

RECORD FOR A PROJECT WHICH WOULD NOT BE LIKELY TO HAVE A SIGNIFICANT EFFECT ON ANY EUROPEAN (or Wetland of International Importance) SITE, EITHER ALONE OR IN COMBINATION WITH ANY OTHER PLAN OR PROJECT

Application No: 21/0032/CWMAJM (District Reference 21/03999/CPO)

Proposal: The extraction of minerals, provision of associated infrastructure including access and processing facilities, associated ancillary buildings, structures and operations, with site restoration using imported materials to agriculture and enhanced ecological interest and bio-diversity.

Location: Former RAF Down Ampney Airfield & Surrounding Areas, The New Road, Down Ampney, Gloucestershire, GL7 5PL

Grid Reference: 411159, 197088

Introduction and conclusion of the assessment

The development project 21/0032/CWMAJM was considered in light of the assessment requirements of Regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as amended). This was carried out by Gloucestershire County Council which is the competent authority responsible for authorising the project and any assessment of it required by the Regulations.

Having carried out a 'screening' assessment of the project, the competent authority has concluded that the project would not be likely to have a significant effect on any European (international) site, either alone or in combination with any other plans or projects (in light of the definition of these terms in the 'Waddenzee' ruling of the European Court of Justice Case C – 127/02) and an appropriate assessment is not required.

Natural England was consulted on this project and has *agreed* with the Habitats Regulations Assessment conclusion herewith in their response dated 21/10/2022.

Information used for the assessment

A copy of the list used to scan for and select European (or Wetland of International Importance) sites potentially affected by the project is the latest GCC 'Local Plan' Baseline Habitats Regulations Assessment Report available in the Planning and Environment Section of the County Council website. The following sites below have been identified as relevant to the project:

*North Meadow & Clattinger Farm SAC
Severn Estuary European Marine Site (SAC/SPA/Ramsar)*

Other information gathered for the assessment consisted of:

- The planning application documents which are viewable at <https://planning.gloucestershire.gov.uk/publicaccess/simpleSearchResults.do?action=firstPage>
- Conservation Objectives document for the International Sites
- Site Improvement Plan for the International Sites

The screening of the project

A summary of the outcomes of the screening process consists of this record, and also in particular:

- Environmental Statement Chapter 8
- Environmental Statement Chapter 8: Addendum to Ecology 01.06.2022
- Principal Ecologist memos to the Case Planning Officer dated 15/07/2022 and 04/07/2022
- Letter from NE dated 04/08/2022
- Natural England (2011) 'Down Ampney Quarry' Letter from Sally King to Jason Betty at Gloucestershire County Council on planning application Ref. 09/0050/CWMAJM/CAPS

In reaching the conclusion of the assessment the competent authority took no account of measures specifically designed to avoid or reduce adverse effects on any European (Wetland of International Importance) Site. However integrated measures that form an essential (integral) part of the project including its temporary nature, usual safety and emergency requirements, the exact location of the development and necessary timings were taken into account.

The HRA for the adopted Minerals Local Plan did not consider the allocation of the Down Ampney site (Allocation 06) raised concerns of an adverse impact upon European Sites. The Minerals Local Plan development criteria for Down Ampney do however require a developer to consider adverse effects upon the European Sites at the project stage. Section 6.2.1 of the ES Ecology chapter considers the quarrying proposal would have no likely significant effect upon North Meadow and Clattinger Farm SAC. A previous planning application for the Down Ampney location was deemed by the competent authority and Natural England to not likely result in any hydrological or other effect on any conservation objectives of the SAC. The current development project is smaller, more northerly although partly overlapping with the previous proposal.

The latest proposal has embedded mitigation including the lining along the western and southern sections of a mineral extraction phase that is located along the southern boundary of the project area. Also, groundwater interception drains will be constructed to allow movement of groundwater from north to south into local surface water features. Water quality will be managed during the operation of the scheme using good site working practices in accordance with established pollution prevention guidelines and water clarification features to ensure protection of the groundwater and watercourses. Likely significant effects upon North Meadow & Clattinger Farm SAC were therefore screened out.

Given the recent expansion of the Cotswold Water Park SSSI designation and that such areas have been identified by Natural England as potential functional land for birds of the Severn Estuary this European Marine Site was also considered. Section 6.2.2 of the ES Ecology chapter considers the quarrying proposal would have no likely significant effect upon the Severn Estuary European Marine Site (birds on functionally linked land/water). The Addendum to the Ecology ES Chapter states the SSSI units which would support populations of relevant bird species of the Severn Estuary are separated by existing boundary hedgerows from the development project area. The development project area provides no or minimal habitat for the relevant birds. Through the proposed restoration

scheme new / changed habitat includes some lowland meadow and other grassland from land currently in arable cultivation. The competent authority has concluded a neutral impact from allowing the development proposal and that there would be no likely significant effect on the Severn Estuary European Marine Site.

Assumptions and limitations

The screening conclusion necessarily relies on some assumptions and it was inevitably subject to some limitations. Most of the assumptions and limitations would not affect the conclusion but the following points are recorded in order to ensure that the basis of the assessment is clear.

- That the development will be as presented in the planning application submissions.
- The professional judgements of statutory consultees and specialist advisers are considered to be reasonable.
- Given no or a negligible effect is concluded a consideration of in-combination effects with other plans and projects is deemed unnecessary.

Dated: 19/01/2023

Date: 21 October 2022
Our ref: 399347
Your ref: 21/0032/CWMAJM



Jason Betty
Senior Planning Officer
Gloucestershire County Council
Strategic Infrastructure
Shire Hall
Gloucester
GL1 2TH

Customer Services
Hornbeam House
Crewe Business Park
Electra Way
Crewe
Cheshire
CW1 6GJ

BY EMAIL ONLY

Dear Jason

Planning consultation: The extraction of minerals, provision of associated infrastructure including access and processing facilities, associated ancillary buildings, structures and operations, with site restoration using imported materials to agriculture and enhanced ecological interest and bio-diversity. (The application site straddles the administrative boundaries of Gloucestershire and Wiltshire County Council. All of the proposed mineral extraction is within Gloucestershire.)

Location: Former RAF Down Ampney Airfield & Surrounding Areas, The New Road, Down Ampney, Gloucestershire, GL7 5PL.

Thank you for your further consultation on the above dated received by Natural England on 30 June 2022 and the Habitats Regulation Assessment (HRA) received on the 23 September 2022.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

**European sites - North Meadow & Clattinger Farm Special Area of Conservation (SAC),
Severn Estuary SAC/ Severn Estuary Special Protection Area (SPA)/ Severn Estuary
RAMSAR –no objection**

Natural England notes that your authority, as competent authority under the provisions of the Habitats Regulations, has screened the proposal to check for the likelihood of significant effects.

Your assessment concludes that the proposal can be screened out from further stages of assessment because significant effects are unlikely to occur, either alone or in combination. On the basis of the information provided, Natural England concurs with this view.

Cotswold Water Park Sites of Special Scientific Interest (SSSI)- no objection - subject to appropriate mitigation being secured.

The proposal site is within an area identified in the [Cotswold Water Park Nature Recovery Plan](#) as part of the Nature Recovery Network. This plan aims to expand and connect wildlife habitats to support species recovery and deliver wider benefits such as carbon capture, water quality improvements, natural flood risk management and recreation in line with the Lawton principles set out in [Making Space for Nature](#) and paragraph 179a of the [National Planning Policy Framework](#).

This site is an important location in the Nature Recovery Network, acting as a landscape connection to the Cotswold Water Park SSSI. The retention, creation and management of the habitats on this

site are important to the conservation of the SSSI and its function within the Nature Recovery Network.

In order to mitigate these adverse effects and make the development acceptable, the following mitigation measures are required / or the following mitigation options should be secured:

- The Operational Phase Wildlife Hazard Management Plan and the Post Operational Wildlife Hazard Management Plan, referred to in the Outline Landscape and Ecological Management Plan updated 11 04 2022, should be submitted and agreed prior to the commencement of any works.
- Hedgerow management HT6 and HT7 (for the first five years) as set out under the Outline Landscape and Ecological Management Plan updated 11 04 2022 (p19) should be every two years. We advise that longer-term hedgerow management (p13) should see hedgerow cutting every two years.
- The Outline Landscape and Ecological Management Plan (p10) states for the Lowland Meadow- "An appropriate seed mix will be obtained, preferably from a suitable local grassland meadow (i.e. to facilitate hay strewing) (which could include North Meadow & Clattinger Farm in liaison with Natural England) or alternatively from a reputable seed house". The seed mix must be obtained from a suitable local grassland meadow or alternatively from a reputable seed house. We suggest that the Applicant look into linking up with the [Glorious Cotswolds Grassland project](#).

We advise that an appropriate planning condition or obligation is attached to any planning permission to secure these measures.

Please note that if your authority is minded to grant planning permission contrary to the advice in this letter, you are required under Section 28(1) (6) of the Wildlife and Countryside Act 1981 (as amended) to notify Natural England of the permission, the terms on which it is proposed to grant it and how, if at all, your authority has taken account of Natural England's advice. You must also allow a further period of 21 days before the operation can commence.

Soils, Land Quality and Reclamation- Advice-further information required

Having examined this proposal in the light of our statutory duties under Schedule 5 of the Town and Country Planning Act 1990 (as amended) and the Government's policy for the sustainable use of soil as set out in paragraphs 174 and 175 of the [National Planning Policy Framework](#) (NPPF), Natural England has the following comments to make:

1. The ALC survey submitted as part of the planning application shows that the proposed development would extend to approximately 236.2 ha, including some 145.7 ha of 'best and most versatile' (BMV) agricultural land; namely Grades 1, 2 and 3a land in the Agricultural Land Classification (ALC) system. However, there is a MAFF survey of the same area which shows a greater area of Higher grades and thus BMV land. We are not satisfied that the submitted ALC survey is a true representation of the soil resources on site and cannot, therefore, be used as the basis for a soil management plan.
2. However, although we are generally satisfied that the BMV land should be capable of being reclaimed without loss of quality, the submitted soil handling, restoration and aftercare proposals do not meet the requirements for sustainable minerals development, set out in the NPPF and current [Minerals Planning Practice Guidance](#), particularly section 6 titled "Restoration and aftercare of mineral sites" for the following reasons:
 - *Soil stripping and storage.*
Further details are required on when and where, i.e. phasing and how much soil will be in each bund. Details of ALL of the soil resources on the site should be provided. Soil handling

details are scant. A review of the submitted ALC survey/soil resources is required to establish an accurate record of the soil resources within the application area.

- *Restored soil profile depths and composition.*
Details of this have been provided but only a proportion of the soil resource is accounted for. A review of the submitted ALC survey/soil resources is required to establish an accurate record of the soil resources within the application area.
- *A detailed and practicable Restoration Scheme.*
Only a map has been provided. Are only the areas identified as Restored agricultural land going to be restored to BMV land? The proposed restored profile could be droughty 3a or 3b depending on stone content and the makeup of the material in the base layer. As MAFF identified significant areas of Grade 2 and 3a for this site in their [report](#) compared to the Soil Resources and Agricultural Use and Quality of Land at Airfield Quarry Gally Leaze, Gloucestershire Report 1370/4 (6 April 2020), this disparity is a concern.

Excavation and restoration below the water table that would inevitably result in lakes and wet margins (unless realistic proposals made for infilling or pumped drainage), and there is no mention of issues with water table and whether there will be sufficient outfall for drainage (no drainage scheme design included). Much of the water park is restored to lakes for this reason, but we have not seen reference to this.

3. Natural England would expect this application to be rigorously examined in the light of Government policy as set out in Paragraph 174 and 175 of the NPPF which states that '*Planning policies and decisions should contribute to and enhance the natural and local environment by:*

recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland.'

And

Plans should: distinguish between the hierarchy of international, national and locally designated sites; allocate land with the least environmental or amenity value, where consistent with other policies in this Framework¹; take a strategic approach to maintaining and enhancing networks of habitats and green infrastructure; and plan for the enhancement of natural capital at a catchment or landscape scale across local authority boundaries.

4. We note that this site allocated in the [Minerals Local Plan for Gloucestershire 2018-2032](#) under Policy MA01 -Aggregate working within allocations: Allocation 06: Land southeast of Down Ampney (pages 73-74) and that detailed development requirements for plan allocation are set out in Appendix 4 (see Annex A). We also note Policy DM07 -Soil resources (see Annex A) in the Plan and advise that the Council should have regard to this and Appendix 4 when considering this proposal.
5. Soil is a finite resource which plays an essential role within sustainable ecosystems, performing an array of functions supporting a range of ecosystem services, including storage of carbon, the infiltration and transport of water, nutrient cycling, and provision of food. In order to safeguard soil resources as part of the overall sustainability of the development, it is important that the soil resource is able to retain as many of its important functions as possible. This can be achieved through careful soil management and appropriate, beneficial soil re-use, with consideration on how any adverse impacts on soils can be avoided or minimised.
6. The Institute of Quarrying [Good Practice Guide for Handling Soils in Mineral Workings](#) provides detailed advice on the choice of machinery and method of their use for handling soils at various

¹ Where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality.

phases, which we strongly recommend is followed. For agricultural after uses, the best available practice is using the excavator-dump truck combination in conjunction with the sequential 'strip' method (Sheets A – D).

7. More general advice for planning authorities on the agricultural aspects of site working and reclamation can be found in the Defra Guidance notes [Reclaim minerals extraction and landfill sites to agriculture](#), which again we strongly recommend is followed.
8. In conclusion we are not satisfied that the submitted ALC survey is a true representation of the soil resources on site and cannot, therefore, be use as the basis for a soil management or restoration plan. This needs to be addressed prior to Natural England further reviewing the proposals.

Other advice

Further general advice on the consideration of protected species and other natural environment issues is provided at Annex B.

Should the proposal change, please consult us again.

If you have any queries relating to the advice in this letter please mark the correspondence for my attention and send to consultations@naturalengland.org.uk quoting our reference 399347.

We would be pleased to provide advice on the discharge of planning conditions or obligations attached to any planning permission to address the issues above.

Should the proposal change, please consult us again.

Yours sincerely

Ms Gillian Driver
Lead Adviser
Land use planning – West Midlands Area Team