

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

**AGENDA  
ITEM NO**

**14 DECEMBER 2017**

**8**

<b>Report Title</b>	<b>SEVERN ESTUARY RECREATION &amp; MITIGATION STRATEGY</b>
<b>Purpose of Report</b>	To approve a Severn Estuary Recreation & Mitigation Strategy (SE RAM) for Avoidance of Likely Significant Adverse Effects on Severn Estuary Special Area of Conservation (SAC), Special Protection Area (SPA) and Ramsar site.
<b>Decision(s)</b>	The Committee <b>RESOLVES</b> to ADOPT the Severn Estuary Recreation & Mitigation Strategy (SE RAM) for Avoidance of Likely Significant Adverse Effects set out in Appendix A.
<b>Consultation and Feedback</b>	The Local Plan and supporting evidence has been subject to public consultation. Over the last year the Council has worked collaboratively with Natural England (NE), the 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. As the evidence and strategy has developed it has been reported to stakeholders and Planning Review Panel (PRP).
<b>Financial Implications and Risk Assessment</b>	<p>There are no direct financial implications arising from the report. Any mitigation measures are to be provided directly or funded by developers, therefore there is no direct cost to the Council. The agreements pose no financial risks to the Council. SDC will administer a ring-fenced fund for the monies received. This should enable identified mitigation measures to be implemented at appropriate times with our partner organisations.</p> <p>Adele Rudkin Accountant Tel: 01453 754109 Email: adelerudkin@stroud.gov.uk</p> <p>There is a risk that the measures identified could be unsuccessful in mitigating the effects of development on the Severn Estuary SPA, SAC and Ramsar. This risk is inherent in the whole avoidance and mitigation approach, and one which Natural England accepts.</p>
<b>Legal Implications</b>	Appendix A (the Severn Estuary Recreation & Mitigation Strategy) was not completed by the relevant print deadline to enable Legal Services to review in advance of printing. Legal Services has agreed to separately advise the Committee in advance of its meeting should there be any further legal implications to report other than below.

<p><b>Legal Implications Cont'd</b></p>	<p>The Conservation of Habitats and Species Regulations 2017 makes it so that any detriment on European protected sites will be a material planning consideration and planning permission should only be granted if sufficient mitigation is put in place to mitigate that. If mitigation is not brought forward planning permission must be refused.</p> <p>Mitigation will be done through a £385 contribution per net dwelling and how the Council will be able to collect this money depends on whether or not these projects are infrastructure.</p> <p>This committee approved the Community Infrastructure Levy (CIL) Charging Schedule 15 December 2016 (taking effect from 1 April 2017). Any development which is liable for CIL infrastructure cannot be “double charged” for said infrastructure through a S106 Agreement (or Unilateral Undertaking).</p> <p>If the mitigation projects do not come under the CIL Charging Schedule but is infrastructure defined by the Planning Act 2008 (including but not limited to: roads and other transport facilities; flood defences; schools and other educational facilities; medical facilities; sporting and recreation facilities; and, open spaces) then no more than five obligations can be pooled by the charging authority (under section 106 agreements) to provide for the same item of infrastructure. No such restrictions apply for non-infrastructure contributions.</p> <p>There are no further legal implications to report beyond that other than those already covered in the report.  R29.11C5.12D30.11 (AppNR)  Craig Hallett, Solicitor &amp; Deputy Monitoring Officer  Tel: 01453 754364  Email: <a href="mailto:craig.hallett@stroud.gov.uk">craig.hallett@stroud.gov.uk</a></p>
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<p><b>Options</b></p>	<p>The Council may decide not to approve the mitigation strategy. However, 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) will raise objections to planning applications involving an increase in houses within vicinity of the Severn Estuary SPA, SAC and Ramsar on the grounds that the resulting recreational pressure may threaten protected habitats and species. The development of a Strategy will assist effective and efficient planning decision-making in accordance with relevant European Directives, international agreements and national legislative requirements and advice.</p>

<b>Performance Management Follow Up</b>	The operation of the Strategy will be monitored by the Council through the development control process and the guidance reviewed to ensure continued conformity with any future local planning and national planning policy direction. If necessary SE RaMS will be revised to incorporate any changes or additional impact avoidance measures linked to the review of the Local Plan.
<b>Background Papers/ Appendices</b>	<a href="#">Appendix A – SE RaMS</a>

## 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 Stroud District.
- 1.2 The European Union has introduced two pieces of legislation that deal with the protection of rare species and habitats: the Birds Directive and the Habitats Directive. This legislation has been transposed into UK legislation as the Habitats Regulations. 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 Under Article 6(3) of the Habitats Directive, “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 competent authorities 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 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 not to approve the proposed plan or project unless appropriate avoidance and mitigation measures can be put in place.
- 1.4 Approaches to the mitigation of recreational impacts on European sites have been established elsewhere in England for the Thames Basin Heaths, the Solent and the Dorset Heaths for example.

## 2. ISSUES FOR CONSIDERATION

- 2.1 The Estuary is known to attract visitors from wide ranging areas, who visit for recreational purposes. The Habitat Regulations Assessment (2013) that accompanied the Local Plan identified a need for further work to establish any

potential impact on the Severn Estuary from growth. The Delivery Policy ES6 of the adopted Stroud Local Plan identifies the potential need to establish a core recreational catchment zone, over which recreational pressure effects may extend. Development within the core catchment zone may be required to contribute funding towards impact avoidance and mitigation measures.

- 2.2 The Council has therefore worked with a range of stakeholders including Natural England, Wildfowl and Wetlands Trust Severn Estuary Partnership, ASERA and Severn Estuary Stakeholders to develop an understanding of recreational pressure and to develop appropriate mitigation proposals. Studies from partnership organisations show marked declines of some key bird species. There is currently insufficient evidence to adequately assess the full cause of these declines. However disturbance is one factor, and other studies in UK have shown recreational activities to cause disturbance impacts to birds. Nine access points to the Estuary were identified and in 2015/16 visitor questionnaires were undertaken by consultants Ecological Planning and Research (EPR). This identified that whilst baseline recreational pressure is currently low, it is likely to increase as new housing, employment and tourism development comes forward. A likely significant effect on the conservation status of the SPA and SAC's qualifying features could not be ruled out and hence the Council has been developing a mitigation strategy.
- 2.3 New development in Stroud District (at least 11,400 additional dwellings for the period 2006 to 2031 are planned for in the Stroud District Local Plan (2015)) brings more people to the local area and access levels have been predicted to increase on the coastal sites. Such an increase will probably be gradual and long-term, across a wide stretch of estuarine coast but solutions are required to be identified ensure that this level of development in the District does not have an adverse effect on the integrity of the European site.
- 2.4 The Council with EPR, WWT, BTO & Natural England since 2015 has:
- Gathered robust baseline data on levels and patterns of recreation in the survey area;
  - Identified an agreed core visitor catchment area;
  - Identified with NE and BTO (May 2017) using Webs data areas of conflict with overwintering birds;
- 2.5 The proposed strategy seeks to address disturbance impacts and provides a solution to issues relating to disturbance. The Strategy has two broad aims:
- To support sustainable growth whilst protecting the integrity of Severn Estuary wildlife sites from impacts relating to recreational disturbance
  - To reduce the existing recorded recreation impact on birds on the Severn Estuary wildlife sites related to this District in order to meet duties relating to the maintenance and restoration of European sites, as required by Article 4(4) of the Birds Directive.

2.6 Elements within the Severn Estuary Recreation & Management Strategy (SE RaMS) include:

- Educate and engage with local dog walkers to promote particular less sensitive sites or routes to dog walkers and raise awareness of disturbance issues;
- Explore potential wardening and a visitor engagement role deployed across a range of locations, targeting areas with particular issues or close to new development;
- Explore new access Infrastructure through a range of discrete, focussed projects that could be phased with new development;
- Explore and review parking locations with landowners, communities and developers. Any changes can be phased over time and linked to available funding and locations where new development comes forward;
- Introduce Codes of Conduct (with ASERA/SEP), raising awareness of estuarine issues and providing guidance across a range of activities. In-line with these, working with local clubs/groups is envisaged;
- Create 'quiet' refuge areas within the upper Severn Estuary where recreation and other activities are discouraged;
- Introduce interpretation/signage targeted at areas of most concern.
- Advise and work with landowners to increase the suitability and capacity of new habitat and alternative recreational areas;
- Continue to monitor levels of usage. As with the Rodborough Common Mitigation Strategy, this is needed to address any implementation issues and adjustment of this Strategy if necessary;
- Enhance existing sites to create managed hubs –Slimbridge, Purton, Saul for example. In the long term, access is best focussed away from the SPAs or in particular honey pots around the shore where it can be managed and engagement with visitors targeted. Slimbridge WWT already draws high numbers of visitors but has management practices in place to reduce disturbance potential;
- Create new wildfowl feeding and roosting habitat in appropriate locations with the reintroduction of salt water marsh, scrapes and new or better management regimes.

2.7 This Strategy is directed specifically towards residential proposals and the measures, which can be taken to enable them to proceed without harm to the integrity of the protected Severn Estuary SPA, SAC. Whilst it may be possible for larger developments to demonstrate that they can mitigate the impacts of the development by providing on-site mitigation measures (for example, alternative recreation areas), most development within the catchment area will be of a small scale. To enable these proposals to demonstrate that they will not harm the designated areas, it is proposed that they will be able to contribute financially to the implementation of the specific projects set out in the Strategy. The cost per net dwelling will be £385 based upon the cost of the projects shared amongst the total amount of development within the catchment zone. It reflects the precautionary principle and the need to consider the "in combination" effects of development. Payment if chosen would be through a unilateral undertaking (as per Rodborough Common).

2.8 The Strategy applies to all proposals for new net residential development in the following classes whether full or outline planning permission:

- Proposals for 1 or more net new dwelling units (including studios or individual bedsits within Houses in Multiple Occupation) falling within Use Class C3: residential development
- Proposals for 1 or more net new units of staff residential accommodation associated with Use Classes C1 and C2.

2.9 Replacement dwellings will not generally lead to increased recreational pressure, and therefore, will have no likely significant effect on the SPA/SAC/Ramsar and will not be required to make a contribution to the provision of avoidance measures. All other applications for planning permission in the vicinity of the Severn Estuary will need to be subject to a Habitats Regulations Assessment to ascertain whether they are likely to have a significant effect (individually or in combination with other plans or projects); and where it is necessary for a full Appropriate Assessment to be undertaken. The Council's duty to consider the impact of development on this SAC/SPA/Ramsar applies also to non-residential development applications which will need to be considered on their individual merits.

2.10 The implementation of the Strategy will be delivered by the Council in consultation with key stakeholders. This model exists for Rodborough Common where a Conservation Panel including the landowner, Natural England, local wildlife and conservation groups and the Graziers meets quarterly to discuss the phasing and spending aspects of that mitigation fund for the identified projects within that strategy. This approach has proved successful in securing agreed implementation of those identified projects. A similar approach is envisaged for implementing this Strategy. The project costs and the calculation of necessary financial contributions will be reviewed and if necessary updated on an annual basis.

2.11 The Strategy will be reassessed as part of the development of environmental policies and the growth strategy included within the review of the Local Plan, which is planned to be in place by 2022. If necessary at that time, the Strategy will be revised to incorporate any necessary changes or additional impact avoidance measures.

### **3. CONCLUSION / RECOMMENDATION**

3.1 In accordance with our statutory duties under the Habitats Regulations and the evidence base which accompanies the Local Plan it is concluded that a recreation and mitigation strategy is necessary to deal with the impact of development upon this international site of acknowledged importance. It is therefore recommended that the proposed Severn Estuary Recreation & Mitigation Strategy (SE RaMS) for the avoidance of likely significant adverse effects be adopted following work with relevant parties, statutory bodies and agencies.