



Lydney
Neighbourhood Development Plan

Adoption Statement

Habitats Regulation Assessment (HRA)

&

Strategic Environmental Assessment (SEA)

March 2016

1. Purpose

The purpose of this statement is to consider the effects of the changes to the Lydney Neighbourhood Plan as result of the recommendations of the examiner (Andrew Ashcroft (September 2015)) (appendix 1).

2. Background

Prior to examination the NDP was subject to:

Strategic Environmental Assessment screening report (May 2015) the outcome of which was that the NDP will not result in significant environmental effects

Habitats Regulations Assessment preliminary screening (April 2015), the outcome of which was that following incorporation of mitigation elements within the plan there are no likely significant effects on European designated sites.

3. Considerations

In respect of SEA and HRA the examiner concluded:

“Having reviewed the information provided to me as part of the examination I am satisfied that a thorough, comprehensive and proportionate process has been undertaken in accordance with the various regulations. Both the screening report and the habitat regulations assessment reports are well-reasoned, accurate and address the issues in a proportionate and professional way. None of the statutory consultees have raised any concerns with regard to either neighbourhood plan or to European obligations. In the absence of any evidence to the contrary, I am entirely satisfied that the submitted LNP is compatible with this aspect of European obligations.”

In respect of sustainable development the examiner concluded:

“It is clear to me that the submitted Plan will contribute to sustainable development in Lydney.”

The proposed amendments set out in appendix 1 and now incorporated into the plan have been reviewed to consider if, by their incorporation, they would affect the outcomes of the HRA and SEA screenings. In all cases it is considered that the

changes improve the clarity and detail of the plan but do not increase the potential effects of the policies/plan to a degree greater than that previously assessed.

4. Conclusions

It is considered that changes to the plan following examination do not alter the outcomes of the HRA (April 2015) and SEA (May 2015) screenings and therefore there is no need change or update these assessments.

Additionally it is clear that the examiner concluded that the plan contributed to sustainable development in light of the modifications.

Appendix 1 – Examination changes to the Lydney NDP

Ref	Policy /Page	Submission Version text	Examiners recommendation	Modification proposed	Reasons for decision
1	Text Page 4		Include additional supporting text at the end of the final paragraph.	The plan acknowledges the identification of these sites in the definition of the settlement boundary for the town.	Map 1.1 helpfully relates the various core strategy sites to the plan's settlement boundary (Policy LYD ENV 1). Whilst this approach is helpful the clarity of the plan would better accord the basic conditions if its text indicated the status of the various sites as shown on the plan, and identified the sites on the map in a matter of fact way. The reference to dates in the submitted version will cause the plan to become outdated very quickly.
2	Map 1.1 Page 5		On Map 1.1 on p.5 identify the various sites by title or location without any reference to specific sizes or anticipated planning permission dates.	Revise annotation on map	
3	Policy LYD ENV 1 - Preservation of Open Space There will be a strong presumption against any development outside the settlement boundary of Lydney as defined by map 1.4, p19.	Policy LYD ENV 1 - Location of New Development Development proposals will be supported within the settlement boundary as identified in map 1.4 or elsewhere in the prevailing development plan subject to those proposals being in accordance with Policies CSP.12 and CSP.13 of the adopted Core Strategy and other policies in this neighbourhood development plan. Development proposals outside the settlement boundary will be considered against the principles set out in the adopted Forest of Dean Core Strategy in general, and its policy CSP. 4 in particular.	Modify policy	The policy sets out to establish a strong presumption against any development taking place outside the settlement boundary. Whilst this policy sits within the 'Protecting the Environment' section of the Plan the supporting text to this policy (and to policy ENV2) covers a wide range of planning policy, sustainability and biodiversity issues. The text sets out an objective to retain the separation of the town from other settlements and to protect the intervening countryside. Whilst this approach is acceptable in principle the prescriptive approach in the submitted Plan does not accord with either national policy or Core Strategy policies. The supporting text could also be clearer by referring to the countryside between the town and other settlements rather than using the expression 'open space'. This	

4	Fourth paragraph page 17	<p>.....For this reason, the Lydney Parish area was chosen as the NDP area, as this provided a larger area than the town itself and thus allowed the protection of the open space between Lydney town and the surrounding settlements to be addressed.</p>	<p>Amend supporting replacing 'open space' with 'countryside'.</p>	<p>.....For this reason, the Lydney Parish area was chosen as the NDP area, as this provided a larger area than the town itself and thus allowed the protection of the <u>countryside</u> between Lydney town and the surrounding settlements to be addressed.</p>	<p>has a different meaning in planning policy documents. For these reasons I recommend the following modifications in order that the policy can meet the basic conditions and that the supporting text can be both complementary and clear.</p>
5	Policy LYD ENV2	<p>Applications should respect the natural environment and terrain and demonstrate how it can be enhanced. Developments that do not comply with these issues will need to demonstrate why including them would not be feasible.</p>	<p>Modify policy to read:</p>	<p>Policy LYD ENV2 – Protecting the Natural Environment</p> <p>Development proposals will be required to demonstrate how they respect the natural environment of the Plan area. In appropriate circumstances development proposals should be designed to enhance natural features within application sites.</p>	<p>This policy sets out to ensure that planning applications respect the natural environment and terrain in the Plan area.</p> <p>Plainly this is an important and relevant approach given the nature of the Plan area. I recommend that the policy is modified so that it provides the type of clarity required by the NPPF. This will also ensure that developers have the appropriate policy context for the submission of planning applications throughout the Plan period.</p>

6	<p>Policy LYD HOUS1 - Housing for Elderly People</p> <p>Planning applications will be sought for well designed residential accommodation suitable for elderly people's needs in the area shown in map 1.5,p 22.</p> <p>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.</p>	Modify policy	<p>Policy LYD HOUS1 - Housing for Elderly People</p> <p>Proposals for residential accommodation suitable for elderly persons' needs in the area off Hill Street and Forest Road and as shown on map 1.5 will be supported subject to the following criteria:</p> <ul style="list-style-type: none"> • they are of a design, scale and mass that respect the location of the site in general, and its proximity to the River Lyd in particular; and • their design makes allowance for safe and convenient pedestrian movement in general and to the town centre in particular; and • their design and layout safeguards the ecological importance of the site and its surroundings; and • they are able to demonstrate that potential flood risk issues will be managed in an appropriate way both in general, and with specific reference to occupants of the development; and • they provide satisfactory vehicular access and car parking arrangements. 	<p>I have looked carefully at the representation made by the Environment Agency on this policy and the broader issue of potential flood risks. Given the location of the site I am satisfied that the policy is both appropriate, is capable of meeting the basic conditions and that important environmental and other safeguards can be applied in the policy. Clearly it will be for the District Council to determine any planning applications that come forward on the site having considered all the material planning considerations. I recommend modifications to the policy to ensure that it meets the basic conditions and includes the necessary environmental safeguards.</p>
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7	page 21	Include additional supporting text	<p>The site's location is such that appropriate safeguards will need to be included to protect future occupants of the buildings from possible flood risk. A criterion is included in policy LYD HOUS1 to this effect. Applications may need to be accompanied by a site specific flood risk assessment. This matter is important both in its own right and given that the site is identified for occupation by elderly persons.</p>	
8	<p>Policy LYD CEN1</p> <p>Policy LYD CEN1 Lydney town centre improvements</p> <p>Planning applications concerned with the Town Centre, shown in map 1.6 p24, should demonstrate how they will prioritise and where possible contribute directly to raising its economic sustainability, increasing footfall, providing a strong focal point and protecting Lydney's heritage. It will also be necessary to ensure that larger footprint developments can be sensitively accommodated without causing undue harm to heritage assets. Development contributions will be sought to assist in the Town Centre redevelopment</p>	<p>Modify policy</p>	<p>Policy LYD CEN1 – Lydney Town Centre Improvements</p> <p>Planning applications within the town centre, as shown in map 1.6, will be supported where they can demonstrate that they contribute positively to its economic sustainability, its vitality and its viability. Where appropriate the built heritage of existing properties should be preserved or enhanced.</p> <p>Proposals for new supermarkets or other large footprint developments will be required to demonstrate that they can be sensitively accommodated into the existing townscape.</p> <p>Where appropriate developer contributions will be sought from proposals within the town centre to assist in wider public realm proposals within this area</p>	<p>This policy sets out to underpin the broader work that the Town Council is undertaking with the District Council to promote a vibrant and attractive town centre. The town centre is clearly defined in map 1.6. This policy is entirely appropriate. I have recommended modifications below to ensure that its purpose is clear to the development industry and to comply with the basic conditions. I have also made the distinction between elements of the policy in the submitted version that are properly policy matters and those that are supporting text.</p>

9	Page 25 following existing text	Add the following supporting text	Policy LYD GEN1 provides a supportive context for new development proposals in the town centre. The Plan actively supports a wide range of initiatives and development proposals that would increase footfall and help the town centre to consolidate its focal point in the town. In appropriate circumstances the planning application process will provide an opportunity for developer contributions to be secured towards the wider package of measures being promoted in the town centre.	This policy is entirely appropriate. I have recommended modifications below to ensure that its purpose is clear to the development industry and to comply with the basic conditions. I have also made the distinction between elements of the policy in the submitted version that are properly policy matters and those that are supporting text.
10	Supporting text on lines 10/11 of page 26	Amend supporting text	<p>.....The European Union's Water Framework Directive aims to prevent deterioration of aquatic ecosystems and River Basin Management Plans implemented by the Local Planning Authority can help deliver the Water Framework Directive Objectives.</p>	
11	Policy LYD GEN1	<p>Modify policy as follows:</p> <p>Retain first sentence Remove second sentence to supporting text Retain third sentence Remove remainder of the policy to supporting text</p>	<p>Policy LYD GEN1 – Water Management</p> <p>All development proposals (residential, retail and commercial) must make adequate provision to manage surface water sustainably through the use of SuDS on site.</p> <p>Where relevant, proposals should have regard to land contamination issues and the status of the receiving</p>	<p>This policy addresses the issue of water management in the Plan area. This matter is particularly important given the route of the River Lyd within the town and the development of the historic core adjacent to this natural feature. I was able to see the extent of the River when I walked through Bathurst Park on my visit to the town.</p> <p>I can see from the representations and the evolution of the Plan that this policy</p>

		<p>development but all proposals should follow the SuDS management train hierarchy of prevention, source control, site control and regional control.</p> <p>Where relevant, proposals should have regard to land contamination issues and the status of the receiving waterbody under the Water Framework Directive.</p> <p>The individual strategies must be agreed with Severn Trent Water, the Environment Agency and the Planning authority and identify:</p> <ul style="list-style-type: none"> • the integration of sustainable Drainage systems (SuDS) methods into the project • any infrastructure improvements and how these will be delivered <p>Developments that do not contain these specifications must clearly show why this would not be feasible and/or viable.</p>		<p>waterbody under the Water Framework Directive.</p>	<p>has been helpful underpinned by comments from the Environment Agency. This is good practice. My recommended modifications as set out below simply separate out the supporting text comments from the policy itself.</p>
12	Text on page 27		<p><i>Policy LYD GEN 1 sets out a policy basis for addressing water management in the Plan area.</i></p> <p><i>Include thereafter the removed text from the policy as set out above and in that order.</i></p> <p><i>Add the following supporting text to the end of the existing text on p.27</i></p>	<p>Policy LYD GEN 1 sets out a policy basis for addressing water management in the Plan area.</p> <p>The appropriate SuDS method(s) will vary depending on the characteristics of the site and the proposed development but all proposals should follow the SuDS management train hierarchy of prevention, source control, site control and regional control.</p> <p>The individual strategies must be agreed with Severn Trent Water, the Environment Agency and the Planning authority and identify:</p>	

13	<p>Policy LYD GEN 2 - Fibre to residential, Retail and Commercial Premises</p> <p>New development must ensure Broadband infrastructure can be provided to guarantee a minimum symmetrical speed of 25Mbps (Mega Bytes per second) and with realistic future proof upgrades available.</p> <p>Developments that do not provide this ability must clearly show why this would not be feasible and/or viable.</p> <p>This policy should be reviewed.</p>	Modify policy	<p>Policy LYD GEN 2 - Fibre to residential, Retail and Commercial Premises</p> <p>All new residential development in the Plan area should be served by a superfast Broadband connection installed on an open access basis.</p> <p>Elsewhere in the Plan area all other new buildings shall also be served with this standard of connection when available unless it can be demonstrated through consultation with the service provider that this would not be either possible, practical or economically viable.</p>	<ul style="list-style-type: none"> the integration of sustainable Drainage systems (SuDS) methods into the project any infrastructure improvements and how these will be delivered <p>Developments that do not contain these specifications must clearly show why this would not be feasible and/or viable.</p>	
			<p>This policy sets out the Plan's expectations for Broadband connectivity. This approach will assist in both the social and economic dimensions of sustainable development and a policy of this nature is entirely appropriate.</p> <p>The policy is very prescriptive on the quality of connectivity required. A prescriptive policy may be difficult to achieve in the short term and may quickly become out of date as the telecommunications industry constantly changes to respond to new technologies and market demands. Whilst I can see that the Plan indicates that the policy should be reviewed every three years there is no guarantee that this will take place. In this context there would be a lack of clarity for both the District Council and the development industry around the determination of planning applications in the town. It is also clear from the Core Strategy and the emerging Allocations Plan that the key opportunities for broadband installation will be in the new residential development sites. On this basis I recommend modifications to the policy that will provide greater flexibility, ensure its applicability over the Plan period and which will have a primary focus on the new residential development that will take place in the</p>		

14	Policy LYD TRAN1	<p>Policy LYD TRAN1 – Improvements to the Highway Infrastructure</p> <p>New Developments should demonstrate how access roads will address the free use of both public transport and traffic, addressing adequate car parking to avoid route obstruction.</p> <p>Development proposals should explain how estate roads will integrate with the existing roads and avoid creating congestion between access roads and the existing roads</p>	Modify policy	<p>Policy LYD TRAN1 – Improvements to the Highway Infrastructure</p> <p>New developments will be required to demonstrate how their layout in general and the design of their access roads in particular will ensure the free and safe flow of traffic within the proposal itself and within the wider highway network.</p> <p>New developments will be expected to integrate with the surrounding highway network</p>	Plan period.
15	Page 30 third paragraph in right hand column	<p>All Developments likely to have a traffic impact on the network must complete a Transport Assessment/ Statement and where necessary a Travel Plan. These would be reviewed against the Highways Agency's policy document 'the Strategic Road Network and the delivery of Sustainable Development'</p>	<p><i>Amend text on p.30 third paragraph in right hand column by removing the second sentence and its replacement with 'These documents will be assessed by the District Council and with the assistance of the relevant highways authority.'</i></p>	<p>All Developments likely to have a traffic impact on the network must complete a Transport Assessment/Statement and where necessary a Travel Plan. These documents will be assessed by the District Council and with the assistance of the relevant highways authority.</p>	
16	Appendix 1		<p><i>Remove reference to Highways Agency document in Appendix One</i></p>		

<p>17</p> <p>Policy LYD TRANS 2</p>	<p>Policy LYD TRANS 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)</p> <p>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</p>	<p>Modify policy to read:</p>	<p>Policy LYD TRANS 2 - Pedestrian Infrastructure Safer Walking Proposals to develop a signposted network of public rights of way connecting the town centre, the railway station, the harbour and leisure areas will be supported</p>	<p>This policy provides a context for the development of footpath and cycle links in the Plan area. There is a focus on improving the connectivity between the town centre, the railway station and the harbour area. I have already commented on the separation between these areas in the findings of my visit to the plan area. The creation of such links will contribute significantly towards the promotion of sustainable development.</p> <p>As included in the submission plan the policy suggests that there is a detailed programme for the delivery of schemes in general, or for the routes as shown on map 1.8 in particular. However I was not provided with any evidence to this effect, and such schemes are not included in the list of projects in the plan. Nevertheless the approach as set out in principle is entirely appropriate and with revisions the policy will meet the basic conditions. In proposing the modifications I have separated supporting text from the policy.</p>
<p>18</p> <p>Supporting text on p. 32</p>		<p>Include additional supporting text</p>	<p>Policy LYD TRANS 2 sets out a supportive policy context against which any proposals that may need planning permission can be assessed. Indicative routes are shown on map 1.8. A mixture of developer contributions and project specific funding will be sought throughout the Plan period to bring schemes forward.</p> <p>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.</p>	

19	Policy LYD Trans 3	<p>Policy LYD Trans 3 - Public Rights of Way and Wildlife Corridors</p> <p>Priority shall be afforded to developments which support the development of wildlife Corridors (detail included in Appendix Two) alongside Public Rights of Way. Public Rights of Way and recognised local paths should not be routed along estate road pavements or tarmac alleyways. Developments that do not address this issue will need to demonstrate why incorporating them would not be feasible. Any proposals must assess potential impacts to protected sites and species. Proposals which do not adequately assess or avoid impacts will not be supported.</p>	Modify policy	<p>Policy LYD Trans 3 - Public Rights of Way and Wildlife Corridors</p> <p>Proposals to develop a network of wildlife corridors alongside public rights of way will be supported.</p> <p>Where revisions to existing rights of way are necessary to accommodate planned development alternative alignments should avoid the use of estate roads for the purpose wherever possible. Proposals that include appropriately designed and surfaced footpaths through landscaped or open areas will be supported.</p>	<p>This policy supports the development of wildlife corridors adjacent to public rights of way. The policy is usefully underpinned by the details in Appendix Two of the Plan.</p> <p>The policy is entirely appropriate to the circumstances of the Plan area. Subject to modifications on its wording it meets the basic conditions. The modification also makes a distinction between the formation of wildlife corridors in general, and the Plan's expectations for how existing or new footpaths should be incorporated into new development in particular.</p>
20	Text page 33 after first paragraph	<p>This policy adopts the key principles outlined in the Government Guidance on Local Transport Plans and the Natural Environment (DEFRA Rights of Way Circular 1/09).</p>	<p>Insert additional supporting text at the end of the existing text immediately after the policy</p>	<p>This policy adopts the key principles outlined in the Government Guidance on Local Transport Plans and the Natural Environment (DEFRA Rights of Way Circular 1/09). In assessing proposals of this nature developers will also be expected to have regard to the potential impact of the construction of rights of way on protected sites and species. In doing so planning applications should demonstrate how they comply both with national planning policy and the policies in the Forest of Dean Core Strategy.</p>	

<p>21 Policy LYD HAR 1</p>	<p>Policy LYD HAR 1 - Lydney Harbour Area</p> <p>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</p>	<p>Modify policy</p>	<p>Policy LYD HAR 1 - Lydney Harbour Area</p> <p>Proposals for recreational development in the Harbour area as shown on map 1.9 will be supported subject to the following criteria:</p> <ul style="list-style-type: none"> • their scale is of an appropriate nature; and • their design and massing respects the wider setting of the Harbour in general and its designation as a scheduled ancient monument in particular; and • their design respects the ecological importance of the Harbour area; and • their design incorporates appropriate measures to safeguard against the impact of potential flooding 	<p>This policy provides a context for the development of small scale recreational development on a defined parcel of land at the Harbour. This policy is entirely appropriate. I saw from my visit to the Plan area that there were no such facilities at this very cherished and well-used area.</p> <p>I recommend a series of modifications to this policy to provide clarity on the size of acceptable proposals, to identify the relevant controls that would be applied to new development and to make an appropriate distinction between policy and supporting text.</p>
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22	Page 35 following Policy LYD HAR-1		Insert new supporting text	<p>Policy LYD HAR 1 provides a supportive context for the development of recreational facilities at the Harbour area. It identifies the criteria against which planning applications will be assessed. The development of recreational facilities should help to ensure the long term preservation, restoration and interpretation of this important and iconic feature in the town both for the local community and for visitors. Clearly the dynamics of the wider restoration will change over time. Any proposals in the Harbour area as shown on map 1.9 for business uses of an appropriate nature and scale will be considered on their merits and against the policies in place at that time.</p>	
23	Referendum area		<p>I am required to consider whether the referendum area should be extended beyond the Plan area. In my view the neighbourhood area is appropriate and no evidence has been submitted to suggest that this is not the case. I therefore recommend that the Plan should proceed to referendum based on the neighbourhood area as approved by the District Council on 17 January 2013.</p>		