the Birds Directive (79/409/EEC) and the 2019 amendment ensures the habitat and species protection derived from EU law continues to apply after Brexit. The CHSR requires the compilation and maintenance of a register of European protected sites, which include:
- Special Areas of Conservation (SAC), designated for important species listed in Annex I and II of the Habitats Directive.
  - Special Protection Areas (SPA), designated for important bird populations and/or assemblages.
  - Ramsar sites, designated for internationally important wetlands.
- 1.6 The SAC and SPA designations form a network of internationally protected sites known as UK National Site Network (NSN), this excludes RAMSARs.

## The HRA Process

- 1.7 The following assessment provides the information necessary for the competent authority, Stroud District Council, to fulfil their duty as required in Regulation 63 of the Conservation of Habitats & Species Regulation 2017 (as amended) (the Habitat Regulations). It provides sufficient information to conclude that the proposals, along with appropriate mitigation, will not adversely affect the integrity of any National Site Network (NSN) or Ramsar Wetlands within the zones of influence.
- 1.8 The HRA process has developed into four stages, as summarised here:
- **Stage One: Screening** - also known as the Test of Likely Significant Effect (TOLSE). If a *likely significant effect* cannot be scoped out, then an Appropriate Assessment (Stage Two) is required.
  - **Stage Two: Appropriate Assessment** - the Competent Authority will only agree to plans or projects that will not affect the *integrity* of a European site, also known as the “Integrity Test”.
  - **Stage Three: Alternative Solutions** - assesses any alternative solutions of a potentially damaging plan or project that failed the Integrity Test, and if it is determined there are no alternative solutions, the project cannot be agreed, and it will either need to be changed or refused.
  - **Stage Four: The final stage** - may allow a plan or project to proceed after failing stage three if it is for Imperative Reasons of Overriding Public Interest (IROPI), and only if suitable compensatory measures are secured.
- 1.9 In accordance with the ‘People Over Wind’ ruling (High Court of Justice for European Union, Case 323/17), the screening of likely significant effects takes place in the absence of any mitigation measures that would avoid or reduce any effects on any NSN or Ramsar sites.
- 1.10 This report identifies and considers ecological pathways between the Site and each NSN and/or Ramsar site within their allocated zone of influence (if available). Each was screened with a TOLSE for alone effects, and then the in-combination effect with other plans or projects. Where there are any ecological pathways that could not be screened without mitigation alone or in-combination, a Stage 2 Appropriate Assessment was conducted and included in this sHRA.

## National Site Networks Considered

- 1.11 Four NSN fall within either the standard 15km buffer applied during the Ecological Impact Assessment, or separately defined Zol:
- Rodborough Common SAC has a 3.9km Zol, and is 0.5km south of the Site,
  - Cotswolds Beechwoods SAC has a 15.4km Zol and is 5.7km north of the Site,
  - Severn Estuary SAC, SPA and RAMSAR, the catchment is 7.7km and is 11.5km west of the Site,
  - Walmore Common SPA and RAMSAR is 14.7km northwest of the Site.
- 1.12 Research completed by Footprint Ecology<sup>1</sup> concluded that residential development within 3.9km radius of the Rodborough Common SAC and 15.4km of the Cotswolds Beechwoods SAC is likely

<sup>1</sup>Footprint Ecology research reports published in 2022 available at <https://www.stroud.gov.uk/media/2111868/eb131-rodborough-common-mitigation-strategy-2022.pdf>

to result in an increase in recreational disturbance to the habitats associated with the site designations. The application Site falls within the recognised zone of influence for each designated site; 0.5km from Rodborough Common and 5.5km from Cotswolds Beechwoods. Further assessment of the potential impacts has been made in Stage 1 below.

## **2.0 STAGE 1: TEST OF LIKELY SIGNIFICANT EFFECT (SCREENING) SEVERN ESTUARY SPA**

- 2.1 The Severn Estuary SAC, SPA and Ramsar are 11.4km from the Site. The Severn Estuary is designated as a SAC for its estuaries, subtidal sandbanks, reefs, intertidal mudflats and sandflats, saltmarsh and populations of sea lamprey *Petromyzon marinus*, river lamprey *Lampetra fluviatilis* and twaite shad *Alosa fallax*. The site is designated as an SPA for supporting populations of European importance of wintering Bewick's swan *Cygnus columbianus bewickii*, Curlew *Numerius arquata*, Dunlin *Calidris alpina alpina*, Pintail *Anas acuta*, Redshank *Tringa tetanus* and Shelduck *Tadorna tadorna* and passage Ringed Plover *Charadrius hiaticula*. The Severn Estuary was classified as a Ramsar site in 1995. The Severn Estuary is designated for its saltmarsh, subtidal sandbanks, intertidal sandflats and mudflats and estuaries (Ramsar Criterion 1), for its unusual estuarine communities (Criterion 3), for its diverse fish population and migratory fish including Atlantic salmon *Salmo salar*, trout *Salmo trutta*, sea lamprey, river lamprey, allis shad, twaite shad and eel (Criteria 4 and 8) and for the aforementioned waterfowl populations (Criteria 5 and 6).
- 2.2 This SAC/SPA/RAMSAR has been screened out from all ecological pathways due to distance and a lack of public access to the qualifying features that would cause direct damage to the ecological resources. The proposed development is outside of the Core Catchment of 7.7km, which has been designed following EPR Visitor survey and Research by Natural England.
- 2.3 There will be No Likely Significant Effect on this SPA/RAMSAR as a result of the proposed development, and it will no longer be discussed.

## **3.0 STAGE 1: TEST OF LIKELY SIGNIFICANT EFFECT (SCREENING) WALMORE COMMON SPA & RAMSAR**

- 3.1 The Walmore Common SPA and Ramsar are 14.7km from the Site. The Walmore Common occupies a low-lying area in the Severn Vale which is subject to annual winter flooding. The site overlies the only significant area of peat in the County of Gloucestershire. The habitats represented include neutral grassland and open-water ditches. The site also qualifies under article 4.1 by regularly supporting in winter internationally important numbers of Bewick's swan (*Cygnus columbianus bewickii*).
- 3.2 This SAC/SPA/RAMSAR has been screened out from all ecological pathways due to distance and a lack of public access to the qualifying features that would cause direct damage to the ecological resources.
- 3.3 There will be No Likely Significant Effect on this SAC as a result of the proposed development, and it will no longer be discussed.

## **4.0 STAGE 1: TEST OF LIKELY SIGNIFICANT EFFECT (SCREENING) RODBOROUGH COMMON SAC**

- 4.1 In accordance with advice from Stroud District Local Plan, a net increase in housing development within 3.9km of the Rodborough Common SAC is likely to result in impacts to the integrity of the site through a consequent increase in the recreational disturbance. The application site falls within

this recognised zone of influence for the Rodborough Common SAC, thus further assessment of the potential impacts has been made below.

## **Section 1: Qualifying Features, Conservation Objectives and Threats and Pressures**

### **Qualifying Features**

- 4.2 The closest boundary of the protected sites is found approximately 0.5km south of the application site. A detailed description of the protected site's qualifying features can be found in Footprint Ecology's recreation mitigation strategy<sup>2</sup> from 2022. A summary of that report is shown below for reference;

*"This strategy sets out a strategic approach to mitigate recreation impacts, associated with new housing growth, on Rodborough Common Special Area of Conservation (SAC). The SAC is part of a national network of sites that are of the highest importance for nature conservation and subject to strict legal protection.*

*The overall objective is to provide a framework under which applications for development likely to have a significant effect on Rodborough Common SAC as a result of an increase in recreational use can be permitted, with measures in place to ensure that adverse effects on the integrity of the SAC, alone or in-combination can be ruled out. This enables development, while ensuring sufficient protection in place for the SAC".*

### **Conservation Objectives**

- 4.3 The conservation objectives are taken from the Natural England European Site Conservation Objectives pages and those for the Rodborough Common SPA are listed below:

*"With regard to the SAC and the natural habitats and/or species for which the site has been designated (the 'Qualifying Features' listed below), and subject to natural change; 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,*
- *The structure and function (including typical species) of qualifying natural habitats, and*
- *The supporting processes on which qualifying natural habitats rely.*

### **Threats and Pressures**

- 4.4 Site Improvement Plans (SIPs) were developed for each Natura 2000 site in England by Natural England as part of the Improvement Programme for England's Natura 2000 sites (IPENS), please note that Natura 2000 has now been replaced by National Site Networks, although the principals

<sup>2</sup> 3 Lake, S., Liley, D.. (2022). Rodborough Common Mitigation strategy. Footprint Ecology, Wareham, Dorset.



still remain the same. There are many pressures and threats to the condition of the Rodborough SAC the main ones being<sup>3</sup> provided in *Table 1*:

**Table 1: Threats and Pressures: Rodborough Common SAC Site Improvement Plan 2015**

Priority & Issue	Measure
Under grazing	Increase grazing pressure in key areas
Public Access/Disturbance	Minimise impact of recreational use
Air Pollution: risk of atmospheric nitrogen deposition	Further investigate potential atmospheric nitrogen impacts.

## Section 2: Ecological Pathways and Screening Conclusion

- 4.5 The ecological pathways have been identified based on those typically associated with residential developments of this nature. *Table 2* summarises the pathways for potential effects on the SAC.

**Table 2: Ecological Pathways and HRA Screening Conclusions for Rodborough Common SAC**

Ecological Pathway	Assessment applied	Likely Significant Effect
Habitat Loss	<p>Any loss, damage or fragmentation of habitat actually within the SPA/SAC itself.</p> <p>The application site is predominately hard standing and built development. No habitat will be lost. The development Site is approximately 0.5km away from the Rodborough common SAC, however within the urban context of Stroud.</p>	<b>Screened out alone or in combination</b>
Air Pollution	<p>Nitrogen deposition from traffic only likely pathway. Natural England 4 step Guidance on traffic emissions applied as follows:</p> <p>Step 1: Does the proposal give rise to emissions which are likely to reach a European site? <b>No.</b></p> <p>Step 2: Are the qualifying features of sites within 200m of a road sensitive to air pollution? <b>Yes. The A46 passes within 200m of the southern extent of the Rodborough Common SAC.</b></p>	<b>Screened out as below the threshold alone and in combination</b>

<sup>3</sup> file:///C:/Users/avu1/Downloads/SIP150506FINALv1.0%20Rodborough%20Common.pdf



Step 3: Could the sensitive qualifying features of the site be exposed to emissions? **Yes**

Step 4: Application of screening thresholds. Use of the 1000 Annual Average Daily Traffic. The project’s transport consultants, Jubb, provided the following, as detailed within the *Transport Statement, Jubb April 2024*:

**Forecast trip generation for the development:**

	Time	Arrivals	Departures	Total
<b>Eastern parcel (19 units)</b>	AM	1	3	4
	PM	3	2	5
<b>Western parcel (16 units)</b>	AM	1	3	4
	PM	3	2	5
<b>Total (35 units)</b>	AM	2	6	8
	PM	6	4	10

The proposed development in the eastern parcel is forecast to generate a maximum of 4 two-way trips during the AM peak hour and 5 two-way trips during the PM peak hour. Whilst the proposed development in the western parcel is forecast to generate a maximum of 4 two-way trips during the AM and 5 two-way trips during the PM peak hour.

For the air quality assessment, detailed assessment of road traffic emissions where the development increases traffic by more than 500 LDVs as a 24 hour Annual Average Daily Traffic flow for human receptors, or 1,000 AADT for ecological receptors is required. As the proposals will not generate more than 500 trips, neither the human nor ecological criteria are exceeded. In accordance with guidance from both the IAQM and EPUK for human receptors, and DMRB for ecological receptors, the development can be concluded as having an insignificant impact as a result of emissions from road traffic.

Application of screening thresholds. Use of the 1000 Annual Average Daily Traffic. **Screened out as below the Threshold alone and in combination.**

Noise and Light	The precautionary assumption is that the effects of noise, vibration and light are most likely to be significant within a distance of 500 metres.  Site 0.5km from the SAC	<b>Screened out alone or in combination.</b>
Water Quality and Quantity	Is the Site hydrologically linked to the SAC and is it sensitive/qualifying features sensitive to water quality? <b>No</b>  The Site is not hydrologically linked with the Rodborough common SAC.	<b>Screened out alone or in combination</b>
Recreational Pressure	The proposed development has been identified as within the 3.9km zone of influence (ZOI) for the Rodborough Common SAC– the development must be considered alone and in combination impacts as a result of recreational pressure on the SAC.	<b>Screened in alone and in combination following Local Plan and supplementary planning document<sup>4</sup></b>

## 5.0 STAGE 1: TEST OF LIKELY SIGNIFICANT EFFECT (SCREENING) COTSWOLDS BEECHWOODS SAC

5.1 Cotswolds and Beechwoods SAC is 5.5km from the application site. The following screening is divided into two sections. Section 1: outlines the qualifying features, and conservation objectives and summarises SAC's main threats and pressures, and Section 2: assesses each ecological pathway and concludes the Stage 1 Test of Likely Significant Effect.

### Section 1: Qualifying Features, Conservation Objectives and Threats and Pressures

#### Qualifying Features

5.2 Annex I Habitats that are a primary reason for the selection of this site:

- 9130 *Asperulo-Fagetum* beech forests

The Cotswold Beechwoods represent the most westerly extensive blocks of *Asperulo-Fagetum* beech forests in the UK. The woods are floristically richer than the Chilterns, and rare plants include red helleborine *Cephalanthera rubra*, stinking hellebore *Helleborus foetidus*, narrow-lipped helleborine *Epipactis leptochila* and wood barley *Hordelymus europaeus*. There is a rich mollusc fauna. The woods are structurally varied, including blocks of high forest and some areas of remnant beech coppice.

5.3 Annex I habitats present as a qualifying feature, but not a primary reason for selection of this site

<sup>4</sup> <https://www.stroud.gov.uk/media/2237063/sdc-guidance-notes-rodborough-common-sac.pdf> - Stroud District Council

- 6210 Semi-natural dry grasslands and scrubland facies on calcareous substrates (*Festuco-Brometalia*) (\* important orchid sites).

### Conservation Objectives

5.4 The conservation objectives of the SAC are as follows:

*“With regard to the SAC and the natural habitats and/ or species for which the site has been designated... and subject to natural change;*

*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*
- *The structure and function (including typical species) of qualifying natural habitats, and*
- *The supporting processes on which qualifying natural habitats rely”*

### Threats and pressures

5.5 Site Improvement Plans (SIPs) were developed for each Natura 2000 site in England by Natural England as part of the Improvement Programme for England's Natura 2000 sites (IPENS), please note that Natura 2000 has now been replaced by National Site Networks (NSN), although the principals still remain the same. There are many pressures and threats to the condition of the Cotswolds Beechwoods SAC the main ones being provided in *Table 3* below<sup>5</sup>:

**Table 3: Threats and pressures: Cotswolds Beechwoods SAC Site Improvement Plan 2015**

Priority & Issue	Measure
Invasive species	Reduce invasive sycamore, especially in the canopy
Deer	Reduce deer browsing pressure
Invasive species	Reduce squirrel damage to trees
Disease	Produce a strategy to deal with potential ash dieback
Public Access/Disturbance	Minimise impact of recreational use, especially mountain biking, horse riding and dog walking
Changes in species distributions	Monitor the effects of drought on beech trees
Air Pollution: impact of Pressure Not yet determined atmospheric nitrogen deposition	Control, reduce and ameliorate atmospheric nitrogen impacts

<sup>5</sup> Natural England Publications: Improvement Programme for England's Natura 2000 Sites (IPENS) Site Improvement Plan Cotswold Beechwoods.

- 5.6 The SAC has a 2018 Conservation Objectives Supplementary Advice document<sup>6</sup>. These documents provide specific targets to identified attributes that relate to the Conservation Objects and the Site Improvement Plan, along with supporting and explanatory notes of evidence. In the assessment below, where ecological pathways have been identified where a likely significant effect is uncertain, this document is referred to as part of the appropriate assessment where relevant.

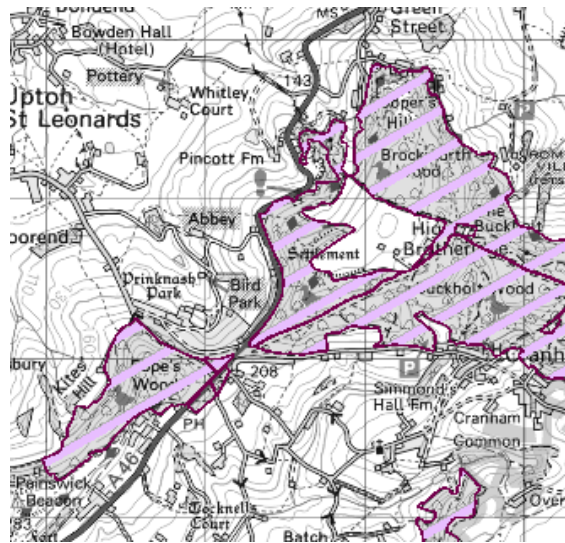
## Section 2: Ecological Pathways and Screening Conclusion

- 5.7 Ecological pathways have been identified based on those typically associated with residential development sites of this nature (*Table 4*). Some ecological pathways are more readily addressed than others but nonetheless have been included for completion.

**Table 4: Ecological Pathways and HRA Screening Conclusions for The Cotswolds Beechwoods SAC**

Ecological Pathway	Assessment Applied	Likely Significant Effect
Habitat Loss	<p>Not loss, damage or fragmentation of habitat actually within the SAC itself.</p> <p>The application site is predominately hardstanding and built development. No habitat will be lost. Site 5.5 km from the SAC.</p>	<b>Screened out alone or in combination</b>
Air Pollution	<p>Nitrogen deposition from traffic only likely pathway. Natural England 4 step Guidance on traffic emissions applied as follows:</p> <p>Step 1: Does the proposal give rise to emissions which are likely to reach a European site? <b>No.</b></p> <p>Step 2: Are the qualifying features of sites within 200m of a road sensitive to air pollution?</p> <p><b>Yes. A46 between Cheltenham and Stroud passes adjacent to parts of the SAC.</b></p>	<b>Screened out as below the threshold alone and in combination.</b>

<sup>6</sup> Natural England 2018. European Site Conservation Objectives: Supplementary advice on conserving and restoring site features Cotswold Beechwoods Special Area of Conservation (SAC) Site code: UK0013658



Step 3: Could the sensitive qualifying features of the site be exposed to emissions? **Yes.**

Step 4: Application of screening thresholds. Use of the 1000 Annual Average Daily Traffic. The project's transport consultants, Jubb, provided the following, as detailed within the *Transport Statement, Jubb April 2024*:

**Forecast trip generation for the development:**

	Time	Arrivals	Departures	Total
<b>Eastern parcel (19 units)</b>	AM	1	3	4
	PM	3	2	5
<b>Western parcel (16 units)</b>	AM	1	3	4
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The proposed development in the eastern parcel is forecast to generate a maximum of 4 two-way trips during the AM peak hour and 5 two-way trips during the PM peak hour. Whilst the proposed development in the western parcel is forecast to generate a maximum of 4 two-way trips during the AM and 5 two-way trips during the PM peak hour.

For the air quality assessment, detailed assessment of road traffic emissions where the development increases traffic by more than 500 LDVs as a 24 hour Annual Average Daily Traffic flow for human receptors, or 1,000 AADT for ecological receptors is required. As the proposals will not generate more than 500 trips, neither the human nor ecological criteria are exceeded. In accordance with guidance from both the IAQM and EPUK for human receptors, and DMRB for ecological receptors, the

	development can be concluded as having an insignificant impact as a result of emissions from road traffic. Application of screening thresholds. Use of the 1000 Annual Average Daily Traffic. <b>Screened out as below the Threshold alone and in combination.</b>	
Noise and Light	The precautionary assumption that the effects of noise, vibration and light are most likely to be significant within a distance of 500 metres.  Site 5.5km from the SAC.	<b>Screened out alone or in combination.</b>
Water Quality and Quantity	Is the Site hydrologically linked to the SAC and is the SAC sensitive / qualifying features sensitive to water quality? <b>No.</b>	<b>Screened out alone or in combination</b>
Recreational Pressure	Natural England Interim advice is a 13.6km zone-of-influence to be applied for consideration of alone or in combination impacts as a result of recreational pressure on the SAC.  Site is 5.5km from the SAC	<b>Screened in alone and in combination following Local Plan and supplementary planning document<sup>7</sup></b>

## 6.0 STAGE 2: APPROPRIATE ASSESSMENT RODBOROUGH COMMON SAC

### Recreational Pressure

#### Potential and Identified Impacts

- 6.1 The screening stage detailed above has concluded that a likely significant effect may arise upon the Rodborough Common SAC due to disturbance effects from increased recreational disturbance from the proposed development.
- 6.2 No other impacts pathways are expected during the construction or operational phases of development, including those from changes in air quality and hydrology.
- 6.3 The project being assessed will result in a net increase of dwellings within 3.6km of the Rodborough Common SAC site. As established by Footprint Ecology in the Rodborough Common SAC recreation mitigation strategy, a permanent significant effect on the SAC due to an increase in recreational disturbance as a result of the new development, is likely. As such, in order to lawfully be permitted, the proposed development will need to provide a package of mitigation measures. Suitable alternative Greenspace (SANGs) have not been included within this package for

<sup>7</sup> <https://www.stroud.gov.uk/media/2236746/sdc-guidance-notes-cotswold-beechwood-sac.pdf> - Stroud District Council

Rodborough Common, largely because the ZoI is small and therefore there is a limited geographic area to allow for an increase in large suitable alternatives.

6.4 The Site Improvement Plan 2015<sup>8</sup> refers to recreational pressure as follows:

Improvement Plan 2015 refers to recreational pressure as follows:

5 Public Access/Disturbance							
Public use of the Beechwoods has grown considerably over recent years and damage is becoming more widespread. A particular increase has been the use of mountain bikes and horseriding which use the woods far beyond the limited network of bridleways. This has created numerous additional trackways and so increasing the erosion of the ground flora and potentially opportunities for water erosion. Although the routes away from bridleways are not usually permitted, much of the SAC woodland is NNR or has public access by foot. Hence efforts have been made to provide agreed permissive routes with local bike groups with the aim of minimising damage whilst still allowing some use. This is still experimental and much will depend on the scale of use and whether the users stick to the permissive routes. This approach could also be tried with horseriders. Additionally, dog walking has increased within the SAC especially at Coopers Hill where car parking is available. This has become a particular issue where professional dog walkers release large numbers of dogs (up to 12) to run uncontrolled through the woods. This causes disturbance to wildlife as well as local nitrification through dog faeces.							
Action	Action description	Cost estimate	Timescale	Mechanism	Funding option	Delivery lead body	Delivery partner(s)
5A	Reduce impact of recreational pressure (particularly mountain biking, horseriding and uncontrolled dog walking) by implementing an access strategy.	Staff time	2015-20	Advice: Access Strategy	Not yet determined	Natural England	Gloucestershire County Council, National Trust, Tewkesbury Borough Council

**Visitor Survey**

6.5 The common is access land and as such there are a number of footpaths across the site, directly from local housing and numerous roads are present through the common with areas of free parking. The Mitigation Strategy details the results of a visitor survey (henceforth referred to as such) conducted in 2019.

*“Visitor surveys at Rodborough Common (Panter & Caals, 2019) highlight that the site is well used by local residents, with 93% of those interviewed on a short visit directly from home. Visits were particularly for dog walking (61% of interviewees) and walking (19%), with other activities including family outing, jogging, picnic and cycling/mountain biking. On average people visited for around an hour and came 1 to 3 times per week. Postcode data reflected local use with visitors living in nearby settlements including Stroud, Rodborough, Woodchester, Thrupp, Lightpill and Kingscourt. The median distance (home postcode to interview location) was 1.9km and 75% of interviewees lived within a 3.9km radius. 87% of visitors lived in Stroud District”.*

**Mitigation Measures**

Financial Contributions

6.6 As a result of the evidence provided above, the Rodborough Common Mitigation Strategy<sup>9</sup> was devised and has been adopted by Stroud District Council. This Mitigation Strategy applies to any development granted planning permission that results in a net increase in residential units (C3 use class). This strategy provides a strategic solution to ensure the requirements of the Habitats Regulations are met with regard to the in-combination effects of increased recreational pressure on the Rodborough Common SAC site, arising from new residential development in the district of Stroud.

6.7 As outlined in section 3 of the Rodborough Common Mitigation Strategy, the financial contribution has been devised by *“spreading the cost of the necessary mitigation across the amount of planned*

<sup>8</sup> Natural England et al 2015.Improvement Programme for England's Natura 2000 Sites, Site Improvement Plan Cotswold Beechwoods SAC

<sup>9</sup> <https://stroud.moderngov.co.uk/documents/s6163/Item%207%20-%20Appendix%20A%20-%20Rodborough%20Common%20Mitigation%20Strategy.pdf>



development. The estimated overall cost does not allow for inflation or discounting and administration fees will be set by Stroud District Council”.

- 6.8 The contribution will be £994 per dwelling. To secure the financial contributions, Section 106 agreements will be required:

“3.9 Developer contributions will be paid by planning obligation through a payment prior to commencement (Section 106 Agreement or unilateral undertaking). A model S106 agreement template available to assist applicants. The mitigation strategy is designed to enable development by ensuring mitigation for Rodborough Common SAC and impacts from urbanisation and recreation can be secured, however the option remains for developers to seek their own solutions. Any development that involves a net increase in residential properties within the zone of influence that opted out of contributing to the strategy would need to rule out adverse effects on integrity to Rodborough Common SAC through the provision of a shadow Habitats Regulations Assessment, which would need to be agreed with Natural England and the Council. Any necessary mitigation would need to be secured in perpetuity.

3.10 The strategy covers the period 2022-2040. This means the strategy is aligned to the period covered by the Local Plan Review and the costs relate to the overall costs of delivering the mitigation necessary for the Plan”.

#### Information Packages

- 6.9 To further minimise potential likely significant effects, information packs will be provided to residents, which will detail information about the European Sites, but will also provide alternative routes and maps to encourage residents to use other public rights of way (PRoW) away from sensitive areas. This will include the importance of ensuring that when accessing the Rodborough Common, dogs should be kept on a lead and dog mess is deposited in the dog bins provided.

## **7.0 STAGE 2: APPROPRIATE ASSESSMENT COTSWOLDS AND BEECHWOODS SAC**

### **Recreational Pressure**

#### **Potential and Identified Impacts**

- 7.1 The screening identified recreational pressure from the proposals alone or in-combination to have an uncertain effect on the SAC.
- 7.2 The main potential effects from recreational pressure on a woodland of this type are erosion of ground flora from trampling or use of vehicles off rights-of-way; compaction of soils causing anaerobic conditions preventing optimal growing conditions; nutrient input from dog-fouling in sensitive areas; disturbance of sensitive animal features; and direct damage to habitats and trees from for example contamination, vandalism and wear.
- 7.3 The latter two potential impacts for Cotswold Beechwood SAC can be screened out. The disturbance of sensitive animal features is not a potential issue as none of the qualifying features

are Annex II species. Direct damage to habitats and trees, while it can occur on all publicly accessible woodlands, it is seldom a significant issue except for those sites very near to urban areas.

7.4 Potential impacts from erosion and soil compaction from access and nutrient input from dog fouling are therefore the most likely visitor pressure pathways to have a potential negative effect on the SAC. Woodlands away from easy access on foot from populated areas, particularly large woodlands, are overall fairly resilient to these pressures providing they have well managed footpaths and visitor facilities. The impacts tend to be localised to the main access areas, and the magnitude of the impacts is dependent on the number of visitors and the reasons for visits.

7.5 The Site Improvement Plan 2015<sup>10</sup> refers to recreational pressure as follows:

5 Public Access/Disturbance							
Public use of the Beechwoods has grown considerably over recent years and damage is becoming more widespread. A particular increase has been the use of mountain bikes and horseriding which use the woods far beyond the limited network of bridleways. This has created numerous additional trackways and so increasing the erosion of the ground flora and potentially opportunities for water erosion. Although the routes away from bridleways are not usually permitted, much of the SAC woodland is NNR or has public access by foot. Hence efforts have been made to provide agreed permissive routes with local bike groups with the aim of minimising damage whilst still allowing some use. This is still experimental and much will depend on the scale of use and whether the users stick to the permissive routes. This approach could also be tried with horseriders. Additionally, dog walking has increased within the SAC especially at Coopers Hill where car parking is available. This has become a particular issue where professional dog walkers release large numbers of dogs (up to 12) to run uncontrolled through the woods. This causes disturbance to wildlife as well as local eutrophication through dog faeces.							
Action	Action description	Cost estimate	Time scale	Mechanism	Funding option	Delivery lead body	Delivery partner(s)
5A	Reduce impact of recreational pressure (particularly mountain biking, horseriding and uncontrolled dog walking) by implementing an access strategy.	Staff time	2015-20	Advice: Access Strategy	Not yet determined	Natural England	Gloucestershire County Council, National Trust, Tewkesbury Borough Council

7.6 There are two mentions of recreational pressure in the Conservation Objectives Supplementary Advice document<sup>11</sup>, and both are in relation to ancient tree root zones:

*“Unless carefully managed, activities such as construction, forestry management and trampling by grazing livestock and human feet during recreational activity may all contribute to excessive soil compaction around ancient trees.”*

*“Recreational pressure including walking and mountain biking can be an issue in this SAC. Monitoring of erosion/creation of new paths is being undertaken within the NNR.”*

7.7 While now relatively old, the condition assessment information for the SSSI on MAGIC, does not refer to recreational pressure (focus is mostly deer browsing and non-native species).

**Visitor Survey**

7.8 A Visitor Survey (henceforth referred to as such) was conducted during 2019 (Footprint Ecology, 2019)<sup>12</sup> and commissioned by the Joint Spatial Strategy LPAs. The survey showed, with limitations, that the levels of visitor numbers were low in comparison to other studies:

*“Using evidence from our recently published pooled data, the mean number of visitors entering per hour (note entering counts, as opposed to figures above which are passing) was 2.9 for woodland sites (Weitowitz, Panter, Hoskin, & Liley, In Review), which compares to 1.6 for the Cotswold*

10 Natural England et al 2015.Improvement Programme for England’s Natura 2000 Sites, Site Improvement Plan Cotswold Beechwoods SAC

11 Natural England 2018. European Site Conservation Objectives: Supplementary advice on conserving and restoring site features Cotswold Beechwoods Special Area of Conservation (SAC) Site code: UK0013658

12 Footprint Ecology, 2019. Cotswold Beechwood Visitor Survey 2019.

*Beechwoods. Overall, this would confirm a general anecdotal feeling that levels of use are relatively low at the Cotswold Beechwoods.”*

- 7.9 It also concluded the SAC has a large catchment and people who travel relatively large distances still consider it to be local to them. The distance of those visiting the SAC directly from home being an average (mean) of 14.9 km, 50% of 6.0 km (median) and 75% of 15.4 km. In terms of the districts where visitors lived, the percentages broke down as follows: Stroud District 28%, Gloucester District 19%, Tewkesbury District 15%, Cotswold District 11% and Cheltenham District 9%.

## Mitigation Measures

### Financial Contributions

- 7.10 As a result of the evidence provided above, the Cotswolds and Beechwoods Mitigation Strategy<sup>13</sup> was devised and has been adopted by Stroud District Council. This Mitigation Strategy applies to any development granted planning permission that results in a net increase in residential units (C3 use class). This strategy provides a strategic solution to ensure the requirements of the Habitats Regulations are met with regard to the in-combination effects of increased recreational pressure on the Cotswolds Beechwoods SAC site, arising from new residential development in the 15.4km zone of influence.
- 7.11 As outlined in section 4 of the Rodborough Common Mitigation Strategy, Mitigation will consist of SAMM and SANG/infrastructure projects away from the Cotswold Beechwoods. These two approaches would complement each other.... SAMM measures at the Beechwoods are required to address recreation impacts and make the SAC more resilient to increased recreation... *“SANG/infrastructure projects dovetail with SAMM in that they provide additional space for recreation and realistic alternatives to the Cotswold Beechwoods. With SAMM in place, visitors will become more aware of their impacts and access better managed and some use will be deflected away from the Beechwoods entirely. Over time the emphasis for recreation use will shift to the sites enhanced for recreation – such as SANG – rather than the nature reserves. All new residential development within the zone of influence will contribute towards SAMM and in addition either provide bespoke SANG (e.g. as part of a large development) or contribute towards SANG/infrastructure projects. This flexibility is important as for example large greenfield allocations may be able to provide suitable greenspace while small windfall development is unlikely to be able to deliver any meaningful SANG or green infrastructure”.*
- 7.12 The SAMM contribution will therefore comprise £193 per dwelling and the SANG contribution will comprise £480 per dwelling, the contribution in total will be £673 per dwelling. To secure the financial contributions, Section 106 agreements will be required and the SANG contribution maybe secured through CIL or Planning obligation.

<sup>13</sup> <https://stroud.moderngov.co.uk/documents/s6163/Item%207%20-%20Appendix%20A%20-%20Rodborough%20Common%20Mitigation%20Strategy.pdf>

## **8.0 IN-COMBINATION EFFECTS**

- 8.1 The effects of the development should be considered 'in-combination' with the effects of other developments or projects on the same internationally designated sites. With regards to the site in isolation, all effects have been scoped out or adequately mitigated so that the proposals will not significantly impact the integrity of any of the nearby internationally designated sites. As such, the Site would not be considered to result in any in-combination effects with other plans or projects.

## **9.0 CONCLUSION**

- 9.1 A financial contribution towards the Rodborough Common Mitigation Strategy, which is sufficient mitigation to ensure no likely significant effect on the nearby Rodborough Common SAC.
- 9.2 A financial contribution towards the Cotswolds Beechwoods SAC, which is sufficient mitigation to ensure no likely significant effect on the SAC.
- 9.3 The development trip generation information concluded that the development will not have a significant impact on the nearby Ecological receptors as a result of emissions from road traffic.
- 9.4 It is concluded that the financial contributions will result in no likely significant effect on the recreational effects on the two protected sites, so the derogation tests can be avoided. The application of these measures is also in accordance with the requirements of National and Local Planning Policy, the Stroud Local Plan and Stroud District Council Guidance notes.

## APPENDIX A: THE HABITATS REGULATIONS ASSESSMENT PROCESS AND LEGISLATION

### Legislative Background

- 9.1 The Conservation of Habitats and Species Regulations 2017 consolidate the Conservation of Habitats and Species Regulations 2010 with subsequent amendments. The Regulations transpose Council Directive (the Habitats Directive) 92/43/EEC, and EC Directive on Wild Birds (the Birds Directive) (Council Directive) 2009/147/EEC, into national UK law. The Regulations require the compilation and maintenance of a register of European sites that includes Special Areas of Conservation, as well as Special Protection Areas designated for birds and sites designated as internationally important wetlands under the Ramsar Convention known as “Ramsar Sites”. These three designations form a collective Europe wide network of internationally protected sites known as Natura 2000.
- 9.2 Since leaving the European Union, SACs and SPAs in the UK no longer form part of the EU’s Natura 2000 ecological network, as per the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019<sup>14</sup>. Existing and new SACs and SPAs are now known as ‘sites on the national site network’. The 2019 regulations establish management objectives for the national site network, which include to:
- “maintain or, where appropriate, restore habitats and species listed in Annexes I and II of the Habitats Directive to a favourable conservation status (FCS); and to
  - contribute to ensuring, in their area of distribution, the survival and reproduction of wild birds and securing compliance with the overarching aims of the Wild Birds Directive.”

### The Habitats Directive

- 9.3 Article 6(3) of the Habitats Directive requires an Appropriate Assessment of any plans that could affect a Natura 2000 site:
- “Any plan or project not directly connected with or necessary to the management of the site but likely to have a significant effect thereon, either individually or in combination with other plans or projects, shall be subject to appropriate assessment of its implications for the site in view of the site’s conservation objectives. In the light of the conclusions of the assessment of the implications for the site and subject to the provisions of Paragraph 4, the competent national authorities shall agree to the plan or project only after having ascertained that it will not adversely affect the integrity of the site concerned and, if appropriate, after having obtained the opinion of the general public.”*
- 9.4 Article 6(4) of the Habitats Directive discusses alternative solutions, the test of “imperative reasons of overriding public interest” (IROPI) and compensatory measures (transposed to Regulation 60):
- 9.5 *“If, in spite of a negative assessment of the implications for the site and in the absence of alternative solutions, a plan or project must nevertheless be carried out for imperative reasons of overriding public interest, including those of a social or economic nature, the Member State shall take all*

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<sup>14</sup> <https://www.gov.uk/government/publications/changes-to-the-habitats-regulations-2017/changes-to-the-habitats-regulations-2017>

*compensatory measures necessary to ensure that the overall coherence of Natura 2000 is protected. It shall inform the Commission of the compensatory measures adopted.”*

- 9.6 A “likely significant effect” is defined as: “any effect that may reasonably be predicted...that may affect the conservation objectives of the features for which the site was designated, but excluding trivial or inconsequential effects.”
- 9.7 The “integrity of a site” is defined as: “the coherence of its ecological structure and function, across its whole area, that enables it to sustain the habitat, complex of habitats and / or the level of populations of the species for which it was classified.”

### **The Habitats Regulations**

- 9.8 In relation to undertaking and consenting plans or projects, the due consideration of Natura 2000 sites is outlined in regulation 61 of the Habitats Regulations, which has led to the HRA process, as follows.
- 9.9 *“61. 1) A competent authority, before deciding to undertake, or give any consent, permission or other authorisation for, a plan or project which - (a) is likely to have a significant effect on a European site or a European offshore marine site (either alone or in combination with other plans or projects), and (b) is not directly connected with or necessary to the management of that site, must make an appropriate assessment of the implications for that site in view of that site’s conservation objectives.*
- 9.10 *(2) A person applying for any such consent, permission or other authorisation must provide such information as the competent authority may reasonably require for the purposes of the assessment or to enable them to determine whether an appropriate assessment is required.*
- 9.11 *(3) The competent authority must for the purposes of the assessment consult the appropriate nature conservation body and have regard to any representations made by that body within such reasonable time as the authority specify.*
- 9.12 *(4) They must also, if they consider it appropriate, take the opinion of the general public, and if they do so, they must take such steps for that purpose as they consider appropriate.*
- 9.13 *(5) In the light of the conclusions of the assessment, and subject to regulation 62 (considerations of overriding public interest), the competent authority may agree to the plan or project only after having ascertained that it will not adversely affect the integrity of the European site or the European offshore marine site (as the case may be).*
- 9.14 *(6) In considering whether a plan or project will adversely affect the integrity of the site, the authority must have regard to the manner in which it is proposed to be carried out or to any conditions or restrictions subject to which they propose that the consent, permission or other authorisation should be given.”*

### **Habitats Regulations Assessment Process**

- 9.15 The HRA process has developed into a four-stage process as follows:

- Stage One: Screening - also known as the Test of Likely Significant Effect (TOLSE). If the Competent Authority cannot screen out a *likely significant effect*, an Appropriate Assessment is required.
- Stage Two: Appropriate Assessment - the Competent Authority will only agree to plans or projects that will not affect the *integrity* of a European site also known as the “Integrity Test”.
- Stage Three: Alternative Solutions - assesses any alternative solutions of a potentially damaging plan or project that failed the Integrity Test, and if it is determined there are no alternative solutions, the project cannot be agreed to and it will either need to be changed or refused.
- Stage Four: The final stage may allow a plan or project to proceed if after failing stage three if it is for Imperative Reasons of Overriding Public Interest, and only if suitable compensatory measures are secured.

### **Key Case law in relation to Test of Likely Significant Effect**

- 9.16 The following are some relevant case law judgement quotes in relation to “likely Significant Effect” which are of relevance for a Stage 1 screening.
- 9.17 EC Case C-127/02 - Waddenvereniging and Vogelsbeschermingvereniging – the “Waddenzee Judgement” (paras 45, 47 and 48) – 7<sup>th</sup> September 2004:
- “...any plan or project ... is to be subject to an appropriate assessment ... if it cannot be excluded, on the basis of objective information, that it will have a significant effect on that site, either individually or in combination with other plans or projects.”*
- “Where plan or project has an effect on that site but is not likely to undermine its conservation objectives, it cannot be considered likely to have a significant effect on that site.”*
- “In assessing the potential effects of a plan or project, the significance must be established in the light, inter alia, of the characteristics and specific environmental conditions of the site concerned by that plan or project”*
- 9.18 R (Hart District Council) v Secretary of State for the Communities and Local Government [2008] EWHC 1204 (Para 55 and 76) – 1<sup>st</sup> May 2008:
- “If the competent authority does not agree with the proponents' view as to the likely efficacy of the proposed mitigation measures, or is left in some doubt as to the efficacy, then it will require an appropriate assessment because it will not have been able to exclude the risk of a significant effect on the basis of objective information ...”*
- “The competent authority is not considering the likely effect of some hypothetical project in the abstract. The exercise is a practical one which requires the competent authority to consider the likely effect of the particular project for which permission is being sought. If certain features ...have been incorporated into that project, there is no sensible reason why those features should be ignored at the initial, screening, stage merely because they have been incorporated into the project in order to avoid, or mitigate, any likely effect....”*
- 9.19 Boggis v Natural England [2009] EWCA Civ 1061 20<sup>th</sup> October 2009 (para 36 and 37)

*“Notwithstanding the word “likely” ...is not that significant effects are probable, a risk is sufficient.”*

*“...a claimant who alleges that there was a risk which should have been considered by the authorising authority so that it could decide whether that risk could be “excluded on the basis of objective information”, must produce credible evidence that there was a real, rather than a hypothetical, risk which should have been considered.”*

- 9.20 Ec Case C-258-11 Reference for a preliminary Ruling, Opinion of Advocate General Sharpston ‘Sweetman’ (Para 48) – 22<sup>nd</sup> November 2012:

*“The requirement that the effect in question be “significant” lays down a de minimis threshold. Plans or projects that have no appreciable effect on the site are thereby excluded. If all plans or projects capable of having any effect whatsoever on the site were to be caught by article 6(1), activities on or near the site would risk being impossible by reason of legislative overkill.”*

- 9.21 Bagmoor Wind Ltd v Scottish Ministers [2012] CSIH 93 7<sup>th</sup> December 2012 (para 45):

*“The requirement for objective information at the preliminary examination is not to be equated with a need for scientific knowledge. The Court only refers to “the best scientific knowledge” in the context of the appropriate assessment (para [61]). “Objective”, in this context, means information based on clear verifiable fact rather than subjective opinion.”*

- 9.22 R (on application of An Taisce) v SoS [2014] EWCA Civ 1111 1<sup>st</sup> August 2014 (paras 38 and 39)

*“The word “likely” ...implies at least some degree of flexibility. There comes a point when the probability...of a significant effect is so remote that it ceases to be “likely”, however broad the concept of likelihood.”*

*“The competent authority does not have to be satisfied that there is no risk, however remote...”*

### **Note of Functional Linkage**

- 9.23 “Functional linkage” is a term that refers to the potential for habitat away from the designation boundaries of a Natura 2000 site, that is considered to have a “role” or “function” for a qualifying feature “beyond the boundary”. This is covered in the Guidance document on the strict protection of animal species of Community interest under Habitats Directive 92/43/EEC 2007. Paragraph 7 states:

*“Assessing and evaluating the conservation status of habitats and species within the Natura 2000 network is therefore not always enough, especially when the occurrences of habitats or species are only partly covered by the network, maybe even in some cases only to a relatively small extent.”*

- 9.24 A case law example of where the concept of Functionally Linked Land (FLL) has been applied was RSPB and others v SoS and London Ashford Airport Ltd [2014] EWHC 1523 16<sup>th</sup> May 2014 (para 27):

*“There is no authority on the significance of the non-statutory status of the FLL. However, the fact that the FLL was not within a protected site does not mean that the effect which a deterioration in its quality or function could have on a protected site is to be ignored. The indirect effect was still protected. Although the question of its legal status was mooted, I am satisfied, as was the case at the Inquiry, that while no particular legal status attaches to FLL, the fact that land is functionally linked to protected land means that the indirectly adverse effects on a protected site, produced by*



*effects on FLL, are scrutinised in the same legal framework just as are the direct effects of acts carried out on the protected site itself. That is the only sensible and purposive approach where a species or effect is not confined by a line on a map or boundary fence. This is particularly important where the boundaries of designated sites are drawn tightly as may be the UK practice.”*

- 9.25 Paragraph 40 of The *Holohan and others versus An Bord Pleanála* C-461/17 [7<sup>th</sup> November 2018] judgement states “an ‘appropriate assessment’ must, on the one hand, catalogue the entirety of habitat types and species for which a site is protected, and, on the other, identify and examine both the implications of the proposed project for the species present on that site, and for which that site has not been listed, and the implications for habitat types and species to be found **outside the boundaries of that site, provided that those implications are liable to affect the conservation objectives of the site.**” i.e. the boundary for the AA may extend beyond the Natura 2000 site boundary.

#### **Note on the Sweetman ruling “People over Wind” and definition of “mitigation”**

- 9.26 The *People Over Wind* judgement (Peter Sweetman v Coillte Teoranta (C-323/17)), in April 2018, changed the way mitigation is viewed during the HRA Stage One screening i.e. the Test of Likely Significant Effect. The ruling was based on the view that allowing mitigation measures to be considered at the screening stage allows projects to avoid an Appropriate Assessment (Stage Two). The ruling stated:
- “Taking account of such measures at the screening stage would be liable to compromise the practical effect of the Habitats Directive in general, and the assessment stage in particular, as the latter stage would be deprived of its purpose and there would be a risk of circumvention of that stage, which constitutes, however, an essential safeguard provided for by the directive.” (paragraph 37 of the judgment)”
- 9.27 This has made what constitutes “mitigation” directly in relation to the European site, and what is considered “integrated” into the scheme for other reasons, a question that carries some uncertainty. The PINS Note 05/2018 *Consideration of avoidance and reduction measures in Habitats Regulations Assessment: People over Wind, Peter Sweetman v Coillte Teoranta* provides some clarification as follows:
- “The implication of the CJEU judgment is that competent authorities cannot take account of any integrated or additional avoidance or reduction measures when considering at the HRA screening stage whether the plan or project is likely to have an adverse effect on a European Site.
- 9.28 The screening stage must be undertaken on a precautionary basis without regard to any proposed integrated or additional avoidance or reduction measures. Where the likelihood of significant effects cannot be excluded, on the basis of objective information the competent authority must proceed to carry out an AA to establish whether the plan or project will affect the integrity of the European site, which can include at that stage consideration of the effectiveness of the proposed avoidance or reduction measures.”

PINS Note 05/2018 goes on to further explain:

“It should be noted that there is no authoritative definition of what constitutes an integrated or additional avoidance or reduction measure and this should be considered on a case by case basis. If a measure is being introduced to avoid or reduce an effect on a European site then it can be viewed as mitigation. It may be helpful to consider whether a proposal could be considered integral to a plan or whether it is a measure to avoid harm. For instance, the HRA report could identify European sites whose designated features are vulnerable to disturbance caused by people visiting the site. If evidence presented in the HRA report and during the examination demonstrates that the housing allocation is too far from the European site to lead to increased visitor numbers then it could be concluded that there is no pathway for likely significant effects to occur. However if the HRA report determines that the housing allocation would be likely to increase visitor use of the European site and relies on measures which reduce visitor pressure (such as securing land to provide a buffer to the European site or ensuring footpaths and car parks are located away from the site) to avoid or reduce likely significant effects an AA will be required to assess whether the plan will affect the integrity of the European site.”

- 9.29 The interpretation of the above being taken by legal professionals appears to be that if it can be argued that mitigation, whether integrated or additional, is an “avoidance or reduction” measure directly due to an ecological pathway to a Natura 2000 site, then an Appropriate Assessment is required. If it is truly integrated into the proposals for other reasons, for example green space due to an unrelated protected species mitigation licence, as was the case with UK High Court ruling in August 2018 (R (on the application of Langton) v Secretary of State for Environment, Food and Rural Affairs, Natural England [2018] EWHC 2190 Admin) in relation to mitigation within a badger cull licence, then the mitigation is fully integrated and would not automatically trigger the requirement for an Appropriate Assessment. However, in many cases, such a judgement would carry the risk of conflicting views within the planning process, and often it may be simpler to take a precautionary approach by progressing to Appropriate Assessment where there is room for doubt.

### **Local Planning Policy**

- 9.30 The Local Plan Review (Pre submission Draft Local Plan 2021<sup>15</sup>) contains the following policy of relevance to this assessment:

#### **Policy ES6: Providing for Biodiversity and Geodiversity**

Delivery Policy ES6 Providing for biodiversity and geodiversity Development proposals shall provide a minimum of 10% net gain in biodiversity through enhancement and creation of ecological networks within and connecting with those beyond the district by:

1. Incorporating and enhancing existing and creating new biodiversity features within their design; and
2. Maximising opportunities to enhance and create links between ecological networks and habitats of principal importance. Links should be created both on-site and, where possible, with nearby features; and
3. Biodiversity within a development needs to be managed, monitored and maintained; and

<sup>15</sup> Accessed 26<sup>th</sup> Feb 2024: <https://www.stroud.gov.uk/environment/planning-and-building-control/planning-strategy/stroud-district-local-plan-review/local-plan-review-pre-submission-draft-local-plan-regulation-19-consultation-may-2021>

4. Development proposals within, or in close proximity to, an ecological network corridor should enhance the functionality and connectivity of the corridor. Development that would impact on the strategic ecological network causing fragmentation or otherwise prejudice its effectiveness will not be permitted.

Development proposals shall also demonstrate that the mitigation hierarchy has been followed sequentially in accordance with the principles of:

- i. avoid,
- ii. reduce, moderate, minimise
- iii. rescue e.g. translocation
- iv. repair, reinstate, restore, compensate or offset. Where development is considered necessary, adequate mitigation measures or, exceptionally, compensatory measures, will be required, with the aim of providing an overall improvement in local biodiversity and/or geodiversity.

Where development proposals are likely either alone or in combination with other plans and projects, to cause harm to the nature conservation or geological interest of Internationally important sites, they will not be permitted unless:

- a. There is no suitable alternative to the development; and
- b. There are imperative reasons of overriding public interest; and
- c. Appropriate compensatory provision can be secured to ensure that the overall coherence of the site(s) is protected and enhanced.

Other important habitats and sites of geological and geomorphological interest will be protected, managed and enhanced. Up to date, comprehensive ecological surveys undertaken in accordance with industry guidelines and standards will be required to support and inform development proposals that would affect sites for nature conservation, protected species, or species or habitats of importance. Development that will adversely affect the following designations shall not be considered sustainable development and will not be permitted:

- National SSSIs and NNRs
- International or Nationally protected species, or species and habitats of principal importance. It will be important to consider the future conservation status of the relevant species in their natural range. Development should not adversely affect:
- Local Wildlife Sites,
- Local Nature Reserves,
- Local Geological or Geomorphological Sites,
- Local ecological or Green Infrastructure networks