



SEVERN ESTUARY 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 Severn Estuary Special Area of Conservation (SAC).

Background

The Severn Estuary is an internationally important biodiversity site. The Severn Estuary is designated as a Special Protection Area (SPA) and Ramsar site for its internationally important populations of overwintering birds, and as a Special Area of Conservation (SAC) and Ramsar site for its overwintering birds, estuarine habitats and associated species of fish. The Regulations deal with both the impact of development and of development plans (Stroud District Local Plan) upon National Habitats sites. The Convention on Wetlands, called the Ramsar Convention, is an intergovernmental treaty that provides the framework for national action and international cooperation for the conservation and wise use of wetlands and their resources.

However, recreational pressure from visitors are impacting the site and damaging its 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 Severn Estuary SAC, SPA and Ramsar. We are currently working with our partners, including other adjacent Local Authorities and Natural England to develop a new strategic recreation mitigation strategy for adoption. Until this is adopted, the adopted 2017 Severn Estuary Mitigation Strategy will continue to apply to development proposals.

The analysis of the visitor information shows that the majority of visitors come from within 7.7km of the Severn Estuary and this has therefore been set as the Core Catchment Area.

All planning applications (and prior approvals) for residential or holiday accommodation, within the 7.7km, will be subject to Habitats Regulations consideration.

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

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.

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 Core Catchment Area, 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 recreation mitigation strategy prepared by Stroud District Council and Natural England. The cost is £385/unit

If you wish to use the contribution option, you should complete and submit a Unilateral Undertaking (template version available on our website), agreeing that payment will be on 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.

Completing a S106 Agreement

Section 106 Agreements (S106) - allow a Local Planning Authority to enter into a legally-binding agreement or planning obligation, with a land developer over a related issue (often to fund necessary improvements elsewhere). S106 Agreements under the Town and Country Planning Act 1990, can address recreational impacts mitigation contributions. A draft template of the Agreement is available on the Council’s website 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.

This is a legal Agreement and should be kept in a safe place. Payment will be sought on commencement of said development.