

Date: 31 January 2019  
Our ref: 269263  
Your ref: PT18/6450/O



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Dear Ms Loveday

**Planning consultation:** PT18/6450/O Erection of up to 630 dwellings (Class C3); up to 700sqm for Retail (Classes A1, A2, A3) and Community Hub (Class D1), network of open spaces, new roads, a sustainable travel link, parking areas, accesses and paths; and installation of services and drainage infrastructure (Outline) with access to be determined and all other matters reserved

**Location:** Park Farm Butt Lane Thornbury Bristol South Gloucestershire BS35 1RA

Thank you for your consultation on the above dated 02 January 2019 which was received by Natural England on the same date.

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.

We have considered the application details and offer the following comments:

### **Internationally and nationally designated sites – no objection**

The application site is approximately 2.8km from the Severn Estuary Special Protection Area (SPA) and Special Area of Conservation (SAC) which are European sites. The Severn Estuary is also listed as a Ramsar site<sup>1</sup> and also notified at a national level as a Site of Special Scientific Interest (SSSI). European sites are afforded protection under the Conservation of Habitats and Species Regulations 2017, as amended (the 'Habitats Regulations').

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<sup>2</sup>. 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.

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<sup>1</sup> Listed or proposed Wetlands of International Importance under the Ramsar Convention (Ramsar) sites are protected as a matter of Government policy. Paragraph 118 of the National Planning Policy Framework applies the same protection measures as those in place for European sites.

<sup>2</sup> Requirements are set out within Regulations 63 and 64 of the Habitats Regulations, where a series of steps and tests are followed for plans or projects that could potentially affect a European site. The steps and tests set out within Regulations 63 and 64 are commonly referred to as the 'Habitats Regulations Assessment' process.

The Government has produced core guidance for competent authorities and developers to assist with the Habitats Regulations Assessment process. This can be found on the Defra website. <http://www.defra.gov.uk/habitats-review/implementation/process-guidance/guidance/sites/>

The consultation documents provided by your authority do not include information to demonstrate that the requirements of Regulations 63 and 64 of the Habitats Regulations have been considered by your authority, i.e. the consultation does not include a Habitats Regulations Assessment.

In advising your authority on the requirements relating to Habitats Regulations Assessment, and to assist you in screening for the likelihood of significant effects, Natural England offers the following advice:

- the proposal is not necessary for the management of the European site
- the proposal is unlikely to have a significant effect on any European site, and can therefore be screened out from any requirement for further assessment

To meet the requirements of the Habitats Regulations, we advise that you record your decision on whether a likely significant effect can be ruled out. The following may provide a suitable justification for that decision:

The Environmental Impact Assessment (EIA) Chapter 12 Ecology assesses potential effects of the construction and operation of the proposed development on the interests of the Severn Estuary designated site. It notes the distance between the development site and the estuary and advises that a 140m buffer will be maintained between any construction and Pickedmoor Brook, which drains into the estuary. It also notes that SPA bird species were absent from the application site during surveys. As such, the conclusion that effects on the designated site from habitat loss or disturbance as a result of the construction phase appears reasonable.

The EIA refers to the updated West of England Joint Spatial Plan Habitats Regulations Assessment, which has identified potential for increased recreational pressure from residential development in a 7km zone around the Severn Estuary Site, which would include the application site. The EIA notes however that this distance is precautionary and that more information about visitor numbers, destinations, origins and purpose of visit, accessibility and car parks for the stretches of the Severn Estuary SAC along the West of England boundary will be needed to identify 'zones of influence' based on typical travel distances by visitors to the SAC.

The EIA considers the potential for new residents to access the Severn Estuary and for adverse effects on the European site. This involved a review of existing access opportunities between the development site and the Severn Estuary, which found that public access points and vehicle parking facilities were limited and that the provision of public open space (approximately 17.50 ha) would have the incidental effect of reducing the likely number of visits to the Severn Estuary Site by residents to the extent that there would be no risk or probability of a Likely Significant Effect, alone or in combination.

Ahead of the further evidence being gathered to inform the West of England Green Infrastructure Plan and any strategic mitigation measures needed to protect the long term interests of European sites, Natural England considers the EIA provides a fair assessment of the potential effects of this proposed development on the interests of the Severn Estuary European site, and that its conclusion that significant effects are not likely to occur appears reasonable.

### **Environmental Net Gain**

The 2018 National Planning Policy Framework (NPPF), includes a number of strong references to net gain. This approach is also strongly encouraged by the Government's 25 Year Environment Plan and is currently the subject of a Defra consultation that proposes a mandatory obligation for development to deliver net gain.

In light of the current NPPF and the forthcoming Joint Spatial Plan priority on development providing a net-gain for biodiversity we would encourage your Authority to seek a net gain in biodiversity from this application.

Natural England supports the use of the Defra biodiversity metric as a tool to be used in conjunction

with ecological advice to quantify biodiversity net gain in the terrestrial environment. It calculates before and after habitat value in terms of 'biodiversity units'. Natural England encourages the incorporation of the 10 best practice principles developed by CIRIA/CIEEM/IEMA for those delivering biodiversity net gain.

Natural England is working to update the Defra biodiversity metric to take account of stakeholder feedback and we plan to release a new version (Defra Biodiversity Metric 2.0) in Spring 2019, accompanied by detailed guidance and a tool to apply the metric.

### **Other advice**

We would expect the Local Planning Authority (LPA) to assess and consider the other possible impacts resulting from this proposal on the following when determining this application:

- local sites (biodiversity and geodiversity)
- local landscape character
- local or national biodiversity priority habitats and species.

Natural England does not hold locally specific information relating to the above. These remain material considerations in the determination of this planning application and we recommend that you seek further information from the appropriate bodies (which may include the local records centre, your local wildlife trust, local geoconservation group or other recording society and a local landscape characterisation document in order to ensure the LPA has sufficient information to fully understand the impact of the proposal before it determines the application. A more comprehensive list of local groups can be found at [Wildlife and Countryside link](#).

We have not assessed this application and associated documents for impacts on protected species.

Natural England has published [Standing Advice](#) on protected species. The Standing Advice includes a decision checklist which provides advice to planners on deciding if there is a 'reasonable likelihood' of protected species being present. It also provides detailed advice on the protected species most often affected by development.

You should apply our Standing Advice to this application as it is a material consideration in the determination of applications in the same way as any individual response received from Natural England following consultation.

The Standing Advice should not be treated as giving any indication or providing any assurance in respect of European Protected Species (EPS) that the proposed development is unlikely to affect the EPS present on the site; nor should it be interpreted as meaning that Natural England has reached any views as to whether a licence may be granted.

If you have any specific questions on aspects that are not covered by our Standing Advice for European Protected Species or have difficulty in applying it to this application please contact us at with details at [consultations@naturalengland.org.uk](mailto:consultations@naturalengland.org.uk).

We would be happy to comment further should the need arise but if in the meantime you have any queries relating to the advice in this letter please contact me on 07900 608311. For any new consultations, or to provide further information on this consultation please send your correspondences to [consultations@naturalengland.org.uk](mailto:consultations@naturalengland.org.uk).

Yours sincerely

Amanda Grundy  
Somerset, Avon & Wiltshire Area Team