

Date: 13 April 2021
Our ref: 322457 (#2)
Your ref: **20/01069/OUT**



Cheltenham Borough Council
For the attention of Lucy White

Customer Services
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BY EMAIL ONLY

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Dear Lucy

**Planning consultation: Habitats Regulations Assessment (HRA) - Development comprising of up to 250 residential dwellings including provision of associated infrastructure, ancillary facilities, open space and landscaping, demolition of existing buildings and formation of new vehicular access from Harp Hill. Approval sought for means of access to site from Harp Hill with all other matters reserved for future consideration
Location: Oakley Farm Priors Road Cheltenham Gloucestershire GL52 5AQ**

Thank you for your consultation on the above dated 09 April 2021 which was received by Natural England on the same day. This letter provides our advice on the submitted shadow HRA. Please refer to our previous advice letter in respect of other matters within our remit.

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

HABITATS REGULATIONS ASSESSMENT - NO OBJECTION - SUBJECT TO APPROPRIATE MITIGATION BEING SECURED

We consider that without appropriate mitigation the application would, in combination with residential and tourist related development in the wider area:

- (i) have an adverse effect on the integrity of the Cotswold Beechwoods Special Area of Conservation <https://designatedsites.naturalengland.org.uk/>.
- (ii) damage or destroy the interest features for which the Cotswolds Commons and Beechwoods Site of Special Scientific Interest and neighbouring SSSIs in the area with public access have been notified (please see overleaf).

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

- Homeowner Information Packs providing information on recreation including both opportunities for visits in the area and the sensitivities of local and designated sites.

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

Further advice on mitigation

Policy SD9 'biodiversity geodiversity' of the adopted Gloucester, Cheltenham and Tewkesbury JCS and Cheltenham policy BG1 refers. Our advice letter dated 22.8.18 provides further baseline information. Most recently a visitor survey of the SAC has been published indicating a 15.4km zone from within which visitors travel to the site, most often by private car. Work has been commissioned by the collaborating Local Planning Authorities to identify suitable mitigation measures within the zone. Until those measures have been identified and agreed we advise that the following should be considered in an HRA when determining applications for residential development within the zone of influence:

- Distance between application site and nearest boundary of SAC
- Route to SAC/mode of transport
- Type of development (E.g. use class C3)
- Alternative recreation resources available – on site and off site
- Education and awareness raising measures – e.g. Suitable information in the form of a Homeowner Information Pack.

Natural England notes that the submitted Habitats Regulations Assessment (Including stage 2 - Appropriate Assessment) has not been produced by your authority, but by the applicant. As competent authority, it is your responsibility to produce the HRA and be accountable for its conclusions. We provide the advice enclosed on the assumption that your authority intends to adopt this appropriate assessment to fulfil your duty as competent authority.

The shadow 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.

In terms of format the Homeowner Information Pack should present information describing informal recreation opportunities in the following sequence:

- Public space on your doorstep
- A short drive by car or bus
- Further afield – e.g. The Cotswolds, the Severn Estuary, the Forest of Dean.

The proposed HIP leaflet for Hunts Grove, Quedgeley (produced by Crest Nicholson. Gloucester City Council and FPCR provides a useful example).

Sites of Special Scientific Interest (SSSI) - No objection subject to mitigation

A number of SSSI with public access lie either close to the application site or between the application site and the Cotswold Beechwoods SAC:

- Cleeve Common
- Leckhampton Hill & Charlton Kings Common
- Crickley Hill and Barrow Wake

The SAC also partially coincide with the Cotswold Commons and Beechwoods SSSI and National Nature Reserve (NNR). Provided that the proposed Homeowner Information Pack ensures these SSSIs' sensitivities are included within the document we do not anticipate the development having adverse effects on the notified features of these SSSIs.

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.

For any queries regarding this letter please contact me on 07554 459452. For new consultations, or to provide further information on this consultation please send your correspondence to consultations@naturalengland.org.uk.

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