

**Preliminary Screening: Habitat Regulations Assessment of the  
Lydney Neighbourhood Plan 2014-2024**

**Appendix 1 – Likely Significant Effect Screening**



**December 2014**

**LIKELY SIGNIFICANT EFFECT SCREENING**

**UNDER REGULATION 61 OF THE CONSERVATION OF HABITATS & SPECIES REGULATIONS 2010 (ARTICLE 6 (3) EC HABITATS DIRECTIVE)**

This Likely Significant Effect Screening Matrix follows the good practice methodology set out in the European Commission ‘Managing Natura 2000 sites (2000). The methodology forms part of a robust, yet flexible, transparent and objective approach to the assessment of project and plans which require assessment under Regulation 61 of the Conservation of Habitats and Species Regulations 2010 as amended.

Screening is the first stage in what can be a four stage process. Other stages include ‘appropriate assessment’, ‘assessment of alternative solutions’ and ‘assessment where no alternative solutions exist and where adverse impacts remain’. Each stage determines whether a further stage in the process is required.

Screening is a process which identifies the likely impacts upon a European Site/European Site Feature of a project or plan, either alone, and where appropriate in combination with other projects or plans and considers whether these impacts are likely to be significant. In order to ensure objectivity the screening assessment is initially undertaken in the absence of any mitigation measures which may have already been designed into the project.

Where potentially negative effects are identified from a project or plan and a scientific evaluation of the risks (because of insufficient data or their inconclusive or imprecise nature) makes it impossible to determine with sufficient certainty the risk in question the precautionary principle will be applied. This means that the emphasis on assessment should demonstrate that there will be **no** significant. The precautionary principle is applied proportionally to the project or plan in question.

<b>SCREENING MATRIX</b>	
<b>Name of project or plan,</b> including planning application number and address.	1. <i>Lydney Neighbourhood Development Plan: Examiner’s Version March 2014 with amendments (see Habitat Regulations Assessment Report).</i>
<b>Is the project or plan directly connected with or necessary to the management of the site (provide details)?</b>	<i>No.</i>
<b>1. Description of the project or plan:</b> size, scale, physical requirements of construction, operation and where relevant decommissioning. In addition application area and distances.	<p><i>Lydney NDP sets out that it:</i></p> <ul style="list-style-type: none"> <li>• <i>Provide[s] an economic and socially sustainable vision for the future of the town, and sets out clear planning policies to realise this vision.</i></li> <li>• <i>Seeks not only to support sustainability of the local population as it continues to grow, it also aims to meet positively the associated changes which lie ahead.</i></li> <li>• <i>Ensure[s] that Lydney’s infrastructure grows with the expansion of the new housing developments and industrial units to make a cohesive and prosperous town; one that is socially inclusive and community minded.</i></li> </ul> <p><i>NDP’s can establish general or detailed planning policies for development and use of land in a local area (neighbourhood). NDP’s must take account of higher plans such as those developed by District or County Councils.</i></p> <p><i>When adopted NDP’s form part of the development plan and will be used in considering planning applications along with other relevant planning policy documents and other material planning considerations.</i></p> <p><i>There are 10 actual policies in the NDP:</i></p> <p><i>Lydney Neighbourhood Plan Policy</i>  <i>LYD ENV 1 – Preservation of Open Space</i>  <i>LYD ENV 2 – Protecting the Natural Environment</i></p>

LYD HOUS 1 – Housing for Elderly People  
 LYD CEN 1 – Lydney Town Centre Improvements  
 LYD GEN 1 – Water Management  
 LYD GEN 2 – Fibre to Residential, Retail and Commercial Premises  
 LYD TRAN 1 – Improvements to the Highway Infrastructure  
 LYD TRAN 2 – Pedestrian Infrastructure: Safer Walking  
 LYD TRAN 3 – Public Rights of Way and Wildlife Corridors  
 LYD HAR 1 – Lydney Harbour Area

LYD ENV 1, LYD ENV 2, LYD CEN 1, LYD GEN 1, LYD GEN 2 are all policies either not promoting development or protecting the environment.

LYD HOUS 1, LYD TRAN 1 – 3 and LYD HAR 1 either promote development projects or promote other change.

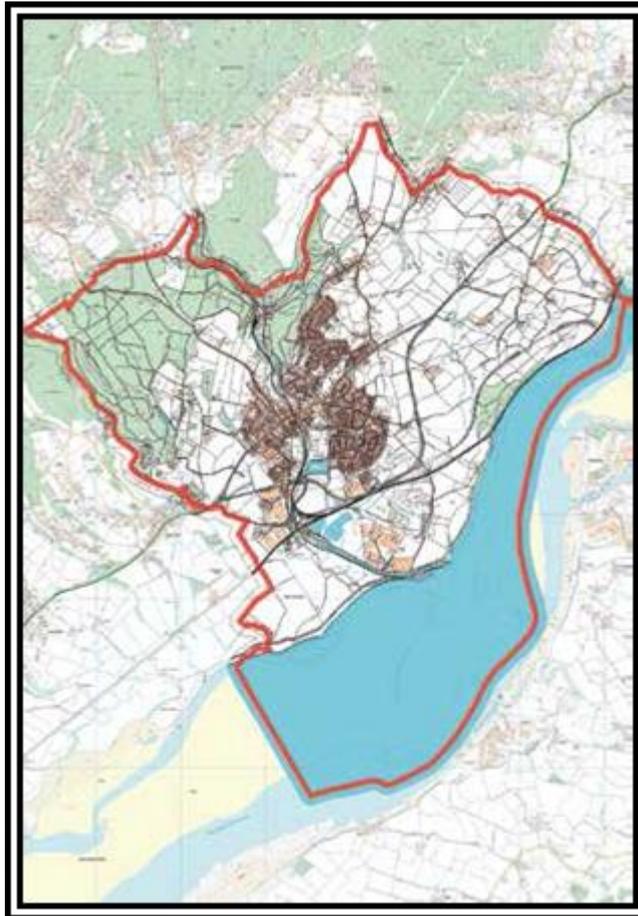


Figure 1. The geographic area of Lydney NDP  
 (Source: Lydney Neighbourhood plan Examiners version March 2014: Pear Technology Services Ltd; Email info@peartechology.co.uk Maps based on Ordnance Survey MasterMap or 1:25000 Mid-scale data With permission of the controller of HMSO. ©Crown Copyright)

**2. Description of the European Site (SAC or SPA) European Site Feature including:** reasons for designation.

The following sites were selected following recommended procedures, see Table 1 below.

**1. The Wye Valley and Forest of Dean Bat Special Area of Conservation (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 population of lesser horseshoe bats and because it represents the main maternity area for Greater horseshoe bats along the England/Wales border.

	<p><i>The Conservation objectives for the SAC 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.</i></p> <p><i>Approximately half of the SAC sub-site Devil’s Scowles lies within the Lydney Parish Boundary.</i></p> <p><i>2.The Severn Estuary SAC/Special Protection Area (SPA)/Ramsar site qualifying for its estuaries, subtidal sandbanks, mudflats and sandflats not covered by seawater at low tide, Atlantic salt meadows, reefs, river and sea lamprey, twaite shad and internationally important populations and assemblages of waterfowl.</i></p> <p><i>The SAC lies partly within the parish of Lydney but extends well beyond its parish boundary and 95% of area in favourable condition at 1/1/2013);</i></p> <p><b>Section 5 of the Preliminary Screening: Habitat Regulations Assessment Report has full details of the qualifying features and conservation objectives of these European Sites.</b></p>
<p><b>Assessment criteria</b></p>	
<p>5. Describe the existing baseline (and historic) conditions at the site.</p>	<p><i>Lydney is an historic market town frequently referred to as “The Gateway to the Forest”, being bordered to the west by the Forest of Dean, and to the east by the River Severn. It is a fairly compact town with the main concentrations of housing being somewhat elevated from the centre, not all parts are well connected to the centre. Lydney acts as an important economic and transport hub for the surrounding villages and wider community.</i></p> <p><i>The River Lyd flows through the town joining the Severn at the Harbour. Lydney receives tidal flows from the Severn and is situated on a flood plain. Flooding is an issue for Lydney both from the River Lyd and the tides from the Severn; Lydney has been defined as a Flood Zone 3 by the Environment Agency.</i></p> <p><i>A number of important sites designated for their nature conservation value are within Lydney parish boundary: Lydney Town Marsh and Sidings, Old Park and Old Bargain Woods, Warren Grove, Nass Cliff are all Key Wildlife Sites, and Old Park Wood Scowles is a designated Regionally Important Geological Site.</i></p> <p><i>The Severn Estuary is designated as a Ramsar site, Special Area of Conservation (SAC) and Special Protection Area (SPA). A part of this site lies within the Lydney parish boundary.</i></p> <p><i>The Wye Valley Forest of Dean Bat Sites Special Area of Conservation (SAC) which is made up of several sub-sites used by lesser and greater horseshoe bats for breeding and hibernating. The SAC sub-site Devil’s Scowles (also a designated SSSI) is partly within the parish</i></p> <p><i>On the edge of the Severn Estuary is the “Lydney Cliff” Site of Special Scientific Interest (SSSI) this is also within the parish of Lydney.</i></p>
<p><b>6. Describe, without mitigation (avoidance or reduction measures), the individual elements of the project (either alone or in combination with other plans or projects) likely to give rise to impacts on the European Site/ European Site</b></p>	<p>1. <i>Five NDP Policies have been identified where there is (or was) potential for Likely significant Effects, and have therefore been further investigated at this screening stage, (Table A):</i></p> <p><i>LYD HOUS 1 – Housing for Elderly People. This policy will lead to development. The site proposed for housing has been previously allocated for development and is in the emerging Allocations Plan. The site is next to the River Lyd and an obvious green corridor directly connected to the woodlands to the north of</i></p>

<p><b>Feature.</b></p>	<p><i>Lydney and therefore the Wye Valley and Forest of Dean Bat SAC. There is theoretical potential for development to affect fly ways or bat roosts, which may be connected to the Bat SAC (screened in at this stage).</i></p> <p><i>LYD TRAN 1 – Improvements to the Highway Infrastructure (referred to here only for completeness). Examiner’s version has already been modified to remove and change elements of the proposals and therefore this policy is considered not to cause any likely significant effect (screened out).</i></p> <p><i>LYD TRAN 2 – Pedestrian Infrastructure: Safer Walking (referred to here only for completeness). The Examiner’s Version has been amended and now recognises the importance of the Severn Estuary European Site. Whilst the policy promotes footpath use it also seeks to ensure that impacts the estuary would be avoided. Therefore there are no likely significant effects from the policy itself (screened out).</i></p> <p><i>LYD TRAN 3 – Public Rights of Way and Wildlife Corridors. The policy sets a framework to ensure new development will establish "wildlife corridors" alongside PRow. A full explanation for the scheme is in Appendix 2 of the NDP. The establishment of these corridors on some the PRow network could potentially result in significant effects to the Wye Valley and Forest of Dean Bat SAC and the Severn Estuary SPA/SAC/Ramsar (screened in at this stage).</i></p> <p><i>LYD HAR 1 – Lydney Harbour Area. The explanatory text and policy and amendment promote small scale recreational development at Lydney Harbour. Although the policy states that its ecological importance will be "respected" insufficient detail or explanation is provided. Therefore the policy could result in likely significant effects on the Severn Estuary SAC/SPA/Ramsar, depending on the scale and location of the development. Possible likely significant effects (screened in at this stage).</i></p>
<p><b>7. Describe any potential impact pathways which could give rise to likely significant effects on a European Site. (direct, indirect or secondary, alone or in combination with other plans or projects)</b></p>	<p>Wye Valley and Forest of Dean Bat SAC</p> <ol style="list-style-type: none"> <li>1. Increased lighting</li> <li>2. Removal of vegetation or lighting and disturbance to potential flyways or foraging areas.</li> <li>3. Project would appear to necessitate the demolition of buildings and it is currently unknown if they have any bat potential.</li> <li>4. Impact of cycle ways “wildlife corridor” development of PRow network</li> </ol> <p>Severn Estuary SAC/SPA/Ramsar</p> <ol style="list-style-type: none"> <li>1. Increased recreational pressure at Lydney Harbour and Nass</li> <li>2. Recreational development at Lydney Harbour</li> <li>3. Discharges to River Lyd and Estuary</li> <li>4. Air quality changes</li> </ol>
<p><b>8. Describe any mitigation</b></p>	<p style="text-align: right;"><i>Residual impacts following mitigation</i></p>

<p><b><i>(avoidance, cancellation or reduction) measures that would eliminate or reduce to minor residual likely significant effects on a European site.</i></b></p>	<p><i>A series of changes to the policy wording and explanatory text are proposed. See Policy Screening Appendix 2, Table B for details.</i></p> <p><i>LYD HOUS 1 – Amendments and caveats to the policy wording and explanatory text are recommended to ensure that the potential impact to protected sites and species are fully addressed and avoided or mitigated within any development proposal.</i></p> <p><i>LYD TRAN 3 – Amendments to the policy are recommended to ensure that the potential impact to protected sites and species are fully addressed and avoided or mitigated within any development proposal. 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.</i></p> <p><i>LYD HAR 1 – 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.</i></p> <p><i>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 important 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.</i></p> <p><i>Appendix 2 Wildlife Corridors</i>  <i>The connected policy and this Appendix should be reworded to ensure that protected sites and species are fully taken into account when promoting such schemes.</i></p> <p><i>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.</i></p>	<p><i>If proposals are adopted: No likely significant effects. Otherwise a Stage 2 Appropriate Assessment of the plan will be required.</i></p>
<p><b>9. Where minor residual effects (alone) are present consider impacts of from other plans or projects (in combination effects)</b></p>	<p><i>No residual effects identified if changes to the NDP are adopted. Otherwise a Stage 2 Appropriate Assessment of the plan will be required.</i></p>	

<p><b>FINDING OF NO SIGNIFICANT EFFECTS MATRIX (only for completion where it can be concluded from the screening matrix that there will be no significant effect on the European Site/European Site Feature.</b></p>	
<p><b>Summary</b></p>	<p><i>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 that promote development or change in the Plan 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.</i></p> <p><i>Recommendations are made to mitigate these effects through a series of policy restrictions and caveats applied to specific policies. Some of these recommendations</i></p>

	<p>would also apply to the emerging Allocations Plan where there are related policies.</p> <p>Once these mitigation measures have been applied it has been concluded there would be no likely significant effects from the Lydney Neighbourhood Development Plan. In the absence of any likely significant effects alone no in combination effects have been identified or are possible. Without the mitigation measures proposed the next stage of the HRA process would be necessary and an Appropriate Assessment of the Lydney NDP undertaken.</p>	
<b>List of agencies consulted: provide contact name and telephone or email address.</b>		<i>Date Consulted</i>
<b>Response to consultation.</b>		

<b>Assessment undertake by.</b>	<i>Caroline Lidgett, Sustainability Team, Forest of Dean District Council</i>	
<b>Date of draft assessment.</b>	<i>10/12/2014</i>	
<b>Date of Completed assessment</b>		
<b>Data Sources.</b>	<p><i>European Site Conservation Objectives for the Wye Valley and Forest of Dean Bat Sites (Site code UK0014794), Natural England</i></p> <p><i>Core Strategy (Adopted version Feb 2012)</i></p> <p><i>Emerging Allocations Plan</i></p> <p><i>JNCC designation details for Severn Estuary SPA, SAC. RAMSAR &amp; SAC and Wye Valley and Forest of Dean Bat SAC</i></p> <p><i>European Site Conservation Objectives for the Severn Estuary, Natural England</i></p> <p><i>Lydney Neighbourhood development Plan 2014-2024, Examiner's Version</i></p> <p><i>Various emails between Lydney Town Council and Forest of Dean District Council with proposed changes to Examiner's Version</i></p>	

**Table 1**

<b>Scanning and site selection list for European sites that could potentially be affected by the plan</b>		
<b>Types of plan</b>	<b>Sites to scan for and check</b>	<b>Names of sites selected</b>
1. All plans (terrestrial, coastal and marine)	Sites within the geographic area covered by or intended to be relevant to the plan	Severn Estuary SAC/SPA/Ramsar Site Wye Valley and Forest of Dean Bat SAC
2. Plans that could affect the aquatic environment	Sites upstream or downstream of the plan area in the case of river or estuary sites	Severn Estuary SAC/SPA/Ramsar Site
	Open water, peatland, fen, marsh and other wetland sites with relevant hydrological links to land within the plan area, irrespective of distance from the plan area	
3. Plans that could affect the marine environment	Sites that could be affected by changes in water quality, currents or flows; or effects on the inter-tidal or sub-tidal areas or the sea bed, or marine species	Severn Estuary SAC/SPA/Ramsar Site
4. Plans that could affect the coast	Sites in the same coastal 'cell', or part of the same coastal ecosystem, or where there are interrelationships with or between different physical coastal processes	None
5. Plans that could affect mobile species	Sites whose qualifying features include mobile species which may be affected by the plan irrespective of the location of the plan's proposals or whether the species would be in or out of the site when they might be affected	Wye Valley and Forest of Dean Bat SAC Severn Estuary SAC/SPA/Ramsar Site
6. Plans that could increase recreational pressure on European sites where qualifying features are sensitive to such pressure	Such European sites the plan area	Severn Estuary SAC/SPA/Ramsar Site
	Such European sites within an agreed zone of influence, or other reasonable and evidence-based travel distance of the plan area, that may be affected by local recreational or other visitor pressure from within the plan area	Severn Estuary SAC/SPA/Ramsar Site
	Such European sites within an agreed zone of influence, or other reasonable and evidence-based longer travel distance of the plan area, which are major (regional or national) visitor attractions such as European sites which are National Nature Reserves where public visiting is promoted, sites in National Parks, coastal sites and sites in other major tourist or visitor destinations	Severn Estuary SAC/SPA/Ramsar Site
7. Plans that would increase the amount of development	Sites in the plan area or beyond that are used for, or could be affected by, water abstraction irrespective of distance from the plan area	Severn Estuary SAC/SPA/Ramsar Site
	Sites used for, or could be affected by, discharge of effluent from waste water treatment works or other waste management streams serving the plan area, irrespective of distance from the plan area	Severn Estuary SAC/SPA/Ramsar Site

<b>Scanning and site selection list for European sites that could potentially be affected by the plan</b>		
<b>Types of plan</b>	<b>Sites to scan for and check</b>	<b>Names of sites selected</b>
	Sites that could be affected by the provision of new or extended transport or other infrastructure	Severn Estuary SAC/SPA/Ramsar Site
	Sites that could be affected by increased deposition of air pollutants arising from the proposals, including emissions from significant increases in traffic	Severn Estuary SAC/SPA/Ramsar Site,
8. Plans for linear developments or infrastructure	Sites within a specified distance from the centre line of the proposed route (or alternative routes), the distance may be varied for differing types of site / qualifying features and in the absence of established good practice standards, distance(s) to be agreed by the statutory nature conservation body	None
9. Plans that introduce new activities or new uses into the marine, coastal or terrestrial environment	Sites considered to have qualifying features potentially vulnerable or sensitive to the effects of the new activities proposed by the plan	None
10. Plans that could change the nature, area, extent, intensity, density, timing or scale of existing activities or uses	Sites considered to have qualifying features potentially vulnerable or sensitive to the effects of the changes to existing activities proposed by the plan	Severn Estuary SAC/SPA/Ramsar Site
11. Plans that could change the quantity, quality, timing, treatment or mitigation of emissions or discharges to air, water or soil	Sites considered to have qualifying features potentially vulnerable or sensitive to the changes in emissions or discharges that could arise as a result of the plan	None
12. Plans that could change the quantity, volume, timing, rate, or other characteristics of biological resources harvested, extracted or consumed	Sites whose qualifying features include the biological resources which the plan may affect, or whose qualifying features depend on the biological resources which the plan may affect, for example as prey species or supporting habitat or which may be disturbed by the harvesting, extraction or consumption	None
13. Plans that could change the quantity, volume, timing, rate, or other characteristics of physical resources extracted or consumed	Sites whose qualifying features rely on the physical resources which the plan may affect, for example, as habitat or a physical environment on which habitat may develop or which may be disturbed by the extraction or consumption	None
14. Plans which could introduce or increase, or alter the timing, nature or location of disturbance to species	Sites whose qualifying features are considered to be potentially sensitive to disturbance, for example as a result of noise, activity or movement, or the presence of disturbing features that could be brought about by the plan	Severn Estuary SAC/SPA/Ramsar Site Severn Estuary SAC/SPA/Ramsar Site
15. Plans which could introduce or increase or change the timing, nature or location of light or noise pollution	Sites whose qualifying features are considered to be potentially sensitive to the effects of changes in light or noise that could be brought about by the plan	Severn Estuary SAC/SPA/Ramsar Site Severn Estuary SAC/SPA/Ramsar Site

<b>Scanning and site selection list for European sites that could potentially be affected by the plan</b>		
<b>Types of plan</b>	<b>Sites to scan for and check</b>	<b>Names of sites selected</b>
16. Plans which could introduce or increase a potential cause of mortality of species	Sites whose qualifying features are considered to be potentially sensitive to the source of new or increased mortality that could be brought about by the plan	None
<p>Extract from <i>The Habitats Regulations Assessment Handbook</i>, <a href="http://www.dtapublications.co.uk">www.dtapublications.co.uk</a>            © DTA Publications Limited (September) 2013 all rights reserved            This work is registered with the UK Copyright Service</p>		