

# Lydney Neighbourhood Development Plan

## **Preliminary Screening: Habitat Regulations Assessment of The Lydney Neighbourhood Development Plan 2014-2024 April 2015**

**Commissioned by: Lydney Neighbour Development Plan  
Group**

**Undertaken by: Forest of Dean District Council**

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## Summary

In December 2014 the Forest of Dean District Council were commissioned by the Lydney Neighbourhood Development Plan steering group to undertake a Habitats Regulations screen assessment for their emerging Neighbourhood Plan.

This report sets out a Habitats Regulations Assessment (HRA) of the Lydney Neighbourhood Development Plan (NDP) 2014-2024. It has identified that the majority of NDP text and policies proposed are not likely to have a significant effect on any European site. Most of the policies do not actually propose specific development and therefore these have been screened out. However, a few of the policies in the Plan that promote development or change could have a significant effect due to the proximity of the plan area to a number of European sites within and around the Lydney parish.

Recommendations are made to mitigate these effects through a series of policy amendments and restrictions applied to specific policies.

The amended examiners version of the NDP has incorporated all the changes recommended in section 7 above. Therefore it is concluded that there are no likely significant effects as a result of the Lydney NDP on European designated nature conservation sites.

Natural England and the Environment Agency were consulted on the Draft HRA screening (December 2015 version) in January 2015 (Appendix 3). No response was received from Natural England. The Environment Agency concluded “we agree with the conclusions and recommendations of the report and its appendices”.

Whilst it is acknowledged that it would have been preferential to have received a response from Natural England it is noted that they have been consulted and no objection has been received.

On the basis of the responses received it is now considered appropriate for the HRA to move forward to examination.

## 1. Introduction

- 1.1 In December 2014 the Forest of Dean District Council were commissioned by the Lydney Neighbourhood Development Plan steering group to undertake a Habitats Regulations screen assessment for the their emerging Neighbourhood Plan.
- 1.2 This report details the findings of the first, screening step of the Habitat Regulations Assessment (HRA)<sup>1</sup> process of the Lydney Neighbourhood Development Plan (NDP) March 2014. As the qualifying body the NDP Community Steering Group is required to assess its Neighbourhood Plan through the HRA process.
- 1.2 The NDP sets out Lydney Town Council’s economic and socially sustainable vision for the town and provides planning policies to realise the vision.
- 1.4 The Lydney Neighbourhood Development Plan has been produced to guide development within the town over the next 10 years. The vision is:  
  
‘The Vision to develop Lydney over the next 10 years and beyond as a thriving, prosperous, safe integrated and attractive market town, serving its rural hinterland as a centre from which to visit the area’s attractions ‘
- 1.5 The aim of this HRA screening report is to assess whether there are any likely significant effects on European sites within relative proximity to the NDP Area (Appendix 1).
- 1.6 In producing this HRA screening report, the following guidance has been used to follow best practice methods: Tyldesley, D., and Chapman, C., (2013) The Habitats Regulations Assessment Handbook, 1st edition UK: DTA Publications Limited, [www.dtapublications.co.uk](http://www.dtapublications.co.uk)

## 2. Lydney Neighbourhood Development Plan

- 2.1 The NDP version under consideration is The Examiner’s Version dated March 2014 with a number of amendments. Key changes have already made to the Examiner’s Version and these are therefore part of this assessment, the changes are:

Section 2. Policies for Sustainable Growth: Highways and Pedestrian Infrastructure, page 29-34

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<sup>1</sup> The Conservation of Habitats and Species Regulations 2010.

1. Change in description of point 3 on page 30 for a Swan Road link to a green pedestrian and cycleway link. New wording: '*A green pedestrian and cycleway link connecting Swan road to the bypass and onward to the rail station and harbour (Swan Road Link)*'.
2. Removal of point 5 in the text on page 30 which promoted a new access road to the Harbour Road Industrial site.
3. Additional wording to policy (shown in italics) LYD TRAN 2 – Pedestrian Infrastructure: Safer Walking

A linking network of signposted Public Rights of Way will be developed connecting key areas such as the Town Centre, Railway Station, Harbour and leisure areas (see map 1.8).

A mixture of developer contributions and funding will be sought to achieve this.

*In consultation with the relevant statutory bodies careful consideration will be given to the promotion of PRoWs around the estuary to avoid impacts on the nature conservation assets of the Severn estuary, these may include interpretation and/or promoted alternative routes/permitted paths.*

4. Changes to the text of Policy LYD HAR 2 that acknowledge the Severn Estuary SCA/SPA/Ramsar site, and that any promotion of the footpaths in the area will avoid impacts to this site. Wording now reads as (changes italicised):

LYD HAR 1 – Lydney Harbour Area

*Small scale* recreational development in the Harbour Area will be welcomed provided that it fully respects and sustains the protected historic character *and the ecological importance of the area*. It should also help ensure the preservation, restoration and interpretation of this key feature for both the local community and visitors.”

5. Additionally a map indicating the area to which the policy applies has now been produced.

### **3. Habitat Regulations Assessment**

- 3.1 The Conservation of Habitats and Species Regulations came into force in 2010, consolidating the previous Conservation (Natural Habitats & c.) Regulations 1994 and all their subsequent amendments. The Regulations are generally referred to as the Habitats Regulations. Whilst not directly affecting

the key elements of Habitats Regulations Assessment, it should be noted that there has recently been an amendment to the 2010 Regulations in 2012.

- 3.2 The Habitats Regulations are in place to transpose European legislation set out within the Habitats Directive (Council Directive 92/43/EEC) and the Birds Directive (Council Directive 2009/147/EC). These are the key pieces of European legislation that seek to protect, conserve and restore habitats and species that are of upmost conservation importance and concern across Europe.
- 3.3 Neighbourhood plans have a legal requirement in relation to Habitat Regulations Assessment (HRA).

The Neighbourhood Planning (General) Regulations 2012 state:

"The making of the neighbourhood development plan is not likely to have a significant effect on a European site (as defined in the Conservation of Habitats and Species Regulations 2010(d)) or a European offshore marine site (as defined in the Offshore Marine Conservation (Natural Habitats, &c.) Regulations 2007(e)) (either alone or in combination with other plans or projects)."

- 3.4 However the same regulations also include an amendment to the Conservation of Habitats and Species Regulations 2010:  
  
"Assessment of implications for European site: neighbourhood development plans 102A.—(1) A qualifying body which submits a proposal for a neighbourhood development plan must provide such information as the competent authority may reasonably require for the purposes of the assessment under regulation 102 or to enable them to determine whether that assessment is required."
- 3.5 The Habitats Regulations test is very precautionary: the assumption is that a plan will have a significant effect until/unless it can be shown that it will not. HRA involves up to four steps:
  1. Screening: Determining whether the plan - 'in combination' with other plans and projects - is likely to have an adverse effect on a European site. If it doesn't, the plan can proceed, else it needs to go to step 2.
  2. Appropriate assessment: Determining whether, in view of the site's conservation objectives, the plan - 'in combination' with other plans and projects - would have an adverse effect (or risk of this) on the integrity of the site (s). If it doesn't, the plan can proceed, else it needs to go to step 3.

3. Assessment of alternative solutions: Where the plan is assessed as having an adverse effect (or risk of this) on the integrity of a site(s), there should be an examination of alternatives
4. Assessment where no alternative solutions remain and where adverse impacts remain

#### 4. HRA in relation to the Lydney NDP

- 4.1 Lydney is an atypical NDP area; the parish (and NDP boundary) include a part of the Severn Estuary, which is very heavily protected by international legislation. It is a Special Protection Area for overwintering and migrating waterfowl; a Special Area of Conservation for its estuaries, mudflats and sandflats, salt meadows, sandbanks, reefs, sea lamprey, river lamprey and Twaité shad; and a Ramsar wetland site.
- 4.2 Lydney parish and NDP boundary also include one of the Wye Valley and Forest of Dean Bat Sites SAC. The SAC consists of a network of Sites of Special Scientific Interest in Gloucester and Gwent. The SAC was selected on the grounds of its exceptional breeding and hibernating population of lesser horseshoe bats and because it represents the main maternity area for Greater horseshoe bats along the England/Wales border.
- 4.3 The NDP Community Steering Group (the qualifying body) must provide enough information to allow the local planning authority (Forest of Dean District Council (the responsible authority/ competent authority)) to determine whether appropriate assessment under the Habitats Directive is required. This HRA screening report is designed to achieve this.
- 4.4 This report and appendices are the first stage of the HRA process to look at its potential impacts applying the precautionary principle. This is to determine if the plan will adversely affect the integrity of the European sites concerned. This process is known as a Habitats Regulations Assessment (HRA) and the first stage considers any likely significant effects (the screening stage). **The Screening report form is attached in Appendix 1.**
- 4.5 Straight forward mitigation measures can be applied at the screening stage which may mean that previous likely significant effects can be ruled out and the plan does not need to progress to the second stage (an appropriate assessment).
- 4.6 An appropriate assessment is the second stage of the HRA process and a plan should undertake this where likely significant effects are identified at the screening stage and cannot be ruled out after applying straightforward mitigation measures.

- 4.7 The appropriate assessment looks at the implications of a plan for a European site in view of the site's conservation objectives. Further more detailed mitigation measures may be introduced at the appropriate assessment stage to avoid or reduce the effects of a plan on the European sites.

## 5. European Site Information

- 5.1 The first step of the screening process is to consider the European sites that could be affected by a plan. There are a number of such sites; two are within the plan area and others some distance from the plan area. The Severn Estuary SAC, SPA and Ramsar is within the area covered by the Lydney NDP. Devil's Chapel Scowles SSSI which is a part of the Wye Valley and Forest of Dean SAC is also within the plan area. A further three Wye Valley and Forest of Dean bat SACs are within 5-6k, of the Lydney NDP boundary.
- 5.2 Severn Estuary Special Protection Area (SPA) and Special Area of Conservation (SAC)

The Severn Estuary is located between Wales and England in south-west Britain. It is a large estuary with extensive intertidal mud-flats and sand-flats, rocky platforms and islands. Saltmarsh fringes the coast backed by grazing marsh with freshwater ditches and occasional brackish ditches. The seabed is rock and gravel with sub-tidal sandbanks. The estuary's classic funnel shape, unique in the UK, is a factor causing the Severn to have the second-highest tidal range in the world (after the Bay of Fundy in Canada). This tidal regime results in plant and animal communities typical of the extreme physical conditions of liquid mud and tide- swept sand and rock. The species-poor invertebrate community includes high densities of ragworms, lugworms and other invertebrates forming an important food source for passage and wintering waders. A further consequence of the large tidal range is an extensive intertidal zone, one of the largest in the UK. The site is of importance during the spring and autumn migration periods for waders moving up the west coast of Britain, as well as in winter for large numbers of waterbirds, especially swans, ducks and waders. (From JNCC SPA Data Spreadsheet).

SPA designation, qualifying features:

The Severn Estuary qualifies under Article 4.1 of the Birds Directive by regularly supporting an internationally important wintering population of Bewick's swan *Cygnus columbianus bewickii*, an Annex 1 species. During the period 1988/89 to 1992/93 a mean peak of 289 birds (1.7% of the northwest European population, 4.1 % of the British wintering population) used the estuary.

The Severn Estuary qualifies under Article 4.2 as a wetland of international importance by regularly supporting in winter over 20,000 waterfowl. In the five year period 1988/89 to 1992/93 the average peak count was 68,026 waterfowl comprising 17,502 wildfowl and 50,524 waders.

The Severn Estuary also qualifies under Article 4.2 by regularly supporting in winter internationally important numbers of the following 5 species of migratory waterfowl (average peak means for the period 1988/89 to 1992/93): 3,002 European white-fronted goose *Anser albifrons albifrons* (1.0% NW European, 50.0% British), 2,892 shelduck *Tadorna tadorna* (1.2% NW European, 3.9% British), 330 gadwall *Anas strepera* (2.8% NW European, 5.5% British), 41,683 dunlin *Calidris alpina* (2.9% east Atlantic flyway (EAF), 9.6% British) and 2,013 redshank *Tringa totanus* (1.3% EAF, 2.6% British).

The Severn Estuary also supports nationally important wintering populations of a further 10 species:

3,977 wigeon *Anas penelope* (1.6% British), 1,998 teal *Anas crecca* (2.0% British), 523 pintail *Anas acuta* (2.1 % British), 1,686 pochard *Aythya ferina* (3.8% British), 913 tufted duck *Aythya fuligilla* (1.5% British), 227 ringed plover *Charadrius hiaticula* (1.0% British), 781 grey plover *Pluvialis squatarola* (3.7% British), 3,096 curlew *Numenius arquata* (3.4% British), 246 whimbrel *N. phaeopus* (4.9% British total) and 3 spotted redshank *Tringa erythropus* (1.5% British).

In addition, during passage periods, the estuary supports nationally important numbers of ringed plover (spring migration: 442 birds (1.4% British passage), autumn migration: 1,573 birds (5.2% British passage)) dunlin (spring: 3,510 birds (1.7% British passage), autumn: 5,500 birds (2.7% British passage)) whimbrel *Numenius phaeopus* (spring: 246 birds (4.9% British passage), autumn: 66 birds (1.3% British passage)) and redshank (autumn: 2,456 birds (2% British passage)).

The Severn Estuary also supports a nationally important breeding population of a migratory species. In 1993 2040 pairs of lesser black-backed gulls *Larus fuscus* bred on the islands of Steep Holm and Flat Holm within the estuary. This represents 2.5% of the British total.

SAC details, qualifying features:

Annex I habitats that are a primary reason for selection of this site;

- Estuaries
- Mudflats and sandflats not covered by seawater at low tide
- Atlantic salt meadows (*Glauco-Puccinellietalia maritimae*)

Annex I habitats present as a qualifying feature, but not a primary reason for selection of this site;

- Sandbanks which are slightly covered by sea water all the time
- Reefs

Annex II species that are a primary reason for selection of this site

- Sea lamprey *Petromyzon marinus*
- River lamprey *Lampetra fluviatilis*
- Twaite shad *Alosa fallax*

Also listed as the Severn Estuary Ramsar Site and notified at a national level as The Severn Estuary Site of Special Scientific Interest (SSSI).

### 5.3 Wye Valley and Forest of Dean Bat Sites SAC

The Wye Valley and Forest of Dean Bat SAC is a cross border site, straddling the Welsh/English Border. It is made up of thirteen component SSSI's, of which four are in Wales and 9 in England.

Qualifying Features

*Rhinolophus hipposideros*

- for which this is considered to be one of the best areas in the United Kingdom.

*Rhinolophus ferrumequinum*

- for which this is considered to be one of the best areas in the United Kingdom.

Annex II species that are a primary reason for selection of this site

Lesser horseshoe bat *Rhinolophus hipposideros*

This complex of sites on the border between England and Wales contains by far the greatest concentration of lesser horseshoe bat *Rhinolophus hipposideros* in the UK, totalling about 26% of the national population. It has been selected on the grounds of the exceptional breeding population, and the majority of sites within the complex are maternity roosts. The bats are believed to hibernate in the many disused mines in the area.

Greater horseshoe bat *Rhinolophus ferrumequinum*

This complex of sites on the border between England and Wales represents greater horseshoe bat *Rhinolophus ferrumequinum* in the northern part of its range, with about 6% of the UK population. The site contains the main

maternity roost for bats in this area, which are believed to hibernate in the many disused mines in the Forest.

### Vulnerability

The site is composed of parts of a number of buildings in everyday use (mainly roof-spaces) used by the bats for breeding and a series of mines used by bats for hibernation. Within the roost the bats are vulnerable to disturbance at critical times, structural alteration and changes in the characteristic ventilation patterns.

Any proposed changes which are likely to have an impact on the bat populations within the breeding roosts will be discussed with the relevant owners and occupiers. Where appropriate to any populations potentially damaging works will be addressed through appropriate planning regulation, management agreements and monitoring of individual roosts. Regular liaison takes place with site-owners.

The human use of the mine systems (continued mineral working and recreational caving/research) is regulated by Forest Enterprise in consultation with English Nature where appropriate. Site Management Statements have been agreed with the owners of working mines to secure conservation of the populations alongside continued working. In addition, the preparation of Cave Conservation Plans will be promoted to maintain and enhance the underground environment for bats.

#### 5.4 The conservation objectives (produced by Natural England) for the Wye Valley and Forest of Dean SAC in Gloucestershire are as follows:

Avoid the deterioration of the qualifying natural habitats and the habitats of qualifying species, and the significant disturbance of those qualifying species, ensuring the integrity of the site is maintained and the site makes a full contribution to achieving Favourable Conservation Status of each of the qualifying features. Subject to natural change, to maintain or restore:

- a. The extent and distribution of qualifying natural habitats and habitats of qualifying species;
- b. The structure and function (including typical species) of qualifying natural habitats and habitats of qualifying species;
- c. The supporting processes on which qualifying natural habitats and habitats of qualifying species rely;
- d. The populations of qualifying species;
- e. The distribution of qualifying species within the site.

## 5.5 Conservation objectives for the Severn Estuary SPA/SAC/Ramsar

- To maintain the estuaries feature in favourable condition, with particular reference to relevant specific designated interest features. Favourable condition to be assessed in terms of: extent; morphology; tidal regime and flow; sediment budget; sediment size, range and distribution; water quality (physio-chemical parameters); phytoplankton; macroalgae; toxic contaminants; estuarine habitat extent, variety and spatial distribution; abundance of notable species/assemblages.
- To maintain the intertidal mudflats and sandflats in favourable condition, with particular reference to relevant specific designated interest features. Favourable condition to be assessed in terms of: extent; mudflats and sandflats extent and variety; distribution; community composition; topography; sediment character.
- To maintain the saltmarshes in favourable condition, with particular reference to relevant specific designated interest features. Favourable condition to be assessed in terms of: extent; distribution; extent of *spartina anglica*; zonation of vegetation; species composition; sward structure; morphology.
- To maintain the hard substrate habitats in favourable condition, with particular reference to relevant specific designated interest features. Favourable condition to be assessed in terms of: extent and variety; spatial distribution; community composition; abundance of Eel grass.
- To maintain the vascular plant assemblage in favourable condition, with particular reference to relevant specific designated interest features. Favourable condition to be assessed in terms of: rare/notable vascular plant presence; population size; vegetation structure; physical damage; disturbance; hydrology.
- To maintain the assemblage of waterfowl and nationally important populations of waterfowl in favourable condition, with particular reference to relevant specific designated interest features. Favourable condition to be assessed in terms of: population size; distribution; disturbance to feeding/roosting areas; habitat (extent, food availability, vegetation characteristics, feeding/roosting sightlines).
- To maintain the migratory fish assemblage in favourable condition, with particular reference to relevant specific designated interest features. Favourable condition to be assessed in terms of: barriers to migration (water quality, water flow, physical barriers); population size; prey species abundance.

## 6. Likely Significant Effects

- 6.1 The Lydney Neighbourhood Plan has been screened to check for the likelihood of significant effects on any European site. Checking the plan for the likelihood of significant effects involves a careful check of each policy proposed, and its supporting text. A record is made of the check for the likelihood of significant effects, recording the check on a policy-by-policy basis (Appendix 1 and 2), thus demonstrating that the plan in its entirety, and each individual policy, has been fully considered.
- 6.2 The record of the assessment for the likelihood of significant effects is set out in the Appendix 1 and Appendix 2, table A. These identify that the majority of the policies can be screened out. However, a number of policies are identified as having the potential to result in, or contribute to significant effects.
- 6.3 Straightforward mitigation measures can be applied at this screening stage which may mean that identified likely significant effects can be ruled out and thus the plan does not need to progress to the second stage (an appropriate assessment).
- 6.4 An appropriate assessment is the second stage of the HRA process and a plan should undertake this where likely significant effects are identified at the screening stage and cannot be ruled out after applying straightforward mitigation measures.
- 6.5 This report proposes a number of mitigation measures designed to ensure there are no identified likely significant effects and thus avoid the need for the more detailed level of assessment.
- 6.6 If these proposed changes are not adopted then this more detailed assessment of impacts, an Appropriate Assessment, will need to be undertaken.

## **7. Mitigation measures to Avoid, Reduce or Cancel potential for likely significant effects (also see Policy Screening Appendix 2, Table B)**

7.1 This section of the report proposed a series of proposed policy amendments, and changes to the explanatory text, in addition to those already made.

7.2 LYD HOUS 1 Housing for Elderly People.

Add to explanatory text: *The proposed site is a brownfield site and next to the River Lyd. The site has potential habitats used by protected species including bats and is hydrological connected to the Severn Estuary SAC/SPA and Ramsar. The River Lyd is an important green corridor and should be protected as a key element of any future proposal, possibly providing connectivity to the woodlands of the Wye Valley and Forest of Dean Bat SAC. Habitats (including the buildings) and species on and adjacent to the site, need to be fully taken into account at the earliest stage of project development, to ensure adverse impacts protected sites and species are integrated into any proposal.*

Amend Policy to include:

Planning applications will be sought for well-designed residential accommodation *suitable for elderly people's needs in the area shown in map 1.5, p22.*

*Applications must be supported by an appropriate level of ecological assessment and mitigation that if necessary addresses the status of any protected features affected and any associated mitigation.*

7.3 LYD TRAN 3 Public Rights of Way and Wildlife Corridors

Amend Policy Wording:

*Any proposal must assess potential impacts to protected sites and species. Proposals which do not adequately assess or avoid impacts will not be supported.*

7.4 LYD HAR 1 Lydney Harbour Area

Amendments to the policy wording have already been made and a map has already been added to the Examiner's Version of the NDP highlighting the exact area to which the policy relates and should form a part of the amended document.

The potential level of impacts from an inappropriate scheme at this location would be highly significant. It must therefore be ensured the policy and its explanatory text clearly acknowledges the importance of the Severn Estuary and the need to ensure all potential negative impacts to the SPA/SAC/Ramsar are avoided. Therefore it is proposed to re-word the explanatory section as follows (Alternatively the Policy itself should be refined to be specific to particularly schemes within the settlement boundary and taking into account the location of European sites and existing ecological value):

Lydney Harbour – Explanatory text, proposed changes (italics)

Lydney Harbour is a much cherished and utilised area by Lydney residents and visitors alike, and this Plan supports increasing its potential for recreation and tourism whilst retaining and safeguarding its character and structure and, *in particular its ecological importance*. The Harbour is an important *ecological*, economic, recreational and historic asset.

Structures sited within the Harbour area of some 13ha are protected (in part), as previously noted on p12. *The Harbour is directly connected to the bordering Severn Estuary SAC/SPA/Ramsar, the importance of this area is highlighted on p11.*

Facilities such as interpretation, café, toilets and buildings related to and necessary for boat use would be welcomed. Activities based on the natural assets of the area, such as water based activities, would be encouraged.

*However, increased visitors to heritage and nature conservation sites can have significant implications. Any proposals that may lead to likely significant effects will only be permitted where no adverse effect on the integrity of the site can be shown.*

*Proposals should identify the form and locations of all necessary measures required to ensure that no adverse effect on the integrity of a European site occurs as a result of that development.*

## 7.5 Appendix 2 Wildlife Corridors

This explanatory text is concerned with establishing cycle routes and footpaths adjacent to existing PRoW. The text does not acknowledge that PRoW can be of existing high wildlife value. Many of the PRoW in the NDP area are either adjacent to European sites or, in the case the Wye Valley and Forest of Dean Bat SAC, within the site. It would be inappropriate to promote such schemes within these areas, or indeed where there is existing ecological value.

This policy and the explanatory text and this Appendix should be reworded to ensure that protected sites and species are fully taken into account when promoting such schemes.

Alternatively the Policy itself should be refined to be specific to particularly schemes within the settlement boundary and taking into account the location of European sites and existing ecological value.

#### Appendix Two Wildlife Corridors - Proposed changes in italics

This Plan supports enhancing the local bio-diversity by providing wildlife corridors alongside Public Rights of Way. *Many PRowWs will have existing ecological value and are already important wildlife corridors; these plans must respect the existing value of PRowW and consider potential impacts to the protected sites and species in the plan area. The area close to the Severn Estuary to the south of Lydney and woodland areas to the north must be assessed with regards to any potential impacts to the Wye Valley and Forest of Dean Bat SAC and the Severn Estuary SAC/SPA/Ramsar.*

*Where appropriate footpaths* should be a minimum width recommendation of 1.5 metres of rolled scalplings or permeable paving for the path, with a grass verge of 1 metre either side of the path leading to wildlife planting. The wildlife corridor should be at least a total width of 6 metres. Planting should be existing local hedgerow and tree species.

For cycle paths there should be a minimum width recommendation of 3 metres of rolled scalplings or permeable paving for the path, with grass verge of 1 metre either side of the path leading to wildlife planting. The green corridor should be at least a total width of 3 metres either side of this grass verge. Planting should be existing local hedgerow and tree species.

The construction of cycle ways should comply with the government guidelines set out in TA 91/05 Provision for non Motorised Users.

Where appropriate shared routes using Public Rights Of Way should be considered in line with the Department of Transport Local Transport Note 1/12 Shared Use Routes for Pedestrians and Cyclists. Shared use routes should only be considered where suitable width is available. Shared use does offer the advantage of surface improvements to existing footpaths/bridleways. On safety grounds tarmac should be provided to reduce speeds and skid risks. Rolled stone to dust surface should be the preferred surface.

## 8. Conclusion

The amended examiners version of the NDP has incorporated all the changes recommended in section 7 above. Therefore it is concluded that there are no likely significant effects as a result of the Lydney NDP on European designated nature conservation sites.

Natural England and the Environment Agency were consulted on the Draft HRA screening (December 2015 version) in January 2015 (Appendix 3). No response was received from Natural England. The Environment Agency concluded “*we agree with the conclusions and recommendations of the report and its appendices*”.

Whilst it is acknowledged that it would have been preferential to have received a response from Natural England it is noted that they have been consulted and no objection has been received.

On the basis of the responses received it is now considered appropriate for the HRA to move forward to examination.