

Matter 1: Legal compliance, Sustainability Appraisal, including Duty to Cooperate

Has the Gloucester City Plan been prepared in line with the relevant legal requirements and procedural matters?

1. **Has the Gloucester City Plan (GCP) been prepared in accordance with the relevant Act and regulations? Is the GCP consistent with the adopted Joint Core Strategy and with national planning policy? Are there any significant departures? If so, have these been justified?**

Prepared in accordance with Act and regulations

- 1.1 Yes, the GCP has been prepared in accordance with the relevant Act and regulations. The City Council has ensured the GCP is compliant with both Part 2 of the Planning and Compulsory Purchase Act and relevant regulations, as set out below.
 1. **Local Development Documents:** The JCS and GCP, taken together, set out the Local Plan and the City Council's policies relating to the development and use of land in the area. This is clearly communicated in both the JCS and GCP.
 2. **Statement of Community Involvement:** The GCP has been undertaken in accordance with the City Council's adopted Statement of Community Involvement and relevant regulations. Please see the answer to Question 2 of the MIQs for further information.
 3. **Local Development Scheme:** The preparation of the GCP has been undertaken in accordance with the adopted Local Development Scheme. This has been updated and adopted at different times to reflect changes in the plan-making timetable. Please see the answer to Question 3 of the MIQs for further information.
 4. **Strategic priorities:** These are identified within the Vision and Objectives of the Adopted JCS and Vision and Key Principles of the GCP.
 5. **Sustainability Appraisal and Habitats Regulations Assessment:** Throughout the GCP process, an iterative 'Integrated Appraisal' process has been undertaken, incorporating Sustainability Appraisal, Habitats Regulations Assessment, Equalities Impact Assessment and Health Impact Assessment. These are Submission Documents CD005 'Pre-Submission Sustainability (Integrated) Appraisal and CD006 'Habitats Regulations Assessment Revised Screening and Appropriate Assessment Report'.
 6. **Duty to Cooperate:** Neighbouring local authorities, Gloucestershire County Council and Prescribed Bodies have been engaged through formal and informal consultation methods. The City Council's approach to satisfying the Duty to Cooperate are set out in Submission Document CD007 'Duty to Cooperate Statement'.
 7. **Electronic Communications:** In preparing and consulting on documents relating to the GCP, much of this was done using electronic communications, principally via email, the City Council's website, and online consultation software.
 8. **Form and content of local plans and supplementary planning documents:** The City Council is of the view that the form and content of the GCP meets the requirements of Section 8 of the Regulations and that the policies contained within it are consistent and do not conflict with the adopted Development Plan, particularly the Joint Core Strategy.
 9. **Form and content of the policies map:** The GCP Policies Map (Submission Documents CD002 and CD010c) have been prepared to as to meet the regulations. It is Ordnance Survey map based and includes an explanatory key.
 10. **Local Plans and Supplementary Planning Documents:** Additional matters to which regard should be had – the regulation refers to matters for which Gloucestershire

County Council is responsible, for example transport and waste matters. It also relates to the Council's Supplementary Planning Documents, to which regard has been had when developing the GCP.

11. **Preparation of the Local Plan:** The Gloucester City Plan Scope, Part 1, Part 2 and Draft Gloucester City Plan were undertaken in accordance with Regulation 18 of the Town and Country Planning (Local Plan) (England) Regulation 2012. Full details are provided as part of Submission Document CD003 'Consultation Statements'.
12. **Publication of a Local Plan:** Before submitting the Local Plan to the Secretary of State the City Council published the submission documents, including the Consultation Statement (CD004) on its website and provided a set of hard copies at its main reception and deposit locations, which were available for Inspection during opening hours. Details of the same were sent to everyone registered on the GCP consultation database by email, including general and statutory consultation bodies.
13. **Representations relating to a Local Plan:** The Pre-Submission GCP consultation was held between 7th November 2019 and 14 February 2020. Details of representations made to this version of the Plan have been provided as Submission Document CD004 'Pre-Submission consultation responses database' and published on the City Council's website. Summaries of consultation responses received to Regulation 18 consultations have been provided as Submission Document CD003 'Consultation Statements', Appendices 2 – 5, and were published on the City Council website.
14. **Submission of documents and information to the Secretary of State:** The City Council submitted all submission documents to the Secretary of State, in accordance with Regulation 22 on 20 November 2020. Initially, submission documents were only made available electronically, given changes to regulations in response to the Covid 19 pandemic, with a commitment to provide hard copies in the Council's reception and deposit locations. Statutory and general consultees were notified of submission via email and letter. A Notice of Submission was published in the City Council's website.
15. **Consideration of representations by an appointed person:** This duty is being carried out by the appointed Planning Inspector with support from the Programme Officer.
16. **Independent examination:** This duty is being carried out by the appointed Planning Inspector with support from the Programme Officer.
17. **Availability of documents:** The availability of documents complies with these regulations as set out in Submission Document CD003 'Consultation Statements'.
18. **Copies of documents:** The Council has complied with the regulation in respect of supplying documents in respect of the GCP on request, as soon as possible and in the format requested.

Consistency with the Adopted JCS and NPPF

- 1.2 The GCP delivers the JCS locally and addresses any local issues and opportunities in Gloucester City. From a quantum of development perspective, the GCP allocates the suitable/deliverable sites within the urban area for appropriate development, consistent with Adopted JCS Policy SP1 'The Need for New Development', Policy SP2 'Distribution of New Development', and Policy SD10 'Residential Development'. From a retail and city/town centre perspective, the GCP is consistent with Policy SD2 'Retail and City/Town Centres' in progressing matters through the JCS Review. From a Gypsy, Traveller and Travelling Showpeople perspective, there are unmet needs that can't be provided for in Gloucester City Council's administrative area and these are being progressed through joint working with neighbouring authorities (see answers to questions 72 – 75 of the MIQs).

1.3 In relation to general policy matters, the GCP seeks to build on the strategic position set out in the JCS and put in place policies that address Gloucester City's needs/issues.

1.4 As set out in the response to question 25, the City Council would be happy to consider ways to improve clarity/connectivity between the Adopted JCS and the GCP.

2. Is the evidence which has been used as the basis of the GCP proportionate, up to date, and have the final versions of all reports been provided?

2.1 The City Council has prepared a comprehensive and proportionate evidence base the address issues relevant to the GCP. These have been submitted to the Inspector. Since the GCP was submitted the Gloucestershire Local Housing Needs Assessment (2019) has been published and this has been provided to the Inspector and published on the examination webpage as HOU011.

2.2 Two further documents have been submitted, which were available at the time of the Pre-Submission consultation, but not provided with the rest of the submission documents. These are both heritage assessments in support of the Strategy Housing Land Availability Assessment for 'Land at Manor Gardens' and 'Land at Rea Lane'. They have been provided to the Inspector and published in the examination webpage as HIS007/t and HIS007/u respectively.

2.3 Sustainability Appraisal and Habitats Regulations Assessment reports relating to previous stages of the GCP have now also been submitted and uploaded to the examination webpage as CD011, CD012, CD013, CD014 and CD015.

Local Development Scheme

3. Has the GCP been prepared in accordance with the Local Development Scheme in relation to timing and content?

3.1 The GCP has been prepared in accordance with different versions of the Local Development Scheme (LDS), that have been updated over time. The City Council has recently adopted a new LDS to reflect anticipated timescales for the examination and adoption of the GCP and for the Joint Core Strategy Review (Submission Document CD009).

Statement of Community Involvement

4. Has adequate consultation been carried out in accordance with the Statement of Community Involvement and the relevant Regulations? Specifically, have all relevant bodies been consulted?

4.1 The City Council has undertaken comprehensive consultation in relation to the emerging GCP at all Regulation 18 and 19 stages of consultation. This has been undertaken in accordance with the Statement of Community Involvement and regulations and has employed various different forms of consultation in order to engage with the statutory / general consultees, prescribed bodies, stakeholders and the community. This has included public events, targeted consultation events and engagement, methods to raise awareness such as press releases/press article, social media publications, articles in publications such as 'City Life' (Council publication which, until recently, was distributed in hard copy to all homes in the city), and notifications by letter and email.

- 4.2 The City Council has ensured that all relevant statutory and general consultees and prescribed bodies have been consulted at the different stages of consultation.
- 4.3 Full details of the approach to consultation, including methods, bodies consulted, summaries of consultation responses and outcomes are detailed in Submission Document CD003 'Consultation Statements'.

Climate Change

- 5. **Whether the policies of the GCP are designed to secure the development and use of land which contributes to the mitigation of, and adaptation to, climate change consistent with S19 (1A) of the Planning and Compulsory Purchase Act 2004? If so, how is this translated into the policies within the GCP and are they effective and consistent with the policies of the JCS? Should climate change issues be given greater emphasis within the GCP or does Policy SD3 of the JCS provide a suitable development management policy?**
 - 5.1 The policies of the GCP and the Adopted JCS are designed to secure the development and use of land which contributes towards the mitigation of, and adaptation to, climate change, in accordance with the 2004 Act.
 - 5.2 The Adopted JCS includes Strategic Objective 6 'Meeting the challenges of climate change' and the policies address it in different ways as a common theme running through different policies, for example SP2 'Distribution of New Development', SD3 'Sustainable Design and Construction', SD4 'Design Requirements', INF1 'Transport Network', INF2 'Flood Risk Management', INF3 'Green Infrastructure', INF4 'Social and Community Infrastructure', INF5 'Renewable Energy / Low Carbon Energy Development' and INF6 'Infrastructure Delivery'.
 - 5.3 The GCP delivers and builds on this locally. The approach the Adopted JCS and GCP take towards meeting these obligations is summarised at the introduction to Section G of the GCP 'Sustainable living, transport and infrastructure'. There are various policy requirements that support the delivery different measures, including sustainable design and construction, flood risk management, sustainable transport, green infrastructure, biodiversity net gain and water efficiency.
 - 5.4 In response to comments received to the Pre-Submission GCP consultation, including the Environment Agency, the City Council has submitted proposed changes that seek to strengthen the Vision, Key Principles and the introductory text at Section G, with regard to the plan's approach towards climate change. These have been agreed through the Statement of Common Ground with the Environment Agency, Gloucestershire County Council as Lead Local Flood Authority and the Marine Management Organisation (SoCG7) and the Statement of Common Ground with Gloucestershire County Council as Minerals and Waste Authority (SoCG3). The proposed changes relating to the Vision and Key Principles are identified in Submission Document CD010a 'Schedule of changes Pre-Submission Gloucester City Plan addendum' and shown as part of the GCP in Submission Document CD010b 'Appendix 1 – Tracked Change Pre-Submission Gloucester City Plan'. Those relating to Section G are post-Submission changes.

Sustainability Appraisal

- 6. Has the GCP been subject to Sustainability Appraisal (SA), including a report on the published GCP, which demonstrates, in a transparent manner, how the SA has influenced the evolution of the GCP making process, and have the requirements for Strategic Environmental Assessment been met? Have all relevant sites been tested through the SA and have all relevant considerations been identified including transport impacts?**
- 6.1 The SA has been undertaken in accordance with the NPPF (para 32, 2019) and UK Government planning guidance¹ including integrating the requirements for Strategic Environmental Assessment (SEA). The HRA was undertaken in parallel with the SA, reported separately (Submission Document CD006), and the summary HRA findings also incorporated into the SA Report (Submission Document CD005).
- 6.2 The SA has been undertaken in an iterative, ongoing, and transparent way with plan-making stages and consultations since initial SA studies and SA scoping by the Council in 2012-2013. Table 1.1 in CD005 presents the timetable of plan-making and assessment stages with dates of public and formal consultations, including published SA reports. The Council appointed independent SA, SEA, and HRA/AA specialists in 2016 – Enfusion. Draft SA Reports were published in 2012, 2013, 2016, and 2019 to accompany the publication of draft versions of the GCP.
- 6.3 The environmental, social, and economic effects of the plan have been investigated through the development and use of an SA Framework of objectives that form the basis for assessing the emerging elements of the plan. The SA Framework (Table 2.1 CD005) comprises 25 SA objectives that cover the environmental, social, and economic factors relevant to the GCP. SA objectives are signposted to the SA objectives that were used for the SA of the GCP JCS – to demonstrate continuity and correlation with the higher-level assessments.
- 6.4 A range of identified qualitative and quantitative standards or thresholds were identified for each SA objective. Five levels of significance criteria were identified – major/minor, negative/positive, and neutral/not applicable; uncertainty such as due to lack of information was also reported where relevant (Table 2.2 CD005). The assessment of effects considered the nature of the likely sustainability effects, including positive/negative; short-medium term (5-10 years)/long term (10-20 years plus); permanent/temporary; secondary, cumulative, and synergistic, and, where possible, were described and as in accordance with Schedule 2 of the SEA Regulations.
- 6.5 The approach to and the methods applied to the SA of the GCP are described in Section 2 of the SA Report (CD005). The SA Framework forms the basis against which each element of the emerging GCP was assessed. The 25 SA objectives were grouped into sustainable development themes in order to help consider inter-relationships and cumulative effects. Thus, the SA has considered the environmental, social, and economic effects of the plan throughout – including against reasonable alternatives for the allocation of housing and employment land.
- 6.6 The findings of the SA at each stage have informed plan-making. Emerging elements of the GCP were tested through SA – the Vision, Development Principles, and the proposed Sites. Details of the SA findings are reported in the SA Appendix III (Vision & Development Principles) and SA Appendix IV (Site Options). The SA made suggestions and recommendations to improve the sustainable development of the emerging GCP and to mitigate any identified significant negative effects. The SA included suggestions for site-

¹ <https://www.gov.uk/guidance/strategic-environmental-assessment-and-sustainability-appraisal>

specific requirements that could provide mitigation measures for the developing Site Allocations. Thus, the SA has influenced the evolution of the GCP making process in an iterative and ongoing way since early studies in 2012-2013.

- 6.7 The SA Report (CD005) in section 4 describes the approach to assessing reasonable alternatives in SA and options in the plan-making process. It is noted that different options for accommodating proposed growth in the GCT local authority areas have been considered and variously subject to SA/SEA and consultation since early studies in 2004-6, through iterations of the emerging JCS 2009-2014, with Main Modifications and JCS adoption in December 2017. Consideration of options was discussed during the examination of the JCS and this included reflection on the proposed Strategic Site Allocations (Policy SA1) to meet Gloucester's identified need for development.
- 6.8 The initial SAs (2012 & 2013) explained that there is limited possibility for investigating options for sites through the Gloucester City Plan. At the draft GCP stage in 2017, the SA tested all options for new development identified through the calls for sites and site assessment process/Strategic Assessment of Land Availability (SALA). It was noted that Gloucester City is not able to meet its identified housing and employment land need through available land within the City Council's area. Therefore, all site options that were identified as reasonable (suitable and deliverable) were progressed for testing through SA.
- 6.9 Responses to the consultation on the Draft Plan were considered and the GCP was further developed into the Pre-Submission stage (2019). The options for sites were updated to take account of changes such as revised capacities and the proposed sites confirmed as allocations. This is explained in the SA Report (2019) (CD005) in section 6. Thus, all the relevant sites identified during early studies and subsequent drafting of the plan have been tested through SA.
- 6.10 The SA Framework of objectives comprises all the relevant considerations for the GCP, as established through the SA scoping process (described in sections 2 & 3 of CD005). Transport impacts were specifically considered through SA objective No 6: to reduce the need to travel & maximise the use of sustainable modes of transport. No 6a relates to site access & impacts on the highway network; SA No 6b relates to distance of a site option from existing sustainable transport. Other SA objectives are also relevant, for example, SA No 17: to improve the physical & mental health & wellbeing of local residents with good access to community health facilities; SA Nos 19 & 20 to protect & enhance accessible open & green spaces.
- 7. Have all reasonable alternatives been considered when implementing the strategic policies of the JCS in relation to policies and sites? Have these reasonable alternatives been considered on a like for like basis? Are there any policies where there were no reasonable alternative options to consider? If so, what is the justification?**
- 7.1 There is limited possibility for investigating different options to policies and sites through the plan. The GCP Strategy and Development Principles are underpinned by a City Centre first approach that has been developed over considerable time and study with the JCS, including testing through SA. These limitations to consideration were explained in the Initial SA reports (2012 & 2013), reiterated in the subsequent SA Reports (2017 & 2019) and as described in the submitted SA Report (CD005) in sections 4, 5 and 6.

7.2 Thus, there were no reasonable alternatives identified with regard to the GCP strategic approach, development principles and Local Policies that required testing through SA. All options for sites that had been identified as reasonable (i.e., all sites identified through the SALA & sites assessment process) were tested through SA on a like for like basis using the full SA Framework of objectives – details are provided in Appendix IV and summary findings reported in section 5 and 6 of (CD005).

Duty to Co-operate

8. **With reference to the development of the GCP, are there any matters of cross boundary strategic significance, or two- tier matters which require cooperation? If so, what are these, and how have these matters been identified?**
9. **If there are, has the Council co-operated with the relevant local planning authorities, the County Council and appropriate prescribed bodies, in the planning of sustainable development relevant to cross boundary strategic matters contained within the Plan? If so, who has the Council engaged with, and how?**
10. **In considering such matters, has the Council co-operated with those identified above, constructively, actively, and on an on-going collaborative basis throughout the preparation of the GCP?**
11. **Specifically, has the Duty to Co-operate been discharged in a manner consistent with Paragraphs 24- 27 of the Framework, and as defined in Section 33A of the Planning and Compulsory Purchase Act.**

8.1 The Joint Core Strategy (JCS) is a strategic planning partnership between Gloucester City Council, Cheltenham Borough Council and Tewkesbury Borough Council, which was adopted by all three local authorities in December 2017. Most strategic planning matters have been addressed through the JCS, for example in relation to Objectively Assessed Need, spatial strategy and identification of strategic cross-boundary sites. This was confirmed through the JCS Inspector’s final report (Submission Document DP003), where it was concluded the authorities had fulfilled the legal requirements of the duty.

8.2 In demonstrating compliance with the Duty to Cooperate, the City Council has prepared a Duty to Cooperate Statement (Submission Document CD007), which provides an overview of how the various local authorities and prescribed bodies have been engaged in the plan-making process, and how the various strategic matters have been addressed. Appendix 1 is the JCS Duty to Cooperate Statement, which sets out various notes and agreed statements between the different bodies. In terms of authorities neighbouring the JCS, it provides a Planning Statement regarding the delivery of housing at Mitton in Wychavon District, and the signed Statement of Cooperation between the JCS authorities and Stroud District Council, regarding cross-boundary opportunities in that district.

8.3 Gloucester City Council has continued to engage with the various bodies on strategic planning matters throughout the preparation of the GCP. These are as follows:

1. **Cotswolds Beechwoods Special Area of Conservation:** The Cotswolds Beechwoods Special Area of Conservation (SAC) is located in Stroud District. A recently completed Recreational Survey, commissioned by the Gloucestershire local authorities and supported by Natural England, demonstrates there is recreational pressure resulting

from population growth in the local area, including Gloucester City. In light of this, the same bodies are working together and have commissioned a Mitigation Strategy, which is currently available in draft form. Policy E8 of the GCP recognises the need to mitigate the impact and supports mitigation measures, from new development, to address this. In their response to the GCP Pre-Submission consultation, Natural England confirm the approach is sound, legally compliant and that the duty to cooperate has been passed. In support of the GCP examination, a Statement of Common Ground has been agreed between Gloucester City Council and Natural England (SoCG4).

2. **Unmet Gypsy/Traveller and Travelling Showpeople needs:** Gloucester City Council has unmet Gypsy, Traveller and Travelling Showpeople needs and has, and continues, to work proactively with neighbouring authorities in identifying deliverable sites to provide for this need. Discussions relating this matter have primarily taken place through the County-wide Gypsy/Traveller and Travelling Showpeople Project Group and County Planning Officers Group. Through this proactive engagement, the Pre-Submission Stroud Local Plan identifies an allocation for unmet Gloucester City development needs, including Travelling Showpeople provision. See response to question 73 for further information. At the time of writing a Statement of Common Ground is in preparation with the other Gloucestershire district authorities on this matter.
3. **Education contributions:** Following the publication of the Pre-Submission GCP, Gloucestershire County Council as education authority published revised Pupil Product Yields in relation to the cost of providing new education infrastructure from new development. In responding to this issue, the City Council and County Council have engaged proactively in reassessing the education needs arising from planned growth in the GCP (Submission Document INF002 'Gloucester Infrastructure Delivery Plan Addendum'), reassessed the viability position to support contributions towards infrastructure (VIA002 'Gloucester City Plan Report Addendum') and confirmed the City Council's position in a background paper (Submission Document INF003 'Infrastructure and Viability Background Paper'). A Statement of Common Ground has also been prepared between Gloucester City Council and Gloucestershire County Council as Education Authority (SoCG6).

- 8.4 In addition to the above, the six district authorities in Gloucestershire (Gloucester City, Tewkesbury Borough, Cheltenham Borough, Forest of Dean District, Stroud District and Cotswold District), Gloucestershire County Council and the Gloucestershire Local Enterprise Partnership have worked together to prepare a Statement of Common Ground on strategic planning matters in the county (NPPF, paragraph 27). At the time of writing this statement is in final draft form and will be put to each local authority for agreement after the elections on 6th May 2021.

Habitats Regulations Assessment (HRA)

- 12. Has the United Kingdom's exit from the European Union had any impact on how internationally designated sites should be considered in plan making, including the production of the Habitats Regulation Assessment, any Appropriate Assessment and any subsequent decision taking²?**

- 12.1 There was a transition period through 2020 during which EU legislation and policy was followed. The UK Government and statutory nature conservation bodies have provided further advice on environmental legislation and standards post-Brexit³. For England, it is

² Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019

³ for England - <https://www.gov.uk/guidance/check-if-you-need-an-environmental-permit>

understood that amendments will be largely limited to ‘operability changes’ that will ensure the regulations can continue to have the same working effect as now after the transition period. The Regulations will continue to be officially referred to, and should be quoted in reports, as the ‘Conservation of Habitats and Species Regulations 2017 (as amended)’.

12.2 Natural England has advised that all European protected sites and species retain the same level of protection once the UK leaves the European Union. The environmental assessment regimes that inform planning decisions (SEA/EIA/HRA) continue to apply post EU exit. The legal framework for enforcing environmental regulations through regulatory bodies and the courts is unaffected by leaving the EU and continues to apply. Therefore, it is considered that the UK’s exit from the EU has not affected plan-making, the HRA/AA, and subsequent decision-making. The HRA and AA are still relevant and applicable.

13. Have other key stakeholders been consulted including neighbouring authorities?

13.1 The initial draft HRA Report (2016) and the draft HRA screening revised & appropriate assessment Report (2019) [CD006] accompanied the draft plan on public consultation. This included consultation with neighbouring authorities (Cheltenham BC, Tewkesbury BC, Stroud BC, Cotswold DC, Forest of Dean DC, Gloucestershire CC) and the relevant nature conservation authorities, Historic England, Natural England, and the Environment Agency.

14. Has the Habitat Regulations Assessment been prepared in a manner consistent with the relevant regulations?

14.1 The HRA has been undertaken in an iterative and ongoing way at the same time as the SA since initial work in 2016. It has been undertaken in a manner consistent with the relevant regulations, and extant assessment guidance. It has been undertaken by the same independent specialists, Enfusion. The HRA/AA has been adjusted/updated in line with changes in approach and method as necessitated by UK case law⁴, amended regulations⁵, and changing assessment guidance⁶. The draft HRA Screening & AA Report (2019) (CD005) represents the updated HRA/AA that reports the assessment and confirms that it has been prepared in a manner consistent with relevant regulations and guidance.

15. Is the GCP, as submitted, likely to have a significant effect on European sites either alone, or in combination with other plans or projects? Have these other plans or projects been appropriately identified?

15.1 The HRA screening process (revised in 2019) identified uncertainty with regard to the potential for likely significant effects (LSEs), as follows:

- Cotswold Beechwoods SAC as a result of changes to air quality and increased recreational disturbance
- Severn Estuary SAC/SPA/Ramsar as a result of changes to air quality, increased recreational disturbance, changes to water levels and quality, and loss or fragmentation of supporting habitat
- Walmore Common SPA as a result of changes to air quality, increased recreational disturbance, and changes to water levels and quality.

⁴ People over Wind & Sweetman v Coillte Teoranta Case C-323/17

⁵ Conservation of Habitats and Species Regulations 2017 (as amended)

⁶ <https://www.gov.uk/guidance/appropriate-assessment>

- 15.2 Some significant effects were considered to be possible alone but mostly effects were considered potentially in-combination with other plans – specifically the emerging Stroud Local Plan Review. Therefore, these issues were considered in more detail through appropriate assessment.
- 15.3 Other plans and projects were identified and are detailed in Appendix II of the HRA Report (CD005). These potential significant effects include impacts on air pollution through increased traffic; increased levels of disturbance through recreational activities and noise and light pollution; increased levels of water abstraction and impacts on water quality through increased wastewater discharge – resulting in changes to water levels and quality. The relevant nature conservation bodies – Natural England & the Environment Agency agreed with the HRA screening and identification of issues to be taken through the AA process.
- 16. Have the appropriate assessments of the implications for those sites been undertaken in a manner consistent with the sites’ conservation objectives and conservation status?**
- 16.1 Yes. Appendix I of the HRA Report provides the details of the conservation objectives and status for each designated site; Appendix IV details the GCP policies and sites against the characteristics (objectives and status) of the designated sites. The appropriate assessments discussed in section 4 of the HRA Report consider each issue according to the relevant conservation objectives and status. For example, in paras 4.3-4.10 it is noted that the beechwoods and grasslands of the Cotswold Beechwoods SAC are both sensitive to emissions, and critical loads for nitrogen (from vehicle exhausts) are being exceeded according to the most recent data available⁷. The Site Improvement Plan (March 2015)⁸ identifies air pollution and the impacts of atmospheric nitrogen as a pressure. The AA then considers the proposed site allocations, their size and characteristics, the likely environmental pathways, and the implications for impacts on the integrity of the conservation objectives of the designated site.
- 17. In doing so, are the appropriate assessments capable of ascertaining that the GCP as submitted will not adversely affect the integrity of the sites and their qualifying features, either alone, or in combination?**
- 17.1 The appropriate assessments have taken into account the possibilities for environmental pathways; the potential impacts that could arise from new development; the location, size and character of the new sites; the likelihood of significant adverse effects arising; and the mitigation measures available, for example, through embedded plan policies and/or other commitments to mitigation. The AAs have used available information and emerging information, particularly with regard to recreational surveys and impacts associated with recreational disturbance for the Cotswold Beechwoods SAC and the Severn Estuary SAC/SPA/Ramsar complex.
- 17.2 The assessments have also taken into account ongoing consultations and liaisons with relevant organisations, for example, especially Natural England and Stroud Council. The assessments considered the implications both for the GCP alone and in-combination with other plans.

⁷ Air Pollution Information System (2012) Site Relevant Critical Loads. Online at <http://www.apis.ac.uk/> [Accessed October 2016 & March 2019]

⁸ <http://publications.naturalengland.org.uk/publication/6276086220455936>

- 17.3 There are no defined zones of influence with regard to recreational use of the Cotswold Beechwoods SAC from GCP residents and possible zones were applied in the HRA of the GCP based on those used for the emerging Stroud Local Plan Review – and thus compatible for when considering in-combination effects.
- 18. Has a qualitative, proportionate approach been taken to the potential impacts on the integrity of the sites? If not, should this be the case?**
- 18.1 Yes, a proportionate approach has been taken to the potential impacts on the integrity of the sites through a systematic and staged method that is described in section 2 of the HRA Report (CD006) and summarised in Table 2.1.
- 18.2 A quantitative approach has been taken where possible and using available information, for example, site relevant critical loads on the UK's Air Pollution Information System⁹, and local recreational surveys. This has been supported by a qualitative approach using professional judgment, for example, when considering the distance of a proposed development site from a designated site and the character of any environmental pathways and thus likely effects.
- 19. What is the relationship between the HRA produced in relation to the JCS and that produced for the GCP? Have circumstances altered, if so how, and what are the implications on plan making and future development management decision making? Would it be clear to a developer when a Habitats Regulation Appropriate Assessment would be required and how this should be undertaken? Has the impact of nitrogen deposition on the Cotswold Beechwoods Special Area of Conservation been adequately considered both within the supporting documentation and policy to enable development to take place?**
- 19.1 From its onset, the HRA of the emerging GCP considered the HRA of the JCS and built upon its findings. It also considered the ongoing discussions between the JCS authorities and the nature conservation body, Natural England (NE), particularly in respect of recreational impacts on the Cotswold Beechwoods SAC. The relationship between the HRA of the JCS and the HRA of the GCP is introduced in paragraphs 1.6-1.8 of the HRA Report (CD006). The implications of changing requirements in the practice of HRA screening and assessment is reported in paragraphs 1.9-1.12.
- 19.2 At the examination of the GCT JCS, the issue of recreational impacts on the Cotswold Beechwoods SAC was discussed and addressed in some detail. An addendum to the HRA (May 2015) was prepared, together with a note on HRA and cumulative effects (July 2017). Subsequently, a Statement of Cooperation between the JCS authorities and Natural England was prepared. All parties agreed that any significant effects of the JCS on the Cotswold Beechwoods SAC due to increased recreation are capable of being addressed through mitigation. The JCS sets out a possible route for this mitigation, through green infrastructure and developer contributions for site management. It therefore puts the necessary hooks in place to allow this to happen, but it was acknowledged that further work is required to understand the issue and deliver appropriate mitigation. The HRA Report that accompanied the JCS on examination was found to be legally compliant and the JCS was adopted (December 2017).
- 19.3 The new GCP Policy E8 Development affecting Cotswold Beechwoods Special Area of Conservation (SAC) sets out that 'development will not be permitted where it would be likely

⁹ <http://www.apis.ac.uk/>

to lead directly or indirectly to an adverse effect upon the integrity of the SAC – alone or in-combination, and the effects cannot be mitigated’. The Policy requires that all development that leads to a net increase in dwellings will be required to identify any potential adverse effects and provide appropriate mitigation – through the emerging SAC mitigation strategy or through a bespoke HRA. The supporting text explains the situation with the proximity of the A46 to the SAC and advises development to take account of the NE guidance on assessing traffic impacts for HRA (NEA001)¹⁰.

- 19.4 The City Council also further developed Policy E2 Biodiversity that requires new development to demonstrate that there are no adverse effects – alone or in-combination – on the integrity of internationally designated sites. The supporting text to GCP E2 further explains and guides with regard to potential adverse effects on functionally linked land and water for the Severn Estuary SAC/SPA/Ramsar. Thus, it is clear to a developer when a Habitats Regulations appropriate assessment would be required and how it should be undertaken.
- 19.5 The issue of nitrogen deposition on the Cotswold Beechwoods SAC is discussed in paragraphs 4.3-4.10 of the HRA Report (CD006). At the examination of the JCS, the issue of in-combination (cumulative) effects was discussed in the light of the Wealden Case (March 2017) that required Natural England and Highways England to review their guidance in respect of impact assessment guidance and in-combination effects. An HRA Note (July 2017) was prepared to explain the situation with this advice and the HRA of the GCT JCS.
- 19.6 With regard to potential risks from road traffic emissions, Natural England and Highways England are in agreement that protected sites falling within 200 metres of the edge of a road affected by a plan or project need to be considered further.
- 19.7 Most of the Site Allocations are around the central area of Gloucester City and at least some 6-7 km distant to the west of the A46 and M5. Residents in these new developments are more likely to be employed in the main centre of Gloucester and thus less likely to use the A46 for commuter travel. Two allocations SA01 and SA15 are within around 3 km of the entrance to the Cotswold Beechwoods; the numbers of new dwellings are around 40 indicating that the increase in commuting vehicles on the A46 is unlikely to be significant. As regards recreational travel, it seems unlikely that residents in the centre of the City would travel across to the Beechwoods for regular walking/dog walking activities.
- 19.8 In consideration that the Site Allocations in the GCP are unlikely to significantly increase traffic within 200m of the SAC and taking into account the Stroud and Cotswold Local Plans, the HRA concluded that the GCP will not have adverse effects caused by atmospheric pollutants on the integrity of the Cotswold Beechwoods SAC, alone or in-combination. Thus, it is considered that the impact of nitrogen deposition on the Cotswold Beechwoods SAC had been adequately addressed. It is understood that NE agree with this HRA conclusion in respect of the GCP. A SoCG has been agreed between Gloucester Council & Natural England (SoCG4).
- 20. What role has Natural England played in the production of the HRA and AA? Does Natural England have any outstanding concerns?**
- 20.1 NE has been involved in the HRA of the JCS and the HRA/AA of the emerging GCP – through representations to consultation drafts of reports and through meetings and discussions. It is

¹⁰ <http://publications.naturalengland.org.uk/publication/4720542048845824>

understood that with the ongoing work relating to strategic mitigation measures in respect of recreational impacts on the Cotswold Beechwoods SAC, and with the provision of GCP Policies E3 and E8, Natural England does not have any outstanding concerns with regard to the HRA/AA of the GCP. Please see signed Statement of Common Ground with Natural England (SoCG4)

21. Are the GCP's policies consistent with the recommendations of the HRA, with specific reference to Policy B4, C5, E2, E7 and E8?

- 21.1 Policy B5 'Development within and adjacent to Gloucester Docks and Canal'. The policy requires that *'Where development could have an impact on internationally designated sites a Habitats Regulations Assessment is required.'* The Severn Estuary SAC/SPA/Ramsar is vulnerable to nitrogen deposition, although critical loads for nitrogen are not being exceeded at this site for those features that have critical loadings¹¹. GCP Site Allocations SA09 and SA21 are within 200m of the River Severn/Gloucester & Sharpness Canal, which is functionally linked to the designated estuary area, some 8 km away. The HRA Report concluded that the GCP will not have adverse effects caused by atmospheric pollutants on the integrity of the site due to the relatively small development sites located in the city centre with good access to sustainable transport, and the embedded policy mitigation. Policy B5 provides strong policy mitigation to ensure that a project level HRA/AA is undertaken, if required.
- 21.2 Policy C5 'Air Quality'. The policy seeks to protect air quality and requires air quality assessment where appropriate- thus, it provides further mitigation measures to protect the environment from air pollution. GCP Policy G2 Sustainable Transport encourages the use of walking/cycling and public transport to reduce traffic emissions. In consideration that the Site Allocations in the GCP are unlikely to significantly increase traffic within 200m of the SAC and taking into account the Stroud and Cotswold Local Plans, the HRA concluded that the GCP will not have adverse effects caused by atmospheric pollutants on the integrity of the Cotswold Beechwoods SAC, alone or in-combination.
- 21.3 The HRA (paragraphs 4.9-4.10) noted that The JCS authorities, and the Gloucester City Council, will continue to liaise with relevant neighbouring authorities, including the Stroud District Council that is of particular relevance to changes in air pollution. As studies to inform the strategic mitigation plan are ongoing, the Gloucester City Council has prepared new policy to provide clear mitigation measures in respect of potential adverse effects from proposed local development. Policy E8 Development affecting Cotswold Beechwoods Special Area of Conservation (SAC) sets out that development will not be permitted where it would be likely to lead directly or indirectly to an adverse effect upon the integrity of the SAC – alone or in-combination. The Policy E8 sets out potential mitigation measures and the supporting text explains the situation with the proximity of the A46 to the SAC and advises development to take account of the NE guidance on assessing traffic impacts for HRA (NEA001).
- 21.4 Policy E2 'Biodiversity & Geodiversity'. The policy had been expanded at the pre-submission GCP stage to integrate comments from NE and include specific wording and guidance regarding internationally designated sites, as follows:

¹¹ <http://www.apis.ac.uk/> [accessed March 2019]

‘Development proposals will only be permitted in localities that could have an impact upon designated Special Protection Areas (SPAs), Special Areas of Conservation (SAC) and Ramsar Sites, where it can be demonstrated that:

- a) There will be no significant effect, taking into account the site’s conservation objectives; or*
- b) Any adverse effect on the site’s integrity can be mitigated.*

*Where an adverse effect (or effects) on integrity cannot be mitigated, further tests will apply in order to decide whether permission can be granted.*¹²*

- 21.5 It is understood that this, together with the new GCP Policy E8 ‘Development affecting Cotswold Beechwoods Special Area of Conservation’ and in consideration of ongoing studies and discussions with NE and other stakeholders in respect of recreational impacts and the Cotswold Beechwoods SAC, addresses NE’s concerns. It is consistent with the HRA.
- 21.6 Policy E7 ‘Renewable energy potential of the River Severn and the canal’. The policy supports development that utilises the renewable energy potential of the river and canal providing that there will be “no adverse impacts” on “the biodiversity of watercourses and riparian habitats.” The supporting text advises that “Development that may have direct and indirect impacts on watercourses used by the Special Areas of Conservation (SAC) and Ramsar species, which will be subject to a Habitats Regulations Assessment (HRA).”
- 21.7 The HRA Report discusses this matter in paragraphs 4.24-4.27. It is noted in paragraph 4.26 that bird populations continue to use the estuary and river beyond the designation. The river is functionally linked to the designated site and the life and productivity of the SPA birds. Therefore, recreational impacts on the river and supporting sites such as Alney Island have the potential for adverse effects on the European site. The HRA Report considered that the revised Policy E2 provides strong embedded mitigation including supporting text with more information and explanation to guide development with regard to the potential for recreational disturbance effects. Thus, the policy is consistent with the HRA.

¹² ★reference to HRA Regulations (2017) as amended