

Date: 03 September 2020
Our ref: 322457
Your ref: **20/01069/OUT**



Tewkesbury Borough Council
For the attention of Lucy White

Customer Services
Hornbeam House
Crewe Business Park
Electra Way
Crewe
Cheshire
CW1 6GJ

BY EMAIL ONLY

Dear Lucy

Planning consultation: 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 16 July 2020 which was received by Natural England on the same day. Thank you for allowing us extra time to respond.

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

OBJECTION

Natural England objects to this proposal. As submitted we consider it will:

- have a significant impact on the purposes of designation of the Cotswolds AONB.

Natural England's further advice on designated sites and advice on other natural environment issues is set out below.

We have reached this view for the following reasons:

- *The proposed development comprises a major residential development within the Cotswolds Area of Outstanding Natural Beauty.*
- *The proposed development has significant landscape and visual impacts on the AONB.*
- *The application site is not allocated in the adopted local plan.*

Natural England has visited key viewpoints overlooking the application site and has the following advice:

The proposed development is for a site within a nationally designated landscape namely the Cotswolds AONB. The statutory purpose of the AONB is to conserve and enhance the area's natural beauty. Relevant to this is the duty on public bodies to 'have regard' for that statutory purpose in carrying out their functions (S85 of the Countryside and Rights of Way Act, 2000).

Your decision should be guided by paragraph 172 of the National Planning Policy Framework which gives the highest status of protection for the 'landscape and scenic beauty' of AONBs and National Parks. For major development proposals paragraph 172 sets out criteria to determine whether the development should exceptionally be permitted within the designated landscape.

Alongside national policy you should also apply landscape policies set out in your recently adopted Cheltenham Borough Plan. We note your adopted plan's specific reference to the impacts of development on the escarpment at paragraph 8.3.

We note and agree with the detailed objection response submitted by the Cotswolds Conservation Board. Their knowledge of the site and its wider landscape setting, together with the aims and objectives of the AONB's statutory management plan, provide a fundamental contribution to the planning decision. The local Landscape Character Assessment provides a helpful guide to the landscape's sensitivity to this type of development and its capacity to accommodate the proposed development.

Following a site visit to view the application site from key viewpoints on the Cotswold Scarp (Cotswold Way National Trail) and taking in the Cheltenham Circular Footpath Natural England has concluded that the application is likely to:

- (i) Cause significant landscape impacts through the loss of open pasture on the application site and its replacement with an urban settlement form on sloping land.
- (ii) Prove very hard to mitigate with the proposed use of additional green infrastructure due to:
 - a. the timescales associated with hedgerows and trees achieving a reasonable degree of screening and/or filtering.
 - b. The sloping topography of the site together with the extent and height of the proposed housing is unlikely to allow effective mitigation even in the longer term.
- (iii) Taking account of the challenges associated with effective mitigation described above the significance of medium and longer term effects on visual amenity from various locations along the Cotswold Way National Trail is likely to be greater than that described in the submitted Environmental Statement's landscape and visual impact assessment (LVIA)¹.

Designated Sites – further information required

Notwithstanding our objection on landscape grounds the following advice also applies with regard to designated sites:

European sites

As submitted, the application could, in combination with other new residential development in the Council's area, have potential significant effects on The Cotswolds Beechwoods Special Area of Conservation (SAC). Natural England requires further information in order to determine the significance of these impacts and the scope for mitigation

The application site is within a zone of influence around a European designated site (also commonly referred to as Natura 2000 sites), and therefore has the potential to affect its interest features. European sites are afforded protection under the Conservation of Habitats and Species Regulations 2017, as amended (the 'Habitats Regulations'). The application site is within 9Km of the Cotswolds Beechwoods Special area of Conservation (SAC) which is a European site. The site(s) is also notified at a national level as the Cotswold Commons & Beechwoods Site of Special Scientific Interest (SSSI) and National Nature Reserve (NNR) . Please see the subsequent sections of this letter for our advice relating to SSSI features.

¹ Table 6.6: Summary of Effects, Mitigation and Residual Effects

In considering the European site interest, Natural England advises that you, as a competent authority under the provisions of the Habitats Regulations, should have regard for any potential impacts that a plan or project may have. The Conservation objectives for each European site explain how the site should be restored and/or maintained and may be helpful in assessing what, if any, potential impacts a plan or project may have.

Natural England advises that an Appropriate Assessment should now be undertaken, and the following information is provided to assist you with that assessment.

Policy SD9 'biodiversity geodiversity' of the adopted Gloucester, Cheltenham and Tewkesbury JCS and Cheltenham policy BG1² refer. Our advice letter dated 22.8.18 provides further baseline information³. Most recently a visitor survey of the SAC has been published⁴ indicating a 15km 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.

Please re-consult Natural England when your appropriate assessment is available.

Sites of Special Scientific Interest (SSSI)

The following SSSIs with public access lie within 5 km of the application site:

- Cleeve Common
- Leckhampton Hill & Charlton Kings common
- Puckham woods
- Lineover Wood

The Cotswold Commons and Beechwoods SSSI and National Nature Reserve (NNR) also partially coincides with the Cotswold Beechwoods SAC.

The information used to carry out the HRA (appropriate assessment) of the Cotswold Beechwoods SAC is also likely to provide a suitable basis for consideration of impacts and suitable mitigation in respect of additional recreation pressure on these SSSIs. Provided that suitable information is submitted and subject to assessment as described above 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.

² 'BG1 - Cotswold Beechwoods SAC recreation pressure'

³ 'Gloucester City, Cheltenham and Tewkesbury LPA areas – Evidence gathering in relation to recreation pressure on European Sites - Information to inform an interim approach to Habitats Regulations Assessment of planning applications'

⁴ Weblink - https://www.stroud.gov.uk/media/1120947/beechnwoods-visitor-survey-final_redacted.pdf

Other advice

Further general advice on the protected species and other natural environment issues is provided at Annex A.

Should the developer wish to explore options for avoiding or mitigating the effects described above with Natural England, we advise they seek advice through our [Discretionary Advice Service](#).

Should the proposal change, please consult us again.

If you have any queries relating to the advice in this letter please contact Antony Muller on 07554 459452.

Yours sincerely

Paul Horswill
Senior Adviser – West Midlands Area Team

Annex A – Additional Advice

Natural England offers the following additional advice:

Best and most versatile agricultural land and soils

Local planning authorities are responsible for ensuring that they have sufficient detailed agricultural land classification (ALC) information to apply NPPF policies (Paragraphs 170 and 171). This is the case regardless of whether the proposed development is sufficiently large to consult Natural England. Further information is contained in [GOV.UK guidance](#) Agricultural Land Classification information is available on the [Magic](#) website on the [Data.Gov.uk](#) website. If you consider the proposal has significant implications for further loss of 'best and most versatile' agricultural land, we would be pleased to discuss the matter further.

Guidance on soil protection is available in the Defra [Construction Code of Practice for the Sustainable Use of Soils on Construction Sites](#), and we recommend its use in the design and construction of development, including any planning conditions. Should the development proceed, we advise that the developer uses an appropriately experienced soil specialist to advise on, and supervise soil handling, including identifying when soils are dry enough to be handled and how to make the best use of soils on site.

Protected Species

Natural England has produced [standing advice](#)⁵ to help planning authorities understand the impact of particular developments on protected species. We advise you to refer to this advice. Natural England will only provide bespoke advice on protected species where they form part of a SSSI or in exceptional circumstances.

Local sites and priority habitats and species

You should consider the impacts of the proposed development on any local wildlife or geodiversity sites, in line with paragraphs 171 and 174 of the NPPF and any relevant development plan policy. There may also be opportunities to enhance local sites and improve their connectivity. Natural England does not hold locally specific information on local sites and recommends further information is obtained from appropriate bodies such as the local records centre, wildlife trust, geoconservation groups or recording societies.

Priority habitats and Species are of particular importance for nature conservation and included in the England Biodiversity List published under section 41 of the Natural Environment and Rural Communities Act 2006. Most priority habitats will be mapped either as Sites of Special Scientific Interest, on the Magic website or as Local Wildlife Sites. List of priority habitats and species can be found [here](#)⁶. Natural England does not routinely hold species data, such data should be collected when impacts on priority habitats or species are considered likely. Consideration should also be given to the potential environmental value of brownfield sites, often found in urban areas and former industrial land, further information including links to the open mosaic habitats inventory can be found [here](#).

Environmental enhancement

Development provides opportunities to secure net gains for biodiversity and wider environmental gains, as outlined in the NPPF (paragraphs 8, 72, 102, 118, 170, 171, 174 and 175). We advise you to follow the mitigation hierarchy as set out in paragraph 175 of the NPPF and firstly consider what existing environmental features on and around the site can be retained or enhanced or what new features could be incorporated into the development proposal. Where onsite measures are not possible, you should consider off site measures. Opportunities for enhancement might include:

- Providing a new footpath through the new development to link into existing rights of way.
- Restoring a neglected hedgerow.
- Creating a new pond as an attractive feature on the site.

⁵ <https://www.gov.uk/protected-species-and-sites-how-to-review-planning-proposals>

⁶ <http://webarchive.nationalarchives.gov.uk/20140711133551/http://www.naturalengland.org.uk/ourwork/conservation/biodiversity/protectandmanage/habsandspeciesimportance.aspx>

- Planting trees characteristic to the local area to make a positive contribution to the local landscape.
- Using native plants in landscaping schemes for better nectar and seed sources for bees and birds.
- Incorporating swift boxes or bat boxes into the design of new buildings.
- Designing lighting to encourage wildlife.
- Adding a green roof to new buildings.

You could also consider how the proposed development can contribute to the wider environment and help implement elements of any Landscape, Green Infrastructure or Biodiversity Strategy in place in your area. For example:

- Links to existing greenspace and/or opportunities to enhance and improve access.
- Identifying opportunities for new greenspace and managing existing (and new) public spaces to be more wildlife friendly (e.g. by sowing wild flower strips)
- Planting additional street trees.
- Identifying any improvements to the existing public right of way network or using the opportunity of new development to extend the network to create missing links.
- Restoring neglected environmental features (e.g. coppicing a prominent hedge that is in poor condition or clearing away an eyesore).

Access and Recreation

Natural England encourages any proposal to incorporate measures to help improve people's access to the natural environment. Measures such as reinstating existing footpaths together with the creation of new footpaths and bridleways should be considered. Links to other green networks and, where appropriate, urban fringe areas should also be explored to help promote the creation of wider green infrastructure. Relevant aspects of local authority green infrastructure strategies should be delivered where appropriate.

Biodiversity duty

Your authority has a [duty](#) to have regard to conserving biodiversity as part of your decision making. Conserving biodiversity can also include restoration or enhancement to a population or habitat. Further information is available [here](#).