

Note for Inspector

Cotswold Beechwoods SAC and the Recreation Mitigation Strategy

June 2021

- 1.1 City Plan Policy E8: *Development Affecting Cotswold Beechwoods Special Area of Conservation* seeks to protect the integrity of the Cotswold Beechwoods SAC. The policy has been drafted with the input of Natural England and in the context of a collaborative approach between Gloucestershire local authorities in the vicinity of the Beechwoods. See the policy text in Appendix 1.
- 1.2 The main focus of the policy is on recreational impacts. Consultants *Footprint Ecology* were commissioned by the local planning authorities¹ in the vicinity of the Cotswold Beechwoods to undertake a visitors' survey. This has now been completed. They were further commissioned to produce a mitigation strategy which is in final draft form and due to be completed later this summer / autumn. The authors are awaiting final comments from the local authorities.
- 1.3 Building on the evidence from the visitors' survey, the draft Cotswold Beechwoods SAC Recreation Mitigation Strategy outlines potential costs per dwelling (excluding admin costs) to mitigate recreational pressure. There is a two pronged approach. At paragraph 5.1 the suggested per dwelling cost for Strategic Access Management & Monitoring (SAMM) is estimated at £187. These funds would contribute directly to managing access and engaging with visitors at the SAC and increased staffing, signage, interpretation etc. At paragraph 5.5 the proposed Suitable Natural Alternative Greenspace (SANGs) rate is £480 per dwelling. According to the Mitigation strategy, SANGS are needed to deflect access away from the SAC and provide alternative countryside destinations for people to visit for recreation.
- 1.4 The Mitigation strategy has not been finalised and these costs may alter as a result of further analysis and adjustments as a result of comments from the local authorities back to the consultants, although they are not expected to change considerably.
- 1.5 Due to the cross-boundary nature of the Beechwoods SAC and the distances that visitors are likely to travel to reach the site, a joint approach amongst Gloucestershire authorities has been necessary. In terms of the JCS authorities, building on guidance from Natural England, all have taken a very similar policy approach in their Local Plan policies. These policies ensure that the SAC is protected and that all development that leads to a net increase in dwellings mitigates the recreational pressure by means of the contributions outlined in the Mitigation strategy or through a Habitats Regulations Assessment (HRA).
 - The Cheltenham Plan was adopted in July 2020. The relevant policy is BG1: *Cotswold Beechwoods Special Area of Conservation Recreation Pressure* (See Appendix 2).
 - The Tewkesbury Plan was recently examined, and the Inspector's Post Hearings Letter was published on 16th June 2021. The relevant policy is NAT5: *Cotswold Beechwoods* (See Appendix 3).
- 1.6 In terms of the other district councils within proximity of the Beechwoods and involved in the SAC evidence gathering:

¹ Tewkesbury Borough Council, Cotswold District Council, Stroud District Council, Cheltenham Borough Council, Gloucester City Council as well as the County Council as Highways Authority.

- Stroud District Council's Plan is out for consultation at Regulation 19 Pre-Submission stage. See Appendix 4 for an outline of their draft policy ES6 *Providing for biodiversity and geodiversity* which broadly follows the same approach as the JCS authorities. Clearly Stroud's approach is important because many of the most extensive areas of protected beechwoods are within the district and they will be involved in the implementation of various protective measures at the Beechwood sites.
- Cotswold District Council's Plan was adopted in 2018 and their partial review is at an early stage. It is anticipated that this matter will be part of the review and, in terms of the protection of the Beechwoods SAC, there will be broad policy alignment with Cheltenham, Gloucester, Stroud and Tewkesbury.

1.7 For Gloucester, in terms of the impacts of air pollution on the Beechwoods SAC, Policy E8 requires that *'Development which is likely to generate road traffic emissions to air, which are capable of affecting the SAC, will be screened against the Habitats Regulations Assessment Framework in line with Natural England's guidance 'Natural England's approach to advising competent authorities on the assessment of road traffic emissions under the Habitats Regulations (NEA001)', or any future iteration.'* Natural England are content with this approach and the fact that further collaborative work and evidence gathering is ongoing between the Gloucestershire local authorities and Natural England on this matter in recognition of the cross border and cumulative nature of the air quality theme.

Appendix 1: Gloucester City Plan. Policy E8: Development Affecting Cotswold Beechwoods Special Area of Conservation

Development will not be permitted where it would be likely to lead directly or indirectly to an adverse effect upon the integrity of the Cotswold Beechwoods Special Area of Conservation (SAC) (alone or in combination), and the effects cannot be mitigated.

In order to retain the integrity of the SAC, and to provide protection from recreational pressure, all development that results in a net increase in dwellings will be subject to Habitats Regulations Assessment for likely significant effects. Any development that has the potential to lead to an increase in recreational pressure on the SAC will be required to identify any potential adverse effects and provide appropriate mitigation. This will be in accordance with the SAC mitigation and implementation strategy or through a Habitats Regulations Assessment.

Development which is likely to generate road traffic emissions to air, which are capable of affecting the SAC, will be screened against the Habitats Regulations Assessment Framework in line with Natural England's guidance 'Natural England's approach to advising competent authorities on the assessment of road traffic emissions under the Habitats Regulations (NEA001)', or any future iteration.

3.5.49 There is planned growth in housing development in districts surrounding the Cotswold Beechwoods Special Area of Conservation (SAC), which could lead to an increased level of recreational pressure resulting from people visiting the site. Due to the extent of the Beechwoods and the fact that visitors travel a significant distance to visit the site, a Gloucestershire wide approach is required in order to successfully mitigate and likely adverse impacts.

3.5.50 The Gloucestershire planning authorities commissioned a visitor survey, carried out over the summer of 2019, in order to better understand the recreational pressures on the SAC. The survey results will form part of the evidence base leading to the production of a mitigation strategy. This will identify what measures need to be put in place to mitigate the impact of new development and ensure the protection of the site. The evidence may also assist in determining when a development may be likely to have an adverse impact depending on factors such as distance from the SAC. The mitigation strategy is expected to be available in early 2020.

3.5.51 In order to comply with the Habitats Regulations 2017, and specifically to address uncertainties regarding the effects of recreation pressure from new housing in Gloucester City, it is important to provide a policy approach to ensure effective mitigation. The above policy ensures this by requiring that, where residential development is likely to have an adverse impact on the SAC through increased recreational pressure, these impacts are mitigated. Mitigation should be undertaken as per the SAC mitigation strategy or through a bespoke Habitats Regulations Assessment for the development.

3.5.52 Appropriate mitigation measures may include:

- On-site measures, including for example the provision of open and green space where this can be accommodated.
- Where this is not possible, financial contributions towards off-site measures such as green infrastructure, habitat management, access management, residential travel plans, visitor infrastructure and publicity and awareness raising.

3.5.53 Any mitigation measures should take account of and integrate with:

- *Adopted JCS Policy INF3: Green Infrastructure and the associated JCS Green Infrastructure Strategy.*
- *City Plan Policies E2: Biodiversity & Geodiversity, E3: Nature Recovery Areas and E5: Green Infrastructure / Buildings with Nature.*

3.5.54 The Cotswold Beechwoods SAC lies within 200m of the A46. The 'air pollution information service' (APIS) website (www.apis.ac.uk) indicates that the SAC currently exceeds its critical loads and levels for nutrient nitrogen. Natural England have therefore advised that development proposals that may generate additional traffic along this route should take account of Guidance Note NEA001. This will ensure that the most up-to-date information in line with the Habitats Regulations 2017 are referenced and that the information is consistent with the Wealden case law dealing with in combination effects.

Appendix 2: Cheltenham Plan (Adopted July 2020). Policy BG1: Cotswold Beechwoods Special Area of Conservation Recreation Pressure

Development will not be permitted where it would be likely to lead directly or indirectly to an adverse effect upon the integrity of the European Site network (alone or in combination), and the effects cannot be mitigated. In order to retain the integrity of the Cotswold Beechwoods Special Area of Conservation (SAC) all development within the borough that leads to a net increase in dwellings will be required to mitigate any adverse effects. The ongoing work by relevant partner authorities will culminate in a mitigation and implementation strategy. Development proposals must contribute towards mitigation specified in the mitigation and implementation strategy or provide information for a bespoke Habitats Regulations Assessment. This may include requiring housing developments to make contributions towards habitat management; access management and visitor infrastructure; publicity, education and awareness raising; the provision of suitable open and green space within development sites where this can be accommodated, and where it cannot, by contributions to off-site alternative green space. While the evidence base and the mitigation and implementation strategy are in production development proposals must address the issues raised in any relevant Habitat Regulations Assessments. Mitigation measures should take into account and integrate with adopted JCS policy INF3 (Green infrastructure) and the associated JCS Green Infrastructure Strategy. The Council is committed to the production of a mitigation and implementation strategy. A review of relevant parts of the Cheltenham plan will take place if the strategic mitigation and implementation scheme has not progressed to the implementation phase after five years. This policy contributes towards achieving the Cheltenham Plan Vision: Theme C – objectives b and e.

The Cotswold Beechwoods SAC lies within 200m of the A46 linking Cheltenham with Stroud. The ‘air pollution information service’ (APIS) website (www.apis.ac.uk) indicates that the SAC currently exceeds its critical loads and levels for nutrient nitrogen. Natural England have drawn the JCS authorities attentions to its latest guidance as part of the JCS review and similarly to Stroud District Council as part of their emerging local plan strategy. In the meantime the Council proposes that the Cheltenham Plan includes a safeguarding mechanism whereby development proposals in the authority area that may generate traffic along this route take account of the new guidance. This will ensure that development proposals reference the latest available up to date information in line with the Habitats Regulations 2017 and consistent with the Wealden Judgement case law dealing with in combination effects

Appendix 3: Draft Tewkesbury Plan. Policy NAT5 Cotswold Beechwoods

Development will not be permitted where it would be likely to lead directly or indirectly to an adverse effect upon the integrity of the Cotswold Beechwoods Special Area of Conservation (SAC) (alone or in combination), and the effects cannot be mitigated. In order to retain the integrity of the SAC all development that leads to a net increase in dwellings will be required to mitigate any adverse effects of increased recreational pressure. Any proposals that would lead to an adverse effect must contribute towards mitigation specified in the SAC mitigation and implementation strategy or through a bespoke Habitats Regulations Assessment. Development which is likely to generate road traffic emissions to air which are capable of affecting the SAC will be screened against the Habitats Regulations Assessment Framework in line with Natural England's guidance 'Natural England's approach to advising competent authorities on the assessment of road traffic emissions under the Habitats Regulations (NEA001)'

It is recognised that an increase in housing growth in the area surrounding the Cotswolds Beechwoods Special Area of Conservation (SAC) has the potential to lead to an increase in the recreational pressure resulting from people visiting the site. Due to the cross-boundary nature of the Beechwoods SAC and the distances that visitors are likely to travel to reach the site it is apparent that, in order to mitigate the impact of recreation pressure arising from new development, a joint approach amongst the Gloucestershire authorities is required. This joint working is already in progress and the Gloucestershire authorities have commissioned a visitor survey, carried out during summer 2019, to provide an evidence base to understand the recreational pressures that the SAC is subject to. This survey will ultimately lead to the production of a mitigation strategy to identify what measures can be put in place to mitigate the impact of new development and ensure the protection of the site. This evidence may also assist with determining when a development may be likely to have an adverse impact depending on factors such as the distance from the SAC. The mitigation strategy is expected to be available in early 2020. In order to comply with the Habitats Regulations 2017, and specifically to address the uncertainty regarding the effects of recreation pressure from new housing in Tewkesbury Borough on the Beechwoods SAC, it is important to provide a policy approach to ensure effective mitigation. The above policy requires that, where residential development is likely to have an adverse impact on the SAC through increased recreational pressure, that these impacts are mitigated. Mitigation should be provided as identified through the SAC mitigation strategy or through a bespoke Habitats Regulation Assessment for the development. Appropriate mitigation measures may include financial contributions towards habitat management; access management and visitor infrastructure; publicity, education and awareness raising; the provision of suitable open and green space within development sites where this can be accommodated, and where it cannot, by contributions to off-site alternative green space. Any mitigation measures should take into account and integrate with adopted JCS policy INF3 (Green infrastructure) and the associated JCS Green Infrastructure Strategy. The Cotswold Beechwoods SAC lies within 200m of the A46. The 'air pollution information service' (APIS) website (www.apis.ac.uk) indicates that the SAC currently exceeds its critical loads and levels for nutrient nitrogen. Natural England have therefore advised that development proposals that may generate additional traffic along this route should take into account guidance note NEA001. This will ensure that the latest available up to date information in line with the Habitats Regulations 2017 are referenced and information is consistent with the Wealden Judgement case law dealing with in combination effects.

Appendix 4: Stroud Plan – Pre Submission Regulation 19

In addition to the existing Mitigation Strategies being operated on the Rodborough Common SAC and the Severn Estuary SAC, SPA and Ramsar, the Habitats Regulations Assessment (HRA) of the Local Plan has identified measures that will be required now for the Cotswolds Beechwoods SAC over the Local Plan period, to ensure no adverse effect occurs on the SAC due to the expected population increase in the County and the associated increase in recreational activity. A core catchment zone has been defined around this SAC, to reflect the current patterns of activity based on settlements. Development proposals within this core catchment zone will be required to contribute to mitigation measures.

The Council commits to joint working with partners on this cross boundary issue, in order to avoid an adverse effect on the integrity of the SAC associated with increased recreational activity over the relevant plan periods. The initiatives will be funded principally through s106 contributions that contribute towards an agreed SAC Avoidance and Mitigation Strategy. Where, instead of a bespoke solution, provision is made for contributions to be paid and pooled towards implementing the Avoidance and Mitigation Strategy (upon which Natural England has been consulted), the District Council will not require an Appropriate Assessment of the planning application.