

Our ref: 275595  
Your ref: 19/00334/OUT



Cheltenham Borough Council  
For the attention of Craig Hemphill  
**BY EMAIL ONLY**

Customer Services  
Hornbeam House  
Crewe Business Park  
Electra Way  
Crewe  
Cheshire  
CW1 6GJ  
T 0300 060 3900

Dear Craig

**Planning consultation: Habitats Regulations Assessment (HRA) – residential development of up to 25 dwellings, associated infrastructure, open space and landscaping  
Location: Land off Kidnapper's Lane, Cheltenham**

Thank you for your consultation on the above dated 03 July 2019 which was received by Natural England on the same day. We are sorry for the delay replying.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

#### **SUMMARY OF NATURAL ENGLAND'S ADVICE**

##### **NO OBJECTION - SUBJECT TO APPROPRIATE MITIGATION BEING SECURED**

We consider that without appropriate mitigation the application would:

- have an adverse effect on the integrity of the Cotswold Beechwoods Special Area of Conservation
- damage or destroy the interest features for which Cotswold Commons and Beechwoods Site of Special Scientific Interest has been notified.

In order to mitigate these adverse effects and make the development acceptable, the following mitigation measures<sup>1</sup> are required / or the following mitigation options should be secured:

- On site open space.
- Provision of suitable education and awareness raising material in the form of a 'homeowner information pack' in order to describe local recreation resources (off site open and greenspace) and the sensitivities of designated sites nearby including the Cotswold Beechwoods SAC.

We advise that an appropriate planning condition or obligation is attached to any planning permission to secure these measures.

<sup>1</sup> Described in the Council's undated appropriate assessment report (received 3.7.19)

**Further advice on mitigation**

Natural England notes that your authority, as competent authority, has undertaken an appropriate assessment of the proposal in accordance with Regulation 63 of the Conservation of Species and Habitats Regulations 2017 (as amended). Natural England is a statutory consultee on the appropriate assessment stage of the Habitats Regulations Assessment process.

Your appropriate assessment concludes that your authority is able to ascertain that the proposal will not result in adverse effects on the integrity of any of the sites in question. Having considered the assessment, and the measures proposed to mitigate for all identified adverse effects that could potentially occur as a result of the proposal, Natural England advises that we concur with the assessment conclusions, providing that all mitigation measures are appropriately secured in any permission given.

**Cotswold Commons and Beechwoods SSSI**

Our advice above relating to mitigation measures for the Cotswold Beechwoods SAC applies similarly to this SSSI.

Please note that if your authority is minded to grant planning permission contrary to the advice in this letter, you are required under Section 28I (6) of the Wildlife and Countryside Act 1981 (as amended) to notify Natural England of the permission, the terms on which it is proposed to grant it and how, if at all, your authority has taken account of Natural England's advice. You must also allow a further period of 21 days before the operation can commence.

Should the developer wish to discuss the detail of measures to mitigate the effects described above with Natural England, we recommend that they seek advice through our [Discretionary Advice Service](#).

If you have any queries relating to the advice in this letter please contact me on 020 802 60939.

We would not expect to provide further advice on the discharge of planning conditions or obligations attached to any planning permission.

Should the proposal change, please consult us again.

Yours sincerely

Antony Muller  
Lead Adviser – West Midlands Planning for a Better Environment Team