



**APPROPRIATE ASSESSMENT UNDER REGULATION 63 OF THE CONSERVATION OF
HABITATS AND SPECIES REGULATIONS 2017 AND HABITATS DIRECTIVE
(Council Directive 92/43/EEC)**

Title of Project: Residential development of up to 25 dwellings, associated infrastructure, open space and landscaping, with creation of new vehicular access from Kidnappers Lane, Demolition of existing buildings.

Reference: 19/00334/OUT

Description of Project: (Based on the Design & Access Statement)

The proposed development site comprises 1.3 hectares of former market garden land to north of Kidnappers Lane, in the Leckhampton area of Cheltenham Borough, approximately 2 km to the south west of the Leckhampton District Centre with the commercial and retail centre of Cheltenham town a short distance further. The application site is an irregular shaped area of flat land that was formerly a commercial plant nursery. It is bounded by established hedgerows on its western and southern boundaries with an open field boundary to the north abutting agricultural land beyond. To the eastern boundary is an adjacent plant nursery complex that contains a number of horticultural structures.

The development provides up to 25 dwellings with a proposed net density of about the same number of dwellings per hectare. The amount of open space provided has been designed in order to cater for the recreational needs of the existing and new community at Kidnappers Lane.

Location of Project: Land off Kidnapper's Lane, Cheltenham, Gloucestershire GL51 0NP
Grid Ref (approx.) 394028 219908
See **Map 1** below for relationship of site to nearest SAC

International Nature Conservation Site(s): Cotswold Beechwoods SAC (over 5km away to the south west)

(Note: Dixon Wood SAC, Bredon Hill SAC and Severn Estuary SAC/SPA/Ramsar were screened out as not likely to be significantly affected by the project due to distance away and scale of the development.)

Is the proposal directly connected with or necessary to the management of the site? NO

Natural England was consulted on XXXXXXXX.....

The project was made available on-line at <https://publicaccess.cheltenham.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=PN66GIEL08300> and by notice on site

Information sources used All submitted documentation relating to the planning application at <https://publicaccess.cheltenham.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=PN66GIEL08300>. The key document being 'Briefing Note: Additional Information for Appropriate Assessment by Ecology Solutions dated June 2019' which conclusions therein are agreed with by Cheltenham Borough Council. Also Letter from Natural England to the Planning Authority in August 2018 from Antony Muller on an interim approach to HRA of planning applications (recreational pressure). From Tewkesbury

Borough Council application 12/01256/OUT 'Information for an Appropriate Assessment' by Ecology Solutions March 2014. Conservation Objectives for the Cotswold Beechwoods SAC by Natural England June 2014. European Site Conservation Objectives: Draft Supplementary Advice for Cotswold Beechwoods SAC by Natural England dated October 2018. Site Improvement Plan for Cotswold Beechwoods SAC by Natural England dated March 2015. Views about Management (VAM) for the Cotswold Commons & Beechwoods SSSI dated April 2005. Ecological Assessment by Ecology Solutions dated February 2019 submitted with the planning application 19/00334/OUT and Natural England response dated 2nd May 2019 on HRA.

Other plans and projects considered that could lead to in combination effects

The effects of other recent residential developments are taken account of by considering overall visitor numbers to the SAC and how this development project may contribute to any increased recreational pressure upon the SAC. An interim approach recommended by NE (letter dated August 2018) has been followed. The interim approach will be replaced by the adoption of a long-term strategy for mitigating increased recreational pressure (based on a new SAC visitor survey). This will cover responding to future developments in the Joint Core Strategy area (Cheltenham, Gloucester & Tewkesbury) as well as the adjacent Stroud District too.

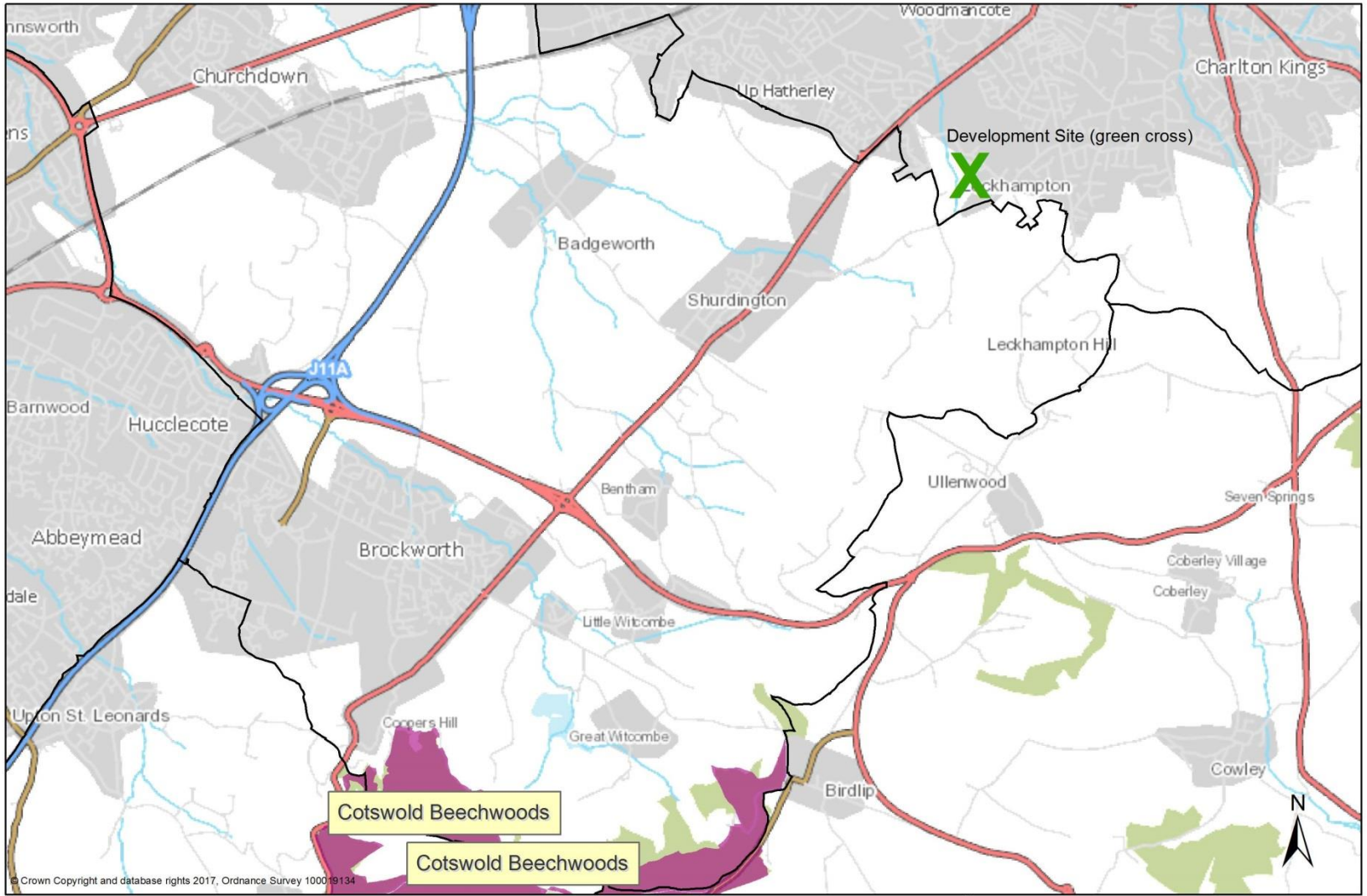
The site's conservation objectives have been taken into account, including consideration of the citation for the site and supplementary advice from Natural England. The likely significant effects of the proposal on the international nature conservation interests for which the site was designated may be summarised in **Table 1** – see below.

The assessment has concluded that either alone or in combination with other plans and projects the development project as proposed would not adversely affect the integrity of the SAC. This is a confident conclusion given that in addition conditions will be applied to implement further precautionary measures **[See Table 1]**.

The conclusions of this Appropriate Assessment **are/are not** in accordance with the advice and recommendations of Natural England.

Cheltenham Borough Council **Date:** **XXXXXXXXXX**.....

Map 1



DATE: 26-Jun-2019 SCALE: 1:43,012

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Table 1

<p style="text-align: center;">A</p> <p style="text-align: center;">Site's Conservation Objectives – Cotswold Beechwoods SAC</p>	<p style="text-align: center;">B</p> <p style="text-align: center;">International Nature Conservation Qualifying Features (Receptors)</p>	<p style="text-align: center;">C</p> <p style="text-align: center;">Impact Pathway to Receptor</p>	<p style="text-align: center;">D</p> <p style="text-align: center;">Impact of Proposals on A & B including in combination with other plans & projects (list effects)</p>	<p style="text-align: center;">E</p> <p style="text-align: center;">Action Required to Avoid Impact on A & B</p>
<p>Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the Favourable Conservation Status of its Qualifying Features (see next column), by maintaining or restoring;</p> <ul style="list-style-type: none"> ➤ The extent and distribution of qualifying natural habitats ➤ The structure and function (including typical species) of qualifying natural habitats, and ➤ The supporting processes on which qualifying natural habitats rely <hr/> <p>Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the Favourable</p>	<p>H9130. <i>Asperulo-Fagetum</i> beech forests; Beech forests on neutral to rich soils</p> <p>[There should be no measurable net reduction (excluding any trivial loss) in the extent and area of this feature. Target is to maintain the total extent at 472.16ha]</p> <p>[Maintain the soil structure within and around the root zones of the mature and ancient tree cohort in an un-compacted condition]</p> <hr/> <p>H6210. Semi-natural dry grasslands and scrubland facies: on calcareous substrates (<i>Festuco-Brometalia</i>); Dry grasslands</p>	<p>A reduction in air quality may impact the health of vegetation at this site and its associated fauna.</p> <p>Increase of human feet (walking/running), hooves (horse riding) and cycle wheels (mountain biking) during recreational activity may contribute to excessive soil compaction around ancient trees and affect ground flora and associated fauna.</p> <p><i>Key question with the proposed development project is will the proposed development generate sufficient new recreational pressure upon the SAC to adversely affect the integrity of the site which is defined in columns A & B?</i></p> <hr/> <p>A reduction in air quality may impact the health of vegetation at this site and its associated fauna.</p>	<p>Of some relevance is the HRA carried out for an adjacent development (i.e. application reference APP/B1605/W/14/3001717) . Also consideration of the visitor survey data at the SAC gathered (also by Ecology Solutions) for the Perrybrook / North Brockworth development (application reference 12/01256/OUT) is relevant here. This is in absence of other more up to date visitor information which is about to be collected under a partnership approach by Local Planning Authorities including Cheltenham Borough Council. The key elements to consider here are:</p> <ul style="list-style-type: none"> • Distance of the SAC from the development site • Likely mode of transport 	<ul style="list-style-type: none"> • Development to be consented as proposed which includes open space provision and no more than 25 new dwellings • A Landscape & Ecological Management Scheme to be approved by condition which is based on the Illustrative Masterplan drawing 300.P.3. This is to be approved and implemented before occupation of the new dwellings. • The Borough Council will ensure the developer disseminates Homeowner Information Packs (HIPs) to new residents (as set out at paras 11 & 12 of the Briefing Note by Ecology Solutions). This will be

<p>Conservation Status of its Qualifying Features (see next column), by maintaining or restoring;</p> <ul style="list-style-type: none"> • The extent and distribution of qualifying natural habitats • The structure and function (including typical species) of qualifying natural habitats, and • The supporting processes on which qualifying natural habitats rely 	<p>and scrublands on chalk or limestone</p> <p>[There should be no measurable net reduction (excluding any trivial loss) in the extent and area of this feature. Target is to maintain the total extent at 4.13ha]</p>	<p>Increase of human feet (walking/running), hooves (horse riding) and cycle wheels (mountain biking) during recreational activity may contribute to excessive soil compaction or erosion locally within grassland/scrub and affect flora/fauna.</p> <p><i>Key question is will the proposed development project generate sufficient new recreational pressure upon the SAC to adversely affect the integrity of the site which is defined in columns A & B?</i></p>	<p>in reaching the SAC</p> <ul style="list-style-type: none"> • On site accessible green space for new residents • Other local accessible green space available to new residents • Likely numbers/frequency of new residents from the proposed development (in combination with others) that will visit the SAC <p>Under the application for residential development adjacent to the one being considered 33 alternative areas of open accessible recreational space were identified within a distance of 3km. The inspector in his appeal judgement (ref: APP/B1605/W/14/3001717) concluded that the new residential development would not have a likely significant effect upon the SAC.</p> <p>Additionally the council considers that there are a number of good circular walks for new residents to use. The development site itself provides two small areas of open space for the</p>	<p>secured via a condition for implementation prior to any occupation occurring.</p> <ul style="list-style-type: none"> • A Recreational Mitigation Strategy for the SAC will be adopted by the Borough Council along with other relevant adjacent Local Planning Authorities within the next 2 years (see column D).
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			<p>residents of the new dwellings to use.</p> <p>In respect of another application 18/02171/OUT to Cheltenham Borough Council for more new houses but a bit further away only 1 or 2 new residents were likely to visit the SAC with any regularity at all.</p> <p>Cheltenham Borough Council agrees with the conclusions in the Briefing Note from Ecology Solutions but also comes to its own view that the development 19/00334/OUT for up to 25 new dwelling is not of identifiable concern. This is due to there being:</p> <ul style="list-style-type: none">• Only a few (1 or a maximum of 3) new residents are likely to visit the SAC. Even these visits would probably be very infrequent given the alternative recreational opportunities on the new housing site, locally in the Borough, adjacent to it, in the wider county and	
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			<p>beyond.</p> <ul style="list-style-type: none">• Homeowner Information Packs (HIPs) can be distributed to new residents to reduce any impact of the very few residents who would visit the SAC. HIPs were recommended by Natural England and have now been agreed to by the developer.• Traffic near to the SAC generated by this development is likely to be negligible and unlikely to contribute to a decline in air quality which could have an additional impact upon the SAC.• On the basis of the available evidence an in-combination effect with other plans or projects is not likely to be significant. <p>An interim approach, recommended by Natural England in 2018 has been followed. The interim approach also extend to developing a long-term strategy (based on new visitor surveys) for mitigating increased recreational pressure that</p>	
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			<p>might be generated by future developments in the Joint Core Strategy area (Cheltenham, Gloucester & Tewkesbury [and taking account of those in the adjacent Stroud District too]). Visitor surveys to inform this strategy are now being organised by the Local Planning Authorities and it is not reasonable or justifiable to not allow the current planning application 19/00334 to be granted if minded by officers/planning committee.</p>	
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