

***Planning for the Protection of European Sites:
Habitat Regulations Assessment (HRA)***



Main Report
for the
Gloucestershire Minerals Local Plan (MLP)

(Version 1.2 for Pre-Publication Draft MLP Stage)

(June 2016)

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1.0 Introduction

1.1 The Directive 92/43/EEC on the Conservation of Natural Habitats and Wild Flora and Fauna – the ‘Habitats Directive’ 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 types – Special Area of Conservation (SAC) and Special Protection Area (SPA) designations. SAC’s stem from the Habitats Directive, and are mainly protecting habitat features, whereas SPA’s cover features comprising populations of valued bird species. Each European Site has a number of qualifying features, for which conservation objectives have been developed.

1.2 The ‘Habitats Directive’ is implemented into national law through the Conservation of Habitats and Species Regulations 2010 (as amended) or ‘Habitats Regulations’. Regulation 102 (1) to (5) provides a statutory obligation for land use plans such as the Minerals Local Plan (MLP):

(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 specify.

(3) They must also, if they consider it appropriate, take the opinion of the general public, and if they do so, they must take such steps for that purpose as they consider appropriate.

(4) In the light of the conclusions of the assessment, and subject to regulation 103 (considerations of overriding public interest), the plan-making authority or, in the case of a regional strategy, the Secretary of State 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).

Regulation 61(1) of the Conservation of Habitats and Species Regulations 2010 (“the Habitats Regulations”) in addition provides for any plan or project (e.g. planning application for a minerals development):

(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 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 Site. English HRA guidance¹ 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 Justice²). 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 upon³.

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 (European Commission Stage One⁴). 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] - European Commission 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 (European Commission 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 (European Commission 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.

1.5 The National Planning Policy Framework⁵ paragraphs at 14, 118, 119 and 192 support the need for HRA in relevant circumstances. In relation to Ramsar sites it is government policy to apply the HRA process to these wetland sites of

international importance as though they are European Sites. This assists the government in meeting its obligations under the Ramsar Convention.

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 Site is made herewith which drawing 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 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 & MPO12⁶). This is achieved through a combination of strategic planning (i.e. the MLP) and determination of planning applications. In respect of European 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 site vulnerabilities that might be considered at strategic planning and/or planning application stages (Minerals only)

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">• Direct loss of site features through excavation and other associated minerals development• Erosion/compaction of soil/vegetation due to construction phase or after-use once restored• Changes in stability, slope and landform
Disturbance (interference with species behaviour - breeding/migration/foraging patterns)	<ul style="list-style-type: none">• Noise/visual presence of machinery, vehicles, people and new structures (during and after development)• Increase in lighting levels• 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
Contamination (toxic and non-toxic)	<ul style="list-style-type: none">• Dust (to air, water, substrates, vegetation)• Import/export & movement of minerals/minerals waste/topsoil/infill material• Litter• Water pollution (surface & ground water)• Soil pollution• Vehicle/machinery emissions (to air)

Changes to hydrology	<ul style="list-style-type: none"> • Changes in surface & ground water levels due to increased abstraction/drainage/flooding • Changes in turbidity • Changes in flow/run-off • Changes to water availability • Changes to siltation/sedimentation of water bodies
Ecosystem change	<ul style="list-style-type: none"> • Restoration scheme, aftercare & natural succession • Introduction/risk of non-native species or other threatening species

2.2 In 2006 in the very early stages of the current 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 the HRA Evidence Gathering / Baseline Report⁷ 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 is covered in more detail in the Minerals Local Plan Planning and Environmental Considerations Evidence Paper (2014).

3.0 Consultation

3.1 The HRA process followed by the MPA is compliant with Habitats Regulation 102 (2) and 102(3) as well as the County Council's Statement of Community Involvement which is available at <http://www.gloucestershire.gov.uk/extra/article/107999/Statement-of-Community-Involvement-SCI> . 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 webpage at <http://www.gloucestershire.gov.uk/extra/article/107647> . HRA documents subject to advertisement and consultation in the past, present and future includes:

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 new HRA Main Report (see below)

Site Options & Draft Policy Framework consultation summer 2014 and winter 2015 ✓

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

HRA Main Report (Version 1.0 and 1.1)

Pre-Publication Draft Version (CURRENT STAGE)

HRA Evidence Gathering / Baseline Report (Update 5)

HRA Main Report (Version 1.2)

Publication and Submission (PROPOSED)

HRA Evidence Gathering / Baseline Report (Update but only if required)

HRA Main Report (Updated as required)

Examination in Public and Adoption (PROPOSED)

HRA Addendum Review of any Modifications made to the MLP (if 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 the HRA process and judgements that could be made. In 2013 the HRA Evidence Gathering / Baseline Report Update 2 document was revised to an Update 3 version due to changes in government policy and legislation. This was then shared with Natural England and the Environment Agency in 2013 so as to produce an acceptable new version

(Update 4) for the Site Options and Draft Policy Framework Consultation and subsequent stages. A small update (5) was produced for the additional winter 2015 Site Option consultation on a part of CRFD3 Stowfield.

3.3 The MPA considers that the opinions of the general public and relevant consultees have been taken into account and that relevant consultation has taken place concerning the HRA. Relevant information has been sought and provided to inform the HRA of the MLP. Through consultation the responses received by the MPA have been (and will be) 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 Government⁸, Natural England⁹, Assembly of Wales¹⁰, Scottish Natural Heritage¹¹ and more recently by DTA Publications¹². 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 2001¹³, in the ODPM Circular 06/2005¹⁴ and in a consultation draft guidance document issued by Defra in 2012¹⁵ 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 aspects (options, such as objectives, site allocations or policies) that would be obviously vulnerable to legal failure and unlikely to be able to be implemented at the planning application stage even with mitigation measures in place.

4.3 The HRA of a plan such as the MLP is likely by its nature to be less specific and detailed than the assessment of an individual planning application would be. 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 under the Habitats Regulations. There is not normally the same level of information available at the strategic Local Plan stage as 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. 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 this view. In the Counsel Note to the 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 Feeney dealt with this point in this way”*.

4.4 The first step of the Habitat Regulations Assessment (HRA) process is to screen the MLP to determine if aspects of the plan are likely to have a significant effect on a European Site either alone or in combination with other plans or projects

(European Commission Stage One¹⁶). 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, 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 will adversely affect the integrity of the site in terms of its nature conservation objectives. This is referred to as Appropriate Assessment (AA) (European Commission 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 (European Commission 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 (European Commission Stage Four).

4.6 As said in Section 2 above there is an accompanying document to this one called HRA Evidence Gathering / Baseline Report (now Update 5). This is where the full details of the relevant European Sites are held which includes their conservation objectives and vulnerabilities to development. To summarise European 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. 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.

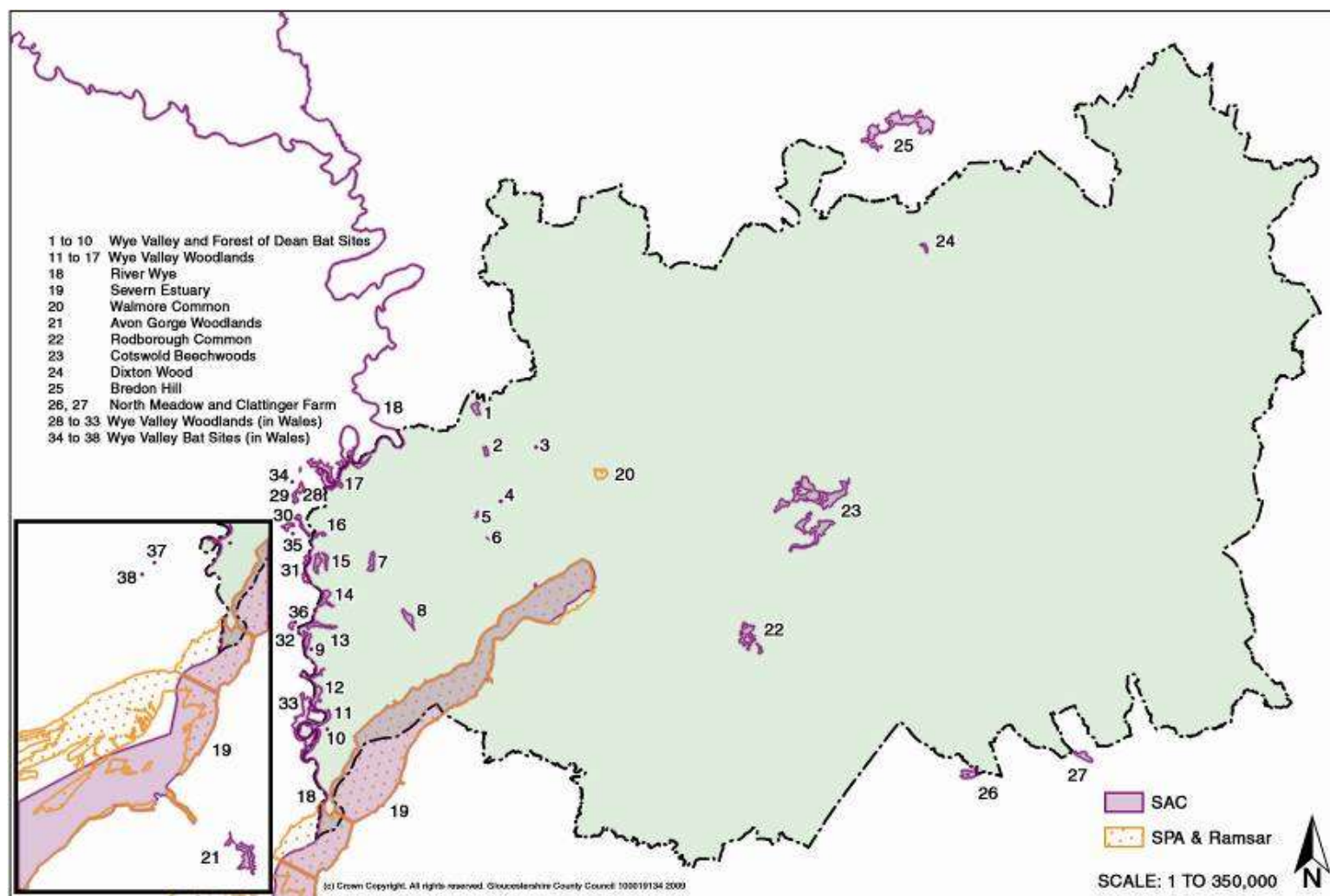


Figure 1: European Sites in and within 15km of Gloucestershire's boundary

5.0 HRA Screening (European Commission¹⁷ Stage One)

5.1 Screening Preferred Options (complete)

5.1.1 In January 2008 an HRA Report¹⁸ 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. However for a few options in relation to some European Sites uncertainty remained and these were not screened out (Table 2). Also at Appendix 1 is a reproduction of what appeared in this earlier HRA Report.

Table 2: 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. 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 then. Natural England commented in 2006 that they would be looking for greater MLP clarity at the 'allocations' or as it was later 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 and that their involvement in the HRA process would add value as it progressed.

5.2 Screening Site Options & Draft Policy Framework (complete)

5.2.1 Table 3 below summarises the findings of the first three steps that have been used for the Stage One Screening process. This has follows recent guidance for HRAs of Development Plans¹⁹²⁰ which advocates sequential screening and re-screening as a plan evolves.

Table 3: Screening of options 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*	Relevant Site or Policy Options (Note: Site Parcel = Site Area = Site Option)
General policy statements, strategic aspirations or general criteria based policies (Step 1)	Draft Policy Framework (Options): 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 Site Options: None
Aspects excluded from the appraisal because they are not proposals generated or implemented by the MLP [even if referred to by the MLP] (Step 2)	Draft Policy Framework (Options): None Site Options: 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. (Step 3a)	Draft Policy Framework (Options): Small Scale Coal Underground Mines Water Quality Landscape Biodiversity & Geodiversity Historic Environment Development Management Criteria for the Historic

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)
	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 Site Options: None
Aspects which themselves will <u>not</u> lead to development or other change that could have a likely significant effect(Step 3b)	Draft Policy Framework (Options): Opencast Coal Re-working of Colliery Spoil Tips Conventional & Unconventional Hydrocarbons Sustainable Transport Safeguarding Aerodromes Soils Site Options: 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 (Step 3c)	Draft Policy Framework (Options): Mineral Working in the Green Belt Site Options: 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 Bridge SGCW8 Spratsgate Lane SGTW1 Page's Lane SGTW2 Redpools Farm
Aspects which make provision for change but which are likely to have no significant effect on a European Site (<u>minor residual effects</u>) alone, because any potential effects would be so restricted that they would not undermine the conservation objectives for the site (Step 3d). However taking a precautionary approach some uncertainty remains either alone but particularly in considering cumulative impacts alongside other plans and projects. <i>Proceed to Step 4 (in combination assessment)</i>	Draft Policy Framework (Options): None Site Options: 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)

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 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 (Step 3e)	Draft Policy Framework (Options): 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 Site Options: 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. Options that could have minor residual effects (as identified by Step 3d) could not have a likely significant effect alone but might do so in combination with other MLP options or external plans or projects. So because of this and taking a precautionary approach options picked up at Step 3d need to be carried forward to a further Step 4. More details of Steps 1 to 4 now follow.

5.2.3 **Step 1** has looked 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 are 20 Draft Policy (Options) have been identified that can be screened out at Step 1. This is a large proportion of the draft policy (options) and it is quite normal for an HRA of a plan that guides development at a strategic level. Included here are 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 do not promote development proposals directly that could affect European Sites.

5.2.4 **Step 2** has looked 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 reflects the fact that the MLP is 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 at the most minor 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 is that for Biodiversity & Geodiversity which includes generic protection for all European Sites. The Biodiversity & Geodiversity draft policy has been 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 result or beneficial draft policies for European Sites that can be screened out at Step 3a include 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 could be screened out. Four of the policies include statements about protecting the environment. The other two (agricultural) Soils plus Aerodrome Safeguarding are 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 does 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 is very unlikely given the policy wording. It refers 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 has no impact on a European Site would clearly be possible under this policy and so it can be screened out at Step 3c.

5.2.10 In considering Site Option **CRFD1 Stowe Hill/Clearwell** it is noted that Wye Valley Woodlands SAC is about 1.5km at its closest point to Parcel D and Wye Valley and Forest of Dean Bat sites SAC is less than 1km to parcels B and C. Parcel D is already an active minerals site with some parts already restored. It is covered by an agreed restoration scheme that will deliver real biodiversity enhancements including calcareous grasslands, wetland areas, woodland and hedgerows. All of this would benefit any commuting and foraging horseshoe²¹ and other bats arising from or associated with bat populations of either SAC. Note that bat flyways in and around the SAC components constitute important habitat supporting the integrity of the SAC's as recognised in recent Case law and reported in a recent review commissioned by Natural England²². Parcel D has already been through previous planning processes and screening has determined that that there would not be (and has not led to) a likely significant effect on these European Sites. Parcel A is

adjacent to parcel D and is 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 is 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, are assessed under Step 3d below as there is some minor effects (such as on underground bat roosts) are conceivable.*

5.2.11 Site Option **CRFD2 Drybrook** (all parcels) has been screened out because there are no European Sites nearby or with a pathway present to result in any conceivable effect on any conservation objectives. The nearest European Site is the Wye Valley and Forest of Dean SAC at about 1.6km at its closest point (north east) and 1.8km to the south east beyond the village of Drybrook. It is deemed too distant to be possible that there are 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 flyways²³. Some new habitat is being slowly formed by natural colonisation that can now be used by bats in parts of the existing quarry (Parcel B). No real barriers to movement or loss of crucial habitat for these species is occurring or would be likely to occur.

5.2.12 Site Option **CRFD3 Stowfield** has been screened out because there are no European Sites close enough, or with a pathway present, or related features that could be significantly affected to result in any conceivable effect on conservation objectives. The nearest European Site is the Wye Valley Woodlands SAC just under 1km at its closest point (south west). Wye Valley and Forest of Dean SAC is further away at over 2.5km at its closest point (south east). It is deemed too distant to be possible that the effects of mineral extraction could have a likely significant effect on the listed habitats or lesser horseshoe bats there or those bats arising from there or 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 remains all around the quarry for bats to continue to use. Parcel B is part of an active quarry and consented minerals extension which has already been screened by previous planning processes and deemed that there would be not likely significant effect on any European Site. Although some habitat will be lost as the consent for the extension is implemented habitat nearby is 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 is a smaller area within Parcel B which would be deepened below existing Parcel B given previous surveys and assessments and that this is largely a working quarry already it is 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 constitutes a very small linear extension of narrow width to the already consented parcel B it is 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** is Cotswold Beechwoods SAC which at its closest point (Parcel A) is over 9km away. This is deemed to be very distant and no pathway is present from continuing minerals development at Daglingworth that would result in any conceivable effect on conservation objectives of the SAC or any other European Site. Site Option CRCW1 Daglingworth can therefore be safely screened out.

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

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

5.2.16 Site Option **CRCW4 Oathill** does not sit near to any European Site with the closest being Dixon Wood SAC at almost 12km away. This is deemed to be very distant and no pathway is 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 can therefore be safely screened out.

5.2.17 Site Option **SGCW2 Cerney Wick/Oaktree Fields** Parcel B lies 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) have consented minerals development associated with them. Crucially Parcel B has had an HRA completed in connection with the minerals development which concluded that there would be no adverse effect on the integrity of the SAC (North Meadow) if certain restrictions were put in place²⁴. Natural England agreed this position in a letter to the Mineral Planning Authority dated June 2007²⁵. 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 being implemented. The main restriction, and one relevant to the HRA screening exercise here, is that a 450 metre buffer zone around North Meadow has been established. Inside this zone no minerals extraction can occur unless it can be concluded from hydrological or botanical monitoring that there could 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 now 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 distance to ensure protect of the European Site. Given this fact it is logical to conclude that the consented parcels are unlikely to have a significant effect on the

SAC. Parcel A (which is 1.6km away from North Meadow) however would be a new minerals development and so *it has 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 is North Meadow & Clattinger Farm SAC which is over 2km away (Clattinger Farm) at its closest point (Parcel A). North Meadow the other part of the SAC sits to the east and is almost 5.6km away from Parcel B. To the immediate south lies a confirmed Wiltshire minerals site allocation U22 (Land at Cotswold Community) which has been screened by the HRA²⁶ in connection with the Wiltshire & Swindon Minerals Site DPD. The conclusion for this Cotswold Community land allocation is 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 is situated mainly between Dryleaze and the European Site and that it is in the same part of the catchment then continuing minerals development at Dryleaze Farm/Shorncote should not result in any conceivable effect on the conservation objectives of the SAC or any other European Site. Site Option SGCW1 Dryleaze Farm/Shorncote can therefore be safely screened out.

5.2.19 Site Option **SGCW3 Horcott/Lady Lamb Farm** does 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 is deemed that continuing minerals development at Horcott/Lady Lamb Farm would not result in any conceivable effect on conservation objectives of the SAC or any other European Site. Site Option SGCW3 Horcott/Lady Lamb Farm can therefore be safely screened out.

5.2.20 In considering Site Option **SGCW4 Kempford/Whelford** the nearest European Site is North Meadow & Clattinger Farm SAC which is 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 is deemed that continuing minerals development at Kempford/Whelford would not result in any conceivable effect on conservation objectives of the SAC or any other European Site. Site Option SGCW4 Kempford/Whelford can therefore be safely screened out.

5.2.21 Site Option **SGCWS Down Ampney** Parcel D sits about 360m away from North Meadow which is part of the European Site North Meadow & Clattinger Farm SAC. The other Down Ampney parcels are 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) have been the subject of a recent cross border planning application. Parcel A is the Gloucestershire component whereas D and E lie in the adjoining county of Wiltshire. This planning application has been subject of HRA and a letter dated 29th December 2011 from Natural England²⁷ 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 can be safely screened out.

5.2.22 Parcels B and C at **SGCW6 Charlham Farm** are outside Gloucestershire in the adjoining county of Wiltshire. The nearest European Site to Charlham Farm is North Meadow & Clattinger Farm SAC which is 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 is the obvious conclusion. The distance away but more importantly the position of the site option in the catchment it is deemed that minerals development at Charlham Farm would not result in any conceivable effect on conservation objectives of the SAC or any other European Site. Site Option SGCW6 Charlham Farm can therefore be safely screened out.

5.2.23 Parcel B at **SGCW7 Wetstone Bridge** is outside Gloucestershire in the adjoining county of Wiltshire. The nearest European Site is North Meadow & Clattinger Farm SAC which is about 2.8km away (North Meadow) to both parcels of this site option. Wetstone Bridge adjoins the Down Ampney Site Option on the south eastern side which is discussed above and has been screened out. Roundhouse Farm is also adjacent and lies to the immediate east. This Wiltshire site has been 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 is the subject of a minerals development proposal and a significant effect on the SAC has also not been identified. In conclusion it is logical that Site Option SGCW7 Wetstone Bridge can be safely screened out.

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

5.2.25 Site Option **SGTW1 Page's Lane** is 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 sits within land associated with the River Severn catchment the Severn Estuary SAC/SPA/Ramsar site is at least 32km away. This is deemed to be very distant and no pathway is present from having minerals development at Page's Lane that could result in any conceivable effect on conservation objectives of the estuary or any other European Site. Site Option SGTW1 Page's Lane can therefore be safely screened out.

5.2.26 In considering the Site Option **SGTW2 Redpools Farm** it has been determined that the nearest European Site is Bredon Hill SAC which is about 5.4km away from Parcel D. Although Redpools Farm sits within the River Severn catchment the Severn Estuary SAC/SPA/Ramsar site is at least 31km away. This is deemed to be very distant and no pathway is present from having minerals development at Redpools Farm that would result in any conceivable effect on conservation

objectives of the estuary or any other European Site. Site Option SGTW2 Redpools Farm can therefore be safely screened out.

5.2.27 **Step 3d** of the screening process identifies options that may have a potential for minor 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 are considered below.

5.2.28 The Wye Valley Woodlands SAC is about 500 metres at its closest point to Site Option **CRFD4 Hewelsfield**. Currently the Hewelsfield site is improved grazing pasture with mainly defunct hedgerows but with some intact hedgerows in places. It is 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 any significant impact on bats originating from or related to the SAC²⁸. Some pasture would also be lost to any future minerals development but this is a small proportion of what is available in the area to any commuting and foraging horseshoe bats arising from the SAC. Extensive pasture occurs much closer to the European Site and also extensively beyond this to the north, west and south. Taking this all into account it is perhaps safest not to yet conclude that there could be no conceivable effect on the SAC's conservation objectives (horseshoe bats). This means a precautionary approach should be taken at this point in the HRA to arrive at a conclusion for Step 3 of minor residual effect alone on commuting/foraging bats related to the European Site. This means in terms of the methodology being used that the site option **CRFD4 Hewelsfield** *still needs to be looked at in combination with other plans and projects before it can be safely screened out. However in terms of the conservation objectives of the Wye Valley Woodlands SAC it can be concluded that a pathway is not present to result in any conceivable effect on non bat or the habitat based objectives of the SAC.*

5.2.29 In considering Site Option **CRFD1 Stowe Hill/Clearwell** the nearest European Site is Wye Valley & Forest of Dean Bat Sites SAC (Old Bow & Old Ham Mines) which is about 710 metres away from Parcel B. The same SAC component is about 1.2km from Parcel C at its closest point. Parcel C is 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 does raise some possibilities including that of considering bat habitat and flyways at CRFD1 that could be important to the well-being of the SAC²⁹. Another conceivable but unlikely possibility is that there could be underground connections to bat roost areas in the SAC components or adjoining locations. Theoretically minerals development could cut into such cavities or connected crevices so that their atmospheric conditions would be altered (although this impact is not likely given the distances that appear to be involved). No such connections probably exist and this is a matter that is only really possible to consider at the planning application stage. If at this stage it becomes evident that there is a reasonable risk of a significant effect upon the subterranean parts connected to the SAC then precautionary working measures may need to be employed during minerals extraction. Horseshoe bats from or associated with the Wye Valley Woodlands or the Forest of Dean Bat Sites SAC may use what remains

of a much degraded hedgerow network within Parcels B and C. The loss of these hedgerows is not likely to be significant given that 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 is also a fair assessment because already approved biodiversity enhancement and ongoing restoration in adjoining consented minerals areas will benefit bats over the coming years. Any development consented in parcels B or C must be subject to making sure hedgerow and tree line and woodland provision was maintained or more acceptably enhanced for commuting and foraging bats. This means maintaining flyways that could be used by bats from or associated with either SAC. *This means in terms of the methodology being used site option **CRFD1 Stowe Hill/Clearwell (Parcels B and C only)** cannot yet be screened out until it is 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)** is 1.6km away from North Meadow which is 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 has yet to confirm whether the precautionary buffer needed around North Meadow (i.e. 450m or more probably less) can be breached for minerals extraction so a little uncertainty remains in being able to screen out adjacent Parcel A for minerals development. *This means that an effect alone or in combination from new minerals development being consented for **SGCW2 Cerney Wick/Oaktree Fields (Parcel A)** cannot be completely ruled out and a minor residual or uncertain effect is concluded at this stage of the HRA process.*

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 are 6 draft policy (options) identified that can be screened out at Step 3e. The policies concerned are Working Outside Preferred Areas, Alternative Aggregates, Flood Risk, Ancillary Development, Borrow Pits and Public Rights of Way which are much focused on the planning application stage. It is not possible at the strategic MLP level to identify if these policies could lead to any effects on European Sites. These draft policy (options) cannot 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 potential minor 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. **Step 4a** looks at the remaining options in combination with all the other options of the MLP which have not been able to be screened out so far. The options of the MLP considered at Step 4 are listed in Table 4 below.

Table 4: Options not yet screened out after Step 3 has been completed

Options of the MLP which cannot yet be ruled out because it could be conceived that they might have <u>potential</u> for minor residual effects which in combination may have a significant effects on a European Site.
Items from Step 3d above – to take to in combination screening Steps 4a & 4b 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 – take directly to Step 5 below, i.e. application of simple additional measures
None

5.2.33 Three site options are identified in Table 4 as potentially having some minor residual effects and these are now screened to look at potential in combination effects within the MLP only (see Table 5 below)

Table 5 – In Combination Screening of Options (within MLP – Step 4a)

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

In Combination Screening within plan	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 - Hydrological (vegetation) impact on North Meadow & Clattinger Farm SAC	CRFD4 Hewelsfield - commuting/foraging bats from Wye Valley Woodlands SAC	Combinations of CRFD1, SGCW2 & CRFD4
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
Combinations of CRFD1, SGCW2 & CRFD4	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** in the MLP could be justified. These mineral site options however have over 4km of intervening countryside between them. 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 for feeding. Similarly bats arriving at Hewelsfield would not be likely to divert abruptly northwards to reach Stowe Hill. It is 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 conservation objectives of the SAC. **SGCW2 Cerney Wick/Oaktree Fields (Parcel A)** is at the opposite end of the county to CRFD1 and CRFD4 and so no in combination effect are predicted 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 are 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 Report³⁰ 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 three site options left to consider. Table 6 presents other pertinent local development plans as these are 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 are not fully adopted or complete they have still been included and given careful consideration in this HRA of the MLP. 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 have already been considered in reviewing the likely effects of each MLP site option (Steps 3c & 4a above) so these do not need to be considered again here.

Table 6 – In Combination Screening with Other Plans and Projects (external to proposed MLP – Step 4b)

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					
Elements of other plans or projects to consider for in combination effects → All Elements of the plan screened under step 3d as minor residual effect alone ↓	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	Combinations of more than one of the plans with MLP item(s)
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
Combinations of CRFD1, SGCW2 & CRFD4	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 have been 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 are **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 is their potential to have residual or a likely significant effect on the same European Sites as the remaining MLP site options that is the focus for in combination assessment summarised in Table 6.

5.2.37 The most obvious development plan to consider is the Wiltshire & Swindon Minerals and Waste Development Framework as it also affects the Cotswold Water Park where Site Option **SGCW2 Cerney Wick/Oaktree Fields (Parcel A)** occurs. The Wiltshire & Swindon suite of documents has themselves been subject to HRA³¹ 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 should be assigned to **SGCW2 Cerney Wick/Oaktree Fields (Parcel A)**.

5.2.38 The existing Cotswold Local Plan 2001-2011 is considered not likely to have a significant effect on European Sites and in any case is of reduced weight given it predates the NPPF and is therefore in the process of being replaced. 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 Dixton Wood SAC occur nearby and so there is perhaps some small potential for them to be affected indirectly by development policy in the Local Plan (e.g. recreational pressure, water resources). An HRA³² produced in May 2013 for the Preferred Development Strategy Consultation stage has 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 have also been identified as having potential to result in significant effects. In relation to **SGCW2 Cerney Wick/Oaktree Fields (Parcel A)** it is 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 Cotswold 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 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 is 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 recreation pressure.

However as none of the site options in the MLP could have 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 is highly unlikely.

5.2.40 The HRA³³ for the Cheltenham, Tewkesbury and Gloucester Draft Joint Core Strategy (JCS) suggests that the strategy will not result in a likely significant effect on any European Site. It therefore follows that it is 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 is a relevant consideration and in particular the HRA reports concerned with the Core Strategy³⁴, the Cinderford Area Action Plan³⁵ and the Allocations Plan^{36/37}. 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 including with the draft MLP. 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 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. Related to this matter the Cinderford Northern Quarter 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. In a recent HRA (including AA) of a hybrid planning application at the Cinderford Northern Quarter³⁸ 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 is a view shared by Natural England. In respect of CRFD1 Stowe Hill/Clearwell (Parcels B & C only) and CRFD4 Hewelsfield the conclusion is that there is unlikely to be a significant in combination effect with external plans and projects. *However to avoid and mitigate any concerns that could be conceived about bat flyways and roosts connected with the SACs bat populations safeguards are being recommended for **CRFD1 Stowe Hill/Clearwell (Parcels B & C only)** and **CRFD4 Hewelsfield** and these are considered at Step 5 (application of simple additional measures) below.*

5.2.42 A general comment has been received from Natural England for the Site & Policy Options Stage saying that while the MLP is 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 provides for such opportunities. There is 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 is only needed because it has been 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 is to see if additional measures can be used to remove even minor and not very likely effects from occurring at all. Table 7 lists the remaining 3 Site Options which are being looked at in detail.

Table 7 – Options that are being screened out by using application of simple additional measures (e.g. of avoidance/modification/mitigation) (Step 5)

Options of the MLP which under steps 1- 4 have not been fully screened out as they might have <u>potential</u> for minor residual effects (although these are <u>not very likely</u> to lead to a significant effect on a European Site)	Simple Additional Measures <u>being applied</u> 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. Minor residual effects on a European Site were identified by the MLP HRA process which can 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 have not been fully screened out as they might have <u>potential</u> for minor residual effects (although these are <u>not very likely</u> to lead to a significant effect on a European Site)	Simple Additional Measures being applied in order to conclude that there would be no likely significant effect on a European Site
Site Option: CRFD4 Hewelsfield	A precautionary approach is being adopted. Minor residual effects on a European Site were identified by the MLP HRA process which can 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 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 ensure 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 CRFD4 could have no likely significant effect on any European Site.
Site option: SGCW2 Cerney Wick/Oaktree Fields (Parcel A)	A precautionary approach is being adopted. Uncertain effects on a European Site were identified by the MLP HRA process which can 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 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 will 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 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 SGCW2 could have no likely significant effect on any European Site.

5.2.44 Although the methodology dictates that Site Option **SGCW2 Cerney Wick/Oaktree Fields (Parcel A)** could be safely screened out at Step 4 it has nevertheless been kept in because Step 5 provides 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 has consent (Cerney Wick Farm) and the new county planning application validation requirements being introduced in 2014 no likely significant effect on the SAC could occur. Policy proposed for Biodiversity, Mitigation of Environmental Impacts and Buffers will also be protective. Step 5 has concluded that Site Option **SGCW2 Cerney Wick/Oaktree Fields (Parcel A)** can now be safely screened out.

5.2.45 In respect of Site Option **CRFD1 Stowe Hill/Clearwell (Parcels B & C only)** Table 7 sets out that MLP policy (for Biodiversity, Mitigation of Environmental Impacts and Buffers), a site schedule (profile) and new planning validation requirements. Together these will 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)** can be 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 will mean that no likely significant effect on the Wye Valley Woodlands SAC could occur. Site Option **CRFD4 Hewelsfield** can be safely screened out.

5.2.47 All the options in the MLP Site & Policy Options Stage (summer 2014 and winter 2015) have now been screened out of the HRA and so there is no need to progress to an Appropriate Assessment (AA) which is also known as European Commission Stage Two (see paragraph 4.5 above).

5.3 Pre-Publication Draft Version of the MLP (current stage)

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

Table 8 Screening of items of the Pre-Publication Draft MLP 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 Pre-publication version of the MLP (i.e. all items in the draft MLP which are either new, modified or changed items since the Site Option & Draft Policy Framework Stage)
General policy statements, strategic aspirations or general criteria based policies (Step 1)	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] (Step 2)	<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. (Step 3a)	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 development or other change that could have a likely significant effect(Step 3b)	Policy DM11 - Aerodrome safeguarding and aviation safety
Aspects which make provision for change	Policy MA01 – Aggregate working within site

Aspect categories of the MLP which alone would <u>not</u> be likely to have a significant effect on a European Site*	Items in Pre-publication version of the MLP (i.e. all items in the draft MLP which are either new, modified or changed items since the Site Option & Draft Policy Framework Stage)
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 (Step 3c)	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 (<u>minor residual effects</u>) alone, because any potential effects would be so restricted that they would not undermine the conservation objectives for the site (Step 3d). However taking a precautionary approach some uncertainty remains either alone but particularly in considering cumulative impacts alongside other 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 & 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 (Step 3e)	Policy MA2 - 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 are taken directly to **Step 5** below

5.3.2 Pre-publication MLP items 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. Options that could have minor residual effects (as identified by *Step 3d*) could not have a likely significant effect alone but might do so in combination with other MLP items or external plans or projects. So because of this

and taking a precautionary approach options picked up at Step 3d need to be carried forward to a further Step 4. More details of Steps 1 to 4 now follow.

5.3.3 **Step 1** has looked at general policy statements, strategic aspirations or general criteria based policies that are unlikely to have a significant effect on a European Site. A good number of items in the draft MLP can be screened out at Step 1 and this large proportion is quite normal for an HRA of a plan that guides development at a strategic level. Included here are 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 draft MLP 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 provide a framework for an approach to minerals development but in themselves do not directly promote individual project proposals that could affect European Sites.

5.3.4 **Step 2** has looked at items referring to other projects and plans but not proposed or being implemented by the MLP. The question to ask here is *“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 have been identified as being able to be screened out at Step 2. This probably reflects the fact that the MLP is 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 at the most minor 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 have been identified. An obvious beneficial item is Policy DM06 Biodiversity & Geodiversity which includes generic protection for all European Sites. A generic policy such as part of the content of DM06 should only be included where it has been demonstrated that it is actually required as a safeguard in addition to reliance of the application of the Habitats Regulations (or Habitats Directive) itself or through other more focused policy or strategic site allocation criteria. The Biodiversity & Geodiversity policy has been deemed necessary for the MLP because Gloucestershire has many European Sites within and just beyond its boundaries as well as intervening land that supports the maintenance of the integrity of these sites (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 coming through 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 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.

5.3.6 Other neutral result or beneficial items in respect of European Sites that can be 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).

5.3.7 **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 falls into this category. This is the 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) may pose increased threats from for example increasing bird concentrations or distractive lighting. The issue would arise at the planning application stage as it is very dependent on the nature of extraction and restoration of the land afterwards. If inappropriate working and restoration were proposed near aerodromes it does 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. This is 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 is being provided for in this plan. 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 and such solution would have to be subject to a project level 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 is one that would have only a positive or neutral effect and not undermine a European Site's conservation objectives. Here an item identified is the important policy MA01 which allocates strategic minerals sites. To be able to deal with MA01 it has been split up into its component allocations and so becomes 10 separate items of which 9 fall into Step 3c and are discussed below. To these 9 items 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 and 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.

5.3.9 Allocation 2: Preferred Area at Drybrook comprises of parcel A (CRFD2) previously considered at the Site Options stage of the draft MLP. Previously all parcels of land were screened out because there are no European Sites nearby or with a pathway present to result in any conceivable effect on any conservation

objectives (see 5.2.11 above). It follows therefore that Allocation 2 Preferred Area at Drybrook can also be screened out from further consideration.

5.3.10 Allocation 3: Preferred Area at Stowfield comprises of parcel C (CRFD3) previously considered at the Site Options stage of the draft MLP (see 5.2.12 above). This parcel of land is proposed for deepening of an existing quarry bottom. This is largely a working quarry already and roosting or foraging or commuting features for bats would not be lost. This allocation can be safely screened out because clearly there could not be a likely significant effect on bats associated with the Wye Valley Woodlands or Wye Valley & Forest of Dean SACs.

5.3.11 Allocation 4: Preferred Area at Daglingworth comprises of parcel A (CRCW1) previously considered at the Site Options stage of the draft 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 can therefore be safely screened out.

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

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

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

5.3.15 Allocation 8: Area of Search at Lady Lamb Farm, Fairford comprises of parcel A (SGCW3 northern area) previously considered at the Site Options stage of the draft MLP (see 5.2.19). This area of search is well over 6km away from the nearest European Site which is part of North Meadow & Clattinger Farm SAC. Given the position in the catchment it has already been deemed that minerals development at

Lady Lamb Farm would not result in any conceivable effect on conservation objectives of the SAC or any other European Site. Allocation 8: Area of Search at Lady Lamb Farm, Fairford can therefore be safely screened out.

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

5.3.17 Allocation 10: Areas of Search at Down Ampney and Charlham Farm comprises of parcels A, B & C (SGCW5) and A (SGCW6) previously considered at the Site Options stage of the draft MLP (see 5.2.21 & 5.2.22). The nearest European Site to Charlham Farm is North Meadow & Clattinger Farm SAC which is about 1.9km away (North Meadow) to the south. The nearest European Site to the Down Ampney Area of Search is at a closer 1km away and is again North Meadow & Clattinger Farm SAC. The Down Ampney area has been the subject of a previous cross border (with Wiltshire) planning application. This planning application has been subject of HRA and a letter dated 29th December 2011 from Natural England³⁹ 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 can be safely screened out.

5.3.18 **Step 3d** of the screening process identifies items that may have a potential for minor 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 has been identified at Step 3d and this is 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 comprises of parcels A and B (CRFD1) previously considered at the Site Options stage of the draft 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 if allocated. However previously parcel B was considered at Step 3d, which is now the major part of Allocation 1. Sensibly Allocation 1 as a whole will be 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 again is 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 1 there is another component part of the SAC (Devil's Chapel Scowles). In terms of the Wye Valley Woodlands SAC this is 1.8km away to the south west at its closest point.

5.3.21 Allocation 1 at Stowe Hill/Clearwell is not particularly close to parts of the European Sites but nevertheless it does raise some possibilities including that of considering bat habitat and flyways at CRFD1 which could be important to the well-being of the SACs⁴⁰. Objectives 2, 3 and 4 of the recently released update of the Wye Valley and Forest of Dean Horseshoe Bat Strategy can be used here⁴¹.

5.3.22 Objective 2 of the Horseshoe Bat Strategy 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 allocated land Objective 2 also has an associated action which says that 'in broader policy terms assume all hedgerows have a value as flight lines. Objective 3 of the Horseshoe Bat Strategy 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. Such roosts are not known at Allocation 1 and ecological work associated with a recent planning application⁴² has confirmed no horseshoe bat roosts are present or likely.

5.3.23 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 a much degraded hedgerow network within Allocation 1. The south western spur of Allocation 1 constitutes previously considered (and screened out) parcel A of CRFD1. It consists of intensive arable with one short mature hedgerow. The larger part of Allocation 1 consists of previously considered parcel B which also has a much degraded almost non-existent hedgerow network now. 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. This is also a fair assessment because already approved biodiversity enhancement and ongoing restoration in adjoining consented minerals areas will benefit bats over the coming years. Any development consented in Allocation 1 would be subject to making sure overall that hedgerows, tree lines and woodland provision are maintained or enhanced for commuting and foraging bats (see draft MLP Policies DM06, DM09, and MR01). This means 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 Horseshoe Bat Strategy 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 is perhaps a conceivable but unlikely possibility is 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 is not very likely at all. No such connections probably exist and this is considered to be a very low risk and can be considered at the planning application stage if required on the basis of further information becoming available. The Habitats Regulations Handbook⁴³ (Principle C.7.1(3)) suggests that certain very low risks can be screened out however in addition the draft MLP has safeguarding policies DM02,

DM06, DM09 and MR01 which make a likely significant effect on the SACs unlikely if Allocation 1 is confirmed. If it was assessed from new evidence at the planning application stage that there really was a reasonable risk of a significant effect upon subterranean cavities that were connected to either SAC and its associated horseshoe bat populations then precautionary working measures or stand offs could be employed during minerals extraction.

5.3.25 As it cannot be completely certain that there are no minor residual effects and also taking a very precautionary approach Allocation 1 at Stowe Hill/Clearwell will not yet be screened out until it has 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 MLP there are 5 items identified that can be screened out at Step 3e. These are policies concerned Aggregates Working Outside of Allocations (MA2), Amenity (DM01), Transport (DM03), Flood Risk (DM04) and Soils (DM07) which are focused on largely technical assessments and informing decision making at the planning application stage. It is not possible at the strategic MLP level to identify if these policies could lead to any effects on European Sites. 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 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.

5.3.27 **Step 4** takes the items identified in Step 3d (with potential minor 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. **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. The items of the MLP considered at Step 4 are listed in Table 9 below.

Table 9: Options not yet screened out after Step 3 has been completed

Items of the MLP which cannot yet be ruled out because it could be conceived that they might have <u>potential</u> for minor residual effects which in combination may have a significant effects on a European Site.
Items from Step 3d above – to take to in combination screening Steps 4a & 4b below
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)
Other items not yet screened out alone so far – take directly to Step 5 below, i.e. application of simple additional measures
None

5.3.28 Only one item is identified in Table 9 as potentially having some minor residual effects. This means there is no other item to screen it with to look at potential in combination effects within the MLP. Allocation 1 within policy MA01 must therefore go straight to a consideration of likely significant effects in combination with other 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 is 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 Report⁴⁴ 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 items left to consider. Table 10 presents other pertinent local plans as having any potential for in combination effects with the remaining draft MLP item being screened. Natural England requested that aspects of such external plans were the most pertinent and although some of the plans are not fully adopted or complete they have still been included and given careful consideration. It should be noted that existing minerals consents and current/recent minerals planning applications have already been considered in reviewing the likely effects of all draft MLP items (Steps 3c & 4a above) and so these do not need to be considered here again. A search for recent (within last 2 years) of major and relevant planning applications and consents up to 5km of Allocation 1 was also carried out additionally but only one found really warranted appearance in Table 10. Any HRA documents produced in association with these 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 proposed MLP – Step 4b)

Key					
NLSE	No Likely Significant Effect – can be screened out				
LSE	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				
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 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				
Elements of other plans or projects to consider for in combination effects → All Elements of the plan screened under step 3d as minor residual effect alone ↓	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)	Combinations of more than one of the Plans & Projects with the MLP item
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)	NLSE	NLSE	NLSE	NLSE	No effects identified

5.3.30 The Gloucestershire Local Transport Plan 2015-2031(LTP) comes with its own HRA⁴⁵ which was reviewed in the context of in combination effects with Allocation 1 at Stowe Hill/Clearwell. The items in the LTP were screened out on the basis of a few recommendations none of which 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 sits within the Forest of Dean District and its Development Framework is a relevant consideration and in particular a review of the HRA reports

concerned with the Core Strategy⁴⁶, the Cinderford Area Action Plan⁴⁷ and the Allocations Plan^{48,49}. 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 including with the draft MLP. 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 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. Related to this matter the Cinderford Northern Quarter 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 the draft MLP Allocation 1.

5.3.32 In a recent HRA (including AA) of a hybrid planning application at the Cinderford Northern Quarter⁵⁰ 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 is a view that was shared by Natural England. An undetermined appeal for 200 dwellings and associated open space and infrastructure exists to the north of Coleford at Berry Hill just over 5km away (AP0013/15/REF & P1482/14/OUT⁵¹). The site is agricultural pasture land that adjoins a built up area but is also close to wooded areas that horseshoe bats from the SAC population may use. The reasons this application was refused by the District Council do 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. Given this even if the appeal is allowed there would not be a residual effect that could in combination with Allocation 1 in the draft MLP have a likely significant effect on the SACs.

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 are recommended. This is considered further at Step 5 (application of simple additional measures) below.

5.3.34 Application of simple additional measures (e.g. of avoidance/modification/mitigation) is **Step 5** and it has been decided on a very precautionary basis that even though only one item at Step 4 is not very likely to lead to a significant effect on a European Site (and could be screened out) it should still be considered as Step 5. This step recommends further simple measures that can

additionally be used to remove any remaining doubts about effects on the SACs concerned.

Table 11 – Item that is being screened out by using application of simple additional measures (e.g. of avoidance/modification/mitigation) (Step 5)

Items of the MLP which under steps 1-4 have not been fully screened out as they might have <u>potential</u> for minor residual effects (although these are <u>not very likely</u> to lead to a significant effect on a European Site)	Simple Additional Measure(s) <u>being applied</u> in order to conclude that there would be no likely significant effect on a European Site
Policy MA01 – Aggregate working within site allocations – Allocation 1: Preferred area at Stowe Hill/Clearwell)	Taking a very precautionary approach potential minor residual effects on European Sites were identified by the MLP HRA process but if these were confirmed (unlikely) they could be avoided at the planning application stage backed up by safeguarding policies in the MLP (includes DM06 Biodiversity & Geodiversity, DM09 Landscape, DM02 Cumulative Impact & MR01 Restoration). Any new minerals development in relation to Allocation 1 at 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 as competent authority once an application had been received. The draft MLP policy for Biodiversity & Geodiversity (DM06) and Appendix 6 detailed development requirements for Stowe Hill/Clearwell ensures that this will happen. Appendix 6 includes safeguards that will further assist in conserving and enhancing bat related habitat (see Allocation 1 – under rows for Landscape & Visual Impact, Natural Environment plus Restoration Opportunities & Constraints). Additionally the County Council planning application validation requirements (list) available at http://www.gloucestershire.gov.uk/article/105864/Make-a-planning-application highlights that HRA screening is 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) can be easily mitigated and with restoration provide conditions for enhanced use of the site for many bat species. It is therefore concluded that the preferred area at Stowe Hill/Clearwell (Allocation 1 of MA01) in the draft MLP can be safely screened out and could have no likely significant effect on any European Site.

5.2.45 Table 11 above shows how the remaining item has additional safeguarding measures (not previously considered) applied to it. Before concluding it is worth referring back to paragraph 4.3 of this HRA where 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 (c. Case Law Feeney). This means that the HRA is now in a position to conclude that the *Preferred Area at Stowe Hill/Clearwell*

(Allocation 1 of MA01) in the MLP can be adopted as it could have no likely significant effect on either Wye Valley & Forest of Dean Bat Sites SAC or Wye Valley Woodlands SAC.

5.3.46 **Step 6** is Appropriate Assessment or AA (see 5.6 below) but this is not required as all items in the draft MLP (Pre-publication version) have now been screened out.

5.4 Formal Publication and Submission Version of the MLP (to follow)

5.4.1 After the Pre Publication Draft Version (see 5.3 above) has gone out to public consultation and responses received and considered by the MPA a further review of the HRA will be carried out. An updated version of this HRA Main Report will then be produced to accompany the Publication and Submission Version of the MLP.

5.5 Modification Version of the MLP (if required)

5.5.1 If any late modifications to the Submission Version of the MLP (see 5.4 above) are made they may need to be screened to see if there could be a likely significant effect on any European Site from them being adopted as part of a revised MLP. Modifications that would trigger an AA are very unlikely to come forward at this advanced stage of the MLP. The HRA results produced from any final procedure could be presented as a separate HRA addendum to the Modification Version of the MLP.

5.6 Appropriate Assessment

(European Commission⁵² Stage Two)

5.6.1 At the current stage of the MLP process there are no items remaining that would require an Appropriate Assessment (AA) to be carried out as prescribed by Regulation 102 of the Conservation of Habitats and Species Regulations 2010 (as amended).

5.6.2 If any new or altered MLP items are introduced into a future version of the MLP that cannot be not screened out by using the HRA Steps 1 to 5 then progression to Appropriate Assessment (AA) would be triggered and template Table X below utilised (as part of an update of this HRA).

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

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 aspect (item) from AA before the next MLP stage or the MLP is adopted
None	None	None	None

5.7 Conclusions (as at Pre-Publication Draft MLP Stage)

5.7.1 The 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 102 (b) of The Conservation of Habitats and Species Regulations 2010 (the 'Habitats Regulations' as amended) the draft MLP has been screened to ascertain whether it is likely to have a significant effect on a European Site either alone or in combination with other plans or projects (Regulation 102 (a)). The screening process used to do this follows HRA methodology that was agreed and shared with Natural England and the Environment Agency in 2013.

5.7.2 Relevant European Sites, their qualifying interests and conservation objectives have been considered. These are set out in the HRA Baseline Report (Update 5) and 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 other Local Authorities, relevant organisations and members of the general public an opportunity to comment on and inform its content.

5.7.3 All MLP items have been screened alone and where necessary in combination with each other and with other pertinent external plans and projects. Where a likely significant or uncertain effect on a European Site was identified or suspected additional action was recommended to avoid this and then applied to the MLP at the relevant stage of its production.

5.7.4 ***Having carried out a screening assessment of the Gloucestershire Minerals Local Plan (MLP) 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 (in light of the definition of these terms on the 'Waddenzee' ruling of the European Court of Justice Case C – 127/02) and an Appropriate Assessment is not required. Natural England has agreed/disagreed with this conclusion⁵³.***

5.7.5 The results and conclusion of the HRA are provided herewith as a public record and to facilitate scrutiny throughout the MLP process. The HRA has reviewed and informed the contents of the MLP so that it may be safely adopted in compliance with The Conservation of Habitats and Species Regulations 2010 (the 'Habitats Regulations' as amended) and Directive 92/43/EEC on the Conservation of Natural Habitats and Wild Flora and Fauna ('Habitats Directive').

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)
◆ MPO3c Preferred Option for Crushed Rock	U	U	U	U	U	NLSE	NLSE	NLSE	NLSE	U
◆ MPO4a Preferred Option for Sand & Gravel	NLSE	NLSE	NLSE	NLSE	NLSE	U	NLSE	NLSE	U	NLSE
◆ MPO4b Preferred Option for Sand & Gravel	NLSE	NLSE	NLSE	NLSE	NLSE	U	NLSE	NLSE	U	NLSE
◆ MPO4c Preferred Option for Sand & Gravel	NLSE	NLSE	NLSE	NLSE	NLSE	U	NLSE	NLSE	U	NLSE
◆ MPO5a Preferred Option for Sand & Gravel locations	NLSE	NLSE	NLSE	NLSE	NLSE	U	U	NLSE	U	NLSE
◆ MPO5b 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)
◆ MPO10 Preferred Option for 'The Environment'	NLSE	NLSE	NLSE	NLSE	NLSE	NLSE	NLSE	NLSE	NLSE	NLSE
◆ MPO11 Preferred Option for 'People'	NLSE	NLSE	NLSE	NLSE	NLSE	NLSE	NLSE	NLSE	NLSE	NLSE
◆ MPO12a Preferred Option for 'Reclamation'	NLSE	NLSE	NLSE	NLSE	NLSE	NLSE	NLSE	NLSE	NLSE	NLSE
◆ MPO12b Preferred Option for 'Reclamation'	NLSE	NLSE	NLSE	NLSE	NLSE	NLSE	NLSE	NLSE	NLSE	NLSE
◆ MPO13 Preferred Option for 'Resource Management'	NLSE	NLSE	NLSE	NLSE	NLSE	NLSE	NLSE	NLSE	NLSE	NLSE
◆ MPO14 Preferred Option for 'Transport'	NLSE	NLSE	NLSE	U	NLSE	NLSE	NLSE	NLSE	U	NLSE

Appendix 2: End Notes/References

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- ¹⁹ 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.
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- ²³ Chapman, C and Tyldesley, D (2016) 'Functional linkage: How areas that are functionally linked to European sites have been considered when they may be affected by plans and projects - a review of authoritative decisions'. Natural England Commissioned Reports, Number 207
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- ³⁵ ERM (2011) 'Cinderford Northern Quarter Pre Submission Draft AAP Habitats Regulations Screening Assessment' and Forest of Dean District Council (2011) 'Keynote – Biodiversity & Nature Conservation Cinderford Northern Quarter'
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- ⁴¹ Wye Valley & Forest of Dean Horseshoe Bat Steering Group (2016) 'A Strategy for the Conservation of Horseshoe Bats in the Wye Valley and Forest of Dean' produced in May 2016 by Gloucestershire Wildlife Trust, Forest of Dean District Council, Natural England, Natural Resources Wales, Forestry Commission, Monmouthshire Council and Monmouthshire and Gloucestershire Bat groups.
- ⁴² Planning Application 15/0108/FSAJM Extension of Stowe Hill Quarry, the phased relocation of the mineral processing plant from Clearwell Quarry to Stowe Hill Quarry including a coating and replacement concrete plants and a road access onto the B4228, increase in the maximum output of material leaving Stowe Hill Quarry and revised restoration of Clearwell Quarry, Available at <http://planning.gloucestershire.gov.uk/publicaccess/simpleSearchResults.do?action=firstPage>
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- ⁴⁷ ERM (2011) 'Cinderford Northern Quarter Pre Submission Draft AAP Habitats Regulations Screening Assessment' and Forest of Dean District Council (2011) 'Keynote – Biodiversity & Nature Conservation Cinderford Northern Quarter'
- ⁴⁸ Forest of Dean District Council (2015) 'Forest of Dean Allocations Plan: HRA Publication Version March 2015'
- ⁴⁹ Forest of Dean District Council (2015) 'Wye Valley & Forest of Dean Bat SAC – Keynote AP17' for the Allocations Plan Submission Stage, August 2015.

⁵⁰ Forest of Dean District Council (2014) 'Final AA under Reg. 61 of the Conservation of Habitats & Species Regulations 2010' in connection with hybrid planning application at Cinderford Northern Quarter P0663/14/OUT.

⁵¹ P1482/14/OUT Outline application for proposed residential development of up to 200 dwellings, open space, associated infrastructure and highway access. Land North Of Lower Lane Lower Lane Berry Hill Coleford Gloucestershire see <http://publicaccess.fdean.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=NBQ6WBHIGRN00>

⁵² European Commission (2001) 'Assessment of Plans and Projects significantly affecting Natura 2000 Sites'.

⁵³ Natural England (2016) EXPECTED 'Response to Gloucestershire County Council' dated XXXX (to be confirmed)