

**STROUD DISTRICT COUNCIL**  
**ENVIRONMENT COMMITTEE**

**AGENDA  
ITEM NO**

**3 DECEMBER 2020**

**7**

<b>Report Title</b>	<b>SEVERN ESTUARY RECREATION &amp; MITIGATION STRATEGY (SERaMS)</b>			
<b>Purpose of Report</b>	To report on progress with the implementation of the Severn Estuary Recreation & Mitigation Strategy (SE RaMS) since its adoption in December 2017.			
<b>Decision(s)</b>	<b>The Committee RESOLVES to:</b> <b>a) Note progress with the implementation of the SE RaMS; and</b> <b>b) Agree an annual update to this committee on the implementation of the SE RaMS over the previous year.</b>			
<b>Consultation and Feedback</b>	The Severn Estuary Recreation and Mitigation Strategy (SE RaMS) prior to adoption was subject to consultation and feedback from Planning Review Panel in November 2017 and with Officers working collaboratively with Natural England (NE), Wetlands and Wildfowl Trust (WWT), the Canals & Rivers Trust (CRT), Severn Estuary Partnership (SEP), Association of Severn Estuary Relevant Authorities (ASERA), Gloucestershire Severn Estuary Stakeholders (GlosSES), British Trust for Ornithology (BTO), CaBA and landowners to devise an agreed SE RaMS. Progress on identified projects was reported to Planning Review Panel on 10 November 2020.			
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<b>Options</b>	The Council may decide to alter the operation of the adopted SE RaMS. However, residential development proposals within the core catchment area of the Severn Estuary would still be required to take account of published research findings and recommendations and it is likely that Natural England (NE) would raise objections to planning applications involving an increase in residential units and/or visitor pressure within vicinity of the Severn Estuary SPA, SAC and Ramsar unless mitigation measures are put in place to address the resulting increase in recreation pressures.			
<b>Background Papers</b>	None			
<b>Appendices</b>	Appendix A – <a href="#">Severn Estuary Recreation and Mitigation Strategy</a>			
<b>Implications (further details at the end of the report)</b>	Financial	Legal	Equality	Environmental
	No	Yes	Yes	Yes

## **1. INTRODUCTION / BACKGROUND**

- 1.1** The Severn Estuary is designated as a Special Protection Area (SPA) and Ramsar site for its internationally important populations of overwintering birds, and as a Special Area of Conservation (SAC) and Ramsar site for its overwintering birds, estuarine habitats and associated species of fish. Approximately 22 km of the Severn Estuary SPA/SAC/Ramsar site shoreline falls within the jurisdiction of Stroud District Council.
- 1.2** The European Union introduced two pieces of legislation that deal with the protection of rare species and habitats. These are the Birds Directive 2009/147/EC and the Habitats Directive. The EU legislation has been transposed into UK legislation as the Habitats Regulations 92/43/EEC via the Conservation of Habitats and Species Regulations 2017 (as amended) and the Conservation of Offshore Marine Habitats and Species Regulations 2017 (as amended) to determine if a plan or project may affect the protected features. The Regulations deal with both the impact of Development and of Development Plans (Stroud District Local Plan) upon European Sites. The Convention on Wetlands, called the Ramsar Convention, is an intergovernmental treaty that provides the framework for national action and international cooperation for the conservation and wise use of wetlands and their resources.
- 1.3** Competent Authorities have a duty to ensure that all the activities they regulate have no adverse effect on the integrity of any of the Natura 2000 sites (Together SPAs and SACs make up the network of Natura 2000 sites). Local Planning Authorities are identified as a “competent authority” for the purposes of determining whether or not a proposed development scheme or Local Plan is likely to have a significant effect upon the SAC. Local Planning Authorities have to ensure that no likely significant adverse effect arises from any proposed development scheme or Local Plan. The effect of this legislation together with the Natural England and Rural Communities Act 2006 is to impose on local authorities a legal duty of care to protect biodiversity. If local authorities think harm or “likely significant effect” could occur, they are legally obliged to not approve the proposed plan or project unless appropriate avoidance and mitigation measures are put in place.
- 1.4** The Estuary is known to attract visitors from wide ranging areas, who visit for recreational purposes. The Habitats Regulations Assessment (2013) that accompanied the last adopted Local Plan had identified a need for further work to establish any potential impact on the Severn Estuary from growth. Adopted Delivery Policy ES6 of the Stroud Local Plan identifies the need to establish a core recreational catchment zone, over which effects may extend. Residential type development within core catchment zone may be required to contribute funding towards impact avoidance and mitigation measures. The Inspector at the Local Plan Examination in 2015 recommended supporting text modifications as the adverse impacts could not be ruled out. The Council working with EPR & Natural England then gathered robust baseline data on levels and patterns of recreation in the survey area; identified a 7.7km core visitor catchment area; and identified with NE and BTO (May 2017) using Webs Counter data further areas of conflict with overwintering birds. This was then used to develop impact avoidance measures required under Delivery Policy ES6 of the Adopted Stroud Local Plan (2015) and the subject of the SE RaMS. The Environment Committee adopted the Strategy on 14<sup>th</sup> December 2017. To enable development proposals to demonstrate that they will not harm the designated areas, they are able to contribute financially to the implementation of the specific projects set out in the Strategy.

## **2. SUMMARY OF THE STRATEGY OPERATION**

- 2.1.** The Strategy requires a developer contribution for every net additional dwelling within the catchment zone unless the developer can demonstrate to the satisfaction of the local planning authority and Natural England that the developer can provide alternative measures which will fully mitigate or avoid the impact of the development. The cost per net dwelling is £385 based upon the cost of the projects shared amongst the total amount of planned development within the catchment zone over the Plan period. The Mitigation Strategy was implemented from 1st April 2018 having given a reasonable period of advance notice to potential developers.
- 2.2.** If the developer commits to paying the developer contribution set out in that Strategy in order to mitigate the effect of their development, then it would be possible to conclude that a significant effect on the Severn as a result of the development is unlikely. This enables development to go ahead in compliance with the Habitats Regulations and enables developers to deal with the issue quickly, simply and at minimal cost. The alternative would be for the developer to gather their own evidence for a Habitats Regulations Assessment and then to implement the necessary bespoke mitigation measures where costs could be high. Smaller developments are unlikely to provide their own bespoke mitigation package.
- 2.3.** The Strategy is implemented and administered by the District Council but a Conservation Panel of experts advises the Council on how the Strategy should be implemented. The Panel has a number of stakeholders including Natural England, BTO, Gloucestershire County Council, Gloucestershire Wildlife Trust, CRT, Wetlands & Wildfowl Trust, Gloucestershire FWAG, Environment Agency amongst others. The Panel shares information on projects being implemented along the Severn Estuary and its tributaries. This gives an opportunity for more effective partnership working where there are shared objectives or projects with the SE RaMS and a greater net environmental benefit could be offered.
- 2.4.** The Panel's role is to advise on any issues relating to the SE RaMS spending priorities and projects identified; it does not have any decision making powers. The Panel also provide updates to other projects being undertaken which may have implications. The advice is considered by the District ecologist and the author of this report. Any spend to implement an identified project is then assessed, approved by Head of Planning Strategy and then implemented by officers of the Council under delegated authority.

## **3. IMPLEMENTATION OF THE STRATEGY**

- 3.1** In terms of progress since 2017, the Council has provided funding to key sensitive areas identified in the SE RaMS and a Severn Estuary warden (one-year trial contract) is to be procured jointly with the Forest of Dean for further project delivery and public education on the sensitivities of the Estuary (around £25k is currently budgeted for). The Council has funded fencing a new livestock paddock including internal control structures to enable safe herd management on the salt marsh at Slimbridge. The next step is securing safe cattle manure handling facilities which is anticipated working with WWT on Severn Lands/Slimbridge. (Up to £10k budgeted for). Grazing with cattle improves the quality of the sward to waterfowl and prevents scrub incursion. Similarly, the Council has funded a northern bund and corridor through Bull Ground including ditch management to better retain water at Slimbridge Reserve. (£2500). The Council has worked with Slimbridge

Parish Council to fund native species landscaping at the new Slimbridge PC car park working with Stroud Valleys Project (£3500). Work has been delayed by the Covid 19 pandemic. When this work progresses there is opportunity for future visitor signage funding to educate public on the biodiversity interests and recreation sensitivities of the locality.

- 3.2** The Council is working currently with landowners, FWAG and County ROW and Ecology Officer regarding a potential footpath diversion of the Severn Way back to the original route in 1971 and located further inland. The current route is subject to winter months flooding and erosion as well as encouraging public diversion onto the more sensitive Saul Warth roost and nesting areas (£5500 budgeted for). The Council has sought to fund lowering low quality hedge to improve sightlines across Warth and reduce predation perch opportunity (£500.00) and with Natural England secure a reduction in tree and scrub height along the seawall to improve sightlines across Warth and reduce predation perch opportunity (£1,500). Flooding incidences and the bird nesting season restrictions prevented implementation earlier in the year. Working with NE, WWT, CRT, County and Frampton Court Estate the Council is seeking the creation of one viewing platform and interpretation provision at Saul Warth. It is likely that once legal matters are resolved regarding access, ownership and maintenance liabilities, the future Warden may deliver. This should contribute to minimising disturbance to the wildfowl interests. A budget of up to £10,000 is accounted for. The Council has recently agreed to fund the creation and improvement of circular walks to look to relieve visitor pressure at Saul Warth working with Frampton Parish Council and County at Perryway (£3500) and Whitminster Lane (£2000).
- 3.3** The Council is contributing to funding, working with NE, NRW, SEP, SECG and ASERA to create a Severn Awareness Brand including a website to raise awareness of the increasing vulnerability of the Severn to a variety of cumulative impacts and to assist organisations and the public to better understand the Severn environment. At present there is no single brand applicable to the Severn Estuary.
- 3.4** In 2017, working with ASERA, codes of conduct for visitors on the Severn Estuary were published which covered both England and Wales. Officers have just commenced discussion with BTO on the potential of continuing monitoring of high tide roosts and disturbance monitoring (Up to £12k budgeted for over Strategy period). The Council is also working with NE on a study to identify and establish functionally linked land. Functionally linked land is considered to be any land outside of the European designated site which is used by species that are qualifying interest features of that designated site. A report is currently being drafted by consultants for the Upper Severn north of Frampton Pools with a second report being investigated for 2021 from Frampton Pools south to Avonmouth.
- 3.5** The evidence gathering and operation of both the Rodborough Common and SE RaMS strategies won a Natural England conservation award in February 2018. An earlier iteration of the Habitats Regulations Assessment in 2019 concluded that “The Stroud Local Plan ...policies are exemplary in their holistic approach to biodiversity, and fully recognise the critical importance of wider biodiversity restoration to support designated sites.”

- 3.6** The SE RaMS process gathered £19,608.51 in 2018/19 and £70,262.00 in 2019/20. Of this, the Council has spent or has made a commitment to spend £71,213.00. A further £12,000 may be accounted for with high tide roosts and disturbance monitoring that should demonstrate that no significant adverse variation is occurring from the national trends of wintering waterfowl numbers. This will usefully inform future projects and iterations of the SERaMS.
- 3.7** To ensure Members are kept up to date and informed on progress implementing the SE RaMS, officers propose to provide an annual members update on the SERaMS delivery and report on relevant matters discussed with the Conservation Panel over the previous year.

## **4. CONCLUSION**

- 4.1** Stroud District Council benefits greatly from its attractive natural environment and high quality landscapes. The Council has also to take seriously the requirement under the National Planning Policy Framework “to support the Government’s objective of significantly boosting the supply of homes”. The Council has an up-to-date, ambitious development strategy being set out in the emerging Stroud District Local Plan 2030. Nonetheless, the Council is committed to development only taking place if it is sustainable development that respects and enhances the relevant natural habitat and species protections of international significance to avoid a detrimental impact on any European and International Designated Nature Conservation Sites. Natural England and other relevant statutory and stakeholder interests support the current operation of the SE RaMS in ensuring compliance with our statutory duties and evidence under the Habitats Regulations to mitigate the impact of development upon the Severn Estuary international site of acknowledged importance.

## **5. IMPLICATIONS**

### **5.1 Financial Implications**

Any funding identified by the mitigation strategy within this report will be funded from S106 mitigation monies. There are no direct Financial implications to the Council for this report.

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### **5.2 Legal Implications**

As outlined in the report, the Conservation of Habitats and Species Regulations 2017 set out that any detriment on European protected sites will be a material planning consideration, and that planning permission should only be granted if sufficient mitigation is put in place. If mitigation is not brought forward, subject to limited exceptions, planning permission must be refused.

The SERaMS is intended to address the conflict between new development in the vicinity of the Severn Estuary SAC and the need to protect rare species and habitats by requiring a £385 contribution per net dwelling.

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### **5.3 Equality Implications**

An EqIA has been carried out by Officers in relation to the decision made in this report and no equality implications arise.

### **5.4 Environmental Implications**

There are no significant implications within this category as the report is reporting on progress with the identified projects in the SE RaMS which are designed to mitigate the impacts of growth and recreational pressure on the international site of acknowledged importance. There may be environmental benefits offered by partnership working in a scenario where some identified projects could either be held back (if the Council worked without the cooperation of other interested groups and stakeholders) or if there was not an opportunity to work with other projects (thereby offering a greater net environmental benefit than the sum of individual constituent parts). However, any recommendation to review or modify the Strategy or its implementation may have environmental implications.