



RODBOROUGH COMMON SPECIAL AREA OF CONSERVATION RECREATIONAL IMPACTS MITIGATION CONTRIBUTION SECTION 111 of LOCAL GOVERNMENT ACT 1972 AGREEMENT GUIDANCE NOTES OR SECTION 106 UNILATERAL UNDERTAKING, TOWN AND COUNTRY PLANNING ACT 1990

Summary

This note provides guidance on completing a Section 111 of the Local Government Act 1972 Agreement or Section 106 Unilateral Undertaking, Town and Country Planning Act 1990. This is to ensure that the appropriate mitigation is secured to prevent new developments causing additional recreational disturbance to the biodiversity of the Rodborough Common Special Area of Conservation (SAC).

Background

The Rodborough Common is an internationally important biodiversity site (designated as a Special Area of Conservation or Habitats site) for its limestone grassland flora and is also very popular with visitors. However, the high number of visitors are impacting on the site and damaging the wildlife interests. It is crucial that steps are taken to protect the site and to reduce the recreational impacts.

Recreational Mitigation Strategy

Stroud District Council is legally obliged under the Conservation of Habitats and Species Regulations 2017¹ (as amended) to consider whether any project or proposal, including planning applications would affect the biodiversity of the Rodborough Common SAC. The Council has an adopted mitigation strategy to mitigate these impacts.

This includes –

- an analysis of where visitors to the site come from and the types of measures necessary to mitigate those impacts. The measures tackle on-site measures, including rangers, signage and the costs of those measures.

The analysis of the visitor information shows that the majority of visitors come from within 3.9km of the Rodborough Common and this has therefore been set as the Zone of Influence ("Zol").

All planning applications (and prior approvals) for residential or holiday accommodation, within the 3.9km Zol, will be subject to Habitats Regulations consideration.

This also includes –

- Houses in Multiple Occupation (sui generis).
- Residential institutions within the C2 Use Class where the residents are not severely restricted by illness or mobility.
- Student accommodation.
- Sites for gypsy, travellers and travelling show people.
- Tourist accommodation, including self-catering, caravan and touring holiday accommodation.

¹ <https://www.legislation.gov.uk/uksi/2017/1012/contents/made>

The need to address Habitats Regulations issues for other types of development will be considered on a case-by-case basis.

Implications for Planning Applicants

If an application falls within the residential/holiday accommodation category and is within the Zol, there are two main options for applicants -

- Prepare your own “shadow” Habitats Regulations Assessment detailing the likely recreational impacts caused by your development and the mitigation that will be put in place to address those impacts. This is likely to be a very time-consuming piece of work and will require the input of experienced ecologists and others. This information should be submitted with your application. This will be subject to consultation with Natural England.
- Agree to contribute financially to the mitigation strategy prepared by Stroud District and Natural England. The cost is £994.00 per dwelling.

If you wish to use the contribution option, you should

- Either complete the s.111 Agreement form, agreeing to make the relevant payment on receipt of the appropriate invoice, prior to determination. (The contribution will be refunded – minus the administration charge if permission is not granted.)
 - Cost - £994.00/unit + an administration fee £100

Alternatively, you can complete and submit a Unilateral Undertaking (template version available on our website), agreeing that payment will be made prior to commencement of the development.

In cases where a S106 Agreement is needed for other reasons; the contribution could be included within that S106 and administration costs will be calculated separately. For particularly complex S106 agreements a site-specific administration charge will be levied.

- Cost - £994.00/unit + an administration fee of £100 on a Unilateral Undertaking or to be individually negotiated subject to the complexity of the proposed S106 agreement

The administration fee has been calculated per site or agreement, not per unit of accommodation. The Council reserves the right to periodically review and amend both the administration fee and mitigation contribution.

Completing a S111 or S106 Agreement

Section 111 and Section 106 Agreements provide Councils with a general power, under the Local Government Act 1972 and Town and Country Planning Act 1990, for a variety of actions, including being able to secure these recreational impacts mitigation contributions. A draft templates of these Agreements are available on the Council’s web-site and can be downloaded or completed digitally.

Notes

Application reference number

The reference provided by the Council is in the format – AA/BBBBB/CCC

AA – the year the application is submitted

BBBBB- unique reference number

CCC – application type e.g. OUT – outline application.

If you have submitted the application online and have not yet received a Council application number, you can add the reference number provided by the Planning Portal.

Description of development

This should match the description of development on the planning application form.

Address of property

This should match the site address on the planning application form

Signing the Agreement

Please make sure you sign and date the Agreement and return to the Case Officer for your application. A digital signature is acceptable.

Once the S111 Agreement has been completed and payment has cleared, you will be sent a signed copy of the Legal Agreement, signed by an Officer of the Council.

Payment of obligations secured through S106 Unilateral Undertakings will be sought on commencement of said development.

This is a legal Agreement and should be kept in a safe place.