

***Planning for the Protection of European (International) Sites***



***Habitat Regulations Assessment (HRA)***  
***Main Report***

*for the*

***Gloucestershire Minerals Local Plan (MLP)***

**March 2018**

***(Version 1.4 produced for the Publication version of the MLP)***

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# 1.0 Introduction

1.1 The Bern Convention 1979<sup>1</sup>, to which the United Kingdom is a signatory, is implemented by the EU through Directive 92/43/EEC on the Conservation of Natural Habitats and Wild Flora and Fauna<sup>2</sup> – the ‘Habitats Directive’ which provides legal protection for habitats and species of European importance. Article 2 of the Directive requires the maintenance or restoration of habitats and species of interest to the EU in a favourable condition. This is implemented through a network of protected areas referred to as European or Natura 2000 sites. The European Sites are of two main types. A Special Area of Conservation (SAC) is a designated site with valued habitat features and stems from the Habitats Directive itself. A Special Protection Area (SPA) is a designated site that covers an area supporting significant populations of valued bird species and derives from the earlier Birds Directive 2009/147/EC<sup>3</sup>. Each European Site has a number of qualifying features, for which conservation objectives have been developed. Internationally or globally important wetland sites with a Ramsar<sup>4</sup> designation are also included in the definition of European Sites as part of current government policy (see paragraph 1.5). Collectively to avoid confusion these sites can also be simply named as ‘International Sites’ protected by UK and global law or agreements.

1.2 The ‘Habitats Directive’ is currently implemented into national law through the Conservation of Habitats and Species Regulations 2017 or ‘Habitats Regulations’. Regulation 105 (1) to (5) provides a statutory obligation for land use plans such as the Minerals Local Plan (MLP) as follows:

**105.**—(1) Where a land use plan—

- (a) is likely to have a significant effect on a European site or a European offshore marine site (either alone or in combination with other plans or projects), and
- (b) is not directly connected with or necessary to the management of the site,

the plan-making authority for that plan must, before the plan is given effect, make an appropriate assessment of the implications for the site in view of that site’s conservation objectives.

(2) The plan-making authority must for the purposes of the assessment consult the appropriate nature conservation body and have regard to any representations made by that body within such reasonable time as the authority specifies.

(3) The plan-making authority must also, if it considers it appropriate, take the opinion of the general public, and if it does so, it must take such steps for that purpose as it considers appropriate.

(4) In the light of the conclusions of the assessment, and subject to regulation 107, the plan-making authority must give effect to the land use plan only after having ascertained that it will not adversely affect the integrity of the European site or the European offshore marine site (as the case may be).

(5) A plan-making authority must provide such information as the appropriate authority may reasonably require for the purposes of the discharge by the appropriate authority of its obligations under this Chapter.

Regulation 63(1) of the Conservation of Habitats and Species Regulations 2017 (“the Habitats Regulations”) in addition provides for any plan or project (e.g. planning application for a minerals development) as follows:

**63.**—(1) A competent authority, before deciding to undertake, or give any consent, permission or other authorisation for, a plan or project which—

- (a) is likely to have a significant effect on a European site or a European offshore marine site (either alone or in combination with other plans or projects), and
- (b) is not directly connected with or necessary to the management of that site,

must make an appropriate assessment of the implications of the plan or project for that site in view of that site's conservation objectives.

Part (1) (a) of both Regulations above is sometimes known as the 'Likely Significant Effect Test (LSE)'.

1.3 The LSE test is a precautionary case by case judgement of the likelihood of a significant effect occurring upon a European (International) Site. English Habitats Regulations Assessment (HRA) guidance<sup>5</sup> advises that 'likely' means "probably" and not merely that it is a fanciful possibility. A 'significant' effect should be regarded as one that undermines the conservation objectives of a European Site (The European Court of Justice<sup>6</sup>). The continued ecological functioning of a European Site is important and not just the proportion or area of a site that is predicted to be impacted upon<sup>7</sup>.

1.4 Gloucestershire County Council as Mineral Planning Authority (MPA) is a competent authority under Regulation 7 of the Habitats Regulations. This means that before adopting the Minerals Local Plan it must carry out a Habitats Regulations Assessment (HRA) to determine whether the development plan is likely to result in a significant effect on any European Site (HRA Stage One<sup>8</sup>). If the development plan could have a likely significant effect then the HRA must go on to determine whether the proposals would adversely affect the integrity of any European Site in terms of its nature conservation objectives (Appropriate Assessment [AA] – HRA Stage Two). Where negative effects are identified in the AA alternative solutions should be examined to see if any potential damaging effects could be avoided by modifying the plan (HRA Stage Three). If no alternative solutions can be identified then it might be possible to establish there are 'imperative reasons of overriding public interest' (IROPI) for carrying out the plan. This is not considered a standard part of the process and is only carried out in exceptional circumstances involving notification to and agreement with the Secretary of State (HRA Stage Four). At Stage 4 a plan could only be authorised if compensatory measures were available and could be successfully implemented with a high degree of confidence<sup>9</sup>.

1.5 The National Planning Policy Framework<sup>10</sup> paragraphs at 14, 118, 119 and 192 support the need for HRA in relevant circumstances. In relation to Ramsar sites it is government policy<sup>11</sup> to apply the HRA process to these wetland sites of international (global) importance as though they are European Sites. This assists the government in meeting its obligations under the Ramsar Convention<sup>12</sup>.

1.6 The Minerals Local Plan is a spatial vision with strategic objectives and policies for managing Gloucestershire's mineral resources over the next 15 years. This means that when it is adopted, it will form part of the statutory development plan for Gloucestershire and will be used for determining planning applications for

minerals development. It does not consent development in itself which is an important point to remember in terms of the detail required for the HRA process to be completed for the MLP. Consideration of the implications of the adoption of the Minerals Local Plan, alone or in combination with other plans and projects, upon any European (International) Site is made herewith. It draws upon relevant sources of evidence, information, guidance and the views of consultees, including the general public.

## 2.0 Potential Impacts of Minerals Development on European (International) Sites

2.1 The objective for minerals planning should be to permit and locate development so that it has minimal or positive impact on biodiversity overall (Preferred Options MPO10 & MPO12<sup>13</sup>). This is achieved through a combination of strategic planning (i.e. the MLP) and determination of planning applications. In respect of European<sup>14</sup> Sites the potential detrimental effects of minerals extraction that may need to be considered by the two planning stages are summarised in Table 1 below.

**Table 1: Checklist of potential European Site vulnerabilities that might be considered at strategic planning and/or planning application stages**

Broad categories of potential impacts on European Sites	Examples of Minerals operations/impacts identified relevant to European Sites in and in the vicinity of Gloucestershire
Physical loss and damage (habitat/species/substrates and site integrity/habitat fragmentation)	<ul style="list-style-type: none"> <li>• Direct loss of site features through excavation and other associated minerals development</li> <li>• Erosion/compaction of soil/vegetation due to construction phase or after-use once restored</li> <li>• Changes in stability, slope and landform</li> </ul>
Disturbance (interference with species behaviour - breeding/migration/foraging patterns)	<ul style="list-style-type: none"> <li>• Noise/visual presence of machinery, vehicles, people and new structures (during and after development)</li> <li>• Increase in lighting levels</li> <li>• Changes in atmospheric conditions of underground bat roosts if there are proven or likely to be present subterranean connections between a quarry and roosting site</li> </ul>
Contamination (toxic and non-toxic)	<ul style="list-style-type: none"> <li>• Dust (to air, water, substrates, vegetation)</li> <li>• Import/export &amp; movement of minerals/minerals waste/topsoil/infill material</li> <li>• Litter</li> <li>• Water pollution (surface &amp; ground water)</li> <li>• Soil pollution</li> <li>• Vehicle/machinery emissions (to air)</li> </ul>
Changes to hydrology	<ul style="list-style-type: none"> <li>• Changes in surface &amp; ground water levels due to increased abstraction/drainage/flooding</li> <li>• Changes in turbidity</li> <li>• Changes in flow/run-off</li> <li>• Changes to water availability</li> <li>• Changes to siltation/sedimentation of water bodies</li> </ul>
Ecosystem change	<ul style="list-style-type: none"> <li>• Restoration scheme, aftercare &amp; natural succession</li> <li>• Introduction/risk of non-native species or other threatening species</li> </ul>

2.2 In 2006 in the very early stages of this minerals (and waste) planning process Natural England provided the County Council with a summary of potential impacts with respect of the European Sites and this was incorporated into an HRA (Evidence Gathering) Baseline Report<sup>15</sup> that accompanies this document.

2.3 However during and after the extraction of minerals there can also be opportunities to contribute to the conservation and enhancement of biodiversity as part of a wider spatial picture. This was covered in more detail in the Minerals Local Plan Planning and Environmental Considerations Evidence Paper (2014). This HRA scopes in European Sites of up to 15km away but mineral developments further away than 10km are unlikely to be significantly affected.

## 3.0 Consultation

3.1 The HRA process followed by the MPA is compliant with Habitats Regulation 105 as well as the County Council's Statement of Community Involvement for the MLP. This has ensured that information has been made freely available and that consultees and the general public have had full opportunity to make representations and to participate in the decision making process. MLP documentation including the HRA has been made accessible via the County Council's website. HRA documents subject to advertisement and consultation have included:

### ***Issues & Options Consultation 2006 – 2007***

HRA (AA) Evidence Gathering / Baseline Report (February 2007) – now superseded

HRA Report on Gloucestershire MCS Issues & Options Paper (May 2007) – archived

### ***Preferred Options Consultation 2008***

HRA Report on Gloucestershire MCS Preferred Options Paper (January 2008) – now incorporated into a 'HRA Main Report' (see below)

HRA Evidence Gathering / Baseline Report (Updates 2 & 3)

### ***Site Options & Draft Policy Framework 2014 / 2015***

HRA Evidence Gathering / Baseline Report (Updates 4 & 5)

HRA Main Report (Version 1.0 and 1.1)

### ***Pre-Publication Version 2016***

HRA Evidence Gathering / Baseline Report (Update 5)

HRA Main Report (Version 1.2)

### ***Publication 2018***

HRA Evidence Gathering / Baseline Report (Update 6)

HRA Main Report (Version 1.3) – THIS DOCUMENT

### ***Submission & Examination in Public and Adoption 2018 / 2019***

HRA Addendum: Review of any Modifications made to the MLP - as required prior to Adoption

3.2 There has been ongoing dialogue and meetings with statutory advisers Natural England and the Environment Agency to look at environmental matters including the HRA process and judgements that could be made. Relevant information has been sought and provided to inform the HRA of the MLP. Through consultation the responses received by the Planning Authority have been considered and evaluated as part of the HRA process.



## 4.0 Methodology

4.1 The HRA methodology used follows best practice and guidance that has been developed and produced by the Department for Communities and Local Government<sup>16</sup>, Natural England<sup>17</sup>, Assembly of Wales<sup>18</sup>, Scottish Natural Heritage<sup>19</sup> and more recently by DTA Publications<sup>20</sup>. This guidance is in accordance with the precautionary approach of the Habitats Directive and any scientific or regulatory or planning uncertainty has been dealt with in a suitable manner. Further details of HRA can also be found in the European Commission guidance produced in 2001<sup>21</sup>, in the ODPM Circular 06/2005<sup>22</sup> and in draft guidance issued by Defra in 2012<sup>23</sup> although this latter document is focused on the project or planning application stage.

4.2 The HRA of the MLP can help to influence the general nature, scale and location of future development proposals so that there is not likely to be a significant effect on a European Site alone or in combination with other plans and projects. The process can inform us of when further assessments may be required and/or where criteria must be met at the planning application stage. The HRA of Local Plans should also rule out any aspects (options, visions, objectives, site allocations or policies) that would be vulnerable to legal failure and unlikely to be able to be implemented at the planning application stage.

4.3 The HRA of a plan such as the MLP is by its nature less specific and detailed than the assessment of an individual planning application. In most cases, it is not possible to subject a development plan to the same level of assessment as can be applied to a specific development project. There is not normally as much information available at the strategic Local Plan stage and this can only properly be produced later at the planning application stage. The MLP does not consent development in itself so the HRA can only be as rigorous as can reasonably be undertaken, so as to enable the Habitats Directive and Regulations to be complied with and the plan adopted.

4.4 The first step of the HRA process is to screen the MLP to determine if aspects (items) of the plan are likely to have a significant effect on a European Site either alone or in combination with other plans or projects (HRA Stage One<sup>2425</sup>). If no likely significant effects are concluded then this would complete the HRA and the competent authority can then safely adopt the Local Plan.

4.5 If the MLP could have a likely significant effect on a European Site, which cannot be avoided by removing or changing aspects of the plan including the use of suitable caveats or criteria, then the HRA must move on to determine which aspects might adversely affect the integrity of the site in terms of its nature conservation objectives. This is referred to as Appropriate Assessment (AA) (HRA Stage Two). Where negative effects are identified in the AA other options should be examined to see if any potential damaging effects could still be avoided (HRA Stage Three). If it is not possible to identify mitigation and/or alternatives to avoid a likely significant effect on a European Site then the MLP cannot be adopted unless it can be established that there are 'imperative reasons of overriding public interest' (IROPI). This is not considered a standard part of the process and is only carried out in exceptional

circumstances involving notification to and agreement with the Secretary of State (HRA Stage Four).

4.6 As said in Section 2 above there is an accompanying document to this one called HRA (Evidence Gathering)/ Baseline Report [Update 6] available at [http://www.gloucestershire.gov.uk/media/19486/hra\\_baseline\\_report\\_for\\_mlp\\_update\\_6.pdf](http://www.gloucestershire.gov.uk/media/19486/hra_baseline_report_for_mlp_update_6.pdf) . This is where the full details of the relevant European Sites are held which includes their conservation objectives and vulnerabilities to development. The European (including Ramsar) Sites in Gloucestershire or within 15km of its administrative boundary are:

- **Rodborough Common** SAC – (Stroud)
- **Dixton Wood** SAC – (Tewkesbury)
- **Wye Valley and Forest of Dean Bat Sites** SAC – (Forest of Dean, Monmouthshire)
- **River Wye** SAC – (Forest of Dean, Monmouthshire, Herefordshire, Powys)
- **Wye Valley Woodlands** SAC – (Forest of Dean, Monmouthshire, Herefordshire)
- **North Meadow and Clattinger Farm** SAC – (Wiltshire)
- **Cotswold Beechwoods** SAC – (Stroud, Cotswold, Tewkesbury)
- **Bredon Hill** SAC – (Worcestershire)
- **Walmore Common** SPA, Ramsar – (Forest of Dean)
- **Severn Estuary** SPA, SAC, Ramsar – (Stroud, Forest of Dean, South Gloucestershire, Monmouthshire, Bristol City, North Somerset, Newport, Cardiff, Vale of Glamorgan)
- **Avon Gorge Woodlands** SAC – (City of Bristol)

4.7 For convenience a map (Figure 1) of these sites is reproduced below from the HRA Baseline Report. In reality for minerals developments significant effects on European Sites further away than 10km are unlikely. The Baseline Report as well as mapping and describing the European Sites also suggests other plans and projects which might need to be considered in combination with the MLP as part of the HRA process.

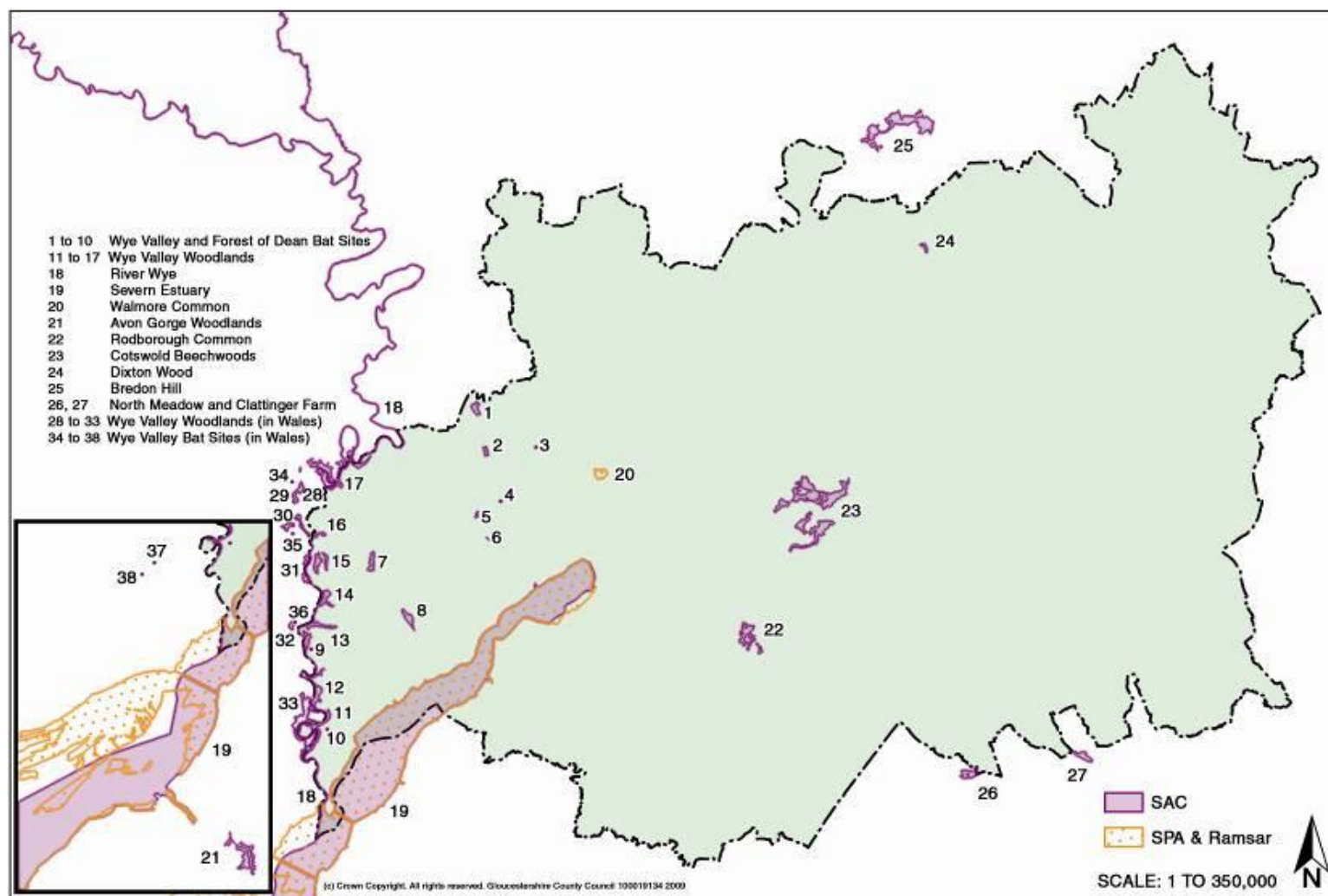


Figure 1: European Sites in and within 15km of Gloucestershire's boundary

## 5.0 Screening (HRA Stage One<sup>26</sup>)

### 5.1 Screening MLP Preferred Options

5.1.1 In January 2008 an HRA Report<sup>27</sup> on a Preferred Options Paper for mineral planning was produced. It appraised all the options and many of these were deemed to have no likely significant effect (NLSE) and could be screened out. This is where apportionment in terms of how much mineral was needed over the plan period and what would be the preferred strategy to deliver this without having a likely significant effect on European (including Ramsar) Sites was first considered. A few preferred approach options raised uncertainty for certain European Sites and so these were not screened out (Table 2) and fed into the next stage of the MLP process (see 5.2 below). At Appendix 1 there is a more detailed table to view.

**Table 2: MLP Preferred Options that could not be screened out of the HRA as at 2008**

Preferred Option	European Site(s) upon which the HRA had an <u>uncertain</u> conclusion as to the likely effects (precautionary principle being applied)
MPO3a: Preferred Option for Crushed Rock: seeks to ensure sufficient provision is made to deliver the remaining local apportionment for crushed rock in Gloucestershire (presently 2006 to 2016).	River Wye (SAC) Wye Valley & Forest of Dean Bat Sites (SAC) Wye Valley Woodlands (SAC)
MPO3c: Preferred Option for Crushed Rock: Proposes a local re-assessment within the county resources of delivering Gloucestershire's local apportionment.	Dixton Wood (SAC) River Wye (SAC) Rodborough Common (SAC) Wye Valley & Forest of Dean Bat Sites (SAC) Wye Valley Woodlands (SAC)
MPO4a: Preferred Option for Sand & Gravel: Seeks to ensure sufficient provision is made to meet the remaining local apportionment of sand & gravel for Gloucestershire (presently 2006 to 2016).	North Meadow & Clattinger Farm (SAC) Severn Estuary (SAC/SPA/Ramsar)
MPO4b: Preferred Option for Sand & Gravel: Supports a longer landbank provision through to 2026, which is 10 years beyond the end of the guideline period.	North Meadow & Clattinger Farm (SAC) Severn Estuary (SAC/SPA/Ramsar)
MPO4c: Preferred Option for Sand & Gravel: Proposes a more strategic / sub-regional approach to sand & gravel provision.	North Meadow & Clattinger Farm (SAC) Severn Estuary (SAC/SPA/Ramsar)
MPO5a: Preferred Option for Sand & Gravel locations: Proposes a more dispersed strategy for future sand & gravel working.	North Meadow & Clattinger Farm (SAC) Severn Estuary (SAC/SPA/Ramsar) Walmore Common (SPA/Ramsar)
MPO14: Preferred Option for 'Transport': Proposes an overarching policy principle, which will look to support sustainable forms of transporting minerals – such as rail, sea and water, ahead of road haulage.	River Wye (SAC) Severn Estuary (SAC/SPA/Ramsar)

5.1.2 It was understood that most of these options would be further worked up into draft policy later which is considered at 5.2 below. This meant they would be better appraised at a later stage of the MLP process and potentially they could be screened

out by the HRA later. Natural England commented in 2006 that they would be looking for greater MLP clarity at the ‘allocations’ or as it became called the ‘Site Options & Draft Policy Framework stage. The Environment Agency at the same time stated that they had a particular interest in the River Wye and Severn Estuary European Sites.

## 5.2 Screening MLP Site Options & Draft Policy Framework

5.2.1 The Site Options and draft Policy Framework Stage concerned strategic approach, policy and site allocations that would provide the minerals needed but where potential environmental impacts were likely to be limited and could be mitigated. Some policies and site allocations provided opportunities for environmental enhancement. Table 3 below summarises the findings of the first three steps that were used for the Stage One Screening process. This followed guidance for HRAs of Development Plans<sup>2829</sup> which advocates sequential screening and re-screening as a plan evolves.

**Table 3: Screening of options alone – MLP Site Options & Draft Policy Framework (Steps 1 to 3)**

Aspect categories of the MLP which alone would <u>not</u> be likely to have a significant effect on a European Site*	Relevant Site or Policy Options (Note: Site Parcel = Site Area = Site Option)
General policy statements, strategic aspirations or general criteria based policies (Step 1)	<b>Draft Policy Framework (Options):</b> Drivers for Change Spatial Vision Strategic Priorities Key Diagram Presumption in Favour of Sustainable Development Options for Safeguarding the Limestone Resource Options for Safeguarding the Sandstone Resource Options for Safeguarding the Sand and Gravel Resource Options for Safeguarding the Coal Resource Options for Safeguarding Other Resources Mineral Safeguarding Areas Standing Advice for Implementation of the Policy for Mineral Safeguarding Areas Safeguarding Policy for Minerals Infrastructure Strategic Policy Aim for Primary Aggregate Minerals - Meeting the Need Strategic Policy Aim for Primary Aggregate Minerals - Identifying Future Supply Areas Policy for Preferred Areas for Aggregates Building Stone Brick Clay Engineering Clay Strategic Aim for the Cotswold Water Park <b>Site Options:</b> None

Aspect categories of the MLP which alone would <u>not</u> be likely to have a significant effect on a European Site*	Relevant Site or Policy Options (Note: Site Parcel = Site Area = Site Option)
Aspects excluded from the appraisal because they are not proposals generated or implemented by the MLP [even if referred to by the MLP] ( <b>Step 2</b> )	<b>Draft Policy Framework (Options):</b> None <b>Site Options:</b> None
Aspects which protect the natural environment, including biodiversity, or conserve or enhance the natural, built or historic environment. Should result in a beneficial or neutral result. ( <b>Step 3a</b> )	<b>Draft Policy Framework (Options):</b> Small Scale Coal Underground Mines Water Quality Landscape Biodiversity & Geodiversity Historic Environment Development Management Criteria for the Historic Environment Restoration Development Management Restoration Policy Mitigation of Environmental Effects Planning Obligations Cumulative Impact Buffer Zones Existing Policy E15 Protecting the Local Environment – Cotswold Water Park <b>Site Options:</b> None
Aspects which themselves will <u>not</u> lead to development or other change that could have a likely significant effect( <b>Step 3b</b> )	<b>Draft Policy Framework (Options):</b> Opencast Coal Re-working of Colliery Spoil Tips Conventional & Unconventional Hydrocarbons Sustainable Transport Safeguarding Aerodromes Soils <b>Site Options:</b> None
Aspects which make provision for change but which could have no conceivable effect on a European Site, because there is no link or pathway between them and the qualifying interests, or any effect would be a positive or neutral effect, or would not otherwise undermine the conservation objectives for the site ( <b>Step 3c</b> )	<b>Draft Policy Framework (Options):</b> Mineral Working in the Green Belt <b>Site Options:</b> CRFD1 Stowe Hill/Clearwell (Parcels A & D only) CRFD2 Drybrook CRFD3 Stowfield CRCW1 Daglingworth CRCW2 Huntsman's CRCW3 Three Gates CRCW4 Oathill SGCW1 Dryleaze Farm/Shorncote SGCW2 Cerney Wick/Oaktree Fields (Parcels B & C) SGCW3 Horcott/Lady Lamb Farm SGCW4 Kempsford/Whelford SGCW5 Down Ampney SGCW6 Charlham Farm SGCW7 Wetstone (or Whetstone) Bridge SGCW8 Spratsgate Lane SGTW1 Page's Lane SGTW2 Redpool's Farm



Aspect categories of the MLP which alone would <u>not</u> be likely to have a significant effect on a European Site*	Relevant Site or Policy Options (Note: Site Parcel = Site Area = Site Option)
Aspects which make provision for change but which are likely to have no significant effect on a European Site alone, because any potential effects would be so restricted that they would not undermine the conservation objectives for the site ( <b>Step 3d</b> ). However taking a precautionary approach some uncertainty remains either alone ( <u>residual effects</u> ) but particularly in considering cumulative impacts alongside other aspects, plans and projects. <i>Proceed to Step 4 (in combination assessment)</i>	<b>Draft Policy Framework (Options):</b> None <b>Site Options:</b> CRFD1 Stowe Hill/Clearwell (Parcels B & C only – roosting/commuting/foraging bats from WV & FoD SAC and commuting/foraging bats Wye Valley Woodlands) SGCW2 Cerney Wick/Oaktree Fields (Parcel A) - Hydrological impact on North Meadow & Clattinger Farm SAC) CRFD4 Hewelsfield (commuting/foraging bats from Wye Valley Woodlands SAC)
Aspects which are too general so that it is not known where, when or how the aspect of the plan may be implemented, or where any potential effects may occur, or which European Sites, if any, may be affected ( <b>Step 3e</b> )	<b>Draft Policy Framework (Options):</b> Proposals for the Working of Aggregates Outside of Preferred Areas Strategic Policy Aim for Alternative Aggregates Flood Risk Ancillary Development Borrow Pits Public Rights of Way  <b>Site Options:</b> None

\*Note any items not yet screened out alone in this table are taken directly to Step 5 below

5.2.2 MLP options identified by Steps 1, 2, 3a, 3b, 3c & 3e can be safely screened out alone. In combination with other options or external plans or projects these elements could have no likely or identifiable significant cumulative effect on a European Site. MLP items that would not have a likely significant effect alone but could conceivably have residual effects (as identified by *Step 3d*) require further consideration in combination with other MLP items or external plans or projects. This is usually a precautionary approach and items picked up at Step 3d were carried forward to a further Step 4. More details of Steps 1 to 4 for the Site Options & Draft Policy Framework version of the MLP follow

5.2.3 **Step 1** looks at general policy statements, strategic aspirations or general criteria based policies that are unlikely to have a significant effect on a European Site. In the MLP there were 20 Draft Policy (Options) identified for screening out at Step 1. This was a large proportion of the draft policy (options) and was quite normal for an HRA of a plan that guides development at a strategic level. Included here were the MLP's overall Spatial Vision, Strategic Priorities, Strategic Aims, Drivers for Change and various draft safeguarding policies. Some of these policies included beneficial statements in respect of protecting the environment and hence European Sites e.g. policies for Brick Clay, Meeting the Need for Primary Aggregate Minerals and Strategic Priorities. The safeguarding policies provide a background to the chosen Site Options of the MLP but in themselves they did not promote development proposals directly that could affect European Sites.

5.2.4 **Step 2** looks at options referring to other projects and plans but not proposed or being implemented by the MLP. A useful question to ask here was *“Is the project/plan provided for/proposed as part of another plan/project, by another competent authority, and would it be likely to proceed under the other plan/project irrespective of whether the MLP is adopted?”* If the answer was “yes”, then it would be right to screen out the option at this step. However no MLP options were identified as being able to be screened out at Step 2. This probably reflected the fact that the MLP was well focused on planning for future minerals development.

5.2.5 **Step 3** is all about identifying options that could have no likely significant effects at all or some conceivable residual effects. The first part is **Step 3a** which looks at draft policy (options) that should result in a beneficial or neutral result on the natural, built or historic environment as the intention is to protect or enhance it. Here 13 draft policy options were identified. An obvious beneficial draft policy was that for Biodiversity & Geodiversity which included generic protection for all European Sites. The Biodiversity & Geodiversity draft policy was deemed necessary for the MLP because Gloucestershire has a lot of European Sites within and just beyond its boundaries as well as intervening land that supports the maintenance of their integrity (e.g. bat flyways and roosts on non-designated land).

5.2.6 Other neutral or beneficial draft policies for European Sites that were screened out at Step 3a included those covering Restoration, Water Quality, Cumulative Impact, Buffer Zones, Landscape and the Historic Environment.

5.2.7 **Step 3b** looks for draft policy (options) that in themselves will not lead to development or other change that could have a likely significant effect on a European Site. Six (6) options fell into this category and were screened out. Four of the policies included statements about protecting the environment. The other two (agricultural) Soils plus Aerodrome Safeguarding were deemed to result in no changes or neutral changes to existing land use and so would not be likely to have a significant effect on European Sites.

5.2.8 **Step 3c** identifies site options which although they make a provision for change such change could have no conceivable effect on a European Site (because there is no link or pathway to the protected qualifying interests). Alternatively the change that could come about by the MLP option is one that would have only a positive or neutral effect and not undermine a European Site’s conservation objectives. Here 18 options were identified of which only one was a policy option.

5.2.9 The policy of Mineral Working in the Green Belt did not relate to an area very close to any European Site except for perhaps the Cotswold Beechwoods SAC. In any case mineral development in the Green Belt and in the vicinity of the Cotswold Beechwoods SAC was very unlikely given the policy wording. It referred to highest environmental standards for any development to be allowed to be permitted and that this would be likely to only occur in special circumstances and take account of all other draft policies particularly that on Biodiversity & Geodiversity which protects European Sites. Only development that clearly had no impact on a European Site would clearly be possible under this policy and so it was screened out at Step 3c.



5.2.10 In considering Site Option **CRFD1 Stowe Hill/Clearwell** it was noted that Wye Valley Woodlands SAC was about 1.5km at its closest point to Parcel D and Wye Valley and Forest of Dean Bat sites SAC was less than 1km to parcels B and C. Parcel D was already an active minerals site with some parts already restored. It was covered by an agreed restoration scheme that would deliver real biodiversity enhancements including calcareous grasslands, wetland areas, woodland and hedgerows. All of this would benefit any commuting and foraging horseshoe<sup>30</sup> and other bats arising from or associated with bat populations of either SAC. Note that bat flyways in and around the SAC components constituted important habitat supporting the integrity of the SAC's as recognised in recent Case law and reported in a recent review commissioned by Natural England<sup>31</sup>. Parcel D had already been through previous planning processes and screening had determined that that there would not be (and has not led to) a likely significant effect on these European Sites. Parcel A was adjacent to parcel D and was intensive arable with one short mature hedgerow. The loss of this short hedgerow would be easily compensated through the adjacent restoration scheme and not be likely to measurably fragment bat foraging and commuting in the area (i.e. flyways between various parts of either SAC). So for **parcels A and D** it was logical to conclude that continuing minerals development at Stowe Hill/Clearwell would not result in any conceivable effect on any conservation objectives of the SAC or any other European Site. However *Parcels B and C at CRFD1 Stowe Hill/Clearwell, due to their closer position to Wye Valley and Forest of Dean Bat sites SAC, were assessed under Step 3d below as there were conceivably some minor effects (such as upon underground bat roosts).*

5.2.11 Site Option **CRFD2 Drybrook** (all parcels) was screened out from the assessment. This was because the European Sites within a 10km radius that were assessed did not have a pathway which could result in any significant effects. The nearest European Site was the Wye Valley and Forest of Dean Bat Sites SAC at about 1.6km at its closest point (north east) and 1.8km to the south east beyond the village of Drybrook. It was deemed too distant to be possible that there would be any significant underground connections to bat roosts in the SAC or that effects of continuing minerals extraction would have any significant effect on foraging or commuting bats associated with the SAC that might be using any site flyways<sup>32</sup>. Some new habitat was being slowly formed by natural colonisation that could be used by bats in parts of the existing quarry (Parcel B). No real barrier to movement or loss of crucial habitat for these species was occurring or would be likely to occur.

5.2.12 Site Option **CRFD3 Stowfield** was screened out from the assessment. This was because the European Sites within a 10km radius that were assessed did not have a pathway which could result in any significant effects. The nearest European Site was the Wye Valley Woodlands SAC just under 1km at its closest point (south west). Wye Valley and Forest of Dean SAC was further away at over 2.5km at its closest point (south east). It was deemed too distant to be possible that the effects of mineral extraction could have a likely significant effect on the listed habitats or bats present (including those associated with either of the SACs that may visit parts of CRFD3). No barriers to bat movement or loss of important habitat (including flyways) or underground roosting areas could occur. Much existing habitat remained all around the quarry for bats to continue to use. Parcel B was part of an active quarry and consented minerals extension which had already been screened by previous planning processes and these deemed that there would be not likely significant effect

on any European Site. Although some habitat would be lost (as the consent for the extension was implemented), habitat nearby was being enhanced through a S.106 planning obligation and a restoration scheme for the whole of Parcel B (based mainly on natural re-colonisation). Parcel C was a smaller area within Parcel B which was to be deepened below existing Parcel B. Given previous surveys and assessments and that this was largely a working quarry already it was not likely that roosting or foraging features would be lost that could have any likely significant effect on bats associated with any of the SACs. Parcel A constituted a very small linear extension of narrow width to the already consented parcel B. It was insignificant given this and the large areas of surrounding habitat and the planning obligations already in place to conserve and enhance conditions for bats in and around Stowfield Quarry.

5.2.13 The nearest European Site to Site Option **CRCW1 Daglingworth** was Cotswold Beechwoods SAC which at its closest point (Parcel A) was over 9km away. This was deemed to be very distant and no pathway was present from continuing minerals development at Daglingworth that would result in any conceivable effect on the conservation objectives of the SAC, or any other European Site. Site Option CRCW1 Daglingworth was therefore safely screened out.

5.2.14 In considering Site Option **CRCW2 Huntsman's** the closest European Site was Dixon Wood SAC at almost 14km away. This was deemed to be very distant and no pathway was present from continuing minerals development at Huntsman's that would result in any conceivable effect on the conservation objectives of the SAC or any other European Site. Site Option CRCW2 Huntsman's was therefore safely screened out.

5.2.15 Site Option **CRCW3 Three Gates** had no European Sites nearby with the closest being Dixon Wood SAC at over 10km away from parcel B. This was deemed to be very distant and no pathway was present from minerals development at Three Gates that would result in any conceivable effect on the conservation objectives of the SAC or any other European Site. Site Option CRCW3 Three Gates was therefore safely screened out.

5.2.16 Site Option **CRCW4 Oathill** did not sit near to any European Site with the closest being Dixon Wood SAC at almost 12km away. This was deemed to be very distant and no pathway was present from continuing minerals development at Oathill that would result in any conceivable effect on conservation objectives of the SAC or any other European Site. Site Option CRCCW4 Oathill was therefore safely screened out.

5.2.17 Site Option **SGCW2 Cerney Wick/Oaktree Fields** Parcel B sat at its closest point about 225 metres from North Meadow which is part of the European Site North Meadow & Clattinger Farm SAC. Parcel B (Cerney Wick Farm) and additionally Parcel C (Oaktree Fields) had consented minerals development associated with them. Crucially Parcel B had an HRA completed in connection with the minerals development there which concluded that there would be no adverse effect on the integrity of the SAC (North Meadow) if certain restrictions were put in place<sup>33</sup>. Natural England agreed this position in a letter to the Mineral Planning Authority dated June 2007<sup>34</sup>. Such restrictions as were required were made part of consent CT.2648/3/L (06/0003/CWFUL) including a S.106 legal agreement that is still being implemented.

The main restriction, and one relevant to the HRA screening exercise here, was that a 450 metre buffer zone around North Meadow had been established. Inside this zone no minerals extraction could occur unless it could be concluded from hydrological or botanical monitoring that there would not be a likely significant effect (or any adverse impact on the integrity of North Meadow as part of the wider SAC). This is condition 34 of CT.2648/3/L (06/0003/CWFUL). Hydrological monitoring over a wide number of points has been carried out for a number of years now. The legal agreement established a Cerney Wick Management and Liaison Committee (MLC) and this sits to review the monitoring evidence on at least an annual basis. Currently there is no evidence to suggest that the precautionary 450 metre buffer is insufficient to ensure protection of the European Site. Given this fact it was logical to conclude that the consented parcels were unlikely to have a significant effect on the SAC. Parcel A (which was 1.6km away from North Meadow) would be a new minerals development and so *it was been decided to look at parcel A under Step 3d below.*

5.2.18 In considering Site Option **SGCW1 Dryleaze Farm/Shorncote** the nearest European Site was North Meadow & Clattinger Farm SAC which was over 2km away (Clattinger Farm) at its closest point (Parcel A). North Meadow the other part of the SAC sat to the east and was almost 5.6km away from Parcel B. To the immediate south sat a confirmed Wiltshire minerals site allocation U22 (Land at Cotswold Community) which was screened by the HRA<sup>35</sup> in connection with the Wiltshire & Swindon Minerals Site DPD. The conclusion for this Cotswold Community land allocation was that there would be no likely significant impact alone or in combination with other plans and projects upon North Meadow & Clattinger Farm SAC. Given that the Cotswold Community land was situated mainly between Dryleaze and the European Site and that it was in the same part of the catchment then continuing minerals development at Dryleaze Farm/Shorncote would not result in any conceivable effect on the conservation objectives of the SAC or any other European Site. Site Option SGCW1 Dryleaze Farm/Shorncote was therefore safely screened out.

5.2.19 Site Option **SGCW3 Horcott/Lady Lamb Farm** did not sit near any European Site with the closest being North Meadow & Clattinger Farm SAC at almost 5.8km away (Parcel B). Given the distance away but more importantly the position in the catchment it was deemed that continuing minerals development at Horcott/Lady Lamb Farm would not result in any conceivable effect on the conservation objectives of the SAC or any other European Site. Site Option SGCW3 Horcott/Lady Lamb Farm was therefore safely screened out.

5.2.20 In considering Site Option **SGCW4 Kempsford/Whelford** the nearest European Site was North Meadow & Clattinger Farm SAC which was over 6.7km away (North Meadow) at its closest point (Parcel B). Given the distance away but more importantly the position in the catchment it was deemed that continuing minerals development at Kempsford/Whelford would not result in any conceivable effect on conservation objectives of the SAC or any other European Site. Site Option SGCW4 Kempsford/Whelford was therefore safely screened out.

5.2.21 Site Option **SGCWS Down Ampney** Parcel D sat about 360m away from North Meadow which was part of the European Site North Meadow & Clattinger Farm SAC. The other Down Ampney parcels were at further distance from this SAC

as follows: Parcel A (about 950m), Parcel B (1.4km), Parcel C (1.5km) with Parcel E the most distant. The closest three parcels D, A plus E (the most distant) were the subject of a recent cross border planning application. Parcel A was the Gloucestershire component whereas D and E lay in the adjoining county of Wiltshire. This planning application was the subject of an HRA and a letter dated 29<sup>th</sup> December 2011 from Natural England<sup>36</sup> confirmed the view of both County Mineral Planning Authorities that the Down Ampney development would not result in any hydrological or other effect on any conservation objectives of the SAC. In conclusion it is logical that Site Option SGCWS Down Ampney was safely screened out.

5.2.22 Parcels B and C at **SGCW6 Charlham Farm** were outside Gloucestershire in the adjoining county of Wiltshire. The nearest European Site to Charlham Farm was North Meadow & Clattinger Farm SAC which was about 1.9km away (North Meadow) to the south of Parcels A & C. Given the conclusions about Down Ampney above then no likely significant effect on the European Site from minerals development at Charlham Farm was the obvious conclusion. The distance away but more importantly the position of the site option in the catchment, it was deemed that minerals development at Charlham Farm would not result in any conceivable effect on the conservation objectives of the SAC or any other European Site. Site Option SGCW6 Charlham Farm was therefore safely screened out.

5.2.23 Parcel B at **SGCW7 Wetstone (or Whetstone) Bridge** was outside Gloucestershire in the adjoining county of Wiltshire. The nearest European Site was North Meadow & Clattinger Farm SAC which was about 2.8km away (North Meadow) to both parcels of this site option. Wetstone Bridge adjoined the Down Ampney Site Option on the south eastern side which is discussed above and was screened out. Roundhouse Farm was also adjacent and lay to the immediate east. This Wiltshire site was granted a minerals consent which was based on a conclusion that there would be no likely significant impact on North Meadow & Clattinger Farm SAC. Wetstone Bridge itself was the subject of a minerals development proposal and a significant effect on the SAC was also not identified. In conclusion it was logical that Site Option SGCW7 Wetstone Bridge was safely screened out.

5.2.24 In considering Site Option **SGCW8 Spratsgate Lane** the nearest European Site was North Meadow & Clattinger Farm SAC which was almost 2.2km away (Clattinger Farm). This site option was the subject of proposed minerals development and a likely significant effect on the SAC had not been an issue. Just to the north and west sat Dryleaze Farm (see above) and also the Wiltshire minerals allocation at the Cotswold Community neither of which was concluded could have any likely significant effect on the SAC. Given the distance away but more importantly the position in the catchment it was deemed that minerals development at Spratsgate Lane would not result in any conceivable effect on the conservation objectives of the SAC or any other European Site. Site Option SGCW8 Spratsgate Lane could therefore be safely screened out.

5.2.25 Site Option **SGTW1 Page's Lane** was not located very near any European Site with the closest being Bredon Hill SAC at about 4.7km away from Parcel C. Although Page's Lane sat within land associated with the River Severn catchment the Severn Estuary SAC/SPA/Ramsar site was at least 32km away. This was deemed to be very distant and no pathway was present from having minerals



development at Page's Lane that could result in any conceivable effect on the conservation objectives of the estuary or any other European Site. Site Option SGTW1 Page's Lane was therefore safely screened out.

5.2.26 In considering the Site Option **SGTW2 Redpool's Farm** it was determined that the nearest European Site was Bredon Hill SAC which was about 5.4km away from Parcel D. Although Redpool's Farm sat within the River Severn catchment the Severn Estuary SAC/SPA/Ramsar site was at least 31km away. This was deemed to be very distant and no pathway was present from having minerals development at Redpool's Farm that would result in any conceivable effect on the conservation objectives of the estuary or any other European Site. Site Option SGTW2 Redpool's Farm could therefore be safely screened out.

5.2.27 **Step 3d** of the screening process identifies options that may have a potential for some residual or uncertain effects and could mean there is a possibility of cumulative impact in combination with other MLP options or external plans and projects. So items here need to proceed on to Step 4 (in combination screening assessment). No Draft Policy Framework options were identified at Step 3d but three Site Options were considered as set out below.

5.2.28 The Wye Valley Woodlands SAC was about 500 metres at its closest point to Site Option **CRFD4 Hewelsfield**. The Hewelsfield site was improved grazing pasture with mainly defunct hedgerows but with some intact hedgerows in places. It was surrounded by a significant area of woodland to the south and west plus small woods, thick tree belts, much pasture and a good hedgerow network to the north. Temporary loss of limited lengths of intact hedgerows alone from minerals development would not be very likely to have had any significant impact on bats originating from or related to the SAC<sup>37</sup>. Some pasture would also have been lost to any future minerals development but this would be a small proportion of what was available in the area to any commuting and foraging horseshoe bats arising from the SAC. Extensive pasture occurred much closer to the European Site and also extensively beyond that to the north, west and south. Taking this all into account it was decided not to immediately conclude that there would be no conceivable effect on the SAC's conservation objectives (horseshoe bats). This meant a precautionary approach was taken at this point in the HRA to arrive at a conclusion for Step 3 of some residual effect alone on commuting/foraging bats related to the European Site. This meant taking a precautionary approach the site option **CRFD4 Hewelsfield** *should be looked at in combination with other plans and projects before it could be safely screened out. However in terms of the conservation objectives of the Wye Valley Woodlands SAC it was concluded that a pathway was not present to result in any conceivable effect on the non-bat or habitat based objectives of the SAC.*

5.2.29 In considering Site Option **CRFD1 Stowe Hill/Clearwell** the nearest European Site was Wye Valley & Forest of Dean Bat Sites SAC (Old Bow & Old Ham Mines) at about 710 metres away from Parcel B. The same SAC component was about 1.2km from Parcel C at its closest point. Parcel C was also about 960 metres north west of another component part of the SAC (Devil's Chapel Scowles). Although not particularly close to parts of the SAC this did raise some possibilities including that of considering bat habitat and flyways at CRFD1 that might be important to the well-being of the SAC<sup>38</sup>. Another conceivable but unlikely possibility

was that there might be underground connections to subterranean bat roost areas. Theoretically minerals development could cut into such cavities or connected crevices so that their atmospheric conditions would be altered (although this impact was not likely given the distances that appeared to be involved). No such connections probably existed and this was a matter that could be revisited at the planning application stage. If at this stage if it became evident that there was a reasonable risk of a significant effect upon the subterranean parts connected to the SAC or its related horseshoe bat populations then precautionary mineral working measures might need to be employed. Horseshoe bats from or associated with the Wye Valley Woodlands or the Forest of Dean Bat Sites SAC may have used what remained of a much degraded hedgerow network within Parcels B and C. The loss of these hedgerows was deemed not likely to be significant especially as policy in the new MLP would ensure retention of the more intact and important boundary hedgerows and surrounding woodland to the south and south west. This was also a fair assessment because already approved biodiversity enhancement and ongoing restoration in adjoining consented minerals areas would benefit bats in the future. Any development consented in parcels B or C would have to be subject to making sure hedgerow, tree line and woodland provision were maintained or even bettered for commuting and foraging bats. *Using a precautionary approach it was decided that site option **CRFD1 Stowe Hill/Clearwell (Parcels B and C only)** should not be screened out until it was looked at in combination with other plans and projects.*

5.2.30 The un-worked minerals site option of **SGCW2 Cerney Wick/Oaktree Fields (Parcel A)** was 1.6km away from North Meadow which was a greater distance than consented minerals area parcel B (Cerney Wick Farm). The Management and Liaison Committee (MLC) for the dry working consent at Cerney Wick Farm had yet to confirm whether the precautionary buffer needed around North Meadow (i.e. 450m or more probably less) could be breached for minerals extraction so a little uncertainty remained in being able to screen out adjacent Parcel A for minerals development. *This meant that an effect alone or in combination from new minerals development being consented for **SGCW2 Cerney Wick/Oaktree Fields (Parcel A)** should not be completely ruled out as a residual or uncertain effect was a possibility.*

5.2.31 **Step 3e** looks for draft policy (options) that are so general in terms of their implementation that it is not possible to identify where, when or how the draft policy (options) may be implemented, or where effects may occur, or which European Sites, if any, may be affected. This step is similar to Step 1 above. In the MLP there were 6 draft policy (options) identified that were screened out at Step 3e. The policies concerned were Working Outside Preferred Areas, Alternative Aggregates, Flood Risk, Ancillary Development, Borrow Pits and Public Rights of Way which were much focused on the planning application stage. It was not possible at the strategic MLP level to identify if these policies could lead to any effects on European Sites. These draft policy (options) could not however be used in isolation and would be implemented in the context of the rest of the MLP not least with full consideration of the policy on Biodiversity and Geodiversity.

5.2.32 **Step 4** takes the site options above from Step 3d (with some potential residual effects - although these are not very likely to lead to a significant effect on any European Site) and carries out some in combination screening on them. The

options of the MLP considered at Step 4 for the Site Options & Draft Policy Framework are listed in Table 4 below.

**Table 4: Options not yet screened out after Step 3 (MLP Site Options & Draft Policy Framework)**

<b>Options in the MLP which were not yet ruled out</b> because it could be conceived that they might have had <u>potential</u> for some residual effects which in combination may have had significant effects on a European Site.
Items from Step 3d above – to take to ‘in combination screening’ <b>Steps 4a &amp; 4b</b> below
CRFD1 Stowe Hill/Clearwell (Parcels B & C only) – roosting/commuting/foraging bats from WV & FoD SAC and commuting/foraging bats Wye Valley Woodlands SAC)
SGCW2 Cerney Wick/Oaktree Fields (Parcel A) - Hydrological impact on North Meadow & Clattinger Farm SAC
CRFD4 Hewelsfield - commuting/foraging bats from Wye Valley Woodlands SAC
Other items not yet screened out alone so far – to take directly to <b>Step 5</b> below, i.e. application of simple additional measures
None

5.2.33 **Step 4a** looks at the remaining options in combination with all the other options of the MLP which had not been able to be screened out so far. Three site options were identified in Table 4 as possibly having some residual effects and so these were next screened to look at potential in combination effects within the MLP only (see Table 5 below)

**Table 5 – In Combination Screening of Options (MLP Site Options & Draft Policy Framework) – Step 4a**

<b>Key</b>	
<b>NLSE</b>	No Likely Significant Effect – can be screened out
<b>LSE</b>	Likely Significant Effect(s) – Precautionary principle dictates this option cannot be screened out. A likely significant effect on the site's conservation objectives requiring (a) 'Dropping' of the option (b) Modification of the option (c) Modification / mitigation of the option including use of caveats/criteria at a later stage of the MLP preparation
<b>U</b>	Uncertain – Precautionary principle dictates it is not possible to determine if NLSE or LSE (see above) so keep in for further screening. May require (a) 'Dropping' of the option (b) Modification of the option (c) Modification / mitigation of the option including use of caveats/criteria at a later stage of the MLP preparation

<b>In Combination Screening within plan</b>	<b>CRFD1 Stowe Hill/Clearwell (Parcels B &amp; C only) – roosting/commuting/foraging bats from WV &amp; FoD SAC and commuting/foraging bats Wye Valley Woodlands</b>	<b>SGCW2 Cerney Wick/Oaktree Fields - Hydrological (vegetation) impact on North Meadow &amp; Clattinger Farm SAC</b>	<b>CRFD4 Hewelsfield - commuting/foraging bats from Wye Valley Woodlands SAC</b>	<b>Combinations of CRFD1, SGCW2 &amp; CRFD4</b>
CRFD1 Stowe Hill/Clearwell (Parcels B & C only) – roosting/commuting/foraging bats from WV & FoD SAC and commuting/foraging bats Wye Valley Woodlands	N/A	NLSE	NLSE	No effects identified
SGCW2 Cerney Wick/Oaktree Fields (Parcel A) - Hydrological (vegetation impact on North Meadow & Clattinger Farm SAC	NLSE	N/A	NLSE	No effects identified
CRFD4 Hewelsfield - commuting/foraging bats from Wye Valley Woodlands SAC	NLSE	NLSE	N/A	No effects identified
<b>Combinations of CRFD1, SGCW2 &amp; CRFD4</b>	No effects identified	No effects identified	No effects identified	N/A



5.2.34 In looking at in combination effects (and also taking a precautionary approach) a consideration of foraging/commuting bats arising from the Wye Valley Woodlands SAC in relation to confirming both Site Options **CRFD1 Stowe Hill/Clearwell (Parcels B & C only)** and **CRFD4 Hewelsfield** was made. These mineral site options however had over 4km of intervening countryside between them. It was considered that groups of foraging and commuting bats arising from any of the Wye Valley Woodlands SAC units would be unlikely to visit both proposed minerals sites in the same journey. Groups of bats arising from the Wye Valley Woodlands SAC arriving at Stowe Hill would be most likely to continue to travel further outwards into the Forest of Dean rather than divert abruptly southwards to reach Hewelsfield across less favourable countryside. Similarly bats arriving at Hewelsfield would not be likely to divert abruptly northwards to reach Stowe Hill. It was therefore difficult to conclude there would be any real negative additive effect on groups of bats or the Wye Woodlands SAC population as a whole, i.e. no likely significant effect on the conservation objectives of the SAC. **SGCW2 Cerney Wick/Oaktree Fields (Parcel A)** was at the opposite end of the county to CRFD1 and CRFD4 and so no in combination effect was conceivable for this site option with the other site options.

5.2.35 **Step 4b** is summarised in Table 6 below. Here the same MLP options as listed in Table 5 above were looked at again but this time in relation to other external plans and projects to see if there could be a likely significant effect in combination. The HRA Baseline Report<sup>39</sup> reveals an extensive list of such plans and projects but in reality there were very few that could have any conceivable in combination effect with the three site options left to consider. Table 6 presents other pertinent local development plans as these were the only ones identified as having any potential for in combination effects with the remaining site options being screened. Natural England requested that aspects of these external plans were the most pertinent and although some of the plans were not fully adopted or complete they were still included and given careful consideration. The local development plans identified were for Wiltshire & Swindon, Cotswold, Stroud, Forest of Dean, and Gloucester, Cheltenham & Tewkesbury. It should be noted that existing and completed minerals consents had already been considered in reviewing the likely effects of each MLP site option (Steps 3c & 4a above) so these did not need to be considered again here.

**Table 6 – In Combination Screening with other Plans and Projects external to the MLP Site Options & Draft Policy Framework – Step 4b**

<b>Key</b>						
<b>NLSE</b>	No Likely Significant Effect – can be screened out					
<b>LSE</b>	Likely Significant Effect(s) – Precautionary principle dictates this option cannot be screened out. A likely significant effect on the site's conservation objectives requiring (a) 'Dropping' of the option (b) Modification of the option (c) Modification / mitigation of the option including use of caveats/criteria at a later stage of the MLP preparation					
<b>U</b>	Uncertain – Precautionary principle dictates it is not possible to determine if NLSE or LSE (see above) so keep in for further screening. May require (a) 'Dropping' of the option (b) Modification of the option (c) Modification / mitigation of the option including use of caveats/criteria at a later stage of the MLP preparation					
<b>Elements of other plans or projects to consider for in combination effects →</b>  <b>All options of the plan screened under step 3d as some residual effect alone ↓</b>	Wiltshire & Swindon Minerals and Waste Development Plan	Cotswold District Draft Local Plan	Stroud District Local Plan	Forest of Dean District Development Framework (Core Strategy, Cinderford NQ Plan and Site Allocations Plan)	Joint Core Strategy Gloucester, Cheltenham & Tewkesbury	<b>Combinations of more than one of the elements with MLP item(s)</b>
CRFD1 Stowe Hill/Clearwell (Parcels B & C only) – roosting/commuting/foraging bats from WV & FoD SAC and commuting/foraging bats Wye Valley Woodlands)	NLSE	NLSE	NLSE	U	NLSE	No effects identified
SGCW2 Cerney Wick/Oaktree Fields (Parcel A) - Hydrological (vegetation) impact on North Meadow & Clattinger Farm SAC	NLSE	NLSE	NLSE	NLSE	NLSE	No effects identified
CRFD4 Hewelsfield - commuting/foraging bats from Wye Valley Woodlands SAC	NLSE	NLSE	NLSE	U	NLSE	No effects identified
<b>Combinations of CRFD1, SGCW2 &amp; CRFD4</b>	No effects identified	No effects identified	No effects identified	No effects identified	No effects identified	No effects identified

5.2.36 Taking a precautionary approach three site options in the MLP were identified as having potential for a residual effect on some European Sites in combination with other plans and projects. The SAC sites related to these site options being confirmed were **North Meadow & Clattinger Farm, Wye Valley & Forest of Dean Bat Sites** and the **Wye Valley Woodlands**. In turning to the relevant local development plans it was their potential to have residual or a likely significant effect on the same European Sites as the remaining MLP site options that was the focus for in combination assessment summarised in Table 6.

5.2.37 The most obvious development plan to consider was the Wiltshire & Swindon Minerals and Waste Development Framework as it also affected the Cotswold Water Park where Site Option **SGCW2 Cerney Wick/Oaktree Fields (Parcel A)** occurred. The Wiltshire & Swindon suite of plan documents had themselves been subject to HRA<sup>40</sup> of which the only conclusions relevant to the Gloucestershire MLP were that some sites were identified as having potential for impact on North Meadow & Clattinger Farm SAC. However further inspection of site allocations for Site U7 - Land East of Calcutt, Site U22 - Land at Cotswold Community & Site SE2/SE3 - Extension to Brickworth Quarry alone and in combination concluded there would not be a likely significant effect on the SAC. Given this conclusion no in combination likely significant effects could be logically assigned to **SGCW2 Cerney Wick/Oaktree Fields (Parcel A)**.

5.2.38 The existing Cotswold Local Plan 2001-2011 was considered not likely to have a significant effect on European Sites and in any case was of reduced weight given it predated the NPPF. Although only a part of one European Site falls inside the Cotswold District boundary (Cotswold Beechwoods SAC) others such as North Meadow & Clattinger Farm SAC, Rodborough Common SAC and Dixon Wood SAC occur nearby and so there was perhaps some small potential for such sites to be affected indirectly by development policy in the Cotswold Local Plan (e.g. recreational pressure, water resources etc.). An HRA<sup>41</sup> produced in May 2013 for the Preferred Development Strategy Consultation stage of the replacement Cotswold Local Plan identified potential significant effects resulting from increased recreation on Rodborough Common SAC, Cotswold Beechwoods SAC and North Meadow and Clattinger Farm SAC. Increased vehicle traffic and water abstraction and waste water discharges had also been identified as having potential to result in significant effects. In relation to **SGCW2 Cerney Wick/Oaktree Fields (Parcel A)** it was difficult to see that a small short lived extraction which would be quickly restored could act in combination to increase the identified potential impacts in the new Cotswold Local Plan HRA so as to have a likely significant impact on North Meadow and Clattinger Farm SAC. The minerals developments within Cerney Wick/Oaktree Fields in the longer term should add to ecological assets of the area and help to buffer North Meadow (the nearest component of the SAC) from any impacts that might arise out of the implementation of the Cotswold Local Plan. No likely significant in combination effect on North Meadow and Clattinger Farm SAC was therefore concluded here.

5.2.39 Natural England raised concerns about the potential effects of the Stroud Local Plan on Rodborough Common SAC and the Severn Estuary SAC/SPA/Ramsar site, particularly with respect to increased recreational pressure.

However as none of the site options in the MLP could have had a likely significant effect on these particular European Sites (due to their location) an in combination effect between the site options and the Stroud District Plan was deemed highly unlikely.

5.2.40 The HRA<sup>42</sup> for the Cheltenham, Tewkesbury and Gloucester Draft Joint Core Strategy (JCS) suggested that the strategy would not result in a likely significant effect on any European Site. It therefore followed that it was very unlikely for there to be an in combination significant effect between the remaining MLP site options and the JCS (or the more local Cheltenham, Gloucester & Tewkesbury Development Plans) upon North Meadow & Clattinger Farm SAC, Wye Valley & Forest of Dean Bat Sites and the Wye Valley Woodlands.

5.2.41 As the Forest of Dean District contains both the Wye Valley & Forest of Dean Bat Sites and the Wye Valley Woodlands SACs then its Development Framework was a relevant consideration and in particular the HRA reports concerned with the Core Strategy<sup>43</sup>, the Cinderford Area Action Plan<sup>44</sup> and the Allocations Plan<sup>4546</sup>. The HRA for the Forest of Dean Core Strategy determined that further HRA work was better left to the Cinderford Area Action Plan, District Allocations Plan or the planning application stage where sufficient detail would be known. In the HRAs produced for the Cinderford Area Action Plan and the emerging Allocations Plan no residual effects were concluded and that no in combination effects could therefore occur with other plans and projects including with the draft MLP. In particular given policy caveats and recommended changes the submission version of the Allocations Plan could not result in habitat loss or fragmentation that could give rise to a significant effect on the bat populations of the SACs. In an HRA (including AA) of a hybrid planning application at the Cinderford Northern Quarter<sup>47</sup> bat flyways and roosting areas some distance away from any part of the SACs were deemed to be a factor in supporting SAC bat populations. The outcome of the AA however was that with appropriate safeguarding policies, an adopted biodiversity strategy and relevant mitigation and compensatory measures in place a likely significant effect on the SACs or their bat populations would not occur. This was a view shared by Natural England. In respect of CRFD1 Stowe Hill/Clearwell (Parcels B & C only) and CRFD4 Hewelsfield the conclusion was that there was unlikely to be a significant in combination effect with external plans and projects. *However to avoid and mitigate any remaining concerns that could be conceived about bat flyways and roosts connected with the SACs safeguards were recommended for **CRFD1 Stowe Hill/Clearwell (Parcels B & C only)** and **CRFD4 Hewelsfield**. These are considered at Step 5 (application of simple additional measures) below.*

5.2.42 A general comment was received from Natural England for the Site & Policy Options Stage saying that while the MLP was unlikely to result in significant increases in recreational activity, it may provide future opportunities to off-set such effects from other external development plans through appropriate restoration schemes. The MLP proposals could provide for such opportunities. There was potential support for beneficial restoration to accessible green space in key locations (e.g. Policies: Strategic Priorities, Spatial Vision, Biodiversity & Geodiversity, Restoration Policy, Development Management Restoration Policy, Mitigation of Environmental Effects, Green Belt, Public Rights of Way and Planning Obligations)

and so this matter would be a material consideration in planning application decisions.

5.2.43 **Step 5** is to try to apply simple additional measures to the remaining options (e.g. avoidance/modification/mitigation). This step was only needed because it was decided on a very precautionary basis that even though the 3 Site Options at Step 4 are not very likely to lead to a significant effect on a European Site (and could be screened out) they should still be looked at further. This was to see if additional measures could be used to remove minor conceivable but not very likely effects from occurring. Table 7 lists the remaining 3 Site Options which were looked at in detail.

**Table 7 – Options in the MLP Site Options & Draft Policy Framework that were screened out by the application of simple additional measures (Step 5)**

<b>Options of the MLP</b> which under steps 1 - 4 were not fully screened out as they <u>might</u> have <u>potential</u> for some residual effects (although these were <u>not very likely</u> to lead to a significant effect on a European Site)	<b>Simple Additional Measures</b> that can be applied in order to conclude that there would be no likely significant effect on a European Site
Site Option: CRFD1 Stowe Hill/Clearwell (Parcels B & C only)	A precautionary approach is being adopted. Any residual effect on a European Site could be avoided at the planning application stage by ensuring there is suitable policy safeguarding in the MLP (Biodiversity & Geodiversity, Mitigation of Environmental Impacts, Buffers). Any new minerals development in relation to Parcel B or C of CRFD1 Stowe Hill/Clearwell will be subject to HRA screening to see if there could be a likely significant effect on the Wye Valley & FoD Bat Sites or Wye Valley Woodlands SAC. This would be done initially by the developer before submitting a planning application and then by the MPA once an application had been received. The MLP Policy for Biodiversity & Geodiversity and Site Schedule (Profile) for CRFD1 Stowe Hill/Clearwell ensures that this will happen. Additionally the County Council planning application validation requirements highlight that HRA screening is required for certain minerals, waste and county development proposals such as for this site option. It is concluded that the MLP site option CRFD1 could have no likely significant effect on any European Site.

Options of the MLP which under steps 1 - 4 were not fully screened out as they <u>might</u> have <u>potential</u> for some residual effects (although these were <u>not very likely</u> to lead to a significant effect on a European Site)	Simple Additional Measures that can be applied in order to conclude that there would be no likely significant effect on a European Site
Site Option: CRFD4 Hewelsfield	A precautionary approach was adopted. Any residual effect on a European Site could be avoided at the planning application stage by ensuring there was suitable policy safeguarding in the MLP (Biodiversity & Geodiversity, Mitigation of Environmental Impacts, Buffers). Any new minerals development in relation to CRFD4 Hewelsfield should be subject to HRA screening to see if there could be a likely significant effect on the Wye Valley Woodlands SAC. This would be done by the developer before submitting a planning application and then by the MPA once such an application had been received. The MLP Policy for Biodiversity & Geodiversity and Site Schedule (Profile) for CRFD4 Hewelsfield ensures that this would happen. Additionally the County Council planning application validation requirements highlights that HRA screening was required for certain minerals, waste and county development proposals such as for this site option. It was concluded that the MLP site option CRFD4 could have no likely significant effect on any European Site.
Site option: SGCW2 Cerney Wick/Oaktree Fields (Parcel A)	A precautionary approach was adopted. Uncertain effects on a European Site were identified by the MLP HRA process which could be avoided at the planning application stage by ensuring there was suitable policy safeguarding in the MLP (Biodiversity & Geodiversity, Mitigation of Environmental Impacts, Buffers). Any new minerals development in relation to SGCW2 Cerney Wick/Oaktree Fields (Parcel A) should be subject to HRA screening to see if there could be a likely significant effect on the North Meadow & Clattinger Farm SAC. This would be done by the developer before submitting a planning application and then by the MPA once such an application had been received. Much would be dependent on the hydrological conclusions arising out of the adjacent minerals consent at Cerney Wick Farm (Parcel B). The MLP Policy for Biodiversity & Geodiversity and Site Schedule (Profile) for SGCW2 Cerney Wick/Oaktree Fields ensure that this would happen. Additionally the County Council planning application validation requirements highlights that HRA screening was required for certain minerals, waste and county development proposals such as for this site option. It was concluded that the MLP site option SGCW2 could have no likely significant effect on any European Site.



5.2.44 Although the methodology dictated that Site Option **SGCW2 Cerney Wick/Oaktree Fields (Parcel A)** could be safely screened out at Step 4 it was nevertheless kept in because Step 5 provided a good opportunity to set out more clearly why this option could not have a likely significant effect on North Meadow & Clattinger Farm SAC. Paragraph 5.2.30 above indicated that a small uncertainty for this site option alone might arise at the planning application stage. However taking account of proposed MLP policy (for Biodiversity, Mitigation of Environmental Impacts and Buffers), the legal agreement of the adjacent minerals land parcel that already had consent (Cerney Wick Farm) and the new county planning application validation requirements introduced in 2014 no likely significant effect on the SAC would occur. Policy proposed for Biodiversity, Mitigation of Environmental Impacts and Buffers would also be protective. Step 5 concluded that Site Option **SGCW2 Cerney Wick/Oaktree Fields (Parcel A)** could be safely screened out.

5.2.45 In respect of Site Option **CRFD1 Stowe Hill/Clearwell (Parcels B & C only)** Table 7 sets out the additional protective measures of MLP policy (for Biodiversity, Mitigation of Environmental Impacts and Buffers), a site schedule (profile) and new planning validation requirements. Together these would mean that no likely significant effect on either Wye Valley & Forest of Dean Bat Sites SAC or Wye Valley Woodlands SAC could occur. Site Option **CRFD1 Stowe Hill/Clearwell (Parcels B & C only)** was safely screened out.

5.2.46 Lastly turning to Site Option **CRFD4 Hewelsfield** Table 7 sets out that MLP policy (for Biodiversity, Mitigation of Environmental Impacts and Buffers), a site schedule (profile) and new planning validation requirements would mean that no likely significant effect on the Wye Valley Woodlands SAC would occur. Site Option **CRFD4 Hewelsfield** could be safely screened out.

5.2.47 All the options in the MLP Site & Policy Options Stage (summer 2014 and winter 2015) had now been screened out of the HRA.

### 5.3 MLP Pre-Publication Version

5.3.1 The Pre Publication Version of the MLP released in 2016 was based on the outcome of the Site Option & Draft Policy Framework stage above. The revised content of the MLP Pre-Publication version was screened and incorporated into this HRA Main Report. All items of the Pre-Publication version of the MLP are listed in Table 8 below. These were new, modified or deleted items. Items were quicker to screen where they were the same or very similar to an item already previously screened at the Site & Policy Options Stage. Deletions were only material to mention in certain circumstances for example where they related to parcels of land mentioned in Table 7 above but were not now included in the proposed sites for minerals development.

**Table 8 Screening of items in the MLP Pre-Publication version alone (Steps 1 to 3)**

Aspect categories of the MLP which alone would <u>not</u> be likely to have a significant effect on a European Site*	Items in MLP Pre-publication version (i.e. all items in the MLP Pre-Publication version which were either new, modified or changed items since the Site Option & Draft Policy Framework Stage)
General policy statements, strategic aspirations or general criteria based policies <b>(Step 1)</b>	A Vision for Gloucestershire - 2033 Objective SR – Maximising the use of secondary & recycled aggregates Objective RM – Effectively managing mineral resources Objective PS – Making provision for the supply of minerals Objective LC – Protecting the health & well-being of local communities Objective MM – Efficient, effective & safe movement of minerals Drivers for Change (A – Developing secondary & recycled aggregate supplies, B – Safeguarding local mineral resources, C – Supporting local growth ambitions, D – Maintaining steady & adequate supplies of aggregates, E – Reducing the impact of mineral transport) Strategy of the MLP Policy SR01 - Maximising the use of secondary & recycled aggregates Policy MS01 - Non-minerals development within MSAs Policy MS02 - Non-minerals development within MCAs Policy MS03 – Safeguarding mineral infrastructure Policy MW01 – Aggregate provision Policy MW02 – Natural building stone Policy MW03 – Clay for civil engineering purposes Policy MW04 - Brick clay Policy MW05 – Coal Policy MW06 - Oil and gas Policy MW07 - Ancillary development
Aspects excluded from the appraisal because they are not proposals generated or implemented by the MLP [even if referred to by the MLP] <b>(Step 2)</b>	<i>No items identified</i>
Aspects which protect the natural environment, including biodiversity, or conserve or enhance the natural, built or historic environment. Should result in a beneficial or neutral result. <b>(Step 3a)</b>	Drivers for change (F – Protecting the natural environment, G – Protecting & maintaining historic environments) Objective ENV - Protecting the built & natural environment Objective RA – Successfully restoring worked-out mineral sites Policy DM02 - Cumulative impact Policy DM05 - Water environment Policy DM06 - Biodiversity and geo-diversity Policy DM08 - Historic environment Policy DM09 – Landscape Policy MR01 – Restoration, aftercare & facilitating beneficial after-uses
Aspects which themselves will <u>not</u> lead to	Policy DM11 - Aerodrome safeguarding and aviation



Aspect categories of the MLP which alone would <u>not</u> be likely to have a significant effect on a European Site*	Items in MLP Pre-publication version (i.e. all items in the MLP Pre-Publication version which were either new, modified or changed items since the Site Option & Draft Policy Framework Stage)
development or other change that could have a likely significant effect( <b>Step 3b</b> )	safety
Aspects which make provision for change but which could have no conceivable effect on a European Site, because there is no link or pathway between them and the qualifying interests, or any effect would be a positive or neutral effect, or would not otherwise undermine the conservation objectives for the site ( <b>Step 3c</b> )	Policy MA01 – Aggregate working within site allocations – Allocation 2: Preferred area at Drybrook Policy MA01 – Aggregate working within site allocations – Allocation 3: Preferred area at Stowfield Policy MA01 – Aggregate working within site allocations – Allocation 4: Preferred area at Daglingworth Policy MA01 – Aggregate working within site allocations – Allocation 5: Preferred area at Huntsman's Policy MA01 – Aggregate working within site allocations – Allocation 6: Specific Site at Manor Farm, Kempsford Policy MA01 – Aggregate working within site allocations – Allocation 7: Preferred area at Redpool's Farm, Twynning Policy MA01 – Aggregate working within site allocations – Allocation 8: Area of search at Lady Lamb Farm, Fairford Policy MA01 – Aggregate working within site allocations – Allocation 9: Areas of search at Land between Kempsford & Whelford Policy MA01 – Aggregate working within site allocations – Allocation 10: Areas of search at Down Ampney and Charlham Farm Policy DM10 - Gloucester-Cheltenham Green Belt
Aspects which make provision for change but which are likely to have no significant effect on a European Site alone, because any potential effects would be so restricted that they would not undermine the conservation objectives for the site ( <b>Step 3d</b> ). However taking a precautionary approach some uncertainty remains either alone ( <u>residual effects</u> ) but particularly in considering cumulative impacts alongside other aspects, plans and projects. <i>Proceed to Step 4 (in combination assessment)</i>	Policy MA01 – Aggregate working within site allocations – Allocation 1: Preferred area at Stowe Hill/Clearwell <i>[Note made up of previous CRFD1 parcels A &amp; B where smaller parcel A was screened out early at Step 3c]</i>  <i>[Note previous site options at Cerney Wick (SGCW2) and Hewelsfield (CRFD4) have not been brought forward to the pre-publication version of the MLP as either preferred areas or areas of search. This is why they no longer appear here and are no longer being considered by the HRA.]</i>
Aspects which are too general so that it is not known where, when or how the aspect of the plan may be implemented, or where any potential effects may occur, or which European Sites, if any, may be affected ( <b>Step 3e</b> )	Policy MA02 - Aggregates working outside of allocations Policy DM01 – Amenity Policy DM03 - Transport Policy DM04 - Flood risk Policy DM07 – Soils

\*Note any items not yet screened out alone in this table were taken directly to **Step 5** below

5.3.2 Pre-publication MLP items identified by Steps 1, 2, 3a, 3b, 3c & 3e were safely screened out alone. In combination with other options or external plans or projects these elements could have no likely or identifiable significant cumulative effect on a European Site. MLP items that would not have a likely significant effect alone but could conceivably have residual effects (as identified by *Step 3d*) require

further consideration in combination with other MLP items or external plans or projects. This is usually a precautionary approach and items picked up at Step 3d were carried forward to a further Step 4. More details of Steps 1 to 4 for the Pre-Publication version of the MLP follow

**5.3.3 Step 1** looked at general policy statements, strategic aspirations or general criteria based policies which were unlikely to have a significant effect on a European Site. A good number of items in the MLP were screened out at Step 1 and this large proportion was quite normal for an HRA of a plan that guided development at a strategic level. Included here were the MLP's Vision, 5 Objectives SR, RM, PS, LC and MM, most of the Drivers for Change Drivers for Change (A – Developing secondary & recycled aggregate supplies, B – Safeguarding local mineral resources, C – Supporting local growth ambitions, D – Maintaining steady & adequate supplies of aggregates, E – Reducing the impact of mineral transport) and the MLP Strategy. As with the previous MLP version some of these items included beneficial statements in respect of protecting the environment and hence European Sites, e.g. policies Secondary & Recycled Aggregates (SR01) Coal (MW05), Oil and Gas (MW06), Ancillary Development (MW07) plus Objectives SR & LC. Many of these items provided a framework for an approach to minerals development but in themselves they did not directly promote individual project proposals that could affect European Sites.

**5.3.4 Step 2** looked at items referring to other projects and plans but not proposed or being implemented by the MLP. The question to ask here was *“is the item provided for or proposed as part of another plan or project and would be likely to proceed under another mechanism irrespective of whether the MLP is adopted?”* In asking this question no MLP items were identified as being able to be screened out at Step 2. This probably reflected the fact that the MLP was well focused on planning for future minerals development.

**5.3.5 Step 3** is all about identifying items that could have no likely significant effects at all or some conceivable residual effects. The first part is **Step 3a** which looks at items that should result in a beneficial or neutral result on the natural, built or historic environment as the intention is to protect or enhance it. Here 9 items were identified. An obvious beneficial item was Policy DM06 Biodiversity & Geo-diversity which included generic protection for all European Sites. Gloucestershire has many European Sites within and just beyond its boundaries. The intervening land between the European Sites supports the maintenance of their integrity (e.g. bat flyways and roosts on non-designated land between parts of the Wye Valley & Forest of Dean Bat Sites SAC). This often makes it difficult to predict if European Sites will be a relevant consideration at the planning application stage as this depends on development type, scale, working methods and exact location. It might be thought that the Biodiversity & Geodiversity policy would be sufficient to make all the other aspects of the MLP safe. However all other MLP items still needed to be screened to make sure there was nothing in the MLP that obviously or seriously undermined the protection given to European Sites under policy DM06 or give rise to confusion about the implementation of the Habitats Regulations (Habitats Directive) at the planning application (project) stage.

5.3.6 Other neutral or beneficial items in respect of European Sites that were screened out at Step 3a included those covering two environmental Drivers for Change (F – Protecting the natural environment and G – Protecting & maintaining historic environments), objectives for the environment (ENV) & restoring worked out minerals sites (RA), as well as policies for Restoration, Aftercare & Facilitating Beneficial After-uses (MR01), Cumulative Impact (DM02), Water Environment (DM05), Historic Environment (DM08) and Landscape (DM09).

5.3.7 **Step 3b** looks for items that in themselves will not lead to development or other change that could have a likely significant effect on a European Site. Only one item clearly fell into this category. This was the policy DM11 Aerodrome Safeguarding & Aviation Safety which focused on how a minerals development in the vicinity of an aerodrome (e.g. in locality of Fairford) might pose increased threats from for example increasing bird concentrations or distractive lighting. If inappropriate working and restoration were proposed near aerodromes it did not follow that the use of DM11 would then have implications for European Sites. Solutions to the aerodrome and aircraft issue such as altering minerals site restoration details and aftercare management of roosting or flocking birds would not obviously lead to a likely significant effect on European Sites. This was so mainly because of the combination of where the European Sites are in Gloucestershire, their actual interest features and where minerals development already occurs and was being proposed in the MLP. If a solution making a development acceptable to safeguarding aerodromes and aircraft safety did have implications on a European Site then Policy DM06 would be relevant. However any restoration and aftercare solutions driven by DM11 would be very specific to each planning application coming forward and would have to be subject to further HRA by the WPA and may need to be rejected.

5.3.8 **Step 3c** identifies items which although they make a provision for change such change could have no conceivable effect on a European Site (because there is no link or pathway to the protected qualifying interests). Alternatively the change that could come about by the MLP item being one that would have only a positive or neutral effect and not undermine a European Site's conservation objectives. Here an item identified was the important policy MA01 which allocated strategic minerals sites. To be able to deal with MA01 it was split up into its component allocations and so became 10 separate items of which 9 fell into Step 3c and are discussed below. To add to these 9 items there was also policy DM10 Gloucester-Cheltenham Green Belt to consider which placed additional constraints on any potential proposals for minerals development close to the main urban areas of the county. This policy did not promote minerals development but constrained it and given the nature of a minerals operation in the Green Belt policy DM10 did not pose identifiable impacts or pathways that were likely to affect any European Site.

5.3.9 Allocation 2: Preferred Area at Drybrook comprised of parcel A (CRFD2) only and was previously considered at the Site Options stage of the MLP. Previously all parcels of land were screened out. This was because European Sites within a 10km radius that were assessed did not have a pathway present that could result in any significant effects (see 5.2.11 above). It followed therefore that Allocation 2 Preferred Area at Drybrook could be screened out from assessment.

5.3.10 Allocation 3: Preferred Area at Stowfield comprised of parcel C (CRFD3) was previously considered at the Site Options stage of the MLP (see 5.2.12 above). This parcel of land was proposed for deepening of an existing quarry bottom. This was largely a working quarry already and roosting or foraging or commuting features for bats would not be lost. It was deemed that assessed European Sites within a 10km radius had no pathways present which could result in any significant effects. This included effects on bats associated with the Wye Valley Woodlands or Wye Valley & Forest of Dean SACs. This allocation could therefore be screened out from the assessment.

5.3.11 Allocation 4: Preferred Area at Daglingworth comprised of parcel A (CRCW1) previously considered at the Site Options stage of the MLP (see 5.2.13 above). This parcel was deemed to be very distant and with no pathway present related to minerals development that would result in any conceivable effect on the conservation objectives of any European Site. Allocation 4: Preferred Area at Daglingworth could therefore be safely screened out.

5.3.12 Allocation 5: Preferred Area at Huntsman's comprised of parcels A (west CRCW2) and C (south CRCW2) previously considered at the Site Options stage of the MLP (see 5.2.14). The closest European Site was Dixon Wood SAC at around 14km away and no pathway was present from minerals development occurring at Huntsman's that could result in a conceivable effect on the conservation objectives of the European Site. Allocation 5: Preferred Area at Huntsman's was therefore safely screened out.

5.3.13 Allocation 6: Specific Site at Manor Farm, Kempsford comprised of parcel C (SGCW4) previously considered at the Site Options stage of the MLP (see 5.2.20). The nearest European Site was North Meadow & Clattinger Farm SAC which was around 7km away (North Meadow) and given the position in the catchment it had already been deemed that minerals development at Manor Farm Kempsford could not result in any conceivable effect on the conservation objectives of the SAC or any other European Site. Allocation 6: Specific Site at Manor Farm, Kempsford could therefore be safely screened out.

5.3.14 Allocation 7: Preferred Area at Redpool's Farm, Twyning comprised of parcels A, B, C & D (SGTW2) previously considered at the Site Options stage of the MLP (see 5.2.26). The nearest European Site was Bredon Hill SAC which was about 5.4km away from the eastern end of the preferred area with the Severn Estuary European Marine Site at least 31km away. It had already been deemed that no pathway was present from having minerals development at Redpool's Farm that could result in any conceivable effect on the conservation objectives of any European Site. Allocation 7: Preferred Area at Redpool's Farm, Twyning could therefore be safely screened out.

5.3.15 Allocation 8: Area of Search at Lady Lamb Farm, Fairford comprised of parcel A (SGCW3 northern area) previously considered at the Site Options stage of the MLP (see 5.2.19). This area of search was well over 6km away from the nearest European Site which was part of North Meadow & Clattinger Farm SAC. Given the position in the catchment it had already been deemed that minerals development at Lady Lamb Farm would not result in any conceivable effect on the conservation



objectives of the SAC or any other European Site. Allocation 8: Area of Search at Lady Lamb Farm, Fairford could therefore be safely screened out.

5.3.16 Allocation 9: Areas of Search at Land between Kempford & Whelford comprised of parcels B, E & F (SGCW4) previously considered at the Site Options stage of the MLP (see 5.2.20). The most southerly search parcel was over 6.7km from North Meadow which is part of the North Meadow & Clattinger Farm SAC. Given the position in the catchment it had already been deemed that minerals development at Kempford & Whelford would not result in any conceivable effect on the conservation objectives of the SAC. Allocation 9: Areas of Search at Land between Kempford & Whelford could therefore be safely screened out.

5.3.17 Allocation 10: Areas of Search at Down Ampney and Charlham Farm comprised of parcels A, B & C (SGCW5) and A (SGCW6) previously considered at the Site Options stage of the MLP (see 5.2.21 & 5.2.22). The nearest European Site to Charlham Farm was North Meadow & Clattinger Farm SAC which was about 1.9km away (North Meadow) to the south. The nearest European Site to the Down Ampney Area of Search was closer at 1km away and was again North Meadow & Clattinger Farm SAC. The Down Ampney area had been the subject of a previous cross border (with Wiltshire) planning application. This planning application had been the subject of HRA and a letter dated 29<sup>th</sup> December 2011 from Natural England<sup>48</sup> confirmed the view of both County Mineral Planning Authorities that the Down Ampney development would not result in any hydrological or other effect on any conservation objectives of the SAC. In conclusion it is logical that Allocation 10: Areas of Search at Down Ampney and Charlham Farm could be safely screened out.

5.3.18 **Step 3d** of the screening process identifies items that may have a potential for some residual or uncertain effects and could mean there is a possibility of cumulative impact in combination with other MLP options or external plans and projects. So items here always need to proceed on to Step 4 (in combination screening assessment). Only one part of one policy was identified at Step 3d and this was part of Policy MA01 – Aggregate working within site allocations and is Allocation 1: Preferred area at Stowe Hill/Clearwell.

5.3.19 Allocation 1: Preferred area at Stowe Hill/Clearwell comprised of parcels A and B (CRFD1) previously considered at the Site Options stage of the MLP (5.2.29, Table 4, Table 5, 5.2.34, Table 6, 5.2.41, Table 7, 5.2.45). In Table 3 and paragraph 5.2.10 above it can be seen that the smaller parcel A was screened out at Step 3c as not likely to have a significant effect on a European Site. However previously parcel B was considered at Step 3d, which was now the major part of Allocation 1. Sensibly Allocation 1 as a whole was considered at Step 3d for the Pre-publication version of the MLP.

5.3.20 In considering Allocation 1 at Stowe Hill/Clearwell the nearest European Site to look at was Wye Valley & Forest of Dean Bat Sites SAC (Old Bow & Old Ham Mines) which was at its nearest point about 750 metres away to the north east. About 2.8km to the south east of Allocation 1 there was another component part of the SAC (Devil's Chapel Scowles). As to the Wye Valley Woodlands SAC this was 1.8km away to the south west at its closest point.

5.3.21 Allocation 1 at Stowe Hill/Clearwell was not particularly close to parts of the European Sites but nevertheless it did raise some possibilities including that of considering bat habitat and flyways at CRFD1 which could be important to the well-being of the SACs<sup>49</sup>. Objectives 2, 3 and 4 of the Wye Valley and Forest of Dean Horseshoe Bat Strategy were used here<sup>50</sup>.

5.3.22 Objective 2 of the Horseshoe Bat Strategy (HBS) is concerned with the positive management and protection of critical flight lines and feeding grounds. Although such habitat for bats did not seem to be present within the allocated land Objective 2 of the HBS also had an associated action which said that 'in *broader policy terms* assume all hedgerows have a value as flight lines'. The main issue then was whether horseshoe bats from or associated with the Wye Valley Woodlands or the Forest of Dean Bat Sites SAC may depend on what remains of a much degraded hedgerow network within Allocation 1.

5.3.23 The south western spur of Allocation 1 constituted previously considered parcel A of CRFD1 and was screened out. It consisted of intensive arable with one short mature hedgerow. The larger part of Allocation 1 was made up of previously considered parcel B which also had a degraded almost non-existent hedgerow network. The loss of these remnant hedgerows was not likely to be significant given that the more intact and important boundary hedgerows and surrounding woodland to the south and south west would be retained. This was also a fair assessment because already approved biodiversity enhancement and ongoing restoration in adjoining consented minerals areas would benefit bats over the coming years. Any development consented in Allocation 1 would be subject to a project level HRA. Also policy would make sure overall that hedgerows, tree lines and woodland provision were maintained or enhanced for commuting and foraging bats (see draft MLP Policies DM06, DM09, and MR01). This meant habitat and flyways that could be used by horseshoe bats from or associated with either SAC in the wider area would be conserved.

5.3.24 Objective 3 of the HBS is concerned with protecting hibernacula and securing the maintenance and enhancement of the integrity of mines, tunnels and caves for hibernating horseshoe bats. This has an associated action of seeking to protect or replace hibernacula that are at risk from development. So in considering Allocation 1 at Stowe Hill/Clearwell there was perhaps a conceivable but unlikely possibility that there could be underground connections to bat roosting areas in the SAC components or other adjoining areas. Theoretically minerals development could cut into such cavities or connected crevices so that their atmospheric conditions (via changed airflow) would be altered. However given the location of Allocation 1 and the distances likely to be involved this conceivable impact was considered not very probable at all. No such connections appear to exist and this was believed to be a very low risk and could be assessed at the planning application stage. The Habitats Regulations Handbook<sup>51</sup> (Principle C.7.1 (3)) suggests that certain very low risks can be screened out. However in addition the draft MLP had safeguarding policies DM02, DM06, DM09 and MR01 which made a likely significant effect on the SACs improbable if Allocation 1 was confirmed. Further assessment, from new evidence becoming available at the planning application stage, meant that if there really was a reasonable risk of a significant effect upon subterranean cavities (that were connected to either the SAC or its associated horseshoe bat populations) then

precautionary working measures or stand offs could be employed during minerals extraction.

5.3.25 However taking a very precautionary approach Allocation 1 at Stowe Hill/Clearwell was not screened out until it had been considered in combination with other plans and projects.

5.3.26 **Step 3e** looks for items that are so general in terms of their implementation that it is not possible to identify where, when or how the items may be implemented, or where effects may occur, or which European Sites, if any, may be affected. This step is similar to Step 1 above. In the Pre-Publication version of the MLP there were 5 items identified that could be screened out at Step 3e. These were emerging policies Aggregates Working Outside of Allocations (MA2), Amenity (DM01), Transport (DM03), Flood Risk (DM04) and Soils (DM07) which were focused on largely technical assessments and informing decision making at the planning application stage. There were many safeguards connected to these items that would prevent a likely significant effect on any European Site occurring from their use at the planning application stage. They could not be used alone to justify and implement development but only in the context of the National Planning Policy Framework, other moderating policies and site allocations in the rest of the draft MLP (including not least with full consideration of policy DM06 on Biodiversity and Geodiversity and also policies DM09 and MR01).

5.3.27 **Step 4** takes the items identified in Step 3d (with some potential residual effects - although these are not very likely to lead to a significant effect on any European Site) and carries out some in combination screening on them. The items of the Pre-Publication version of the MLP considered at Step 4 are listed in Table 9 below.

**Table 9: Items in the MLP Pre-Publication version not yet screened out after Step 3**

<b>Items of the MLP which could not yet be ruled out</b> because it could be conceived that they might have had <u>potential</u> for some residual effects which in combination may have had a significant effects on a European Site.
<b>Items from Step 3d above – to take to ‘in combination’ screening Steps 4a &amp; 4b below</b>
Policy MA01 – Aggregate working within site allocations – Allocation 1: Preferred area at Stowe Hill/Clearwell – roosting/commuting/foraging bats from WV & FoD SAC and Wye Valley Woodlands SAC)
<b>Other items not yet screened out alone so far – to take directly to Step 5 below, i.e. application of simple additional measures</b>
None

5.3.28 **Step 4a** looks at the remaining items in combination with all the other items of the MLP which have not been able to be screened out so far. Only one item on a very precautionary basis was identified in Table 9 as potentially having any residual effects. This means there was no other item to screen Allocation 1 with to look at possible in combination effects within the MLP. Allocation 1 within policy MA01 therefore had to go straight to a consideration of likely significant effects in combination with other external plans and projects (Step 4b below).

5.3.29 **Step 4b** is summarised in Table 10 below. Here the single MLP item listed in Table 9 above was looked at in relation to other external plans and projects to see if there could be a likely significant effect in combination. The HRA Baseline Report<sup>52</sup> reveals an extensive list of such plans and projects that may be of relevance here but in reality there were very few that could have any conceivable in combination effect with the items left to consider. Table 10 presents other pertinent local plans as having any potential for in combination effects with the remaining Pre-Publication version MLP item being screened. Natural England requested that aspects of such external plans were the most pertinent and although some of the plans were not fully adopted or complete they were still included and given careful consideration. It should also be noted that existing minerals consents and planning applications had already been considered in reviewing the likely effects of all MLP items (Steps 3c & 4a above) and so these did not need to be considered again. A search for other recent (within last 2 years) major and relevant planning applications and consents near to Allocation 1 was also made. Any HRA documents produced in association with these above plans and projects were reviewed for evidence of in combination effects being possible.



**Table 10 – In Combination Screening with Other Plans and Projects external to the MLP Pre-Publication version – Step 4b**

<b>Key</b>					
<b>NLSE</b>	No Likely Significant Effect – can be screened out				
<b>LSE</b>	Likely Significant Effect(s) – Precautionary principle dictates this item cannot be screened out. A likely significant effect on the site's conservation objectives requiring (a) 'Dropping' of the item (b) Modification of the item (c) Modification / mitigation of the item including use of caveats/criteria at a later stage of the MLP preparation				
<b>U</b>	Uncertain – Precautionary principle dictates it is not possible to determine if NLSE or LSE (see above) so keep in for further screening. May require (a) 'Dropping' of the item (b) Modification of the item (c) Modification / mitigation of the item including use of caveats/criteria at a later stage of the MLP preparation				
<b>Elements of other plans or projects to consider for in combination effects →</b>  <b>All items of the plan screened under step 3d as some residual effect alone ↓</b>	Forest of Dean District Development Framework (Core Strategy, Cinderford NQ Area Action Plan & Allocations Plan)	Gloucestershire Local Transport Plan (2015-2031)	Hybrid planning application at Cinderford Northern Quarter (P0663/14/OUT)	Appeal concerning Outline Application for Housing etc. (AP0013/15/REF)	<b>Combinations of more than one of the Elements with the MLP item</b>
Policy MA01 – Aggregate working within site allocations – Allocation 1: Preferred area at Stowe Hill/Clearwell – roosting/commuting/foraging bats from WV & FoD SAC and Wye Valley Woodlands SAC)	<b>NLSE</b>	<b>NLSE</b>	<b>NLSE</b>	<b>NLSE</b>	No effects identified

5.3.30 The Gloucestershire Local Transport Plan 2015-2031(LTP) comes with its own HRA<sup>53</sup> which does not contain any issues of concern for this HRA of the MLP. The items in the LTP were screened out on the basis of none of its recommendations could be likely to have an in combination significant effect with confirmation of Allocation 1 Preferred Area at Stowe Hill/Clearwell.

5.3.31 Allocation 1 sat within the Forest of Dean District and its Development Framework was a relevant consideration and the HRA reports concerned with the Core Strategy<sup>54</sup>, the Cinderford Area Action Plan<sup>55</sup> and the Allocations Plan<sup>56/57</sup>. The

HRA for the Forest of Dean Core Strategy determined that further HRA work was better left to the Cinderford Area Action Plan, District Allocations Plan or the planning application stage where sufficient detail would be known. The HRA for the Cinderford Area Action Plan raised no concerns for the MLP and in the latest HRA produced for the Allocations Plan no residual effects were concluded and that no in combination effects could therefore occur with other plans and projects. In particular the HRA resolved that given policy caveats and recommended changes the submission version of the Allocations Plan could not result in habitat loss or fragmentation that could give rise to a significant effect on the bat populations of the SACs. The conclusion was that the Forest of Dean Development Framework was unlikely to result in a significant effect upon the relevant SACs in combination with Allocation 1 of the Pre-Publication version of the MLP.

5.3.32 In an HRA (including AA) of a hybrid planning application at the Cinderford Northern Quarter<sup>58</sup> bat flyways and roosting areas some distance away from any part of the SACs were deemed to be a factor in supporting SAC bat populations. The outcome of the AA however was that with appropriate safeguarding policies, an adopted biodiversity strategy, and relevant mitigation and compensatory measures in place a likely significant effect on the SACs or their bat populations would not occur. This was a view that was shared by Natural England. An undetermined appeal for 200 dwellings and associated open space and infrastructure existed to the north of Coleford at Berry Hill just over 5km away (AP0013/15/REF & P1482/14/OUT<sup>59</sup>). The site was agricultural pasture land that adjoins a built up area but was also close to wooded areas that horseshoe bats from the SAC population may use. The reasons this application was refused by the District Council did not include ecology or specifically bats. The officer report to the planning committee stated that initially there was a lack of information provided on bats and other species. However further information was provided that addressed concerns and it was concluded that conditions and a precautionary approach meant that no ecological concerns remained.

5.3.33 However to avoid and mitigate any concerns that could be possibly conceived about Allocation 1, i.e. effects on bat flyways or even roosts connected with the SACs bat populations, safeguards were recommended. These were considered further at Step 5 below.

5.3.34 Application of simple additional measures (e.g. of avoidance/modification/mitigation) is **Step 5**. This step recommended further simple measures that could additionally be used to remove any remaining doubts about significant effects on the SACs concerned (Table 11).

**Table 11 – Item in the MLP Pre-Publication version that was screened out by simple additional measures being in place (Step 5)**

<p><b>Items of the MLP</b> which under steps 1 - 4 have not been fully screened out as they <u>might</u> have <u>potential</u> for some residual effects (although these are <u>not very likely</u> to lead to a significant effect on a European Site)</p>	<p><b>Simple Additional Measure(s)</b> that would be in place leading the HRA to conclude that there would be no likely significant effect on any European (International) Site</p>
<p>Policy MA01 – Aggregate working within site allocations – Allocation 1: Preferred area at Stowe Hill/Clearwell</p>	<p>Taking a very precautionary approach any potential residual effects on European Sites could be avoided at the planning application stage backed up by safeguarding policies in the MLP (includes DM06 Biodiversity &amp; Geodiversity, DM09 Landscape, DM02 Cumulative Impact &amp; MR01 Restoration). Any new minerals development in relation to Allocation 1 at Stowe Hill/Clearwell would be subject to HRA screening to see if there could be a likely significant effect on the Wye Valley &amp; FoD Bat Sites or Wye Valley Woodlands SAC. This would be done initially by the developer before submitting a planning application and then by the MPA as competent authority once an application had been received. The draft MLP policy for Biodiversity &amp; Geodiversity (DM06) and Appendix 6 detailed development requirements for Stowe Hill/Clearwell ensures that this would happen. Appendix 6 includes safeguards that would further assist in conserving and enhancing bat related habitat (see Allocation 1 – under rows for Landscape &amp; Visual Impact, Natural Environment plus Restoration Opportunities &amp; Constraints). Additionally the County Council planning application validation requirements (list) available at <a href="http://www.gloucestershire.gov.uk/article/105864/Make-a-planning-application">http://www.gloucestershire.gov.uk/article/105864/Make-a-planning-application</a> highlights that HRA screening was required for certain minerals, waste and county development proposals such as for this site allocation. Any effects on bats (which are deemed unlikely and minor and of no significance to any European Site) could be easily mitigated and with restoration provide conditions for enhanced use of the site for many species. It was therefore concluded that the preferred area at Stowe Hill/Clearwell (Allocation 1 of MA01) in the proposed MLP could be safely screened out and could have no likely significant effect on any European Site.</p>

5.3.35 Table 11 above shows how the remaining item had additional safeguarding measures (not previously considered) applied to it. At paragraph 4.3 of this HRA it was stated that the MLP does not consent development in itself and that the HRA can only be as rigorous as can reasonably be undertaken (c. Case Law Feeney). This means that the HRA was in a position to conclude that the *Preferred Area at Stowe Hill/Clearwell (Allocation 1 of MA01) in the MLP could be adopted as its allocation could have no likely significant effect on either Wye Valley & Forest of Dean Bat Sites SAC or Wye Valley Woodlands SAC.*

## 5.4 MLP Publication Version

5.4.1 The Publication version of the MLP is an amended version benefiting from feedback on the previous version considered at 5.3 above. Deleted aspects (items) do not need to be considered again. They are as follows:

- Policy MS02 - Non-minerals development within Minerals Consultation Areas
- Policy MW06 - Oil & Gas
- Policy MA01 – Aggregate working within site allocations – Allocation 6: Specific Site at Manor Farm, Kempsford
- Policy MA01 – Aggregate working within site allocations – Allocation 7: Preferred area at Redpool's Farm, Twynning
- Policy MA01 – Aggregate working within site allocations – Allocation 9: Areas of search at Land between Kempsford & Whelford
- Policy MA01 – Aggregate working within site allocations – Allocation 10: Area of search at Charlham Farm

These items do not need to be further considered and are excluded from HRA screening.

5.4.2 All MLP Publication version items (aspects) have been categorised as shown in Table 12 below. Unchanged policies and site allocations etc. have been included for completeness and retain their original screening result. The focus of the HRA now is on new or significantly edited items in the Publication version (as compared to the Pre-Publication version).

**Table 12 Screening of items in the MLP Publication version alone (Steps 1 to 3)**

Aspect categories of the MLP which alone would <u>not</u> be likely to have a significant effect on a European Site	Items in MLP Publication version <i>(comments in italics refer to any changes since the Pre-Publication version)</i>
General policy statements, strategic aspirations or general criteria based policies <b>(Step 1)</b>	<p>A Vision for Gloucestershire – 2033 <i>(largely unchanged and beneficial to the environment)</i></p> <p>Objective SR – Maximising the use of secondary &amp; recycled aggregates <i>(no change)</i></p> <p>Objective RM – Effectively managing mineral resources <i>(no change)</i></p> <p>Objective PS – Making provision for the supply of minerals <i>(minor change)</i></p> <p>Objective LC – Protecting the health &amp; well-being of local communities <i>(minor change)</i></p> <p>Objective MM – Efficient, effective &amp; safe movement of minerals <i>(minor change)</i></p> <p>Drivers for Change [A – Developing secondary &amp; recycled aggregate supplies, B – Safeguarding local mineral resources, C – Supporting local growth ambitions, D – Maintaining steady &amp; adequate supplies of aggregates, E – Reducing the impact of mineral transport] <i>(minor changes)</i></p> <p>Strategy of the MLP <i>(Severn Vale now not mentioned plus various minor changes)</i></p> <p>Policy SR01 - Maximising the use of secondary &amp; recycled aggregates <i>(no change)</i></p> <p>Policy MS01 - Non-minerals development within MSAs <i>(more prescriptive)</i></p> <p>Policy MS02 – Safeguarding mineral infrastructure <i>(was MS03 and now more prescriptive)</i></p> <p>Policy MW01 – Aggregate provision <i>(small changes)</i></p> <p>Policy MW02 – Natural building stone <i>(small changes)</i></p> <p>Policy MW03 – Clay for civil engineering purposes <i>(more prescriptive and environmentally beneficial)</i></p> <p>Policy MW04 - Brick clay <i>(more prescriptive)</i></p> <p>Policy MW05 – Coal <i>(minor change)</i></p> <p>Policy MW07 - Ancillary development <i>(small changes and more environmentally beneficial)</i></p>
Aspects excluded from the appraisal because they are not proposals generated or implemented by the MLP [even if referred to by the MLP] <b>(Step 2)</b>	No items identified
Aspects which protect the natural environment, including biodiversity, or conserve or enhance the natural, built or historic environment. Should result in a beneficial or neutral result. <b>(Step 3a)</b>	<p>Drivers for change [F – Protecting the natural environment, G – Protecting &amp; maintaining historic environments] <i>(minor changes)</i></p> <p>Objective ENV - Protecting the built &amp; natural environment <i>(no change)</i></p> <p>Objective RA – Successfully restoring worked-out mineral sites <i>(minor change)</i></p> <p>Policy DM02 - Cumulative impact <i>(no change)</i></p> <p>Policy DM05 - Water environment <i>(expanded policy wording, more explicit)</i></p> <p>Policy DM06 - Biodiversity and geo-diversity <i>(changes in text order and the whole HRA process is now more explicit)</i></p> <p>Policy DM08 - Historic environment <i>(several changes)</i></p> <p>Policy DM09 – Landscape <i>(expanded policy wording, more explicit)</i></p>

Aspect categories of the MLP which alone would <u>not</u> be likely to have a significant effect on a European Site	Items in MLP Publication version <i>(comments in italics refer to any changes since the Pre-Publication version)</i>
	Policy MR01 – Restoration, aftercare & facilitating beneficial after-uses ( <i>some changes and slightly more succinct</i> )
Aspects which themselves will not lead to development or other change that could have a likely significant effect ( <b>Step 3b</b> )	Policy DM11 - Aerodrome safeguarding and aviation safety ( <i>no change</i> ) Policy DM04 - Flood risk ( <i>greatly expanded policy wording, more explicit</i> )
Aspects which make provision for change but which could have no conceivable effect on a European Site, because there is no link or pathway between them and the qualifying interests, or any effect would be a positive or neutral effect, or would not otherwise undermine the conservation objectives for the site ( <b>Step 3c</b> )	Policy MA01 – Aggregate working within site allocations – Allocation 02: Land west of Drybrook Quarry ( <i>no change</i> ) Policy MA01 – Aggregate working within site allocations – Allocation 03: Depth extension to Stowfield Quarry ( <i>no change</i> ) Policy MA01 – Aggregate working within site allocations – Allocation 04: Land northwest of Daglingworth Quarry ( <i>no change</i> ) Policy MA01 – Aggregate working within site allocations – Allocation 05: Land south and west of Naunton Quarry ( <i>no change except was called Huntsman's Quarry</i> ) Policy MA01 – Aggregate working within site allocations – Allocation 06: Land east of Down Ampney ( <i>was an area of search [allocation 10] and now instead is a slightly smaller allocation area</i> ) Policy MA01 – Aggregate working within site allocations – Allocation 07: Land at Lady Lamb Farm, Fairford ( <i>no change in extent but was an area of search [allocation 08]</i> ) Policy DM10 - Gloucester-Cheltenham Green Belt ( <i>no change</i> )
Aspects which make provision for change but which are likely to have no significant effect on a European Site alone, because any potential effects would be so restricted that they would not undermine the conservation objectives for the site ( <b>Step 3d</b> ). However taking a precautionary approach some uncertainty remains either alone ( <i>residual effects</i> ) but particularly in considering cumulative impacts alongside other aspects, plans or projects. <i>Proceed to Step 4 (in combination assessment)</i>	Policy MA01 – Aggregate working within site allocations – Allocation 01: Land East of Stowe Hill Quarry ( <i>no change</i> )
Aspects which are too general so that it is not known where, when or how the aspect of the plan may be implemented, or where any potential effects may occur, or which European Sites, if any, may be affected ( <b>Step 3e</b> )	Policy MA02 - Aggregates working outside of allocations ( <i>minor change</i> ) Policy DM01 – Amenity ( <i>minor change and slightly more explicit</i> ) Policy DM03 – Transport ( <i>a number of small changes making it more expansive</i> ) Policy DM07 – Soils ( <i>expanded policy wording, more explicit</i> )

5.4.3 The MLP Publication version items identified by Steps 1, 2, 3a, 3b, 3c & 3e were safely screened out alone. In combination with other options or external plans or projects these elements could have no likely or identifiable significant cumulative effect on a European Site. MLP items that would not have a likely significant effect



alone but could conceivably have residual effects (as identified by *Step 3d*) require further consideration in combination with other MLP items or external plans or projects. This is usually a precautionary approach and items picked up at Step 3d were carried forward to a further Step 4. More details of Steps 1 to 4 for the Publication version of the MLP follow.

**5.4.4 Step 1** looked at general policy statements, strategic aspirations or general criteria based policies which were unlikely to have a significant effect on a European Site. As with previous versions of the MLP a good number of items were able to be screened out at Step 1. Included here were the MLP's Vision, the Drivers for Change A to E, the Strategy, Objectives SR, RM, PS, LC & MM plus Policies SR01, MS01, MS02, MW01, MW02, MW03, MW04, MW05 and MW07. Most of these were largely unchanged from the Pre-publication version of the MLP but some were more prescriptive than before. Certain of these items include beneficial statements in respect of protecting the environment and hence European Sites, e.g. the Vision, Objective SR and the Strategy. Many of these items provide a framework for an approach to minerals development but in themselves do not directly promote individual project proposals that could affect European Sites.

**5.4.5 Step 2** looked at items referring to other projects and plans but not proposed or being implemented by the MLP. The question to ask here was *"is the item provided for or proposed as part of another plan or project and would be likely to proceed under another mechanism irrespective of whether the MLP is adopted?"* In asking this question no MLP items were identified as being able to be screened out at Step 2. This again reflects the fact that the MLP is well focused on planning for future minerals development.

**5.4.6 Step 3** is all about identifying items that could have no likely significant effects at all or some conceivable residual effects. The first part is **Step 3a** which looked at items that should result in a beneficial or neutral result on the natural, built or historic environment as the intention is to protect or enhance it. Here once more 9 items were identified. An obvious beneficial item is Policy DM06 Biodiversity & Geodiversity which includes generic protection for all European (International) Sites. The content in the policy on HRA procedures for planning proposals has now been expanded at the request of Natural England. Gloucestershire has many European Sites within and just beyond its boundaries. Much intervening land between the European Site boundaries supports the maintenance of the integrity of these sites (e.g. bat flyways and roosts between parts of the Wye Valley & Forest of Dean Bat Sites SAC). This often makes it difficult to predict if European Sites will be a relevant consideration at the planning application stage as this depends on development type, scale, working methods and exact location. It might be thought that the Biodiversity & Geodiversity policy is sufficient to make all the other aspects of the MLP safe. However all other MLP items still need to be screened to make sure there is nothing in the MLP that obviously or seriously undermines the protection given to European Sites under policy DM06 or give rise to confusion about the implementation of the Habitats Regulations (Habitats Directive) at the planning application (project) stage.

**5.4.7** Other neutral or beneficial items in respect of European Sites that have been screened out at Step 3a include those covering two environmental Drivers for

Change (F – Protecting the natural environment and G – Protecting & maintaining historic environments), Objectives for the environment (ENV) & restoring worked out minerals sites (RA), as well as policies for Restoration, Aftercare & Facilitating Beneficial After-uses (MR01), Cumulative Impact (DM02), Water Environment (DM05), Historic Environment (DM08) and Landscape (DM09).

5.4.8 **Step 3b** looks for items that in themselves will not lead to development or other change that could have a likely significant effect on a European Site. Only two items clearly fell into this category. There is policy DM11 Aerodrome Safeguarding & Aviation Safety which focuses on how a minerals development in the vicinity of an aerodrome (e.g. in locality of Fairford) might pose increased threats from for example increasing bird concentrations or distractive lighting. Policy DM04 is now more explicit but does not in itself lead to effects occurring on any European Site. If inappropriate working and restoration were proposed near aerodromes it does not follow that the use of DM11 would have implications for European Sites. Solutions to the aerodrome and aircraft issues (such as altering minerals site restoration details and aftercare management of roosting or flocking birds) would not obviously lead to likely significant effects on European Sites. This is mainly because of the combination of where the European Sites are in Gloucestershire, their actual interest features and where minerals development already occurs and is being provided for in the MLP. If a solution making a development acceptable to safeguarding aerodromes and aircraft safety has implications for a European Site then Policy DM06 and MR01 would also be relevant. These latter policies would assist moves to find a comprehensive solution or in extreme cases reject development proposals. The MLP policy DM11 in itself therefore does not affect European Sites.

5.4.9 **Step 3c** identifies several items which although they make a provision for change such change could have no conceivable effect on a European Site (because there is no link or pathway to the protected qualifying interests). Alternatively the change that could come about by the MLP item is one that would have only a positive or neutral effect and not undermine a European Site's conservation objectives. An item identified under Step 3c was the important policy MA01 which allocates strategic minerals sites in the MLP. To be able to deal with MA01 it is considered through its component allocations, i.e. 7 separate items of which 6 falls into Step 3c and are discussed below. To add to these there is also policy DM10 Gloucester-Cheltenham Green Belt to consider which places additional constraints on any potential proposals for minerals development close to the main urban areas of the county. This policy does not promote minerals development but constrains it. Given the nature of a minerals operation in the Green Belt policy DM10 does not pose identifiable impacts or pathways that are likely to affect any European Site.

5.4.10 Allocations 02 to 07 in Policy MA01 remain unchanged except that:

Allocation 02 is next to Drybrook Quarry;  
Allocation 03 is part of Stowfield Quarry;  
Allocation 05 is next to Naunton Quarry (was known as Huntsman's Quarry);  
Allocation 06 is land at Down Ampney (was previously Allocation 10); and  
Allocation 07 is next to Daglingworth Quarry (was previously Allocation 8);

A still relevant commentary on Allocations 02 to 07 in the MLP can be found at paragraphs 5.3.9, 5.3.10, 5.3.11, 5.3.12 and 5.3.17 above. These sites can be safely screened out of the HRA for the Publication version of the MLP.

5.4.11 **Step 3d** of the screening process identifies items that may have a potential for some residual or uncertain effects and could mean there is a possibility of cumulative impact in combination with other MLP items or external plans and projects. So items here always need to proceed on to Step 4 (in combination screening assessment). On a precautionary basis only one part of one policy was identified at Step 3d and this was Allocation 01: Land East of Stowe Hill Quarry which is part of Policy MA01 – Aggregate working within site allocations.

5.4.12 Policy MA01 – Aggregate working within site allocations – Allocation 01: Land East of Stowe Hill Quarry remains unchanged since the Pre-publication version of the MLP. This means the commentary to be found between paragraphs 5.3.18 and 5.3.25 is still relevant but this is reproduced again below with a few updates taking account of recent planning applications made on or near the allocation<sup>606162</sup>.

5.4.13 The nearest European Site to the allocation is the Wye Valley & Forest of Dean Bat Sites SAC (Old Bow & Old Ham Mines) which is at its nearest point about 750 metres away to the north east. About 2.8km to the south east of Allocation 01 there is another component part of the SAC (Devil's Chapel Scowles). In terms of the Wye Valley Woodlands SAC this was 1.8km away to the south west at its closest point. Allocation 01 at Stowe Hill is not particularly close to parts of these European Sites but nevertheless does raise some possibilities including that of considering bat habitat and flyways which could be important to the well-being of the SAC's<sup>63</sup> horseshoe bat populations. Objectives 2, 3 and 4 of the Wye Valley and Forest of Dean Horseshoe Bat Strategy are useful here<sup>64</sup>. Also, during a recent planning application consultation related to this quarry site, Natural England recommended<sup>65</sup> scoping into a minerals planning application HRA in the same vicinity some consideration of the River Wye SAC. This European Site has a closest straight line distance of 2.5km but the distance via hydrological/ geo-hydrological and other pathways would be mostly much greater than this.

5.4.14 Objective 2 of the Horseshoe Bat Strategy (HBS) is concerned with the positive management and protection of critical flight lines and feeding grounds. Although such habitat for bats does not seem to be present within the Allocation 01 Objective 2 of the HBS also has an associated action which says that '*in broader policy terms* assume all hedgerows have a value as flight lines'. The main issue then is whether horseshoe bats from or associated with the Wye Valley Woodlands or the Forest of Dean Bat Sites SAC may depend on what remains of the much degraded hedgerow network within Allocation 01. In early stages of the MLP the south western spur of Allocation 01 constituted parcel A of CRFD1 which was considered and screened out of the HRA. This consists of intensive arable with one short mature hedgerow. The larger part of Allocation 01 is made up of previously considered parcel B which also has an almost non-existent hedgerow network. The loss of these hedgerows is not likely to be significant given that the more intact and important boundary hedgerows and surrounding woodland to the south and south west would be retained and advance planting is very likely to be needed for landscape as well as

other biodiversity reasons (see Appendix 4 – Detailed development requirements for Allocation 01). This is also a fair assessment considering the already approved biodiversity enhancement and ongoing restoration works in adjoining consented minerals areas. This will benefit bats over the coming years. Any development consented in Allocation 01 would be subject to making sure that a network of hedgerows, tree lines and woodlands would be extended and enhanced overall for commuting and foraging bats (see MLP Policies DM06, DM09, and MR01). This means habitat and flyways that could be used by horseshoe bats from or associated with the SACs in the wider area would be improved.

5.4.15 Objective 3 of the HBS is concerned with protecting maternity, night and occasional roosts. It has an associated action of determining the current status and vulnerability or otherwise of known existing roosts. Ecological work associated with a recent planning application<sup>66</sup> within and next to Allocation 01 has confirmed that no horseshoe bat roosts are present or likely to be present.

5.4.16 Objective 3 of the HBS has an associated action of seeking to protect or replace hibernacula that are at risk from development. So in considering Allocation 01 at Stowe Hill a view on the possibility that there could be underground connections to horseshoe bat roosting areas in other adjoining areas is needed. Theoretically minerals development could cut into such cavities or connected crevices so that their atmospheric conditions (via changed airflow) would be altered. However given the location of Allocation 01 and the distances likely to be involved (minimum of 0.75km) this conceivable impact is considered not very likely at all. The ecological consultants for a recent planning application came to the same conclusion<sup>67</sup>. The Habitats Regulations Handbook<sup>68</sup> (Principle C.7.1 (3)) suggests that certain very low risks can be screened out. If, in the very unlikely scenario that new evidence becomes available at the project stage that there really was a reasonable risk of a significant effect upon subterranean cavities that were connected to either parts of the SAC and/or its associated horseshoe bat populations, then precautionary working measures or stand offs could be employed during minerals extraction.

5.4.17 During the operational and excavation phases of minerals development on Allocation 01(Stowe Hill) there could be the following effects in relation to the River Wye SAC:

Creation of new damaging (erosive) water flows into the river and its associated habitats/species;

Reduction or change of water quality entering the river and its associated habitats/species (this would be potentially from surface and/or subsurface water affected by the proposed minerals extraction process).

On restoration the following effects have also been identified as follows:

If poorly designed and considered the restoration and/or after-care scheme could change water retention on site and/or change water quality in a way that adversely affects watercourses that feed the River Wye and constitute a threat to habitats/species in the SAC.

There is no evidence that current consented minerals extraction has caused or will cause any significant effects upon the extensive and fairly distant River Wye SAC

(over 2.5km away). However because Allocation 01 represents an extension to the existing quarry operations we must consider if there could be significant effects (on a precautionary basis) to consider. Of more concern is a significant effect on the much nearer Slade Brook SSSI (a Site of Special Scientific Interest). This small brook with fragile tufa formations flows into the River Wye and is a key consideration for any development on Allocation 01 in the future.

5.4.18 Stowe Hill and its surrounds (e.g. Clearwell Quarry) would see a pattern of restoration with more vegetation alongside new areas for quarrying being opened up. Overall vegetation cover is unlikely to significantly decline from the present situation locally. Upon full restoration there will be an increase in vegetation cover and reduced implications for changed water flows and siltation risk to the River Wye downstream. Improved attenuation of water in the general area is a medium to long-term likelihood and could provide some benefits for the River Wye SAC in the future. However Natural England has concerns currently that the much nearer Slade Brook SSSI could be significantly affected and so some restrictions and detailed monitoring of hydrology is likely on future development (as is the case with existing development at Stowe Hill/Clearwell). Such measures for Slade Brook SSSI would also be protective for the River Wye SAC and this is considered further at **Step 5** below.

5.4.19 Conceivably there is a low probability for there to be some unidentified residual effects on European Sites overall. So taking a very precautionary approach Allocation 01 at Stowe Hill is not yet screened out until it has been considered in combination with other plans and projects.

5.4.20 **Step 3e** looks for items that are so general in terms of their implementation that it is not possible to identify where, when or how the items may be implemented, or where effects may occur, or which European Sites, if any, may be affected. This step is similar to Step 1 above. In the Publication version of the MLP there are 4 items identified at Step 3e which could be safely screened out of the HRA. These were policies Aggregates Working Outside of Allocations (MA2), Amenity (DM01), Transport (DM03) and Soils (DM07) which are focused on largely technical assessments and inform decision making at the planning application stage. There are many safeguards connected to these items that would prevent a likely significant effect on any European Site occurring from their use at the planning application stage. They could not be used alone to justify and implement development but only in the context of the National Planning Policy Framework, other moderating policies and site allocations in the rest of the MLP (including not least with full consideration of policy DM06 on Biodiversity and Geodiversity and also policies DM09 and MR01).

5.4.21 **Step 4** takes the items identified in Step 3d (with some potential residual effects - although these are not very likely to lead to a significant effect on any European Site) and carries out some in combination screening on them. The items of the Publication version of the MLP considered at Step 4 are listed in Table 13 below.



**Table 13: Items in the MLP Publication version not yet screened out after Step 3**

Items of the MLP which cannot yet be ruled out because it could be conceived that they might have <u>potential</u> for some residual effects which in combination may have had a significant effects on a European Site.
Items from Step 3d above – to take to ‘in combination’ screening <b>Steps 4a &amp; 4b</b> below
Policy MA01 – Aggregate working within site allocations – Allocation 01: Land East of Stowe Hill Quarry - See <i>Table 14</i>
Other items not yet screened out alone so far – to take directly to <b>Step 5</b> below, i.e. application of simple additional measures
None

5.4.22 **Step 4a** looks at the remaining items (which have not been able to be screened out so far) in combination with all the other items of the MLP. Only one item on a precautionary basis was identified in Table 13 as potentially having some unidentified potential for a residual effect on European Sites. This means there was no other item to screen it with Allocation 01 to look at possible in combination effects within the MLP. Allocation 01 Land East of Stowe Hill Quarry within Policy MA01 therefore has to go straight to a consideration of likely significant effects in combination with other external plans and projects (Step 4b below).

5.4.23 **Step 4b** is summarised in Table 14 below. Here the single MLP item listed in Table 13 above was looked at in relation to other external plans and projects to see if there could be a likely significant effect in combination. The HRA Baseline Report<sup>69</sup> reveals an extensive list of such plans and projects that may be of relevance here but in reality there are very few that could have any conceivable in combination effect with the item now left to consider. Table 14 presents other pertinent local plans as having any potential for in combination effects with the remaining MLP item being screened. Natural England requested that aspects of such external plans were the most pertinent and although some of the plans were not fully adopted or complete (at the time of writing) they were still included and given careful consideration. It should be noted that existing minerals consents and current/recent minerals planning applications have already been incorporated into reviewing the likely effects of all MLP items (Steps 3c & 4a above) and so these do not need to be considered again here<sup>707172</sup>. At the MLP Pre-application stage a search for recent major and relevant non-minerals planning applications/consents within Forest of Dean District was carried out (see Table 10 above). As an update for the Publication version of the MLP the planning search was repeated for any new applications/consents that might be of some relevance. Where there were HRA documents produced in association with all of the above plans and projects were reviewed for evidence of in combination effects being possible.

5.4.24 The Gloucestershire Local Transport Plan 2015-2031(LTP) comes with its own HRA<sup>73</sup> and this has been reviewed in the context of in combination effects with



Allocation 01 at Stowe Hill Quarry. The items in the LTP have been screened out on the basis that none of its recommendations could be likely to have an in combination significant effect with confirmation of Allocation 01.

5.4.25 As Land East of Stowe Hill Quarry is within the Forest of Dean District the Local Development Framework is a relevant consideration and the HRA reports concerned with the Core Strategy<sup>74</sup>, the Cinderford Area Action Plan<sup>75</sup> and the Allocations Plan<sup>76</sup>. The HRA for the Forest of Dean Core Strategy determined that further HRA work was better left to the Cinderford Area Action Plan, the Allocations Plan or at the planning application level where sufficient detail would be known. In the HRA<sup>777879</sup> produced for the Allocations Plan no residual effects were concluded and that no in combination effects could therefore occur with other plans and projects including with the MLP. In particular the HRA resolved that given policy caveats and recommended changes the Allocations Plan could not result in habitat loss or fragmentation that could give rise to a significant effect on the bat populations of the SACs. The HRA for the Cinderford Area Action Plan raises no concerns for the HRA of the MLP either. Related to this matter the Cinderford Northern Quarter hybrid planning application HRA screened out likely significant effects on the Wye Valley Woodlands SAC and also determined there would be no likely significant effects on the Wye Valley & Forest of Dean Bat Sites SAC. This would be chiefly from loss of habitat, disturbance or pollution in connection with the new mixed development. Avoidance of such effects was deemed deliverable due to safeguards that were in place and in the context of amended (and now adopted) local policies. The conclusion is that the Forest of Dean Development Framework is unlikely to result in a significant effect upon the relevant SACs in combination with Allocation 01 (Stowe Hill Quarry) of the MLP.

5.4.26 The Gloucestershire Local Transport Plan 2015-2031(LTP) comes with an HRA<sup>80</sup> and the items in the LTP were screened out on the basis that none of its recommendations could be likely to have an in combination significant effect with confirmation of Allocation 01 in the MLP.

**Table 14 – In Combination Screening with other Plans and Projects external to the MLP Publication version – Step 4b**

<b>Key</b>				
<b>NLSE</b>	No Likely Significant Effect – can be screened out			
<b>LSE</b>	Likely Significant Effect(s) – Precautionary principle dictates this option cannot be screened out. A likely significant effect on the site's conservation objectives requiring (a) 'Dropping' of the option (b) Modification of the option (c) Modification / mitigation of the option including use of caveats/criteria at a later stage of the MLP preparation			
<b>U</b>	Uncertain – Precautionary principle dictates it is not possible to determine if NLSE or LSE (see above) so keep in for further screening. May require (a) 'Dropping' of the option (b) Modification of the option (c) Modification / mitigation of the option including use of caveats/criteria at a later stage of the MLP preparation			
<b>Elements of other plans or projects to consider for in combination effects →</b>  <b>All items of the plan screened under step 3d as some residual effect alone ↓</b>	Forest of Dean District Development Framework (Core Strategy, Cinderford NQ Plan and Site Allocations Plan)	Gloucestershire Local Transport Plan (2015-2031)	Planning Applications and Consents in Forest of Dean District (see text)	<b>Combinations of more than one of the elements with MLP item</b>
Policy MA01 – Aggregate working within site allocations – Allocation 01: Land East of Stowe Hill Quarry	<b>NLSE</b>	<b>NLSE</b>	<b>NLSE</b>	No effects identified

5.4.27 The updated search for relevant planning applications or consents did not bring up any additional effects for consideration in combination with Allocation 01 in the MLP. Previous planning applications and consents considered can be found at paragraph 5.3.32 above and the updated search is summarised below at 5.4.28.

5.4.28 Lots of small domestic and small business developments were identified in surrounding areas including at Clearwell, Newlands, St Briavels, Bream, Sling and the outskirts of Coleford and Lydney. These were mainly for extensions, conversions, new conservatories, garages and garden rooms within existing small properties. A certain proportion of these developments had been consented and probably delivered by now. Other types of development recorded included an upgrade of Newland Waste Water Treatment Works<sup>81</sup> to improve the quality of discharges, a new poultry building at Clearwell, a small extension to Mine Train Quarry<sup>82</sup>, two new holiday cabins, a replacement shop and café at Clements End, footpath improvement works and 9 new dwellings at Bream. None of these could

have residual effects that in combination with Allocation 01 in the MLP would have likely significant effects on any European (international) Site.

5.4.29 The MLP has taken a very precautionary approach in this HRA by not concluding at Step 4 but going beyond this to the furthest extent of Stage 1 which is **Step 5**. Here we look at the simple additional measures being applied that would avoid and mitigate any legitimate concerns remaining about Allocation 01 having a likely significant effect on any European (International) Site. Table 15 presents such measures.

**Table 15 – Item in the MLP Publication version that is screened out by the presence of simple additional measures (Step 5)**

<p><b>Items of the MLP</b> which under steps 1 - 4 were not fully screened out as they <u>might</u> have <u>potential</u> for residual effects (<i>although these were <u>unlikely</u> to lead to a significant effect on a European Site alone or in combination</i>)</p>	<p><b>Simple Additional Measures <u>being applied</u></b> to finally conclude that there would be no likely (conceivable) significant effect on a European Site (alone or in combination) in adopting the MLP.</p>
<p>Policy MA01 – Aggregate working within site allocations – Allocation 01: Land East of Stowe Hill Quarry</p>	<p>The MLP policy for Biodiversity &amp; Geodiversity (DM06) covers the HRA process at the project level. Any new minerals development proposed within Allocation 01 at Stowe Hill will be subject to the HRA process. A statement on HRA would be required by any minerals developer before submitting a planning application. The MPA as competent authority would carry out an assessment and adopt an HRA conclusion after any application had been received.</p> <p>Natural England currently has concerns that the Slade Brook SSSI (which is closer to Allocation 01 than the River Wye SAC) could be significantly affected. Given now strengthened policies DM05 (Water Environment) and DM06 (Biodiversity &amp; Geodiversity) restrictions and detailed monitoring of hydrology are very probable on any future consent that may be granted at Stowe Hill (as is the case with existing minerals development at Stowe Hill/Clearwell). Such measures would also be protective for the River Wye SAC.</p> <p>Appendix 4 for Allocation 01 in the MLP Publication version includes safeguarding requirements for Allocation 01. These will further assist in enhancing bat related habitat and conserving the water/hydrogeological environment (see Allocation 01 table – under rows for Flood Risk, Water Resources, Natural Environment, Landscape &amp; Visual Impact, plus Restoration Opportunities &amp; Constraints).</p> <p>Additionally the County Council planning application validation requirements (list) available at <a href="http://www.gloucestershire.gov.uk/planning-and-environment/planning-applications/make-a-planning-application/">www.gloucestershire.gov.uk/planning-and-environment/planning-applications/make-a-planning-application/</a> highlights that HRA screening is required for certain minerals, waste and county development</p>

<p><b>Items of the MLP</b> which under steps 1 - 4 were not fully screened out as they <u>might</u> have <u>potential</u> for residual effects <i>(although these were <u>unlikely</u> to lead to a significant effect on a European Site alone or in combination)</i></p>	<p><b>Simple Additional Measures <u>being applied</u></b> to finally conclude that there would be no likely (conceivable) significant effect on a European Site (alone or in combination) in adopting the MLP.</p>
	<p>proposals such as for this site allocation.</p> <p>It is therefore concluded that Policy MA01 – Aggregate working within site allocations – Allocation 01: Land East of Stowe Hill Quarry in the MLP Publication version can be safely screened out as it could have no likely significant effect alone or in combination upon any European Site.</p>

5.4.30 Table 15 above shows how the remaining item in the MLP not yet screened out has a number of additional safeguarding measures that are being applied to it. At paragraph 4.3 above it was stated that the MLP does not consent development in itself and the HRA can only be as rigorous as can reasonably be undertaken, so as to enable the Habitats Directive and Regulations to be complied with and the plan adopted. It is worth mentioning what occurred at the Examination in Public of the Gloucestershire Waste Core Strategy in 2012. Legal opinion, based on the High Court Feeney judgement (Feeney vs. Oxford City Council CO/3797/2011), confirmed a similar view to what has been stated above on what a strategic plan can cover. In the Counsel Note to the Waste Core Strategy Inspector, Mr Anthony Crean QC stated that *“the Law recognises that high level strategic plans which make land allocations which anticipate further, more detailed proposals are allowed to be more general in their anticipation of effect. You can only know what you can know. You can only assess what you can assess. If a strategic high level plan can only be brought forward three years in advance of a detailed proposal then it plainly cannot discount all the possible effects of such a proposal on a SAC. The most it can do is provide a framework within which the latter application will be approved only if it meets the requirements of the Habitats Directive. Any other solution would bring an end to forward planning. The judge in Feeny dealt with this point in this way”*. In the Publication version of the MLP we have the important safeguarding policy DM06 (Biodiversity & Geodiversity) as well as other supporting environmental protection policies DM02, DM09 and MR01 which can be used to ensure a likely significant effect on any of the SACs could not occur through consented development. Realistic, likely or hypothetical effects can be identified within any planning applications that come forward on Allocation 01 at Stowe Hill for minerals development (following Principles C.7.1 and C.8.1 in the HRA Handbook<sup>83</sup>).

5.4.31 The HRA is now in a position to conclude that *Policy MA01 – Aggregate working within site allocations – Allocation 01: Land East of Stowe Hill Quarry as part of an adopted MLP would not cause there to be a likely significant effect on the Wye Valley & Forest of Dean Bat Sites SAC or Wye Valley Woodlands SAC or the River Wye SAC*. Appropriate Assessment (AA) is therefore not required as all items in the MLP (Publication version) have now been screened out.

## **5.5 Submission of the MLP to the Planning Inspectorate for Independent Examination**

5.5.1 The next stage is for the MLP to be sent to the Planning Inspectorate for independent examination (Submission). Any representations to the content of the MLP including this HRA will be considered by the appointed Inspector.

## **5.6 Modifications of the MLP before Adoption**

5.6.1 If there are any material changes to the MLP required as a result of Examination in Public (EiP) then these modifications will need to be screened to see if there could be a likely significant effect on any European (International) Site from them being incorporated into an adopted MLP. The HRA results produced from this final procedure will be presented as a separate HRA addendum and this is an accepted approach<sup>84</sup>.

## 6.0 Appropriate Assessment (HRA Stage Two<sup>85</sup>)

6.1 The MLP or items within it do not require an Appropriate Assessment (AA) to be carried out as prescribed by Regulation 105 of the Conservation of Habitats and Species Regulations 2017.

6.2 If in exceptional circumstances any modifications are made to the MLP that cannot be screened out by using HRA Steps 1 to 5 as set out within this document then progression to Appropriate Assessment (AA) would be triggered and completion of template Table X below recommended.

**Table X – Items currently identified as requiring Appropriate Assessment (AA) or with measures to screen them out not yet applied**

Modified aspect (item) of the plan likely to have a significant effect, alone or in combination	Summary of Qualifying interest of the European Site(s) concerned	Summary of the Likely Significant Effect ( <i>that could not be screened out</i> )	Simple Additional Measure(s) <u>not yet applied</u> which would screen out the modified aspect (item) from AA so that the MLP could be adopted
Currently None	N/A	N/A	N/A



## 7.0 Conclusions of the HRA of the MLP

7.1 The Gloucestershire Minerals Local Plan (MLP) is a land use plan that is not directly connected with or necessary for the management of any European Site. This means that under Regulation 105 of The Conservation of Habitats and Species Regulations 2017 (the 'Habitats Regulations') the MLP has been screened to ascertain whether it is likely to have a significant effect on a European (International) Site either alone or in combination with other plans or projects. The screening process used to do this follows HRA methodology that was agreed and shared with Natural England and the Environment Agency in 2013.

7.2 Relevant European (International) Sites, their qualifying interests and conservation objectives have been considered. These are set out in the HRA Baseline Report (Update 6) available separately but also summarised here at paragraphs 4.6, 4.7 and in Figure 1. All information used for the purposes of the HRA is set out or referenced within this report. The HRA has considered the advice of Natural England and through consultation has given others including members of the general public an opportunity to comment on and inform its content.

7.3 All MLP aspects (items) have been screened alone and where necessary in combination with each other and with other pertinent external plans and projects. Taking a precautionary approach the HRA considered and applied additional measures as the MLP progressed through to its Publication stage.

7.4 Having carried out a screening assessment of the MLP Publication version *the conclusion is that the plan would not have a likely significant effect on any European Site, either alone or in combination with other plans or projects. An Appropriate Assessment is therefore not required.* This is in light of the definition of terms in the 'Waddenzee' ruling of the European Court of Justice Case C – 127/02. Natural England has agreed with the HRA conclusion herewith<sup>86</sup>.

7.5 The MLP may be safely adopted in compliance with The Conservation of Habitats and Species Regulations 2017 (the 'Habitats Regulations') and Directive 92/43/EEC on the Conservation of Natural Habitats and Wild Flora and Fauna ('Habitats Directive').

## **8.0 Appendices**

Appendix 1: HRA Screening of Gloucestershire County Council's Minerals Preferred Options (2007)

Appendix 2: End Notes/References

## Appendix 1: HRA Screening of Gloucestershire County Council's Minerals Preferred Options (2007)

(See Section 4 for further details)

Key	
NLSE	No Likely Significant Effect – can be screened out
LSE	Likely Significant Effect(s) – Precautionary principle dictates this option cannot be screened out. A likely significant effect on the site's conservation objectives requiring (a) 'Dropping' of the option (b) Modification of the option (c) Modification / mitigation of the option including use of caveats/criteria at a later stage of the MLP preparation
U	Uncertain – Precautionary principle dictates it is not possible to determine if NLSE or LSE (see above) so keep in for further screening. May require (a) 'Dropping' of the option (b) Modification of the option (c) Modification / mitigation of the option including use of caveats/criteria at a later stage of the MLP preparation

Minerals Core Strategy Preferred Options	Rodborough Common (SAC)	Dixton Wood (SAC)	Wye Valley & Forest of Dean Bat Sites (SAC)	River Wye (SAC)	Wye Valley Woodlands (SAC)	North Meadow & Clattinger Farm (SAC)	Walmore Common (SPA / Ramsar)	Bredon Hill (SAC)	Severn Estuary (SAC / SPA / Ramsar)	Cotswold Beechwoods (SAC)
◆ MPO1 Spatial Vision	NLSE	NLSE	NLSE	NLSE	NLSE	NLSE	NLSE	NLSE	NLSE	NLSE
◆ MPO2 Strategic objectives	NLSE	NLSE	NLSE	NLSE	NLSE	NLSE	NLSE	NLSE	NLSE	NLSE
◆ MPO3a Preferred Option for Crushed Rock	NLSE	NLSE	U	U	U	NLSE	NLSE	NLSE	NLSE	NLSE
◆ MPO3b Preferred Option for Crushed Rock	NLSE	NLSE	NLSE	NLSE	NLSE	NLSE	NLSE	NLSE	NLSE	NLSE

Minerals Core Strategy Preferred Options	Rodborough Common (SAC)	Dixton Wood (SAC)	Wye Valley & Forest of Dean Bat Sites (SAC)	River Wye (SAC)	Wye Valley Woodlands (SAC)	North Meadow & Clattinger Farm (SAC)	Walmore Common (SPA / Ramsar)	Bredon Hill (SAC)	Severn Estuary (SAC / SPA / Ramsar)	Cotswold Beechwoods (SAC)
◆ <b>MPO3c</b> Preferred Option for Crushed Rock	U	U	U	U	U	NLSE	NLSE	NLSE	NLSE	U
◆ <b>MPO4a</b> Preferred Option for Sand & Gravel	NLSE	NLSE	NLSE	NLSE	NLSE	U	NLSE	NLSE	U	NLSE
◆ <b>MPO4b</b> Preferred Option for Sand & Gravel	NLSE	NLSE	NLSE	NLSE	NLSE	U	NLSE	NLSE	U	NLSE
◆ <b>MPO4c</b> Preferred Option for Sand & Gravel	NLSE	NLSE	NLSE	NLSE	NLSE	U	NLSE	NLSE	U	NLSE
◆ <b>MPO5a</b> Preferred Option for Sand & Gravel locations	NLSE	NLSE	NLSE	NLSE	NLSE	U	U	NLSE	U	NLSE
◆ <b>MPO5b</b> Preferred Option for Sand & Gravel locations	NLSE	NLSE	NLSE	NLSE	NLSE	NLSE	NLSE	NLSE	NLSE	NLSE

Minerals Core Strategy Preferred Options	Rodborough Common (SAC)	Dixton Wood (SAC)	Wye Valley & Forest of Dean Bat Sites (SAC)	River Wye (SAC)	Wye Valley Woodlands (SAC)	North Meadow & Clattinger Farm (SAC)	Walmore Common (SPA / Ramsar)	Bredon Hill (SAC)	Severn Estuary (SAC / SPA / Ramsar)	Cotswold Beechwoods (SAC)
◆ MPO6 Preferred Option for Clay	NLSE	NLSE	NLSE	NLSE	NLSE	NLSE	NLSE	NLSE	NLSE	NLSE
◆ MPO7a Preferred Option for Building Stone	NLSE	NLSE	NLSE	NLSE	NLSE	NLSE	NLSE	NLSE	NLSE	NLSE
◆ MPO7b Preferred Option for Building Stone	NLSE	NLSE	NLSE	NLSE	NLSE	NLSE	NLSE	NLSE	NLSE	NLSE
◆ MPO7c Preferred Option for Building Stone	NLSE	NLSE	NLSE	NLSE	NLSE	NLSE	NLSE	NLSE	NLSE	NLSE
◆ MPO8 Preferred Option for Coal	NLSE	NLSE	NLSE	NLSE	NLSE	NLSE	NLSE	NLSE	NLSE	NLSE
◆ MPO9 Preferred Option for Reuse and Recycling	NLSE	NLSE	NLSE	NLSE	NLSE	NLSE	NLSE	NLSE	NLSE	NLSE

Minerals Core Strategy Preferred Options	Rodborough Common (SAC)	Dixton Wood (SAC)	Wye Valley & Forest of Dean Bat Sites (SAC)	River Wye (SAC)	Wye Valley Woodlands (SAC)	North Meadow & Clattinger Farm (SAC)	Walmore Common (SPA / Ramsar)	Bredon Hill (SAC)	Severn Estuary (SAC / SPA / Ramsar)	Cotswold Beechwoods (SAC)
◆ <b>MPO10</b> Preferred Option for 'The Environment'	NLSE	NLSE	NLSE	NLSE	NLSE	NLSE	NLSE	NLSE	NLSE	NLSE
◆ <b>MPO11</b> Preferred Option for 'People'	NLSE	NLSE	NLSE	NLSE	NLSE	NLSE	NLSE	NLSE	NLSE	NLSE
◆ <b>MPO12a</b> Preferred Option for 'Reclamation'	NLSE	NLSE	NLSE	NLSE	NLSE	NLSE	NLSE	NLSE	NLSE	NLSE
◆ <b>MPO12b</b> Preferred Option for 'Reclamation'	NLSE	NLSE	NLSE	NLSE	NLSE	NLSE	NLSE	NLSE	NLSE	NLSE
◆ <b>MPO13</b> Preferred Option for 'Resource Management'	NLSE	NLSE	NLSE	NLSE	NLSE	NLSE	NLSE	NLSE	NLSE	NLSE
◆ <b>MPO14</b> Preferred Option for 'Transport'	NLSE	NLSE	NLSE	U	NLSE	NLSE	NLSE	NLSE	U	NLSE



## Appendix 2: End Notes/References

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- <sup>1</sup> Bern Convention (1979) - <http://www.coe.int/en/web/bern-convention>
- <sup>2</sup> Directive 92/43/EEC (1992) - <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A31992L0043>
- <sup>3</sup> Wild Birds Directive 1979, As amended in 2009 can be found at <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32009L0147>
- <sup>4</sup> Ramsar Convention 1971, As amended in 1982 and 1987 can be found at [https://www.ramsar.org/sites/default/files/documents/library/current\\_convention\\_text\\_e.pdf](https://www.ramsar.org/sites/default/files/documents/library/current_convention_text_e.pdf)
- <sup>5</sup> David Tyldesley & Associates (2009) 'The Habitats Regulations Assessment of Local Development Documents' revised Draft Guidance for Natural England
- <sup>6</sup> European Court of Justice (September 2004) 'The Waddenzee Judgment' Case C-127/02 dated 7th September 2004
- <sup>7</sup> Scottish Natural Heritage (2012) 'Habitats Regulations Appraisal of Plans – Guidance for Plan-Making Bodies in Scotland' Version 2.0, Initially Prepared by David Tyldesley & Associates
- <sup>8</sup> European Commission (2001) 'Assessment of Plans and Projects Significantly affecting Natura 2000 Sites'
- <sup>9</sup> Key Stages for a Plan or Plan Options Table on page 9 of Gloucestershire County Council (2017) 'HRA Evidence Gathering / Baseline Report (Update 6)'
- <sup>10</sup> Department for Communities and Local Government (2012) 'National Planning Policy Framework'
- <sup>11</sup> Department of the Environment, Transport and the Regions (2000) 'Ramsar Policy Statement'
- <sup>12</sup> Ramsar Convention 1971, As amended in 1982 and 1987 can be found at [https://www.ramsar.org/sites/default/files/documents/library/current\\_convention\\_text\\_e.pdf](https://www.ramsar.org/sites/default/files/documents/library/current_convention_text_e.pdf)
- <sup>13</sup> Gloucestershire County Council (January 2008) 'HRA/AA Report on Gloucestershire's Minerals Core Strategy Preferred Options Paper'.
- <sup>14</sup> For convenience and future proofing throughout this document (except in the introduction and conclusion sections) the term 'European Site' is used and should be read to include SAC, SPA and Ramsar sites (collectively 'International Sites')
- <sup>15</sup> Gloucestershire County Council (2007-2017) HRA Evidence Gathering / Baseline Report at [www.gloucestershire.gov.uk/media/19486/hra\\_baseline\\_report\\_for\\_mlp\\_update\\_6.pdf](http://www.gloucestershire.gov.uk/media/19486/hra_baseline_report_for_mlp_update_6.pdf) .
- <sup>16</sup> Department for Communities & Local Government (2006) 'Planning for the Protection of European Sites: Appropriate Assessment' Guidance for Regional Spatial Strategies & Local Development Frameworks.
- <sup>17</sup> David Tyldesley & Associates (2009) 'The Habitats Regulations Assessment of Local Development Documents' revised Draft Guidance for Natural England.
- <sup>18</sup> Welsh Assembly Government (2009) 'Nature Conservation and Planning' Planning Policy Wales, TAN5.

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- <sup>19</sup> Scottish Natural Heritage (2012) 'Habitats Regulations Appraisal of Plans – Guidance for Plan-Making Bodies in Scotland' Version 2.0, Initially Prepared by David Tyldesley & Associates
- <sup>20</sup> Tyldesley, D and Chapman, C (2017) 'The Habitats Regulations Assessment Handbook' latest version accessed on line November 2017 at <http://www.dtapublications.co.uk/> , DTA Publications Limited. All rights reserved. This work is registered with the UK Copyright Service.
- <sup>21</sup> European Commission (2001) 'Assessment of Plans and Projects significantly affecting Natura 2000 Sites'
- <sup>22</sup> ODPM/Defra (2005) 'Biodiversity and Geological Conservation – Statutory Obligations and their impact within the Planning System' ODPM Circular 06/2005, Defra Circular 01/2005
- <sup>23</sup> Defra (2012) 'The Habitats and Wild Birds Directives in England and its seas, Core guidance for developers, regulators & land/marine managers, December 2012 (draft for consultation)'
- <sup>24</sup> European Commission (2001) 'Assessment of Plans and Projects significantly affecting Natura 2000 Sites'
- <sup>25</sup> Key Stages for a Plan or Plan Options Table on page 9 of Gloucestershire County Council (2017) 'HRA Evidence Gathering / Baseline Report (Update 6)'
- <sup>26</sup> European Commission (2001) 'Assessment of Plans and Projects significantly affecting Natura 2000 Sites'
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<sup>82</sup> Planning Application 16/0027/FDMAJM Proposed extension (0.11ha) to existing minerals working to release new reserves of Pennant Sandstone. The proposal also relinquishes 0.5ha for the conservation and enhancement of biodiversity, which includes secondary broad leaf woodland and area of minerals workings. An Appropriate Assessment was carried out on this development and concluded no adverse affect on integrity of any European (International) Site - <http://planning.gloucestershire.gov.uk/publicaccess/applicationDetails.do?activeTab=summary&keyVal=O4G5JYHN01600>

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