



SEVERN ESTUARY SPECIAL AREA OF CONSERVATION, SPECIAL PROTECTION AREA & RAMSAR SITE

RECREATIONAL IMPACTS MITIGATION CONTRIBUTION S.111 of LOCAL GOVERNMENT ACT 1972 AGREEMENT

GUIDANCE NOTES

Summary

This note provides guidance on completing a S.111 of the Local Government Act 1972 Agreement to ensure, within the Forest of Dean District Council administrative area, that the appropriate mitigation is secured to prevent new developments causing additional recreational disturbance to the biodiversity of Severn Estuary Special Area of Conservation (SAC), Special Protection Area (SPA), and Ramsar site.

Background

The Severn Estuary¹ is an internationally important biodiversity site designated as a SPA, SAC and Ramsar site for its intertidal habitats, wetland, fish and bird population. It is also very popular with visitors. However, the high number of visitors is impacting on the site and damaging the wildlife. It is crucial that steps are taken to protect the site and to reduce the recreational impacts.

Recreational Mitigation Strategy

Forest of Dean District Council is legally obliged under the Conservation of Habitats and Species Regulations 2017² (as amended) to consider whether any project or proposal, including planning applications would affect the biodiversity of the Severn Estuary. We have worked with our partners, including other adjacent Local Authorities and Natural England to develop a strategic recreation mitigation strategy, the [Lydney Harbour Visitor Survey and Recreational Strategy](#) (2017).

This includes –

- an analysis of where visitors to the site come from, providing the evidence to set the Zone of Influence (Zoi) at 6.2km
- the measures necessary to mitigate the impacts. The measures are divided into -
 - Measures on the application site, such as open space, green corridors, etc

¹ <https://publications.naturalengland.org.uk/publication/6081105098702848>

² <https://www.legislation.gov.uk/uksi/2017/1012/contents/made>

- Off-site measures – the provision of suitable alternative routes, wardens etc.
- The expected costs of those off site measures.

The 2017 study provides the current evidence base to set the zone of influence at 6.2km as the average distance travelled from home/holiday accommodation by a visitor to the Estuary.

Where planning applications (and prior approvals) for residential, holiday accommodation, or recreation/tourism development are likely to result in additional recreational pressure on the Severn Estuary designated site the applications will be subject to Habitats Regulations Assessment prior to determination.

This also includes –

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

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

Implications for Planning Applicants

If an application falls within the residential/holiday accommodation category and are within the zone of influence, there are two main options for applicants:

- Prepare your own “shadow” Habitats Regulations Assessment detailing the likely recreational impacts caused by your development and the mitigation that will be put in place to avoid or cancel out those impacts in perpetuity. This is likely to be a very time-consuming piece of work and will require the input of experienced ecologists and others. This information should be submitted with your application. This will be subject to assessment by the Council and consultation with Natural England.
- Agree to contribute financially to the measures set out in the recreation mitigation strategy prepared by the relevant Local Authorities and Natural England. The cost is £286 per unit + admin fee (2023 figures subject to CPI).

If you wish to use the contribution option, you should:

- Complete the s.111 Agreement form, agreeing to make the relevant payment on receipt of the appropriate invoice, prior to determination. (The contribution will be refunded – minus the administration charge if permission is not granted.)
 - Cost - £286/unit (2023) + an administration fee £125

- In cases where a S106 Agreement is needed for other reasons; the contribution could be included within that S106 and administration costs will be calculated separately. For particularly complex S106 agreements a site-specific administration charge will be levied.
 - Cost - £286/unit + an administration fee to be individually negotiated subject to the complexity of the proposed S106 agreement

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

Completing the s.111 or s106 Agreement

Section 111 and Section106 Agreements provide councils with a general power, under the Local Government Act 1972 and Town and Country Planning Act 1990, for a variety of actions, including being able to secure these recreational impacts mitigation contributions. A template draft s.111 Agreement is available on the Council's web-site and can be downloaded or completed digitally.

Notes

Application reference number

The reference provided by the Council is in the format – PXXXX/YY/TTT

PXXX- unique reference number

YY– the year the application is submitted

TTT – application type e.g. OUT, FUL – outline application.

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

Description of development

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

Address of property

This should match the site address on the planning application form

Name of applicant

This should be the applicant's full name, including surname and first name.

(Provision of full name is a requirement of our finance system.)

If the applicant is a company, the company business name should be provided along with a named contact at that business.

Correspondence address of applicant

This address will be used for correspondence relating to the s.111 agreement including for any invoices. It must be the correspondence address for the person(s) who will be legally responsible: a 'care of' (c/o) address cannot be accepted.

Signing the Agreement

Please make sure you sign and date the Agreement and return to the Case Officer for your application Or you can submit the form with your planning application. A digital signature is acceptable.

Once the S111 Agreement has been completed and received by the Council, you will be sent an invoice which can be paid online, via telephone or via BACS transfer. Further details regarding payment will be available on the invoice.

Once you have paid the invoice, please email confirmation to the planning case officer. Failure to do so could delay the determination of your planning application.

Once payment has cleared, you will be sent a copy of the S111 Agreement, signed by an Officer of the Council. This is a legal Agreement and should be kept in a safe place.