



For and on behalf of  
**West Dean Parish Council**

## **Forest Edge South Neighbourhood Plan Basic Conditions Statement**

**Prepared by  
Strategic Planning Research Unit  
DLP Planning Ltd  
Sheffield**

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Prepared by:	<b>Philipp Tschavoll-Selenko</b> Ing.-Maître MRTPI Associate Planner
Checked by:	<b>Kirsten Ward</b> BSc (Hons) MA PhD MRTPI Associate Director
Approved by:	<b>Roland Bolton</b> BSc (Hons) MRTPI Senior Director
Date: September 2023	Office: Sheffield

### Strategic Planning Research Unit

**V1 Velocity Building**  
Ground Floor  
Tenter Street  
Sheffield  
S1 4BY

**Tel: 01142 289190**

**Broad Quay House (6<sup>th</sup> Floor)**  
Prince Street  
Bristol  
BS1 4DJ

**Tel: 01179 058850**

**4 Abbey Court**  
Fraser Road  
Priority Business Park  
Bedford  
MK44 3WH

**Tel: 01234 832740**

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## 1.0 INTRODUCTION

- 1.1 This Basic Conditions Statement has been produced to explain how the proposed Forest Edge South Neighbourhood Plan (FESNP) has been prepared in accordance with the Neighbourhood Planning General Regulations 2012 (as amended) and how the basic conditions of neighbourhood planning and other considerations as prescribed by Paragraph 8(2) of Schedule 4B to the Town and Country Planning Act 1990 (as applied to neighbourhood plans by section 38A of the Planning and Compulsory Purchase Act 2004) have been met.
- 1.2 The Statement addresses each of the four 'basic conditions' required of the Regulations and explains how the submitted Neighbourhood Plan meets the requirements of paragraph 8(2) of Schedule 4B to the 1990 Town & Country Planning Act.
- 1.3 The Regulations state that a Neighbourhood Plan will be considered to have met the basic conditions if:
- having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the neighbourhood development plan;
  - the making of the neighbourhood development plan contributes to the achievement of sustainable development;
  - the making of the neighbourhood development plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area); and
  - the making of the neighbourhood development plan does not breach, and is otherwise compatible with, retained EU obligations.

### a) Supporting Documents and Evidence

- 1.4 The Forest Edge South Neighbourhood Plan is supported by a Consultation Statement and this Basic Conditions Statement. The Forest Edge South Neighbourhood Plan is also supported by a Strategic Environmental Assessment (SEA) Screening Report, Habitats Regulations Assessment (HRA) Screening Report, and other evidence prepared or commissioned by the Forest Edge South Neighbourhood Plan Steering Group.

### b) Key Statements

- 1.5 West Dean Parish Council is a qualifying body and entitled to submit a Neighbourhood Plan for the designated Forest Edge South Neighbourhood Plan area. The Forest Edge South Neighbourhood Plan (FESNP) expresses policies that relate to the development and use of land only within the neighbourhood area.
- 1.6 The neighbourhood area was designated in 2017 and is contiguous with the former Pillowell ward boundary as it was prior to boundary changes in May 2019. The map which accompanied the neighbourhood area designation application is attached at **Appendix 1**.
- 1.7 The FESNP covers the period from 2022 to 2041.
- 1.8 No provision for excluded development such as national infrastructure is contained within the Neighbourhood Plan.
- 1.9 It is not considered that the FESNP will have any effect to weaken the statutory protection for Listed Buildings and other designated heritage assets or environmental protected areas within the neighbourhood area (see also Section 5 of this statement).
- 1.10 The FESNP does not relate to more than one neighbourhood area. It is solely related to the area of Forest Edge South, comprising the six villages and surrounding area, as designated by Forest of Dean District Council in November 2017. There are no other Neighbourhood



Plans in place for the Forest Edge South neighbourhood area.

## 2.0 CONFORMITY WITH NATIONAL PLANNING POLICY

2.1 It is required that the Forest Edge South Neighbourhood Plan (FESNP) has appropriate regard to national planning policy. This is principally provided by the National Planning Policy Framework (NPPF, 2021).

### a) National Planning Policy Framework

2.2 Paragraphs 28 to 30 of the NPPF refer to Neighbourhood Development Plans and states that these plans must be in “*general conformity with the strategic policies contained in any development plan that covers their area*” (footnote 18).

2.3 This section demonstrates that the FESNP has regard to relevant policies within the NPPF in relation to:

- Delivering a sufficient supply of homes
- Building a strong, competitive economy
- Promoting healthy and safe communities
- Promoting sustainable transport
- Making effective use of land
- Achieving well-designed places
- Meeting the challenge of climate change, flooding and coastal change
- Conserving and enhancing the natural environment
- Conserving and enhancing the historic environment

2.4 The FESNP has a set of strategic objectives derived from the broad vision for the area as set out in the Neighbourhood Plan. They form the basis for the individual policies which are grouped under the following policy themes:

- Theme 1: Climate Change, Sustainability and Biodiversity
- Theme 2: Design and Environment
- Theme 3: Housing
- Theme 4: Employment and Tourism
- Theme 5: Transport and Access
- Theme 6: Infrastructure and Amenities

2.5 Table 1 below provides a summary of how each policy in the FESNP conforms specifically to the NPPF.

**Table 1. Assessment of FESNP Policies against NPPF**

Ref.	Policy Title	Relevant NPPF Paragraphs	Commentary
<b>Theme 1: Climate Change, Sustainability and Biodiversity</b>			
Policy 1	Sustainable design and construction in new developments	11, 13 and 154(b)	Policy 1 will help to deliver a sustainable pattern of development; improve the environment and mitigate climate change; more specifically, it can help reduce greenhouse gas emissions, such as through the location, orientation and design of new development.

Ref.	Policy Title	Relevant NPPF Paragraphs	Commentary
Policy 2	Green spaces and biodiversity in new developments	99, 100, 174(d) and 179(b)	Policy 2 will help to deliver and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity.
Policy 3	Allotments and community gardens	99	Policy 3 restricts development on existing open space, specifically on existing allotments and community gardens. It also supports delivery of new allotments and community gardens.
Policy 4	Renewable and low carbon energy developments	154(b)	Policy 4 will help reducing greenhouse gas emissions, such as through its location, orientation and design.
<b>Theme 2: Design and Environment</b>			
Policy 5	Design in New Developments	92, 98, 124(d & e), 126, 127, 130, 190	Policy 5 requires development proposals to add to the overall quality and character of the area, provide green and other public spaces, etc.
Policy 6	Historic environment	202, 203	Policy 6 requires development proposals to consider the effects on the significance of heritage assets, including non-designated heritage assets.
Policy 7	Landscape character	174(a & b)	Policy 7 supports development proposals that recognise the intrinsic landscape character and beauty of the countryside in the Neighbourhood Plan area.
Policy 8	Local Green Spaces	98, 99, 101, 102, 103	Policy 8 allocates sites as Local Green Spaces in accordance with the criteria set out in paragraphs 101 to 103 of the NPPF.
<b>Theme 3: Housing</b>			
Policy 9	Infill development	71, 124(d)	Policy 9 resists inappropriate development in residential gardens, but supports development on brownfield infill and redevelopment sites subject to certain criteria being met.
Policy 10	Live-work units and working from home	82(d)	Policy 10 supports residential developments that support new and flexible working practices (such as live-work accommodation).
Policy 11	Housing mix and affordable housing	62 to 65	Policy 11 supports new residential developments, including affordable housing, of a size, type and tenure that

Ref.	Policy Title	Relevant NPPF Paragraphs	Commentary
			meets locally identified needs, as evidenced in the Housing Needs Assessment and Survey.
Policy 12	Housing for older people	62	Policy 12 supports the development of specialist older persons accommodation to meet the needs of the ageing local population.
Policy 13	First Homes	63 to 65	Policy 13 specifies the requirements for the delivery of First Homes on applicable sites, based on evidence presented in the Housing Needs Assessment.
<b>Theme 4: Employment and Tourism</b>			
Policy 14	New employment floorspace	8(a), 81, 82	Policy 14 promotes a strong competitive economy by supporting applications for employment development subject to certain criteria being met.
Policy 15	Tourism related development	8(a), 81, 82, 84, 174, 190	Policy 14 promote a strong competitive economy and sustainable rural tourism and leisure developments which respect the character of the countryside.
<b>Theme 5: Transport and Access</b>			
Policy 16	Parking for new developments	104, 107, 108, 152	Policy 16 sets ULEV parking and design standards for new developments. This policy will help contribute towards reductions in greenhouse gas emissions and a low carbon future.
Policy 17	Access for new developments and sustainable transport	92(c), 152	Policy 17 enables and supports healthy lifestyles by encouraging walking and cycling in new developments and minimising the need to travel. In doing so, this policy also contributes towards reduction in greenhouse gas emissions.
Policy 18	Lydney-Parkend multi-use track (Dean Forest Greenway)	92(c), 152	Policy 18 will enable and support healthy lifestyles by encouraging walking and cycling between Lydney and Parkend. In doing so, this policy also contributes towards reduction in greenhouse gas emissions.
<b>Theme 6: Infrastructure and Amenities</b>			
Policy 19	Digital infrastructure	34, 114	Policy 19 supports the expansion of digital infrastructure to existing and new developments without undermining the





Ref.	Policy Title	Relevant NPPF Paragraphs	Commentary
			deliverability of the plan.
Policy 20	Existing community facilities	93	Policy 20 plans positively for the provision of community facilities by providing support for the retention of existing community facilities unless certain criteria justifying their loss or re-use are met.
Policy 21	New community facilities	93	Policy 21 plans positively for the provision of community facilities by providing support for development of new and enhanced community facilities and public spaces.
Policy 22	Small-scale retail	84(d)	Policy 22 supports a prosperous rural economy by supporting the retention and development of accessible local services, including local shops.

### 3.0 CONTRIBUTION TOWARDS SUSTAINABLE DEVELOPMENT

3.1 The NPPF states at paragraph 7 that *“the purpose of the planning system is to contribute to the achievement of sustainable development. At a very high level, the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs”*.

3.2 Paragraph 8 goes on to state that achieving sustainable development means that the planning system has three overarching objectives, defined as follows:

*“a) an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;*

*b) a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities’ health, social and cultural well-being; and*

*c) an environmental objective – to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.”*

3.3 Table 2 below summarises how the policies in the FESNP contribute towards sustainable development, as defined in the NPPF.

**Table 2. Assessment of FESNP Policies against NPPF Sustainability Objectives**

<b>Economic Objective</b>
<p><b>Relevant Forest Edge South NP Policies:</b></p> <p>Policy 10 – Live-work units and working from home                  Policy 14 – New employment floorspace                  Policy 15 – Tourism related development                  Policy 19 – Digital infrastructure                  Policy 22 – Small-scale retail</p>
<p><b>Commentary:</b></p> <p>The Forest Edge South NP seeks to support sustainable economic growth within the neighbourhood plan area, including in particular through supporting development of new business floorspace and supporting rural diversification through supporting development of live-work units and enhanced digital infrastructure. The NP also provides continued support for development within the tourism and visitor economy sector, including visitor accommodation, provided it is undertaken in a sustainable manner and does not negatively impact upon the natural or historic environment or the character of the local area. The NP where possible also seeks to sustain and enhance the vitality of existing communities within Forest Edge South, including through the retention and enhancement of community facilities and the provision of local shops.</p>
<b>Social Objective</b>
<p><b>Relevant Forest Edge South NP Policies:</b></p> <p>Policy 3 – Allotments and community gardens                  Policy 8 – Local green spaces                  Policy 11 – Housing mix and affordable housing                  Policy 12 – Housing for older people</p>

<p>Policy 13 – First Homes                  Policy 16 – Parking for new developments                  Policy 17 – Access for new developments and sustainable transport                  Policy 18 – Lydney-Parkend multi-use track                  Policy 19 – Digital infrastructure                  Policy 20 – Existing community facilities                  Policy 22 – Small-scale retail</p>
<p><b>Commentary:</b>                  The Forest Edge South NP contributes towards the social objective as set out in the NPPF by providing support for the development of new affordable residential development in appropriate locations, community facilities (including local shops, allotments and community gardens), and specialist accommodation for older people. The NP also seeks to conserve, where possible, existing community facilities, health facilities and public open and local green spaces. The NP encourages the use of active travel modes such as walking and cycling, as well as promoting inclusive design through appropriate provision of disabled parking in new developments.</p>
<p><b>Environmental Objective</b></p>
<p><b>Relevant Forest Edge South NP Policies:</b>                  Policy 1 – Sustainable design and construction in new developments                  Policy 2 – Green spaces and biodiversity in new developments                  Policy 3 – Allotments and community gardens                  Policy 4 – Renewable and low carbon energy developments                  Policy 5 – Design in new developments                  Policy 6 – Historic environment                  Policy 7 – Landscape character                  Policy 8 – Local green spaces                  Policy 9 – Infill development                  Policy 16 – Parking for new developments                  Policy 17 – Access for new developments and sustainable transport                  Policy 18 – Lydney-Parkend multi-use track</p>
<p><b>Commentary:</b>                  The Forest Edge South NP contributes towards the environmental objective as set out in the NPPF by enhancing the built environment through the promotion of high quality, sustainable design and construction in new developments, encouraging the efficient use of land and supporting the delivery of new open spaces, allotments and community gardens which contribute towards enhancing biodiversity. The NP also seeks to conserve and enhance the local landscape character and protect the historic and natural environment, including through the allocation of Local Green Spaces and non-designated heritage assets. The policies set out within the NP seek to encourage use of sustainable modes of travel including walking and cycling. The NP policies contribute towards mitigating the impacts of climate change and the shift towards a low carbon economy by promoting active forms of travel and enhancing provision of secure cycle parking and ULEV parking in new developments.</p>

- 3.4 As demonstrated in Table 2, the policies of the Forest Edge South NP are considered to comprise a balance between achieving the economic, social and environmental objectives as set out in the NPPF.
- 3.5 The impact of the NP policies on economic, social and environmental objectives are considered in further detail in the SEA and HRA Screening Reports (see Section 5 of this report).

#### 4.0 GENERAL CONFORMITY WITH THE STRATEGIC POLICIES OF THE DEVELOPMENT PLAN

- 4.1 The Forest Edge South Neighbourhood Plan needs to be in conformity with the strategic planning policies that are set out in the adopted Forest of Dean Local Development Plan, which includes the adopted Core Strategy (2012-2026) and Allocations Plan (2006-2026). These documents set out the vision and strategic policies for the growth and development of the District up to 2026.
- 4.2 Forest of Dean District Council’s development plan is currently under review. A Regulation 18 Preferred Option consultation was undertaken in October 2020 to January 2021.
- 4.3 As the Local Plan Review is at an early stage, the strategic policies with which the Forest Edge South NP is required to be in conformity are as set out in the adopted Core Strategy and Allocations Plan. The policies of relevance to the NP are set out in Table 3 below, including an assessment of whether the Forest Edge South NP is in general conformity with these.
- 4.4 Any policy that is not identified in Table 3 is not considered to be relevant to the assessment of general conformity as the Forest Edge South NP does not have any policies that directly relate to it.

**Table 3. Assessment of Forest Edge South NP Policies against relevant Forest of Dean Development Plan Strategic Policies**

Relevant Forest of Dean Development Plan Strategic Policies		Forest Edge South NP Policies – Assessment of General Conformity
<b>Forest of Dean Core Strategy (2012-2026)</b>		
CSP 1	Design and Environmental Protection	<p>Policy 1 provides support for development proposals where they demonstrate effective use of resources during construction and operation. Policy 2 supports new development where it delivers a net gain in biodiversity. Policy 3 protects existing allotments and community gardens. Policy 5 requires development proposals to represent an enhancement and improvement to the built environment and to make provision for an appropriate amount of outdoor amenity space. Policy 6 supports new development proposals which promotes the conservation of both designated and non-designated heritage assets. Policy 7 supports new development proposals that recognise and enhance the intrinsic character and beauty of the Neighbourhood Plan area. Policy 16 ensures that parking areas are appropriately designed.</p> <p>The NP policies are therefore considered to be in general conformity with Policy CSP.1.</p>
CSP 2	Climate Change	<p>Policy 1 provides support for the development proposals where they incorporate Sustainable Drainage Systems (SuDS). Policy 2 will support new development where it delivers a net gain in biodiversity. Policy 4 requires applicants to demonstrate how development comprehensively utilises passive solar gain and provides cooling for buildings. Policies 16 and 17 also promote sustainable active travel modes and ULEV</p>

Relevant Forest of Dean Development Plan Strategic Policies		Forest Edge South NP Policies – Assessment of General Conformity
		<p>charging points in new developments which would further assist in reducing the impacts of climate change.</p> <p>The NP policies are therefore considered to be in general conformity with Policy CSP.2.</p>
CSP 3	Sustainable Energy within Development Proposals	<p>Policy 4 is in conformity with Policy CSP.3 by requiring applications for changes to existing residential dwellings to undertake reasonable consequential improvements to the energy performance of the existing dwelling.</p> <p>The NP policies are therefore considered to be in general conformity with Policy CSP.3.</p>
CSP 4	Development at Settlements	<p>The NP does not seek to allocate any sites for development within the neighbourhood plan area. Policy 9 supports infill development on brownfield and redevelopment sites within existing village settlement boundaries subject to certain criteria being met. This will ensure that best use of land is made in a sustainable way.</p> <p>The NP policies are therefore considered to be in general conformity with Policy CSP.4</p>
CSP 5	Housing	<p>Policy 9 supports development proposals on brownfield infill and redevelopment sites where they meet certain criteria. Policy 11 supports new residential developments where small to medium sized homes are prioritised and an adequate mix of affordable housing is provided. Policy 11 also provides support for small affordable housing schemes on rural exception sites. Policy 12 supports applications for specialist older persons housing provided certain criteria are met. Policy 13 sets out local requirements for the delivery of First Homes as a source of affordable housing.</p> <p>The NP policies are therefore considered to be in general conformity with Policy CSP.5.</p>
CSP 7	Economy	<p>Policy 10 promotes economic development by encouraging rural diversification and opportunities for home working. Policy 14 supports the development of new employment floorspace on allocated employment sites or on sites within defined settlement boundaries subject to certain criteria being met.</p> <p>The NP policies are therefore considered to be in general conformity with Policy CSP.7.</p>
CSP 8	Retention of community facilities	<p>Policy 20 seeks to ensure the retention of existing community facilities within the neighbourhood plan area unless certain criteria are met.</p> <p>The NP policies are therefore considered to be in general conformity with Policy CSP.8.</p>

Relevant Forest of Dean Development Plan Strategic Policies		Forest Edge South NP Policies – Assessment of General Conformity
CSP 9	Recreational and amenity land	<p>Policy 2 supports development which incorporates accessible semi-natural or amenity green space, or provides improved access and enhancements to existing green spaces. Policy 3 seeks to ensure that existing allotments and community gardens are protected, and supports the provision of allotments and community growing spaces within new developments. Policy 8 identifies and designates a number of Local Green Spaces which are afforded protection through the NP. Policy 21 supports the development of new public open spaces and recreational facilities in the neighbourhood plan area.</p> <p>The NP policies are therefore considered to be in general conformity with Policy CSP.9.</p>
CSP 16	Villages	<p>The NP does not seek to allocate any sites for development within the neighbourhood plan area. Policy 9 supports infill development on brownfield and redevelopment sites within existing village settlement boundaries subject to certain criteria being met.</p> <p>The NP policies are therefore considered to be in general conformity with Policy CSP.16.</p>
<b>Forest of Dean Allocations Plan (2006-2026)</b>		
AP 110	Allocation for employment generating uses, Lydney Road Whitecroft and North onto Parkend Road	<p>Allocation site AP 110 is an existing employment site. Policy 14 supports the development of new employment floorspace on allocated employment sites or on sites within defined settlement boundaries subject to certain criteria being met.</p> <p>The NP policies are therefore considered to be in general conformity with Policy AP 110.</p>
AP 111	Allocation for mixed development, Lydney Road Whitecroft	<p>The policies within the NP would apply to any future planning applications on allocation site AP 111 and would not preclude development on this site from coming forward. Policy 14 supports the development of new employment floorspace on allocated employment sites or on sites within defined settlement boundaries subject to certain criteria being met.</p> <p>The NP policies are therefore considered to be in general conformity with Policy AP 111.</p>

## 5.0 DOES NOT BREACH, AND IS OTHERWISE COMPATIBLE WITH, EU OBLIGATIONS

- 5.1 A neighbourhood plan or Order must be compatible with retained European Union obligations, as incorporated into UK law, in order to be legally compliant. There are four directives that may be of particular relevance to neighbourhood planning:
- Directive 2001/42/EC on the assessment of the effects of certain plans and programmes on the environment (often referred to as the Strategic Environmental Assessment (SEA) Directive)
  - Directive 2011/92/EU on the assessment of the effects of certain public and private projects on the environment (often referred to as the Environmental Impact Assessment (EIA) Directive)
  - Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora (often referred to as the Habitats Directive)
  - Directive 2009/147/EC on the conservation of wild birds (often referred to as the Wild Birds Directive)
- 5.2 In December 2022 a written request was submitted to Forest of Dean District Council for a Screening Opinion. In accordance with the Environmental Assessment of Plans and Programmes Regulations 2004 and European Directive 2001/42/EC a Screening Opinion on the need for a Strategic Environmental Assessment (SEA) for the Neighbourhood Plan was subsequently prepared by Forest of Dean District Council. Following consultation with Statutory Bodies, including the Environment Agency, Natural England and Historic England, this Screening Opinion (attached at **Appendix 2**) concluded that subject to changes to the wording of Policy 18 (Lydney-Parkend Multi-Use Track) and associated amendments to the policies map (which have now been incorporated in the Submission Version Neighbourhood Plan), the Neighbourhood Plan would not have significant environmental effects and a full SEA would not be required.
- 5.3 A report to inform the Habitats Regulations Assessment (HRA) was also completed by AECOM in March 2023 (attached at **Appendix 3**). This report concluded that following the Test of Likely Significant Effects none of the FESNP policies would lead to an adverse effect on the integrity of these European sites due to the lack of identifiable impact pathways either alone or in combination with other plans and/ or projects.
- 5.4 Some additional wording was recommended in order to strengthen Policy 18 with respect of habitat protection. Wording along these lines has been included in Policy 18 of the submission version of the Neighbourhood Plan.
- 5.5 The Statutory Bodies (Environment Agency, Natural England and Historic England) were also consulted on the HRA report (alongside the SEA Screening). Their consultation responses are contained in the Screening Opinion Report attached at **Appendix 2**. The Statutory Bodies did not raise any objections to the conclusions set out in the AECOM HRA report.
- 5.6 The Forest Edge South NP has therefore been prepared in accordance with relevant EU obligations, notably Directives 2001/42/EC and 92/43/EEC.



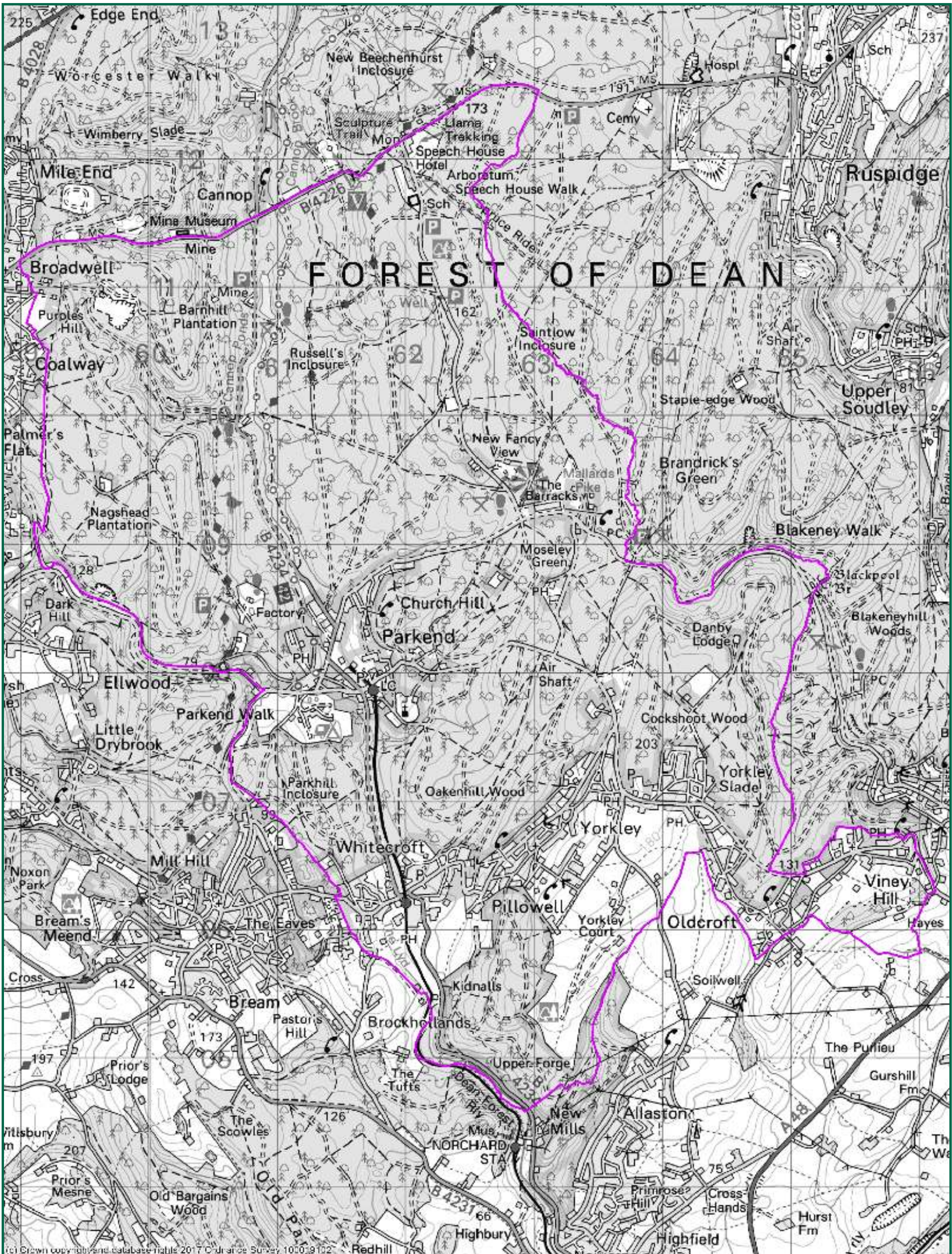
## **6.0 CONCLUSIONS**

- 6.1 The Basic Conditions as set out in Schedule 4B to the TCPA 1990 are considered to be met by the Forest Edge South Neighbourhood Plan and all the policies therein. It is therefore respectfully suggested to the Examiner that the Forest Edge South Neighbourhood Plan complies with Paragraph 8(1)(a) of Schedule 4B of the Act.





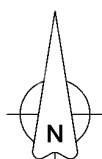
## **APPENDIX 1 FOREST EDGE SOUTH NEIGHBOURHOOD AREA MAP**



**Pillowell Ward**

Scale: 1:26000

02 August 2017





**APPENDIX 2 SEA SCREENING REPORT (FOREST OF DEAN DISTRICT COUNCIL, 2023)**

# Strategic Environmental Assessment (SEA) Screening Report for Forest Edge South Neighbourhood Development Plan

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## Summary 1

**1.1** The assessment considers the Forest Edge South Neighbourhood Plan for the period up to 2026 (FES-NDP) and is a plan to which the Environmental Assessment of Plans and Programmes Regulations 2004 applies.

**1.2** Taking into account the assessment set out above (tables 1&2) and moreover, following the advice given by Natural England, the Forest of Dean District Council has concluded that the FES-NDP, will not have a significant environmental effect.

**1.3** Therefore, an Environmental Assessment is currently not required for the FES-NDP.

**1.4** It has been concluded that:

- i. The plan: The geographic spread of the NDP is limited
- ii. The locations, scale and effects of the NDP are very limited
- iii. The NDP does not create a significant new framework or programme in addition to the existing Development Plan (Core Strategy and Allocations Plan)
- iv. The NDP is generally supportive and interpretive rather than instructive.
- v. The NDP in combination with the Development plan generally contains environmental mitigation and 'cancelation' factors.

The three statutory bodies (for the purposes of SEA Screening, English Heritage, the Environment Agency and Natural England) have been consulted on the draft assessment.

### Limitations

**1.5** An objective assessment has been undertaken by the Forest of Dean District Council, the Local Planning Authority and is based on local knowledge and understanding of the area.

**1.6** The original Plan document was dated December 2022, however this Consultation Draft was updated to March 2023 (Consultation Draft) with some minor changes being made to the wording of Policy 18. The revisions to Policy 18 now removes reference to safeguarding land and places greater emphasis on ensuring that designated areas of Ancient Woodland are protected through evidence provided as part of an application submission. The March 2023 Consultation Draft document is the one which has been used for SEA screening.

**1.7** General consideration of the appropriateness or otherwise of the plan objectives or policies contained within the NDP has not been a considered as part of this assessment.

## 2 Introduction

**2.1** This screening report is designed to determine whether or not the contents of the FES-NDP, hereafter referred to as the NDP or plan, requires a Strategic Environmental Assessment (SEA) in accordance with the European Directive 2001/42/EC and associated Environmental Assessment of Plans and Programmes Regulations 2004.

**2.2** NDPs can establish general or detailed planning policies for development and use of land in a local area (neighbourhood). NDPs must take account of higher plans such as those developed by District or County Councils.

**2.3** When adopted a NDP forms part of the Development Plan for the area. A NDP is an influencing document in planning decisions and wider strategies/decisions.

**2.4** When adopted NDPs 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. The NDP sets out the following vision and objectives for the plan area:

### **Vision**

'The six settlements that make up 'Forest Edge South' will continue to form an interconnected community valued by residents as a tranquil rural place to live within the wider and historic community of the Forest of Dean. The area will continue to be defined by its location, its history and unique culture, nestling against the ancient woodlands of the Forest.

Future development within 'Forest Edge South' will sustain the needs of the community whilst conserving and protecting the special heritage of the traditional Forest. The Neighbourhood Plan will support and enable this future growth in a sustainable and environmentally considerate way.

The area will provide suitable and appropriate housing; transport, social and communications infrastructure; and employment opportunities across the six settlements to meet the developing needs of the local community.

### **Objectives**

The objectives of the Forest Edge South Neighbourhood Plan are:

### **Environment and Sustainability**

- To work with Forest of Dean Council to balance meeting local housing and changing employment needs with protecting and enhancing the unique historic and natural environment of the six settlements within a changing economy.
- To facilitate the provision of suitable, sustainable and affordable housing that meets local needs and is of high design quality in a way that is both sympathetic to the surrounding environment (built and natural) and contributes towards addressing the global climate emergency.

## Introduction 2

- To protect, and where possible enhance, local biodiversity and access to natural green spaces within and around our communities.
- To work with other local organisations to support the designation of the Forest of Dean as an Area of Outstanding Natural Beauty (AONB).
- To recognise and support the wide range of businesses and industries in Forest Edge South to ensure they can develop in a sustainable way whilst providing employment for the local population.

### Transport and Access

- To reduce car dependency by supporting the development of active travel routes within and between our communities for pedestrians and cyclists.
- To support the provision of integrated public transport networks within and between our communities and the wider area to ensure access to education, employment and social facilities.
- To support the delivery of a safe highway network that balances the needs of all road users both within existing settlements and Forest areas and takes into account the impact of proposed new developments.
- To ensure that all new developments enable and encourage use of sustainable travel modes, including provision of electric vehicle charging points, access to public transport and safe pedestrian / cycle links.

### Infrastructure and Amenities

- To support opportunities for the improvement of digital connectivity across the Neighbourhood Area.
- To ensure that all new developments are future-proofed in terms of providing access to broadband and telecommunications infrastructure.
- To ensure that all new developments are supported by appropriate provision of and access to health, education and community facilities.
- To enhance services and infrastructure that support existing local businesses and encourage opportunities for new sustainable employment-related development.

**2.5** The plan contains 22 policies set within a framework set by the above 13 objectives. The plan covers a period up to 2026.



## 2 Introduction

Figure 1 NDP Area.



**2.6** The legislative background set out below outlines the regulations that require the need for this screening exercise. Section 5 provides a screening assessment of the likely significant environmental effects of the NDP and examines the need for a SEA.

## Legislative Background 3

**3.1** The requirement for a Strategic Environmental Assessment (SEA) stems from the European Directive 2001/42/EC “on the assessment of the effects of certain plans and programmes on the environment” (SEA Directive). This Directive was transposed in UK law by The Environmental Assessment of Plans and Programmes Regulations 2004 (the SEA Regulations). This legislation places an obligation to undertake a SEA on any plan or programme prepared for town and country planning or land use purposes and which sets the framework for future development consent of certain projects. Guidance on the SEA process is provided in “A Practical Guide to the Strategic Environmental Assessment Directive (ODPM et al, 2005)”

**3.2** Under Article 3(3) and 3(4) of the SEA Directive, SEA is required for plans and programmes which “determine the use of small areas at a local level” or which only propose “minor modifications to plans and programmes”, and which would otherwise require SEA, only where they are determined to be likely to have significant environmental effects.

**3.3** This screening opinion has been prepared by Forest of Dean District Council to ascertain whether or not a ‘full’ Strategic Environmental Assessment is required. This is to ensure that the NDP is in accordance with Regulations 5 and 9 of the Environmental Assessment of Plans and Programmes Regulations 2004 and to meet the ‘Basic Conditions’ for Neighbourhood Development Plans set out in the Town and Country Planning Act 1990 (amended).



## Assessment 5

**5.1** Table 1 below considers whether the NDP is a plan or project to which SEA should apply.

**5.2** The questions below are drawn from and should be read in conjunction with Figure 2 above.

<b>Table 1: Establishing the Need for SEA</b>		
<b>Stage</b>	<b>Y/N</b>	<b>Reason</b>
1. Is the PP (plan or programme) subject to preparation and/or adoption by a national, regional or local authority OR prepared by an authority for adoption through a legislative procedure by Parliament or Government? (Art. 2(a))	Y	The NDP is adopted through a legislative procedure and forms part of a Local Plan.
2. Is the PP required by legislative, regulatory or administrative provisions? (Art. 2(a))	Y	<p>Whilst the Neighbourhood Development Plan is not a requirement and is optional under the provisions of the Town and Country Planning Act 1990 as amended by the Localism Act 2011, it will, if “made”, form part of the Development Plan for the District. It is therefore important that the screening process considers whether it is likely to have significant environmental effects and hence whether SEA is required under the Directive.</p> <p>Where one is undertaken it is controlled by regulatory and legislative provisions. It is required to be taken account of in relation to other PPs.</p>

## 5 Assessment

Table 1: Establishing the Need for SEA		
Stage	Y/N	Reason
<p>3. (a) Is the PP prepared for agriculture, forestry, fisheries, energy, industry, transport, waste management, water management, telecommunications, tourism, town and country planning or land use,</p> <p>AND (b) does it set a framework for future development consent of projects in Annexes I and II to the EIA Directive?</p> <p>(Both parts of this criterion (a &amp; b) need to be answered 'yes' for SEA to apply. Art 3.2(a))</p>	N	<p>The NDP is for Town and Country Planning purposes (a), it does not set a consent framework for Annex I &amp; II EIA projects.</p>
<p>4. Will the PP, in view of its likely effect on sites, require an assessment for future development under Article 6 or 7 of the Habitats Directive? (Art. 3.2 (b))</p>	<p>Y*</p> <p><b>*Update further to Statutory Body Consultation:</b> Natural England does not consider the Plan to cause any adverse impacts on the environment. This response will therefore be amended to '<b>NO</b>'.</p>	<p>The proximity of the following indicates that there could be potential for the plan to have significant adverse affects on a European site, and due to their proximity of the following a Habitats Regulations screening assessment is required.*</p> <ul style="list-style-type: none"> <li>● Wye Valley and Forest of Dean Bat SAC</li> <li>● Severn Estuary SPA/SAC/Ramsar</li> <li>● Wye Valley Woodland SAC</li> <li>● River Wye SAC</li> </ul> <p><b>*Update further to Statutory Body Consultation:</b> Natural England does not consider</p>

Assessment 5

Table 1: Establishing the Need for SEA		
Stage	Y/N	Reason
		the Plan to cause any adverse impacts on the environment. This response will therefore be amended to 'NO'.
5. Does the PP Determine the use of small areas at local level, OR is it a minor modification of a PP subject to Art. 3.2? (Art. 3.3)	Y	<p>The Neighbourhood Plan has potential to determine the use of small areas at a local level, through the application of detailed criteria or the allocation of land.</p> <p>The plan includes the protection of the route of a cycleway but does not include any site allocations for new development.</p>
6. Does the PP set the framework for future development consent of projects (not just projects in annexes to the EIA Directive)? (Art 3.4)	Y (see figure 2)	The NDP determines the use of small areas at a local level. The Core Strategy and Allocations Plan as the main parts of the development plan set a wider framework for the District including this area. However there is the potential for the plan to set a development framework for smaller sites.
7. Is the PP's sole purpose to serve the national defence or civil emergency, OR is it a financial or budget PP, OR is it co-financed by structural funds or EAGGF programmes 2000 to 2006/7? (Art 3.8, 3.9)	N	

## 5 Assessment

Stage	Y/N	Reason
8. Is it likely to have a significant effect on the environment? (Art. 3.5)	Y	See Table 2 below 'Assessment of the likely significance of effects of the NDP.'

**5.3** In considering the results of table 1, in the context of figure 2, it can be seen that the SEA directive does apply when there are likely significant effects on the environment, see table 2.

**5.4** Criteria for determining the likely significance of effects referred to in Article 3(5) of Directive 2001/42/EC are set out below:

SEA Directive Criteria	Response	Is there a significant or specific effect beyond that anticipated by the parent policy framework? Yes/No
1. The characteristics of plans and programmes, having regard, in particular, to:		
1a) The degree to which the plan or programme sets a framework for projects and other activities, either with regard to the location, nature, size and operating conditions or by allocating resources.	<p>The Neighbourhood Plan does not allocate sites explicitly, but it does set development criteria for protection of Lydney to Parkend Green cycle way. This protection/ allocations may have the possibility for significant environmental effects.</p> <p>The designation proposed has only been partially considered as part of the SEA for higher plans.*</p>	<p>YES*</p> <p><b>*Update further to Statutory Body Consultation:</b> Natural England does not consider the Plan to cause any adverse impacts on the environment. This response will therefore be amended to <b>'NO'</b>.</p>

Assessment 5

<b>Table 2: Assessment of the likely significant effects of the Forest Edge South NDP</b>		
<b>SEA Directive Criteria</b>	<b>Response</b>	<b>Is there a significant or specific effect beyond that anticipated by the parent policy framework? Yes/No</b>
1b) The degree to which the plan or programme influences other plans and programmes including those in a hierarchy.	<p>The NDP will form part of the Development Plan for the District. The NDP would be an influencing document in planning decisions and transport strategies. It is considered 'supportive &amp; interpretive' rather than 'instructive'.</p> <p>However, due to the requirements of some of the policies which propose development in an ancient woodland being greater development than has been proposed in the Local Plan the neighbourhood plan potentially influences spatial planning including the FOD Local Plan.*</p>	<p>YES*</p> <p><b>*Update further to Statutory Body Consultation:</b> Natural England does not consider the Plan to cause any adverse impacts on the environment. This response will therefore be amended to '<b>NO</b>'.</p>
1c) The relevance of the plan or programme for the integration of environmental considerations in particular with a view to promoting sustainable development.	<p>The NDP is developed within the framework for sustainable development as set out in the NPPF. The NDP provides supporting policies in respects of the climate change, sustainability, biodiversity, housing, employment, tourism, natural &amp; built environment, and infrastructure.</p>	<p>NO</p>
1d) Environmental problems relevant to the plan or programme.	<p>The Forest Edge NDP contains the following designations</p> <p>Flood zone 2 and 3</p>	<p>YES*</p> <p><b>*Update further to Statutory Body Consultation:</b> Natural</p>



## 5 Assessment

<b>Table 2: Assessment of the likely significant effects of the Forest Edge South NDP</b>		
<b>SEA Directive Criteria</b>	<b>Response</b>	<b>Is there a significant or specific effect beyond that anticipated by the parent policy framework? Yes/No</b>
	Listed Building - Local heritage assets  Ancient woodland  An SEA should be undertaken to ensure no impacts on these sites.*	England does not consider the Plan to cause any adverse impacts on the environment. This response will therefore be amended to <b>'NO'</b> .
1e) The relevance of the plan or programme for the implementation of Community legislation on the environment (e.g. plans and programmes linked to waste management or water protection).	None identified	NO
2. Characteristics of the effects and of the area likely to be affected, having regard, in particular, to:		
2a) The probability, duration, frequency and reversibility of the effects.	The NDP is likely to have enduring environmental effects. The effects are not likely to be reversible as they relate to the development in Ancient Woodland.*	YES*  <b>*Update further to Statutory Body Consultation:</b> Natural England does not consider the Plan to cause any adverse impacts on the environment. This response will therefore be amended to <b>'NO'</b> .
2b) The cumulative nature of the effects.		
2c) The trans boundary nature of the effects.	The effects of the Plan are unlikely to have transboundary impacts.	NO

Assessment 5

<b>Table 2: Assessment of the likely significant effects of the Forest Edge South NDP</b>		
<b>SEA Directive Criteria</b>	<b>Response</b>	<b>Is there a significant or specific effect beyond that anticipated by the parent policy framework? Yes/No</b>
2d) The risks to human health or the environment (e.g. due to accidents).	None Identified	NO
2e) The magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected).	The scale of development proposed is small and therefore the potential for environmental effects is also likely to be small and localised. However, potential impacts on the Ancient woodland and ecology assets needs to be assessed in the SEA.	NO
2f) The value and vulnerability of the area likely to be affected due to:		
i. special natural characteristics or cultural heritage.	The Neighbourhood Plan does not allocate sites explicitly, but it does set development criteria for protection of Lydney to Parkend Green cycle way which passes through an area of Ancient Woodland. This protection/ allocation may have the possibility for significant environmental effects.*	YES*  <b>*Update further to Statutory Body Consultation:</b> Natural England does not consider the Plan to cause any adverse impacts on the environment. This response will therefore be amended to ' <b>NO</b> '.
ii. exceeded environmental quality standards or limit values.	The NDP is not considered to set a programme or framework for larger scale development or impacts which will lead to environmental limits being exceeded.	NO

## 5 Assessment

<b>SEA Directive Criteria</b>	<b>Response</b>	<b>Is there a significant or specific effect beyond that anticipated by the parent policy framework? Yes/No</b>
	In addition the plan also provides specific policy content which provides for environmental safeguards.	
iii. intensive land-use.	On its own the intensification of land use is not considered to give rise to likely significant environmental effects.	NO
2g) The effects on areas or landscapes which have a recognised national, Community or international protection status.	<p>The FES NDP will have significant effect on the Forest of Dean Ancient Woodlands Lydney Woods New Fancy woods Nags Head woods woodland mosaic - Heathland and acid grassland*</p> <p><b>*Update further to Statutory Body Consultation:</b> Natural England does not consider the Plan to cause any adverse impacts on the environment. This response will therefore be amended to '<b>NO significant effect</b>'.</p>	<p>Statutory Forest Boundary Ancient Woodland Flood Areas Flood Zone 2 and 3 Listed Buildings - one or two Lydney Woods New fancy woods Nags head woods Woodland mosaic - Heathland and acid grassland*</p> <p><b>*Update further to Statutory Body Consultation:</b> Natural England does not consider the Plan to cause any adverse impacts on the environment. This response will therefore be amended to '<b>NO</b>'.</p>

**5.5** Source: Annex 2 of SEA Directive 2001/42/EC

## Consultations 6

**6.1** Three statutory bodies (for the purposes of SEA Screening, English Heritage, the Environment Agency and Natural England) were consulted (Appendix 1). Historic England stated that it has no objections to the view that a full SEA is not required and that there were no issues or concern to HE in the Regulation 14 consultation on the emerging Plan. The Environment Agency confirmed that it no longer provides comments on screening consultations. Natural England also confirmed that there is unlikely to be significant environmental effects from the proposed Plan.

## 7 Statement for Reasons for Determination

**7.1** The following were the original conclusions made for the SEA screening of the Plan, which were provided to the statutory bodies for consultation. As can be seen it was originally considered that the Forest Edge South Neighbourhood Plan would result in significant environmental effects, owing to the impact on the Ancient Woodland, in regards to Policy 18 of the Plan.

### **Original Reasons for Determination:**

**7.2** Following the original assessment set out above (tables 1&2) the Forest of District Council concluded that the Forest Edge South Neighbourhood Development Plan will result in significant environmental effects.

- i. The plan: The geographic spread of the NDP is limited
- ii. The locations, scale and effects of the NDP are very limited
- iii. The NDP does not create a significant new framework or programme in addition to the existing Development Plan (Core Strategy and Allocations Plan)
- iv. The NDP is generally supportive and interpretive rather than instructive.
- v. The NDP in combination with the Development plan generally contains environmental mitigation and 'cancelation' factors. However policy 18 supports the development of and protects the route of a multi use track that will result in damage and loss to two areas of ancient woodland known as Parkhill Inclosure (grid ref: SO6155507759) and Norchard Wood (SO6230704856), designated as a Plantation on Ancient Woodland Site and an Ancient Semi Natural Woodland/Plantation on Ancient Woodland respectively on Natural England's Ancient Woodland Inventory (AWI).

**7.3** However, since the consultation responses from the Statutory Bodies raise no objections to the Plan, this original reason for determination has been amended accordingly. It is particularly pertinent that Natural England concludes that the Plan will not result in any adverse impacts on the environment. Given that Natural England are the regulating statutory body for the natural environment (including impacts to ancient woodland), it has been decided by the Local Planning Authority that it is appropriate and justified to follow the advice given by Natural England. As such, the determination is that a full environmental assessment will **not** be required, as the screening demonstrates that the Plan will not cause harm to the natural environment.

### **Revised Reasons for Determination**

**7.4** Taking into account the assessment set out above (tables 1&2) and moreover, following the advice given by Natural England, the Forest of District Council has concluded that the Forest Edge South Neighbourhood Development Plan will not result in significant environmental effects.

- i. The plan: The geographic spread of the NDP is limited
- ii. The locations, scale and effects of the NDP are very limited

## Statement for Reasons for Determination 7

- iii. The NDP does not create a significant new framework or programme in addition to the existing Development Plan (Core Strategy and Allocations Plan)
- iv. The NDP is generally supportive and interpretive rather than instructive.
- v. The NDP in combination with the Development plan generally contains environmental mitigation and 'cancelation' factors.

## 8 Responses from Statutory bodies

**8.1 Responses from Statutory bodies to consultation draft of SEA screening (20th April 2023).** (It should be noted that the consultation request also included the HRA screening, which the NDP group will provide a report on separately).

### 8.2 Historic England

**From:** [Stuart, David](mailto:Stuart.David@historicengland.org.uk)  
**To:** [Anna, Welsh](mailto:Anna.Welsh@fdean.gov.uk)  
**Subject:** RE: Forest Edge South (West Dean - Gloucestershire) Neighbour Development Plan - Strategic Environmental Assessment & Habitats Regulations Consultation  
**Date:** 23 May 2023 13:43:16  
**Attachments:** [image002.png](#)  
[image003.png](#)  
[image005.png](#)

Hi Anna

Many thanks for the update.

I can confirm that we would also have no objection to the view that a full SEA is not required.

Kind regards

David

David Stuart | Historic Places Adviser

I now work only 2 days a week, usually Tuesdays and Wednesdays

Historic England | South West  
 1st Floor Fermentation North | Finzels Reach | Hawkins Lane | Bristol | BS1 6WQ  
 Direct Line: 0117 975 0680 | Mobile: 0797 924 0316  
<https://historicengland.org.uk/southwest>

**From:** Anna Welsh <[Anna.Welsh@fdean.gov.uk](mailto:Anna.Welsh@fdean.gov.uk)>  
**Sent:** 23 May 2023 11:54  
**To:** Stuart, David <[David.Stuart@HistoricEngland.org.uk](mailto:David.Stuart@HistoricEngland.org.uk)>  
**Subject:** RE: Forest Edge South (West Dean - Gloucestershire) Neighbour Development Plan - Strategic Environmental Assessment & Habitats Regulations Consultation

**THIS IS AN EXTERNAL EMAIL: do not click any links or open any attachments unless you trust the sender and were expecting the content to be sent to you**

Dear David

Sorry, I should have also told you that Natural England has no objections to the plan or the fact that the path is likely to go through Ancient Woodland, and NE comments that they would NOT request a full SEA. In the regard, the SEA screening report will be updated in light of the Natural England comments and we will now NOT request a full SEA. As such, unless HE have any other concerns (which you don't seem to), we will publish a final report to that effect.

Best regards

Anna

**From:** Stuart, David <[David.Stuart@HistoricEngland.org.uk](mailto:David.Stuart@HistoricEngland.org.uk)>

## Responses from Statutory bodies 8

Sent: 23 May 2023 11:11

To: Anna Welch <[Anna.Welch@fdean.gov.uk](mailto:Anna.Welch@fdean.gov.uk)>

Subject: RE: Forest Edge South (West Dean - Gloucestershire) Neighbour Development Plan - Strategic Environmental Assessment & Habitats Regulations Consultation

Dear Anna

In that there were no issues of interest or concern to us in the Regulation 14 consultation on the emerging Plan the exercise of considering the SEA Screening Report is quite a simple one.

We note the areas of possible impact which the Report has identified as constituting likely significant environmental effects. Given our de facto no comment response on the Reg 14 consultation we would probably not have been inclined to suggest that a full SEA is required but acknowledge the legitimacy of the concerns which have been raised.

On this basis I can confirm that we have no objection to the view that a full SEA is required.

Kind regards

David

David Stuart | Historic Places Adviser

I now work only 2 days a week, usually Tuesdays and Wednesdays

Historic England | South West  
1st Floor Fermentation North | Finzels Reach | Hawkins Lane | Bristol | BS1 6WQ  
Direct Line: 0117 975 0680 | Mobile: 0797 924 0316  
<https://historicengland.org.uk/southwest>



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Historic England South West | [southwest@historicengland.org.uk](mailto:southwest@historicengland.org.uk)

Address to reply: Forest Edge South (West Dean - Gloucestershire) Neighbour Development Plan - Strategic Environmental Assessment & Habitats Regulations Consultation

12 | [View in context](#)

Thank you for emailing Historic England South West Region. Your query will be forwarded to the relevant team and a colleague will reply soon. We receive a lot of enquiries and aim to reply within 10 working days. Some enquiries may take longer and we will let you know if that is the case.

If you are a journalist with a media enquiry, please contact the Historic England Press Office via [communications@historicengland.org.uk](mailto:communications@historicengland.org.uk)

In the meantime, you may find the following links useful. For questions about...

- a listed heritage asset, please check the National Heritage List for England for further details: <https://historicengland.org.uk/listing/the-list/>
- owning a Listed building please see <https://historicengland.org.uk/advice/our-home/>
- grant funding please refer to this link for our eligibility criteria: <https://historicengland.org.uk/services/skills/grants/>
- our Enhanced Advisory Services (EAS) please see: <https://historicengland.org.uk/services/skills/our-planning-services/enhanced-advisory-services/>

Listing generally please see: <https://historicengland.org.uk/listing/>. We also have a wide range of guidance on a number of heritage related topics here: <https://historicengland.org.uk/services/listing-guidance/>

Thank you again, and we will be in touch soon.



# 8 Responses from Statutory bodies

## 8.3 Environment Agency

**WestMids Planning** <WestMidsPlanning@environment-agency.gov.uk>  
 2025/02/04 09:11 - Forest Edge South (2024) - Forest Edge South Neighbourhood Development Plan - Strategic Environmental Assessment & Habitats Regulations Technical Report

Hi,  
 I've reviewed the Strategic Environmental Assessment (SEA) for the Forest Edge South Neighbourhood Development Plan. The SEA is a key part of the planning process and helps to identify and assess the potential impacts of the proposed development on the environment. It's important to ensure that the development is sustainable and that any potential impacts are mitigated.

The SEA for the Forest Edge South Neighbourhood Development Plan has been reviewed and the following comments have been made:


- The SEA is generally well structured and provides a clear overview of the potential impacts of the proposed development.
- The SEA should be updated to reflect the latest information available on the environment and the proposed development.
- The SEA should be updated to reflect the latest information available on the environment and the proposed development.

Kind regards,  
 Sarah

WestMids Planning  
 Planning Officer, Strategic Planning  
 Forest Edge South Neighbourhood Development Plan

For more information, please contact the Strategic Planning Officer on 01594 634444.

WestMids Planning is a registered charity. The company number is 01594 634444.



**WestMids Planning** <WestMidsPlanning@environment-agency.gov.uk>  
 2025/02/04 09:11 - Forest Edge South (2024) - Forest Edge South Neighbourhood Development Plan - Strategic Environmental Assessment & Habitats Regulations Technical Report

Hi,  
 I've reviewed the Strategic Environmental Assessment (SEA) for the Forest Edge South Neighbourhood Development Plan. The SEA is a key part of the planning process and helps to identify and assess the potential impacts of the proposed development on the environment. It's important to ensure that the development is sustainable and that any potential impacts are mitigated.

The SEA for the Forest Edge South Neighbourhood Development Plan has been reviewed and the following comments have been made:

- The SEA is generally well structured and provides a clear overview of the potential impacts of the proposed development.
- The SEA should be updated to reflect the latest information available on the environment and the proposed development.
- The SEA should be updated to reflect the latest information available on the environment and the proposed development.

Kind regards,  
 Sarah

WestMids Planning  
 Planning Officer, Strategic Planning  
 Forest Edge South Neighbourhood Development Plan

For more information, please contact the Strategic Planning Officer on 01594 634444.

WestMids Planning is a registered charity. The company number is 01594 634444.



## Responses from Statutory bodies 8

## 8.4 Natural England

Date: 05 May 2023  
Our ref: 430634  
Your ref: Forest Edge South Neighbourhood Plan

Ms Anna Welsh  
Forest of Dean District Council

BY EMAIL ONLY  
[localplans@fdean.gov.uk](mailto:localplans@fdean.gov.uk)  
[Kirsten.Ward@dlpconsultants.co.uk](mailto:Kirsten.Ward@dlpconsultants.co.uk)



Hornbeam House  
Crewe Business Park  
Electra Way  
Crewe  
Cheshire  
CW1 0GJ

T 0300 060 3900

Dear Ms Welsh

#### Forest Edge South Neighbourhood Plan – Review SEA & HRA Screening

Thank you for your consultation on the above dated and received by Natural England on 20 April 2023.

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.

#### Screening Request: Strategic Environmental Assessment

It is our advice, on the basis of the material supplied with the consultation, that, in so far as our strategic environmental interests (including but not limited to statutory designated sites, landscapes and protected species, geology and soils) are concerned, that there are unlikely to be significant environmental effects from the proposed plan.

#### Neighbourhood Plan

Guidance on the assessment of Neighbourhood Plans, in light of the Environmental Assessment of Plans and Programmes Regulations 2004 (as amended), is contained within the [National Planning Practice Guidance](#). The guidance highlights three triggers that may require the production of an SEA, for instance where:

- a neighbourhood plan allocates sites for development
- the neighbourhood area contains sensitive natural or heritage assets that may be affected by the proposals in the plan
- the neighbourhood plan may have significant environmental effects that have not already been considered and dealt with through a sustainability appraisal of the Local Plan.

We have checked our records and based on the information provided, we can confirm that in our view the proposals contained within the plan will not have significant effects on sensitive sites that Natural England has a statutory duty to protect.

We are not aware of significant populations of protected species which are likely to be affected by the policies / proposals within the plan. It remains the case, however, that the responsible authority should provide information supporting this screening decision, sufficient to assess whether protected species are likely to be affected.

## 8 Responses from Statutory bodies

Notwithstanding this advice, Natural England does not routinely maintain locally specific data on all potential environmental assets. As a result the responsible authority should raise environmental issues that we have not identified on local or national biodiversity action plan species and/or habitats, local wildlife sites or local landscape character, with its own ecological and/or landscape advisers, local record centre, recording society or wildlife body on the local landscape and biodiversity receptors that may be affected by this plan, before determining whether an SA/SEA is necessary.

Please note that Natural England reserves the right to provide further comments on the environmental assessment of the plan beyond this SEA/SA screening stage, should the responsible authority seek our views on the scoping or environmental report stages. This includes any third party appeal against any screening decision you may make.

### Habitats Regulations Assessment (HRA) Screening

Natural England agrees with the report's conclusions that the Forest Edge South Neighbourhood Plan would not be likely to result in a significant effect on any European Site, either alone or in combination and therefore no further assessment work would be required.

For any new consultations, or to provide further information on this consultation please send your correspondences to [consultations@naturalengland.org.uk](mailto:consultations@naturalengland.org.uk).

Yours sincerely

Sally Wintle  
Consultations Team

## Addendum - Changes to Policy 18 9

Further to discussions between the Council's Local Plans Team and the NDP Steering Group, it has been agreed that changes to Policy 18 of the NDP will be carried out to the following effect:

### Proposed Revisions to Forest Edge South Neighbourhood Plan

The line showing the indicative route of the Lydney-Parkend Multi-Use Track to be removed from the policies map.

The wording of Policy 18 to be amended as follows:

#### Policy 18: Lydney-Parkend multi-use track (Dean Forest Greenway)

Subject to satisfying the requirements of the other relevant policies within the development plan, applications that relate to the development of a multi-use track between Lydney and Parkend will be supported where:

- ~~a) It follows the approximate route indicated on the Neighbourhood Plan Policies Map; **and**~~
- a) a suitable and safe route is planned that protects cyclists and other users from road traffic; **and**
- b) The application is supported by appropriate evidence to demonstrate that designated areas of Ancient Woodland are conserved and that no ancient or veteran trees will be harmed through its development and subsequent use.

The NDP group has requested that these changes to the NDP document be carried out in conjunction with the other amendments the Steering Group wish to make, following on from their pre-submission public consultation. The Local Plans Team has agreed that this is a suitable course of action. In the meantime, this addendum has been added to the SEA and the author of the HRA has confirmed by email that there doesn't need to be any further changes to the HRA (see copy of email below).

Hi Correne

I have looked through the amendment and refreshed my memory of the HRA report. We didn't directly quote policy text in the HRA report, rather providing a summary of each policy. The policy summary doesn't need updating in the light of this change so I am comfortable that no changes to the HRA are required.

The actual change (replacing 'It follows the approximate route indicated on the Neighbourhood Plan Policies Map' with 'A suitable and safe route is planned that protects cyclists and other users from road traffic') would have a neutral effect on European sites and therefore wouldn't affect the conclusion of the HRA report.

Regards

James

Dr James Riley ~~CEM~~ MCEEM  
Technical Director (Ecology & Habitat Regulations Assessment)

AECOM  
-----

Furthermore, the Statutory Consultees have been re-consulted at the Reg 16 Consultation Stage (see email below). The EA has replied with no comments and a response from NE and HE has not been received.

## 9 Addendum - Changes to Policy 18

**From:** [Anna Welsh](#)  
**To:** ["SM-NE-Consultations \(NE\)"; "Stuart, David"; "WestMidsPlanning"](#)  
**Cc:** [Kirsten.Ward@dloconsultants.co.uk](mailto:Kirsten.Ward@dloconsultants.co.uk); [Caroline Lidgett](#); [Jennifer Jones](#)  
**Subject:** Forest Edge South (Forest of Dean) NDP - SEA and HRA screening  
**Date:** 15 June 2023 09:35:56

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Dear Statutory Consultee

Further to the SEA and HRA screening which you kindly responded to, it has been agreed between the NDP steering group and the Local Plans Team that an addendum will be made to both the SEA and the HRA screening to include the text below. The changes to the policy text and the removal of the indicative route of the Lydney-Parkend Multi-Use track from the policies map will ensure that the Council is provided with the assurance that the NDP will not require either a full SEA or an AA.

Even though each of the Statutory Bodies did not object to anything within the original SEA/HRA screenings or request a full SEA or AA, I am sending you this so that you have the opportunity to consider the changes and let us know if you agree with this approach.

Please could you respond to me with your comments by Thursday 22<sup>nd</sup> June 2023. And please let me know if you need to discuss anything further.

Best regards

Anna

### **Proposed Revisions to Forest Edge South Neighbourhood Plan**

The line showing the indicative route of the Lydney-Parkend Multi-Use Track to be removed from the policies map.

The wording of Policy 18 to be amended as follows:

#### **Policy 18: Lydney-Parkend multi-use track (Dean Forest Greenway)**

Subject to satisfying the requirements of the other relevant policies within the development plan, applications that relate to the development of a multi-use track between Lydney and Parkend will be supported where:

~~a) it follows the approximate route indicated on the Neighbourhood Plan Policies Map;~~  
**and**

-

~~a) a suitable and safe route is planned that protects cyclists and other users from road traffic; and~~

-

b) The application is supported by appropriate evidence to demonstrate that designated areas of Ancient Woodland are conserved and that no ancient or veteran trees will be harmed through its development and subsequent use.

In conclusion, these amendments ensure that the Council is satisfied that a full SEA will not be required for the NDP to continue to examination stage.







**APPENDIX 3 REPORT TO INFORM THE HABITATS REGULATIONS ASSESSMENT (AECOM,  
MARCH 2023)**



# Forest Edge South Neighbourhood Plan

Report to Inform Habitats Regulations Assessment

Forest Edge South Neighbourhood Plan Group

March 2023

## Quality information

<b>Prepared by</b>	<b>Checked by</b>	<b>Verified by</b>	<b>Approved by</b>
Lisa Rigby Principal Ecologist	Isla Hoffman Heap Senior Ecologist	Dr James Riley Technical Director	Dr James Riley Technical Director

## Revision History

<b>Revision</b>	<b>Revision date</b>	<b>Details</b>	<b>Authorized</b>	<b>Name</b>	<b>Position</b>
0	29/03/2023	Draft issued for Client comment	JR	James Riley	Technical Director
1	12/04/23	Final issue after client review (Correne Preston and others)	JR	James Riley	Technical Director

**Prepared for:**

Forest Edge South Neighbourhood Plan Group

**Prepared by:**

Lisa Rigby  
Principal Ecologist

AECOM  
Ground Floor  
Exchange Station  
Tithebarn Street  
Liverpool L2 2QP  
United Kingdom

T: +44 151 331 8900  
aecom.com

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# 1. Introduction

- 1.1 AECOM was appointed by Forest Edge South Neighbourhood Plan Group to undertake a Report to Inform the Habitats Regulations Assessment (HRA) of the Forest Edge South Neighbourhood Plan (FESNP), Consultation Draft. This is to inform the planning group and local council (Forest of Dean District Council (FoDDC), as competent authority) of the potential effects of Neighbourhood Plan (NP) development on European sites (Special Areas of Conservation (SAC), Special Protection Areas (SPA), and Ramsar sites (designated under the Ramsar convention)), and how they are being, or should be, addressed in the draft NP.
- 1.2 The FESNP contains policies on landscape, design and conservation; transport; hosing; infrastructure and amenities. The plan does not contain any specific site allocations for development or quantum of development and is therefore considered to be a 'development management' document.
- 1.3 For the purpose of informing this report, policies contained within the Forest of Dean District Council: Core Strategy (adopted 2012)<sup>1</sup> which is the current Local Plan at the time of writing, have been referenced.
- 1.4 The objective of this report is to identify if any policies proposed in the FESNP have the potential to cause Likely Significant Effects (LSEs) and, where identified, adverse effects on the integrity of European sites, either in isolation or in combination with other plans and projects, and to determine whether policy mitigation measures are required.

## Local Context

- 1.5 The Forest Edge South Neighbourhood Area covers the villages of Pillowell, Oldcroft, Viney Hill, Whitecroft, Parkend and Yorkley. The six villages and settlements that make up the area covered by the Neighbourhood Plan have their very essence deeply rooted in the history of the Forest of Dean and its traditions.
- 1.6 The villages all back onto the Forest which with its mix of broadleaf and conifer trees give inhabitants direct access into the woods. This is greatly appreciated, and the green backdrop to the villages maintain the ancient feel of the Forest and its traditions.
- 1.7 The 2011 Census showed that Forest Edge South had a total of 3,522 residents. The ONS 2020 mid-year population estimate puts the Forest Edge South population at 3,591.
- 1.8 The population structure of Forest Edge South reveals an ageing population with 21.6% of residents being aged over 65 compared to the national average of 16.3%.

## Legislative Context

- 1.9 The UK left the EU on 31 January 2020 under the terms set out in the European Union (Withdrawal Agreement) Act 2020 ("the Withdrawal Act"). This established

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<sup>1</sup> <https://www.fdean.gov.uk/media/szzpnzsj/core-strategy.pdf>

a transition period, which ended on 31 December 2020. The Withdrawal Act retains the body of existing EU-derived law within our domestic law. During the transition period EU law applies to and in the UK. The UK is no longer a member of the European Union. However, Habitats Regulations Assessment will continue as set out in the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019<sup>2</sup>.

- 1.10 The HRA process applies the ‘Precautionary Principle’<sup>3</sup> to European sites. Plans and projects can only be permitted having ascertained that there will be no adverse effect on the integrity of the European site(s) in question. Plans and projects with predicted adverse impacts on European sites may still be permitted if there are no alternatives to them and there are Imperative Reasons of Overriding Public Interest (IROPI) as to why they should go ahead. In such cases, compensation would be necessary to ensure the overall integrity of the site network.
- 1.11 The need for Appropriate Assessment (Box 1) is set out in the Conservation of Habitats and Species Regulations 2017 (as amended).

**Box 1: The legislative basis for Appropriate Assessment**

**Conservation of Habitats and Species Regulations 2017 (As Amended)**

With specific reference to Neighbourhood Plans, Regulation 106(1) states that:

*“A qualifying body which submits a proposal for a neighbourhood development plan must provide such information as the competent authority [the Local Planning Authority] may reasonably require for the purpose of the assessment under regulation 105... [which sets out the formal process for determination of ‘likely significant effects’ and the appropriate assessment].”*

- 1.12 It is therefore important to note that this report has two purposes:
- To assist the Qualifying Body (West Dean Parish Council with The Forest Edge South Neighbourhood Plan Steering Group) in preparing their plan by recommending (where necessary) any adjustments required to protect European sites, thus making it more likely their plan will be deemed compliant with the Conservation of Habitats and Species Regulations 2017 (as amended); and
  - On behalf of the Qualifying Body, to assist the Local Planning Authority (Forest of Dean District Council) to discharge their duty under Regulation 105 (in their role as ‘plan-making authority’ within the meaning of that regulation) and Regulation 106 (in their role as ‘competent authority’) and undertake the formal Habitats Regulations Assessment decision.
- 1.13 As ‘competent authority’, the legal responsibility for ensuring that a decision of LSEs is made, an ‘Appropriate Assessment’ (where required) is undertaken, and Natural England are consulted, falls on the local planning authority. However,

<sup>2</sup> these don’t replace the 2017 Regulations but are just another set of amendments

<sup>3</sup> The Precautionary Principle, which is referenced in Article 191 of the Treaty on the Functioning of the European Union, has been defined by the United Nations Educational, Scientific and Cultural Organisation (UNESCO, 2005) as: *“When human activities may lead to morally unacceptable harm [to the environment] that is scientifically plausible but uncertain, actions shall be taken to avoid or diminish that harm. The judgement of plausibility should be grounded in scientific analysis”.*

they are entitled to request from the Qualifying Body the necessary information on which to base their judgment and that is a key purpose of this report.

- 1.14 Over the years, the term ‘Habitats Regulations Assessment’ (HRA) has come into wide currency to describe the overall process set out in the Habitats Regulations, from screening through to identification of IROPI. This has arisen in order to distinguish the overall process from the individual stage of "Appropriate Assessment". Throughout this report the term HRA is used for the overall process and restricts the use of Appropriate Assessment to the specific stage of that name.
- 1.15 In spring 2018 the ‘Sweetman’ European Court of Justice ruling<sup>4</sup> clarified that ‘mitigation’ (i.e., measures that are specifically introduced to avoid or reduce a harmful effect on a European site that would otherwise arise) should **not** be taken into account when forming a view on likely significant effects. Mitigation should instead only be considered at the Appropriate Assessment stage. This HRA has been cognisant of that ruling.

## Scope of the HRA

- 1.16 There are no standard criteria for determining the ultimate physical scope of an HRA of a Plan document. Therefore, in considering the physical scope of the assessment, we were guided primarily by the identified impact pathways (called the source-pathway-receptor model) rather than by arbitrary ‘zones’. Current guidance suggests that the following international sites be included in the scope of assessment:
- All sites within the FESNP boundary; and,
  - Other sites shown to be linked to development within the FESNP boundary through a known impact ‘pathway’ (discussed below).
- 1.17 Briefly defined, impact pathways are routes by which the implementation of a policy within a Neighbourhood Plan document can lead to an effect upon a European site. An example of this would be new residential development resulting in an increased population and thus increased recreational pressure, which could then affect European sites by, for example, disturbance of wintering or breeding birds.
- 1.18 Guidance from the Ministry of Housing, Communities and Local Government (MHCLG) states that the HRA should be *‘proportionate to the geographical scope of the [plan policy]’ and that ‘an AA need not be done in any more detail, or using more resources, than is useful for its purpose’* (MHCLG, 2006, p.6). More recently, the Court of Appeal ruled that providing the Council (competent authority) was duly satisfied that proposed mitigation could be ‘achieved in practice’ to satisfy that the proposed development would have no adverse effect, then this would suffice. This ruling has since been applied to a planning permission (rather than a Core Strategy document). In this case the High Court ruled that for ‘a multistage process, so long as there is sufficient information at any particular stage to enable the authority to be satisfied that the proposed mitigation can be achieved in practice it is not necessary for all matters concerning mitigation to be fully resolved before a decision maker is able to

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<sup>4</sup> People Over Wind and Sweetman v Coillte Teoranta (C-323/17)



conclude that a development will satisfy the requirements of Reg 61 of the Habitats Regulations’.

## The Layout of this Report

1.19 **Chapter 2** of this report explains the methodology by which this HRA has been carried out, including the three essential tasks that form part of HRA. **Chapter 3** provides details of the relevant European sites, including conservation objectives and current pressures and threats. **Chapter 4** provides detailed background on the main impact pathways identified in relation to the Neighbourhood Plan and the relevant European sites. **Chapter 5** undertakes the screening assessment of Likely Significant Effects (LSEs) of the Plan’s policies. The conclusions arising from the HRA process so far are provided in **Chapter 6**.

## Quality Assurance

1.20 This report was undertaken in line with AECOM’s Integrated Management System (IMS). Our IMS places great emphasis on professionalism, technical excellence, quality, environmental and Health and Safety management. All staff members are committed to establishing and maintaining our certification to the international standards BS EN ISO 9001:2015 and 14001:2015, ISO 44001:2017 and ISO 45001:2018. In addition, our IMS requires careful selection and monitoring of the performance of all sub-consultants and contractors.

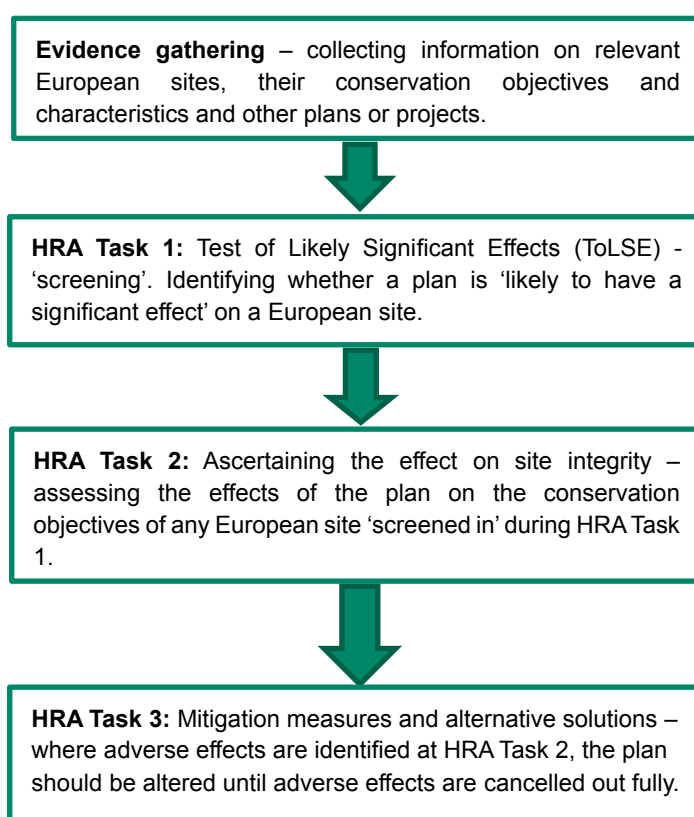
1.21 All AECOM Ecologists working on this project are members (at the appropriate level) of the Chartered Institute of Ecology and Environmental Management (CIEEM) and follow their code of professional conduct (CIEEM, 2017).

## 2. Methodology

### Introduction to HRA Methodology

- 2.1 The HRA will be carried out with reference to the general EC guidance on HRA<sup>5</sup> and that of the UK government<sup>6</sup>.
- 2.2 Figure 1 below outlines the stages of HRA. The stages are essentially iterative, being revisited as necessary in response to more detailed information, recommendations and any relevant changes to the Plan until no significant adverse effects remain.

**Figure 1. Four Stage Approach to Habitats Regulations Assessment. Source EC, 2011.**



### Description of HRA Tasks

#### HRA Task 1 – Test of Likely Significant Effects (ToLSE)/ Screening

- 2.3 Following evidence gathering, the first stage of any Habitats Regulations Assessment is a Test of Likely Significant Effects (ToLSE) test - essentially a brief, high-level assessment to decide whether the full subsequent stage known as Appropriate Assessment is required. The essential question is:

<sup>5</sup> European Commission (2001): Assessment of plans and projects significantly affecting Natura 2000 Sites: Methodological Guidance on the Provisions of Article 6(3) and 6(4) of the Habitats Directive.

<sup>6</sup> <https://www.gov.uk/guidance/appropriate-assessment>

*“Is the project, either alone or in combination with other relevant projects and plans, likely to result in a significant effect upon European sites?”*

- 2.4 The objective is to ‘screen out’ those plans and projects that can, without any detailed appraisal, be concluded to be unlikely to result in significant adverse effects upon European sites, usually because there is no mechanism for an adverse interaction.
- 2.5 The ToLSE is based on identification of the impact source, the pathway of impact to receptors and then confirmation of the specific European Site receptors. These are normally designated features but also include habitats and species fundamental to those designated features achieving favourable conservation status (notably functionally linked land outside the European site boundary).
- 2.6 In the Waddensee case<sup>7</sup>, the European Court of Justice ruled on the interpretation of Article 6(3) of the Habitats Directive, including that:
- An effect should be considered ‘likely’, *“if it cannot be excluded, on the basis of objective information, that it will have a significant effect on the site”* (para 44);
  - An effect should be considered ‘significant’, *“if it undermines the conservation objectives”* (para 48); and
  - Where a plan or project has an effect on a site *“but is not likely to undermine its conservation objectives, it cannot be considered likely to have a significant effect on the site concerned”* (para 47).
- 2.7 The ToLSE consists of two parts: Firstly, determining whether there are any policies that could result in negative impact pathways and secondly establishing whether there are any European sites that might be affected. It identifies European designated sites that could be affected by the Plan and also those impact pathways that are most likely to require consideration.
- 2.8 It is important to note that the ToLSE must generally follow the precautionary principle as its main purpose is to determine whether the subsequent stage of ‘Appropriate Assessment’ (i.e., a more detailed investigation) is required.

## HRA Task 2 – Appropriate Assessment

- 2.9 Where it is determined that a conclusion of ‘no Likely Significant Effects’ cannot be drawn, the analysis must proceed to the next stage of HRA known as Appropriate Assessment. Case law has clarified that ‘Appropriate Assessment’ is not a technical term. In other words, there are no particular technical analyses, or level of technical analysis, that are classified by law as belonging to Appropriate Assessment rather than ToLSE. Appropriate Assessment refers to whatever level of assessment is appropriate to form a conclusion regarding effects on the integrity (coherence of structure and function) of European Sites in light of their conservation objectives.
- 2.10 By virtue of the fact that it follows the ToLSE process, there is a clear implication that the analysis will be more detailed than undertaken at the previous stage. One of the key considerations during Appropriate Assessment is whether there is available mitigation that would entirely address the potential effect. In practice, the Appropriate Assessment would take any policies or allocations that could not be dismissed following the high-level ToLSE analysis and evaluate the potential

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<sup>7</sup> Case C-127/02

for an effect in more detail, with a view to concluding whether there would actually be an adverse effect on site integrity (in other words, disruption of the coherent structure and function of the European site(s)).

- 2.11 In 2018 the Holohan ruling<sup>8</sup> handed down by the European Court of Justice included among other provisions paragraph 39 of the ruling stating that ‘As regards other habitat types or species, which are present on the site, but for which that site has not been listed, and with respect to habitat types and species located outside that site, ... typical habitats or species must be included in the appropriate assessment, if they are necessary to the conservation of the habitat types and species listed for the protected area’ [emphasis added].
- 2.12 In evaluating significance, AECOM will rely on professional judgement as well as the results of bespoke studies, supported by appropriate evidence/data, and previous stakeholder consultation regarding the impacts of the FESNP on the European sites considered within this assessment.

### HRA Task 3 – Mitigation

- 2.13 Where necessary, measures will be recommended for incorporation into the Plan in order to avoid or mitigate adverse effects on European sites. There is considerable precedent, both nationally and locally, concerning the level of detail that a Plan document needs to contain regarding mitigation for recreational impacts on European sites, for example. The implication of this precedent is that it is not necessary for all measures that will be deployed to be fully developed prior to adoption of the Plan, but the Plan must provide an adequate policy framework within which these measures can be delivered.
- 2.14 In evaluating significance, AECOM has relied on professional judgement and the Core Strategy HRA regarding development impacts on the European sites considered within this assessment.
- 2.15 When discussing ‘mitigation’ for a Neighbourhood Plan document, one is concerned primarily with the policy framework to enable the delivery of such mitigation rather than the detail of the mitigation measures themselves since the Local Development Plan document is a high-level policy document. A Neighbourhood Plan is a lower-level constituent of a Local Development Plan.

### Geographical Scope of the HRA

- 2.16 There are no standard criteria for determining the ultimate physical scope of an HRA. Rather, the source-pathway-receptor model should be used to determine whether there is any potential pathway connecting development to any European sites.
- 2.17 In the case of the FESNP, an area extending to 10 km from the NP area boundary was selected in which European sites were identified. European sites where there is a pathway by which hydrological impact might occur were also included. A search radius of 10 km has been used for this analysis on the basis that any potential for pollution effects at greater distances is likely to be negligible due to dilution factors.

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<sup>8</sup> Case C-461/17

## Confirming Other Plans and Projects That May Act ‘In Combination’

2.18 It is a requirement of the Regulations that the impacts of any land use plan being assessed are not considered in isolation but in combination with other plans and projects that may also be affecting the European site(s) in question.

2.19 In considering the potential for combined regional housing development to impact on European sites the primary consideration is the impact of visitor numbers – i.e., recreational pressure and urbanisation.

2.20 When undertaking this part of the assessment it is essential to bear in mind the principal intention behind the legislation i.e., to ensure that those projects or plans (which in themselves may have minor impacts) are not simply dismissed on that basis but are evaluated for any cumulative contribution they may make to an overall significant effect. In practice, in combination assessment is therefore of greatest relevance when the plan or policy would otherwise be screened out because its individual contribution is inconsequential.

2.21 The following plans are considered to have the potential to act in-combination with the FESNP.

- Forest of Dean District Council: Core Strategy (adopted 2012) <https://www.fdean.gov.uk/media/szzpnzxi/core-strategy.pdf>
- Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011 – 2013 (adopted December 2017) <https://www.gloucester.gov.uk/media/5441/jcs.pdf>
- Cotswold District Local Plan 2011 – 2013 (adopted August 2018) <https://www.cotswold.gov.uk/media/k2kjqv3b/cotswold-district-local-plan-2011-2031-adopted-3-august-2018-web-version.pdf>
- Stroud District Local Plan (adopted November 2015) <https://www.stroud.gov.uk/media/1455/stroud-district-local-plan-november-2015-low-res-for-web.pdf> (it is acknowledged that at the time of writing this HRA that the Stroud District draft Local Plan and Evidence Base documents were submitted to the Planning Inspectorate for examination)
- South Gloucestershire Council Core Strategy 2006 – 2027 (adopted 2013) <https://beta.southglos.gov.uk/static/f149e2bb1bf00a972238eb11eb06d132/South-Gloucestershire-Core-Strategy-2006-2027.pdf>
- Monmouthshire County Council Local Development Plan 2011 – 2021 (adopted 2014) <https://www.monmouthshire.gov.uk/app/uploads/2017/05/Adopted-Local-Development-Plan-with-PDF-tags.pdf> (
- Anchor Head to Lavernock Point Shoreline Management Plan (SMP19) <https://severnestuarycoastalgroup.org.uk/>
- Severn Trent Water – Water Resources Management Plan, 2019 <https://www.severntrent.com/content/dam/stw-plc/our-plans/severn-trent-water-resource-management-plan.pdf> (it is acknowledged that at the time of writing this HRA report the next plan – WRMP24, is currently published as a draft <https://www.severntrent.com/content/dam/dwrmp24-st/STdWRMP24-Main-Narrative.pdf>)

- River Wye SAC Nutrient Management Plan - Evidence base and options appraisal (2014)  
[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/361793/River\\_Wye\\_NMP\\_final\\_report\\_v3\\_14052014.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/361793/River_Wye_NMP_final_report_v3_14052014.pdf)
  - Application P1913/21/FUL: Creation of 5.8kms long pedestrian and cycling path including sections of existing forest road and paths 1.8kms long. This application includes links to Whitemead Park, Norchard Station and Bream Road, these links amount to 330 m of new route and 560 m of repairs to existing paths and tracks (revised scheme). <https://publicaccess.fdean.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=R2TUKMHIMTY00> (status at the time of writing this HRA: pending consideration)
- 2.22 It should be noted that, while the broad potential impacts of these other projects and plans has been considered, we have not carried out full HRA on each of these plans – we have however drawn upon existing HRAs that have been carried out for surrounding authorities and plans.
- 2.23 Within this document, each policy within the Neighbourhood Plan is subjected to HRA screening and is summarised in Table 6. Likely Significant Effects are then scrutinised in more detail in the main body of the report and, if necessary, an Appropriate Assessment will then be undertaken.

## 3. European Sites

3.1 In the case of the FESNP, it has been determined that the European sites identified in Table 1 require consideration. The locations of these European sites in relation to the FESNP area boundary are illustrated in Appendix A, Figure 1A.

**Table 1. European sites for consideration and their location in relation to Forest Edge South Neighbourhood Plan area boundary**

European site	Location and reason for inclusion
Wye Valley Woodlands SAC	<b>4.3 km west at its closest point.</b> Public access/ recreational pressure/ disturbance Air Pollution: impact of atmospheric nitrogen deposition
River Wye SAC	<b>4.8 km west at its closest point.</b> Public access/ recreational pressure/ disturbance (includes fishing) Water abstraction Water pollution Air pollution: impact of atmospheric nitrogen
Wye Valley & Forest of Dean Bat Sites SAC	<b>1 km west at closest point.</b> Public access/ recreational pressure/ disturbance Habitat connectivity/ loss of functionally linked land
Severn Estuary SAC/ SPA, Ramsar	<b>1.5 km south-east at closest point.</b> Public access/ recreational pressure/ disturbance Water pollution Water quantity Air pollution: impact of atmospheric nitrogen

Source: [www.magic.defra.gov.uk](http://www.magic.defra.gov.uk)

3.2 This was based upon a search of surrounding European sites and based on the vulnerabilities of the interest features of the European sites. All the above sites were subjected to the initial screening exercise. It should be noted that the presence of a conceivable pathway linking the NP area to a European site does not mean that likely significant effects will occur.

3.3 The reason for designation, conservation objectives and environmental vulnerabilities of the European sites are detailed below.

## Wye Valley Woodlands SAC

### Introduction

3.4 The woods provide the most extensive examples of *Tilio-Acerion* mixed forest in the west of its distribution. A wide range of ecological variation is associated with slope, aspect and landform. The woodland occurs as a mosaic with other types, including beech *Fagus sylvatica* and pedunculate oak *Quercus robur* stands. Uncommon trees, including large-leaved lime *Tilia platyphyllos* and rare whitebeams such as *Sorbus porrigentiformis* and *S. rupicola* are found here, as well as locally uncommon herbs, including wood barley *Hordelymus europaeus*, stinking hellebore *Helleborus foetidus*, narrow-leaved bitter-cress *Cardamine impatiens* and wood fescue *Festuca altissima*.

- 3.5 The complex of sites also supports an important population of lesser horseshoe bats *Rhinolophus hipposideros* which roost and hibernate in natural caves and former iron mines within the wood.

## Reason for Designation<sup>9</sup>

### Qualifying Annex I habitats:

- *Asperulo-Fagetum* beech forests. (Beech forests on rich to neutral soils)
- *Taxus baccata* woods of the British Isles. (Yew-dominated woodland)\*
- *Tilio-Acerion* forests of slopes, screes and ravines. (Mixed woodland on base-rich soils associated with rocky slopes)\*

- 3.6 Annex I priority habitats are denoted by an asterisk (\*).

### Qualifying Annex II species:

- Lesser horseshoe bat *Rhinolophus hipposideros*

## Conservation Objectives<sup>10</sup>

*“With regard to the SAC and the natural habitats and/or species for which the site has been designated (the ‘Qualifying Features’ listed above), and subject to natural change;*

*Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the Favourable Conservation Status of its Qualifying Features, by maintaining or restoring;*

- *The extent and distribution of qualifying natural habitats and habitats of qualifying species*
- *The structure and function (including typical species) of qualifying natural habitats*
- *The structure and function of the habitats of qualifying species*
- *The supporting processes on which qualifying natural habitats and the habitats of qualifying species rely*
- *The populations of qualifying species, and,*
- *The distribution of qualifying species within the site.”*

## Current Pressures and Threats

- 3.7 The Site Improvement Plan<sup>11</sup> identifies the following pressures and threats to the SAC:

- Deer
- Forestry and woodland management

<sup>9</sup> <http://publications.naturalengland.org.uk/publication/5081598194089984>

<sup>10</sup> <http://publications.naturalengland.org.uk/publication/6331090281168896>

<sup>11</sup> <http://publications.naturalengland.org.uk/publication/4735117343850496>



- Invasive species
- Habitat connectivity
- Species decline
- Air Pollution: impact of atmospheric nitrogen deposition
- Disease
- Public access/ disturbance

## River Wye SAC

### Introduction

- 3.8 The Wye, on the border of England and Wales, is a large river with a geologically mixed catchment, including shales and sandstones. There is a clear transition between the upland reaches, with characteristic bryophyte-dominated vegetation, and the lower reaches, with extensive water crow-foot *Ranunculus* beds. There is a varied water-crowfoot flora; stream water-crowfoot *R. penicillatus* ssp. *pseudofluitans* is abundant, with other species – including the uncommon river water-crowfoot *R. fluitans* – found locally. Other species include flowering-rush *Butomus umbellatus*, lesser water-parsnip *Berula erecta* and curled pondweed *Potamogeton crispus*. There is an exceptional range of aquatic flora in the catchment including river jelly-lichen *Collema dichotum*. The river channel is largely unmodified and includes some excellent gorges, as well as significant areas of associated woodland.
- 3.9 The Wye has a range of nutrient conditions and aquatic habitats and generally good water quality for fish species. It represents most of the habitat conditions in which bullhead *Cottus gobio* occurs in Britain. The site provides exceptionally good quality habitat for lampreys and supports healthy populations. The sea lamprey *Petromyzon marinus* population is found in the main stem below Llyswen, whilst river *Lamptera fluviatilis* and brook lampreys *L. planeri* are widely distributed in the catchment. The Wye also contains high quality spawning grounds and juvenile habitat for Atlantic salmon *Salmo salar* in both the main channel and tributaries.
- 3.10 Twaite shad *Alosa fallax* have long been abundant in the Wye. Twaite shad often spawn at or just above the tidal limit, but in the Wye they migrate over 100 km upstream, the highest spawning site being at Builth Wells. The river has relatively good water quality, adequate flows through an unobstructed main channel and a wide range of aquatic habitats conducive to supporting this fish species. In particular, there are a number of deep pools essential for congregation before spawning. The river also supports allis shad *A. alosa*.
- 3.11 The Wye holds a dense and well-established otter *Lutra lutra* population. The bank-side vegetation cover, abundant food supply, clean water and undisturbed areas of dense scrub suitable for breeding, make it particularly favourable as otter habitat. The tributaries are the main haven for white-clawed crayfish *Austropotamobius pallipes*, particularly at the confluences of the main river and the Edw, Dulas Brook, Sgithwen and Clettwr Brook

## Reason for Designation<sup>12</sup>

### Qualifying Annex I habitats:

- Transition mires and quaking bogs. (Very wet mires often identified by an unstable ‘quaking’ surface)
- Water courses of plain to montane levels with the *Ranunculion fluitantis* and *Callitricho Batrachion* vegetation. (Rivers with floating vegetation often dominated by water crow-foot)

3.12 Annex I priority habitats are denoted by an asterisk (\*).

### Qualifying Annex II species:

- Allis shad *Alosa alosa*
- Atlantic salmon *Salmo salar*
- Brook lamprey *Lampetra planeri*
- Bullhead *Cottus gobio*
- Otter *Lutra lutra*
- River lamprey *Lampetra fluviatilis*
- Sea lamprey *Petromyzon marinus*
- Twaite shad *Alosa fallax*
- White-clawed (or Atlantic stream) crayfish *Austropotamobius pallipes*

## Conservation Objectives<sup>13</sup>

*“With regard to the SAC and the natural habitats and/or species for which the site has been designated (the ‘Qualifying Features’ listed above), and subject to natural change;*

*Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the Favourable Conservation Status of its Qualifying Features, by maintaining or restoring;*

- *The extent and distribution of qualifying natural habitats and habitats of qualifying species*
- *The structure and function (including typical species) of qualifying natural habitats*
- *The structure and function of the habitats of qualifying species*
- *The supporting processes on which qualifying natural habitats and the habitats of qualifying species rely*
- *The populations of qualifying species, and,*

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<sup>12</sup> <http://publications.naturalengland.org.uk/publication/6096799802589184>

<sup>13</sup> Ibid

- *The distribution of qualifying species within the site.”*

## Current Pressures and Threats

3.13 The Site Improvement Plan<sup>14</sup> identifies the following pressures and threats to the SAC:

- Water pollution
- Physical modification
- Invasive species
- Hydrological changes
- Forestry and woodland management
- Fisheries: freshwater
- Fisheries: fish stocking
- Water abstraction
- Public access/ disturbance
- Air pollution: impact of atmospheric nitrogen
- Inappropriate scrub control
- Under-grazing
- Transportation and service corridors

## Wye Valley & Forest of Dean Bat Sites SAC

### Introduction

3.14 This complex of sites on the border between England and Wales contains by far the greatest concentration of lesser horseshoe bats *Rhinolophus hipposideros* in the UK. In addition the site also supports large numbers of greater horseshoe bats *Rhinolophus ferrumequinum*. The entire site supports an exceptional breeding population of both species as the majority of sites within the complex are maternity roosts. The site also includes several disused mines which are used as hibernation roosts.

### Reason for Designation<sup>15</sup>

Qualifying Annex II species:

- Greater horseshoe bat *Rhinolophus ferrumequinum*
- Lesser horseshoe bat *Rhinolophus hipposideros*

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<sup>14</sup> <http://publications.naturalengland.org.uk/publication/5178575871279104>

<sup>15</sup> <http://publications.naturalengland.org.uk/publication/4907653293670400>

## Conservation Objectives<sup>16</sup>

*“With regard to the SAC and the natural habitats and/or species for which the site has been designated (the ‘Qualifying Features’ listed above), and subject to natural change;*

*Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the Favourable Conservation Status of its Qualifying Features, by maintaining or restoring;*

- *The extent and distribution of the habitats of qualifying species*
- *The structure and function of the habitats of qualifying species*
- *The supporting processes on which the habitats of qualifying species rely*
- *The populations of qualifying species, and,*
- *The distribution of qualifying species within the site.”*

## Current Pressures and Threats

3.15 The Site Improvement Plan<sup>17</sup> identifies the following pressures and threats to the SAC:

- Physical modification
- Public access/ disturbance
- Habitat connectivity

## Severn Estuary SAC

### Introduction

3.16 The Severn Estuary lies on the south west coast of Britain at the mouth of four major rivers (the Severn, Wye, Usk, and Avon). The immense tidal range (the second highest in the world) and classic funnel shape make the Severn Estuary unique in Britain and very rare worldwide. This tidal range creates strong tidal streams and high turbidity, producing communities characteristic of the extreme physical conditions of liquid mud and tide-swept sand and rocks. The Estuary includes a wide diversity of habitats.

3.17 The intertidal zone of mudflats, sand banks, rocky platforms and saltmarsh is one of the largest and most important in Britain. The estuary has a diverse geological setting and a wide range of geo-morphological features, especially sediment deposits. It is important for the interpretation of coastline dynamics and land-forms, and also past changes, in sea level, sediment supply, climate and river flow. The estuary’s overall interest depends on its large size, and on the processes and interrelationships between the intertidal and marine habitats and its fauna.

3.18 The fluctuating salinity and highly mobile sediments with consequent high turbidity limits the benthic invertebrates of the mud and sandflats to relatively few

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<sup>16</sup> Ibid

<sup>17</sup> <http://publications.naturalengland.org.uk/publication/6102625057505280>

species. Those which are tolerant of such conditions occur in very high densities on the more stable mudflats. Beds of eel-grass *Zostera* spp. also occur on some mudflats. A greater variety of invertebrates occurs on the intertidal rock platforms, a more stable habitat with rock pools and a relatively high cover of seaweeds.

3.19 The estuary fringes have large areas of saltmarsh. These are often grazed by sheep and/or cattle, a significant factor determining the plant communities. A range of saltmarsh types is present, with both gradual and stepped transitions between bare mudflat and upper marsh.

3.20 The estuarine fauna includes: invertebrate populations of importance (especially as a food resource for a wide range of bird and fish species), internationally important populations of waterfowl; and large populations of migratory fish.

## Reason for Designation<sup>18</sup>

### Qualifying Annex I habitats:

- Estuaries
- Sandbanks which are slightly covered by sea water all the time. (Subtidal sandbanks)
- Mudflats and sandflats not covered by seawater at low tide. (Intertidal mudflats and sandflats)
- Atlantic salt meadows (*Glauco-Puccinellietalia maritima*)
- Reefs

### Qualifying Annex II species:

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

## Conservation Objectives<sup>19</sup>

*“With regard to the SAC and the natural habitats and/or species for which the site has been designated (the ‘Qualifying Features’ listed above), and subject to natural change;*

*Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the Favourable Conservation Status of its Qualifying Features, by maintaining or restoring;*

- *The extent and distribution of qualifying natural habitats and habitats of qualifying species*
- *The structure and function (including typical species) of qualifying natural habitats*
- *The structure and function of the habitats of qualifying species*

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<sup>18</sup> <http://publications.naturalengland.org.uk/publication/6081105098702848>

<sup>19</sup> Ibid

- *The supporting processes on which qualifying natural habitats and the habitats of qualifying species rely*
- *The populations of qualifying species, and,*
- *The distribution of qualifying species within the site.”*

## Current Pressures and Threats

3.21 The Site Improvement Plan<sup>20</sup> identifies the following pressures and threats to the SAC:

- Public access/ disturbance
- Physical modification
- Impacts of development
- Coastal squeeze
- Change in land management
- Water pollution
- Air pollution: impact of atmospheric nitrogen
- Marine consents and permits: minerals and waste
- Fisheries: recreational marine and estuarine
- Fisheries: commercial marine and estuarine
- Invasive species
- Marine litter
- Marine pollution incidents

## Severn Estuary SPA/ Ramsar

### Introduction

3.22 The Severn Estuary is one of the largest estuaries in Britain and it has the second largest tidal range in the world. Its classic funnel shape and south-west orientation makes it susceptible to extreme weather conditions in the east Atlantic.

### Reasons for Designation

3.23 The **SPA** is designated for<sup>21</sup>:

Qualifying Annex I species:

- Bewick's swan *Cygnus columbianus*

Regularly supporting in winter over 20,000 waterfowl.

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<sup>20</sup> <http://publications.naturalengland.org.uk/publication/4590676519944192>

<sup>21</sup> <http://publications.naturalengland.org.uk/publication/5808199001178112>

Regularly supporting in winter internationally important numbers of:

- European white-fronted goose *Anser albifrons albifrons*
- Shelduck *Tadorna tadorna*
- Gadwall *Anas strepera*
- Dunlin *Calidris alpina*
- Redshank *Tringa tetanus*

Regularly supporting in winter nationally important numbers of:

- Wigeon *Anas Penelope*
- Teal *Anas crecca*
- Pintail *Anas acuta*
- Pochard *Aythya farina*
- Tufted duck *Aythya fuligula*
- Ringed plover *Charadrius hiaticula*
- Grey plover *Pluvialis squatarola*
- Curlew *Numenius arquata*
- Whimbrel *N. phaeopus*
- Spotted redshank *Tringa erythropus*

During passage:

- Ringed plover
- Dunlin
- Whimbrel
- Redshank

Breeding population of migratory:

- Lesser black-backed gull *Larus fuscus*

3.24 The Ramsar is designated for<sup>22</sup>

3.25 Criterion 1: Due to immense tidal range (second largest in world), this affects both the physical environment and biological communities.

Habitats Directive Annex I features present on the SAC include:

- H1110 Sandbanks which are slightly covered by sea water all the time
- H1130 Estuaries

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<sup>22</sup> <https://jncc.gov.uk/jncc-assets/RIS/UK11081.pdf>

- H1140 Mudflats and sandflats not covered by seawater at low tide
- H1330 Atlantic salt meadows (*Glauco-Puccinellietalia maritima*)

Criterion 3: Due to unusual estuarine communities, reduced diversity and high productivity.

Criterion 4: This site is important for the run of migratory fish between sea and river via estuary. Species include Salmon *Salmo salar*, sea trout *S. trutta*, sea lamprey *Petromyzon marinus*, river lamprey *Lampetra fluviatilis*, allis shad *Alosa alosa*, twaite shad *A. fallax*, and eel *Anguilla anguilla*. It is also of particular importance for migratory birds during spring and autumn.

Criterion 5: Assemblages of international importance.

Criterion 6: Species/populations occurring at levels of international importance.

Species with peak counts in winter:

- Tundra swan *Cygnus columbianus bewickii*
- Greater white-fronted goose, *Anser albifrons albifrons*
- Common shelduck *Tadorna tadorna*
- Gadwall *Anas strepera strepera*
- Dunlin *Calidris alpina alpina*
- Common redshank *Tringa totanus tetanus*

3.26 Criterion 8: The fish of the whole estuarine and river system is one of the most diverse in Britain, with over 110 species recorded. Salmon *Salmo salar*, sea trout *S. trutta*, sea lamprey *Petromyzon marinus*, river lamprey *Lampetra fluviatilis*, allis shad *Alosa alosa*, twaite shad *A. fallax*, and eel *Anguilla anguilla* use the Severn Estuary as a key migration route to their spawning grounds in the many tributaries that flow into the estuary. The site is important as a feeding and nursery ground for many fish species particularly allis shad *Alosa alosa* and twaite shad *A. fallax* which feed on mysid shrimps in the salt wedge.

## Conservation Objectives<sup>23</sup>

*“With regard to the SPA and the individual species and/or assemblage of species for which the site has been classified (the ‘Qualifying Features’ listed above), and subject to natural change;*

*Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the aims of the Wild Birds Directive, by maintaining or restoring;*

- *The extent and distribution of the habitats of the qualifying features*
- *The structure and function of the habitats of the qualifying features*
- *The supporting processes on which the habitats of the qualifying features rely,*

<sup>23</sup> <http://publications.naturalengland.org.uk/publication/5601088380076032>



- *The population of each of the qualifying feature; and,*
- *The distribution of the qualifying features within the site.”*

## Current Pressures and Threats

3.27 The Site Improvement Plan<sup>24</sup> identifies the pressures and threats listed for the SAC at paragraph 3.2.1 as being applicable to the SPA, along with the following additional pressure/ threat:

- Changes in species distributions

3.28 The Ramsar Information Sheet<sup>25</sup> identifies the following adverse factors:

- Dredging
- Erosion
- Recreational/ tourism disturbance (unspecified)

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<sup>24</sup> <http://publications.naturalengland.org.uk/publication/4590676519944192>

<sup>25</sup> <https://jncc.gov.uk/jncc-assets/RIS/UK11081.pdf>

## 4. Pathways of Impact

- 4.1 In carrying out an HRA it is important to avoid confining oneself to effectively arbitrary boundaries (such as Local Authority boundaries) but to use an understanding of the various ways in which Land Use Plans can impact on European sites to follow the pathways along which development can be connected with European sites, in some cases many kilometres distant. Briefly defined, pathways are routes by which a change in activity associated with a development can lead to an effect upon a European site. It is also important to bear in mind CLG guidance which states that the AA should be '*proportionate to the geographical scope of the [plan policy]*' and that '*an AA need not be done in any more detail, or using more resources, than is useful for its purpose*' (CLG, 2006, p.6<sup>26</sup>).
- 4.2 Based upon Natural England Site Improvement Plans and other supporting documents including, Conservation Objectives Supplementary Advice, and European Marine Site (EMS) Regulation 33 Conservation Advice Packages and professional judgement, there are several impact pathways that require consideration regarding increased development within the FESNP area and said European sites.
- 4.3 The following pathways of impact were considered relevant to the HRA of the FESNP.
- Public access/ recreational pressure/ disturbance;
  - Changes in air quality (i.e., atmospheric pollution);
  - Loss of functionally linked land (FLL); and
  - Changes in water quantity, level and flow.

### Background to Public Access/ Recreational Pressure/ Disturbance

- 4.4 There is growing concern over the cumulative impacts of recreation on key nature conservation sites in the UK, as most sites must fulfil conservation objectives while also providing recreational opportunity. Various research reports have provided compelling links between changes in housing and access levels and impacts on European protected sites<sup>27 28</sup>.
- 4.5 Recreational use of a site has the potential to:
- Cause disturbance to sensitive species such as wintering wildfowl;
  - Prevent appropriate management or exacerbate existing management difficulties;

<sup>26</sup> Department for Communities and Local Government. 2006. *Planning for the Protection of European Sites: Appropriate Assessment*. <http://www.communities.gov.uk/index.asp?id=1502244>

<sup>27</sup> Liley D., Clarke R.T., Mallord J.W., Bullock J.M. 2006a. The effect of urban development and human disturbance on the distribution and abundance of nightjars on the Thames Basin and Dorset Heaths. Natural England / Footprint Ecology.

<sup>28</sup> Liley D., Clarke R.T., Underhill-Day J., Tyldesley D.T. 2006b. Evidence to support the appropriate Assessment of development plans and projects in south-east Dorset. Footprint Ecology / Dorset County Council.

- Cause damage through erosion, trampling and fragmentation; and
- Cause eutrophication as a result of dog fouling.

4.6 Different types of European sites (e.g., coastal, heathland, chalk grassland) are subject to different types of recreational pressures and have different vulnerabilities. Studies across a range of species have shown that the effects from recreation can be complex.

## Disturbance

- 4.7 Disturbance effects for birds can have an adverse effect in various ways, with increased nest predation by natural predators as a result of adults being flushed from the nest and deterred from returning to it by the presence of people and dogs likely to be a particular problem. A literature review on the effects of human disturbance on bird breeding found that 36 out of 40 studies reported reduced breeding success as a consequence of disturbance<sup>29</sup>. The main reasons given for the reduction in breeding success were nest abandonment and increased predation of eggs or young. Over years, studies of other species have shown that birds nest at lower densities in disturbed areas, particularly when there is weekday as well as weekend pressure<sup>30</sup>.
- 4.8 Studies have shown that birds are affected more by dogs and people with dogs than by people alone, with birds flushing more readily, more frequently, at greater distances and for longer (Underhill-Day, 2005). In addition, dogs, rather than people, tend to be the cause of many management difficulties, notably by worrying grazing animals, and can cause eutrophication near paths. Nutrient-poor habitats are particularly sensitive to the fertilising effect of inputs of phosphates, nitrogen and potassium from dog faeces<sup>31</sup>.
- 4.9 Underhill-Day (2005) summarises the results of visitor studies that have collected data on the use of semi-natural habitat by dogs. In surveys where 100 observations or more were reported, the mean percentage of visitors who were accompanied by dogs was 54.0%.
- 4.10 More recent research has established that human activity including recreational activity can be linked to disturbance of wintering waterfowl populations<sup>32 33</sup>.
- 4.11 However, these studies need to be treated with care. For instance, the effect of disturbance is not necessarily correlated with the impact of disturbance, i.e., the most easily disturbed species are not necessarily those that will suffer the greatest impacts. It has been shown that, in some cases, the most easily disturbed birds simply move to other feeding sites, whilst others may remain (possibly due to an absence of alternative sites) and thus suffer greater impacts

<sup>29</sup> Hockin, D., M. Oundsted, M. Gorman, D. Hill, V. Keller and M.A. Barker (1992) – Examination of the effects of disturbance on birds with reference to its importance in ecological assessments. *Journal of Environmental Management*, **36**, 253-286.

<sup>30</sup> Van der Zande, A.N., J.C. Berkhuizen, H.C. van Letesteyn, W.J. ter Keurs and A.J. Poppelaars (1984) – Impact of outdoor recreation on the density of a number of breeding bird species in woods adjacent to urban residential areas. *Biological Conservation*, **30**, 1-39.

<sup>31</sup> Shaw, P.J.A., K. Lankey and S.A. Hollingham (1995) – Impacts of trampling and dog fouling on vegetation and soil conditions on Headley Heath. *The London Naturalist*, **74**, 77-82.

<sup>32</sup> Footprint Ecology. 2010. Recreational Disturbance to Birds on the Humber Estuary

<sup>33</sup> Footprint Ecology, Jonathan Cox Associates & Bournemouth University. 2010. Solent disturbance and mitigation project – various reports.

on their population<sup>34</sup>. A recent literature review undertaken for the RSPB<sup>35</sup> also urges caution when extrapolating the results of one disturbance study because responses differ between species and the response of one species may differ according to local environmental conditions. These facts have to be taken into account when attempting to predict the impacts of future recreational pressure on international sites.

- 4.12 The degree of impact that varying levels of noise will have on different species of bird is poorly understood except that a number of studies have found that an increase in traffic levels on roads does lead to a reduction in the bird abundance within adjacent hedgerows - Reijnen et al (1995) examined the distribution of 43 passerine species (i.e., 'songbirds'), of which 60% had a lower density closer to the roadside than further away. By controlling vehicle usage, they also found that the density generally was lower along busier roads than quieter roads<sup>36</sup>.
- 4.13 A recent study on recreational disturbance on the Humber<sup>37</sup> assesses different types of noise disturbance on waterfowl referring to studies relating to aircraft (see Drewitt 1999<sup>38</sup>), traffic (Reijnen, Foppen, & Veenbaas 1997)<sup>39</sup>, dogs (Lord, Waas, & Innes 1997<sup>40</sup>; Banks & Bryant 2007<sup>41</sup>) and machinery (Delaney et al. 1999; Tempel & Gutierrez 2003). These studies identified that there is still relatively little work on the effects of different types of water-based craft and the impacts from jet skis, kite surfers, windsurfers etc. (see Kirby et al. 2004<sup>42</sup> for a review). Some types of disturbance are clearly likely to invoke different responses. In very general terms, both distance from the source of disturbance and the scale of the disturbance (noise level, group size) will both influence the response (Delaney et al. 1999<sup>43</sup>; Beale & Monaghan 2005<sup>44</sup>). On UK estuaries and coastal sites, a review of WeBS data showed that, among the volunteer WeBS surveyors, driving of motor vehicles and shooting were the two activities most perceived to cause disturbance (Robinson & Pollitt 2002)<sup>45</sup>.
- 4.14 Other disturbing activities are on a continuum. The most disturbing activities are likely to be those that involve irregular, infrequent, unpredictable loud noise events, movement or vibration of long duration. Birds are least likely to be disturbed by activities that involve regular, frequent, predictable, quiet patterns of sound or movement or minimal vibration. The further any activity is from the birds, the less likely it is to result in disturbance.

<sup>34</sup> Gill et al. (2001) - Why behavioural responses may not reflect the population consequences of human disturbance. *Biological Conservation*, **97**, 265-268

<sup>35</sup> Woodfield & Langston (2004) - Literature review on the impact on bird population of disturbance due to human access on foot. *RSPB research report* No. 9.

<sup>36</sup> Reijnen, R. et al. 1995. The effects of car traffic on breeding bird populations in woodland. III. Reduction of density in relation to the proximity of main roads. *Journal of Applied Ecology* 32: 187-202

<sup>37</sup> Helen Fearnley Dunwyn Liley and Katie Cruickshanks (2012) Results of Recreational Visitor Survey across the Humber Estuary produced by Footprint Ecology

<sup>38</sup> Drewitt, A. (1999) Disturbance effects of aircraft on birds. English Nature, Peterborough.

<sup>39</sup> Reijnen, R., Foppen, R. & Veenbaas, G. (1997) Disturbance by traffic of breeding birds: evaluation of the effect and considerations in planning and managing road corridors. *Biodiversity and Conservation*, **6**, 567-581.

<sup>40</sup> Lord, A., Waas, J.R. & Innes, J. (1997) Effects of human activity on the behaviour of northern New Zealand dotterel *Charadrius obscurus aquilonius* chicks. *Biological Conservation*, **82**, 15-20.

<sup>41</sup> Banks, P.B. & Bryant, J.V. (2007) Four-legged friend of foe? Dog-walking displaces native birds from natural areas. *Biology Letters*, **3**, 611-613.

<sup>42</sup> Kirby, J.S., Clee, C. & Seager, V. (1993) Impact and extent of recreational disturbance to wader roosts on the Dee estuary: some preliminary results. *Wader Study Group Bulletin*, **68**, 53-58.

<sup>43</sup> Delaney, D.K., Grubb, T.G., Beier, P., Pater, L.L.M. & Reiser, H. (1999) Effects of Helicopter Noise on Mexican Spotted Owls. *The Journal of Wildlife Management*, **63**, 60-76.

<sup>44</sup> Beale, C.M. & Monaghan, P. (2005) Modeling the Effects of Limiting the Number of Visitors on Failure Rates of Seabird Nests. *Conservation Biology*, **19**, 2015-2019.

<sup>45</sup> Robinson, J.A. & Pollitt, M.S. (2002) Sources and extent of human disturbance to waterbirds in the UK: an analysis of Wetland Bird Survey data, 1995/96 to 1998/99: Less than 32% of counters record disturbance at their site, with differences in causes between coastal and inland sites. *Bird Study*, **49**, 205.

4.15 Recreational catchments vary from European site to European site but for catchments for inland sites are often in the range of 2-7km while those for coastal sites are often larger. Various research reports have provided compelling links between changes in housing and access levels. The results of studies compiling visitor survey data for a range of European sites<sup>46</sup> demonstrate that more housing consistently means more visitors to protected sites, across most habitats. This is particularly the case for on-foot visitors that originate from housing within 1.5 km, highlighting that additional housing development in close proximity to protected sites is likely to significantly increase recreation pressure. For those sites with car parks, levels of housing within 15 km of protected sites were also a significant predictor of visitor pressure but depended on habitat type.

4.16 With regard to the FESNP area, the Severn Estuary SAC/ SPA/ Ramsar site is likely to have the largest recreational catchment. There has been detailed visitor survey work undertaken, and recreation mitigation produced in some authorities for, the Severn Estuary SAC/SPA:

- LUC (2019) Further work on recreational pressures on European sites in West of England. Unpublished report for the West of England Unitary Authorities
- The Severn Estuary Partnership<sup>47</sup> and the State of the Severn Estuary Report (2011)<sup>48</sup>
- The Severn Estuary High Tide Study reports:
  - Identification of wintering waterfowl high tide roosts on the Severn Estuary SSSI/SPA (Brean Down to Clevedon) 2015 (RP02262)
  - Identification of wintering waterfowl roosts in the Severn Estuary SPA/SAC and Ramsar site; Phases 2 and 3 (RP02366)
  - Identification of Wintering Waterfowl High Tide Roosts on The Severn Estuary SSSI/SPA Phase 4 (Gloucestershire, With Part of South Gloucestershire) (RP02966)
- Southgate, J. and Colebourn, K. (2016). Severn Estuary (Stroud District) Visitor Survey Report. Report for Stroud District Council. Ecological Planning & Research, Winchester<sup>49</sup>.
- Liley, D., Panter, C. & Hoskin, R (2017). Lydney Severn Estuary Visitor Survey and Recreation Strategy. Unpublished report by Footprint Ecology for the Forest of Dean District Council<sup>50</sup>.
- The Forgotten Landscape high-tide roost monitoring project report 2019, which assessed disturbance to high tide roosts along the South Gloucestershire section of the Severn Estuary.

4.17 For this site, therefore, a range of visitor surveys have been undertaken by different local councils including Lydney, Stroud District and unpublished survey work by AECOM for Monmouthshire and Torfaen Councils in Wales, as well as

<sup>46</sup> Weitowitz D.C., Panter C., Hoskin R. & Liley D. 2019. The effect of urban development on visitor numbers to nearby protected nature conservation sites. *Journal of Urban Ecology* 5. <https://doi.org/10.1093/jue/juz019>

<sup>47</sup> Available at: [Severn Estuary Partnership](#). [accessed 09/04/2021]

<sup>48</sup> Available at: [SOSER.pdf \(severnestuarypartnership.org.uk\)](#) [accessed 09/04/2021]

<sup>49</sup> Available at: [severnestuaryvs\\_report\\_15581c\\_final\\_060616.pdf \(stroud.gov.uk\)](#) [accessed 28/01/2021]

<sup>50</sup> Available at: [Liley et al 2017 Lydney Severn Estuary Visitor Survey and Recreation Strategy.pdf \(footprint-ecology.co.uk\)](#) [accessed 29/01/2021]

survey work undertaken for the West of England UAs by LUC. The Lydney survey indicated that the visit patterns in the Severn Estuary SAC, particularly those of dog walkers, walker and joggers, highlight that visitors tend to live very close to the SAC. For example, dog walkers travelled a median distance of 2.3 km. The Stroud visitor survey identified that the 75<sup>th</sup> percentile for Stroud residents was 7.7 km (i.e., 75% of visitors living in Stroud lived within 7.7 km of the SAC/SPA/Ramsar site). The emerging surveys for Monmouthshire and Torfaen are identifying a core recreational catchment for residents of those authorities of 6.8 km. Visitor survey work undertaken for the West of England authorities by Land Use Consultants in February 2019 covered four survey locations: two in North Somerset and two in South Gloucestershire. It led to a proposed core catchment/zone of influence of 7.36 km. This distance captured 86.8% of respondent's postcodes within the West of England boundary. The buffer also covers 93.4% of respondents who reported visiting the sites at least once a week and included 89.6% of dog walkers.

- 4.18 One notable aspect of the various surveys undertaken is that the core recreational catchments, even though the surveys have been undertaken for different local councils, have a broad consistency of c. 7 km for the zone within which 75% of visitors derive. This is useful since it is standard practice when European sites are involved for the affected local councils to agree on an applicable core catchment rather than each authority setting its own core catchment. Since it is typical to draw the zone of influence or core catchment around the 75<sup>th</sup> percentile and Severn Estuary SAC/ SPA/ Ramsar is likely to have the largest zone of influence of any European site in the area 7 km is a reasonable precautionary recreational buffer.
- 4.19 The LUC report<sup>51</sup> for that survey identifies that *“A mean of 7.36 km was calculated from the distances travelled by respondents, regardless of journey direction. This distance, when applied as a buffer around the boundary of the Severn Estuary SAC, SPA and Ramsar site, covers 86.8% of respondent’s postcodes within the West of England boundary. The buffer also covers 93.4% of respondents who reported visiting the sites at least once a week and included 89.6% of dog walkers”*. A 7 km catchment would therefore amply cover 75% of FESNP area - resident visitors to the Severn Estuary SAC/SPA/Ramsar site and would be consistent with approaches being taken by other authorities around the Severn Estuary.
- 4.20 It is noted from the LUC work in 2019 that a second National Trust car park (Hucker’s Bow Car Park) is located at the eastern end of Sand Point in close proximity to two easily accessible bird roosts and was closed due to maintenance work at the time of survey and therefore not surveyed. As a result, it is possible that the levels of recreational activity recorded around these two roosts were lower than usual. However, given the small size of the Hucker’s Bow car park and the relatively isolated location, it is not considered likely that normal activity levels (i.e., when that car park is open) are high.
- 4.21 It should be emphasised that recreational use is not inevitably a problem. Many European sites are also National Nature Reserves or nature reserves managed by Wildlife Trusts and the RSPB. At these sites, access is encouraged and resources are available to ensure that recreational use is managed appropriately.

<sup>51</sup> LUC (2019) Further work on recreational pressures on European sites in West of England

- 4.22 Where increased recreational use is predicted to cause adverse impacts on a site, avoidance and mitigation should be considered. Avoidance of recreational impacts at European sites involves locating new development away from such sites; Local Plans and other strategic plans, including Neighbourhood Plans, provide the mechanism for this. Where avoidance is not possible, mitigation will usually involve a mix of access management, habitat management and provision of alternative recreational space.
- 4.23 As well as recreational disturbance construction-related disturbance is also discussed within this report regarding sensitive sites, notably Severn Estuary SPA/Ramsar site and the Wye Valley & Forest of Dean Bat Sites SAC.
- 4.24 Construction work taking place immediately adjacent to the designated site or functionally linked land could cause disturbance and displacement of the designated birds. While any impact relating to demolition and construction activities will be temporary (in that birds would return once construction work ceased and the disturbance stimulus was removed) the resulting effect on population survival could be significant if it occurs during the winter/passage period and prevents birds from using feeding areas on which they rely. It should be noted that operational activities are unlikely to be temporary in nature and thus the impact of these activities could result in a more severe adverse reaction from designated bird features.
- 4.25 The degree of impact that varying levels of noise will have on different species of bird is poorly understood except that a number of studies have found that an increase in traffic levels on roads does lead to a reduction in the bird abundance within adjacent hedgerows - Reijnen et al (1995) examined the distribution of 43 passerine species (i.e., 'songbirds'), of which 60% had a lower density closer to the roadside than further away. By controlling vehicle usage they also found that the density generally was lower along busier roads than quieter roads<sup>52</sup>.
- 4.26 Three of the most important factors determining the magnitude of disturbance appear to be species sensitivity, proximity of the disturbance source and timing/duration of the disturbance. Generally, the most disturbing activities are likely to be those that involve irregular, infrequent, unpredictable loud noise events, movement or vibration of long duration. Birds are least likely to be disturbed by activities that involve regular, frequent, predictable, quiet patterns of sound or movement or minimal vibration. The further any activity is from the birds, the less likely it is to result in disturbance.
- 4.27 An increasing amount of research on visual and noise disturbance of waterfowl from construction (and other activities) is now available. Both visual and noise stimuli may elicit disturbance responses, potentially affecting the fitness and survival of waterfowl and waders. Noise is a complex disturbance parameter requiring the consideration of multiple parameters, including the fact that it is not described on a linear scale, its nonadditive effect and the source-receptor distance. A high level of noise disturbance constitutes a sudden noise event of over 60 dB or prolonged noise of over 72 dB. Bird responses to high noise levels include major flight or the cessation of feeding, both of which might affect the survival of birds if other stressors are present (e.g., cold weather, food scarcity).

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<sup>52</sup> Reijnen, R. et al. 1995. The effects of car traffic on breeding bird populations in woodland. III. Reduction of density in relation to the proximity of main roads. *Journal of Applied Ecology* 32: 187-202

- 4.28 Generally, research has shown that above noise levels of 84 dB waterfowl show a flight response, while at levels below 55 dB there is no effect on their behaviour. These two thresholds are therefore considered useful as defining two extremes. The same authors have shown that regular noise levels should be below 70 dB at the bird, as birds will habituate to noise levels below this level. Generally, noise is attenuated by 6 dB with every doubling of distance from the source. For example, impact piling, which is a particularly noisy construction process of approximately 110 dB at 0.67 m from source, will therefore reduce to 67 – 68 dB by 100 m away from the source. The loudest construction noise will therefore have fallen to below disturbing levels by 100 m, and certainly by 200 m, away from the source even without mitigation.
- 4.29 Visual disturbance is generally considered to have a higher impact than noise disturbance as, in most instances, visual stimuli will elicit a disturbance response at much greater distances than noise. For example, a flight response is triggered in most species when they are approached to within 150 m across a mudflat. Visual disturbance can be exacerbated by workers operating equipment outside machinery, undertaking sudden movements and using large machinery. Some species are particularly sensitive to visual disturbance, including curlew (taking flight at 275 m), redshank (at 250 m), shelduck (at 199 m) and bar-tailed godwit (*Limosa lapponica*) (at 163 m).
- 4.30 For the purpose of this assessment, a buffer of 300 m has been used for visual and noise disturbance effects.

## Trampling damage, erosion and nutrient enrichment

- 4.31 Most terrestrial habitats, especially grassland, heathland and woodland, can be affected by trampling and other mechanical damage, which in turn causes soil compaction and erosion. Some of the following studies have investigated the negative impacts of trampling, associated with different recreational activities:
- Wilson & Seney<sup>53</sup> examined the degree of track erosion caused by hikers, motorcycles, horses and cyclists from 108 plots along tracks in the Gallatin National Forest, Montana. Although the results proved difficult to interpret, it was concluded that horses and hikers disturbed more sediment on wet tracks, and therefore caused more erosion, than motorcycles and bicycles.
  - Cole et al<sup>54</sup> conducted experimental off-track trampling in 18 closed forest, dwarf scrub and meadow & grassland communities (each tramped between 0 – 500 times) over five mountain regions in the US. Vegetation cover was assessed two weeks and one year after trampling, and an inverse relationship with trampling intensity was discovered, although this relationship was weaker after one year than two weeks indicating some recovery of the vegetation. Differences in plant morphological characteristics were found to explain more variation in response between different vegetation types than soil and topographic factors. Low-growing, mat-forming grasses regained their cover best after two weeks and were considered most resistant to trampling, while tall forbs (non-woody vascular

<sup>53</sup> Wilson, J.P. & J.P. Seney. 1994. Erosional impact of hikers, horses, motorcycles and off road bicycles on mountain trails in Montana. Mountain Research and Development 14:77-88

<sup>54</sup> Cole, D.N. 1995a. Experimental trampling of vegetation. I. Relationship between trampling intensity and vegetation response. Journal of Applied Ecology 32: 203-214

Cole, D.N. 1995b. Experimental trampling of vegetation. II. Predictors of resistance and resilience. Journal of Applied Ecology 32: 215-224



plants other than grasses, sedges, rushes and ferns) were considered least resistant. The cover of hemicryptophytes and geophytes (plants with buds below the soil surface) was heavily reduced after two weeks but had recovered well after one year and as such these were considered most resilient to trampling. Chamaephytes (plants with buds above the soil surface) were least resilient to trampling. It was concluded that these would be the least tolerant of a regular cycle of disturbance.

- Cole<sup>55</sup> conducted a follow-up study (in 4 vegetation types) in which shoe type (trainers or walking boots) and trampler weight were varied. Although immediate damage was greater with walking boots, there was no significant difference after one year. Heavier trampers caused a greater reduction in vegetation height than lighter trampers, but there was no difference in the effect on cover.
- Cole & Spildie<sup>56</sup> experimentally compared the effects of off-track trampling by hiker and horse (at two intensities – 25 and 150 passes) in two woodland vegetation types (one with an erect forb understorey and one with a low shrub understorey). Horse trampling was found to cause the largest reduction in vegetation cover. The forb-dominated vegetation suffered greatest disturbance but recovered rapidly. Generally, it was shown that higher trampling intensities caused more disturbance.
- In heathland sites, trampling damage can also affect the value of a site to wildlife. For example, heavy use of sandy tracks loosens and continuously disturbs sand particles, reducing the habitat's suitability for invertebrates<sup>57</sup>. Species that burrow into flat surfaces such as the centres of paths, are likely to be particularly vulnerable, as the loose sediment can no longer maintain their burrow. In some instances, nature conservation bodies and local authorities resort to hardening paths to prevent further erosion. However, this is concomitant with the loss of habitat used by wildlife, such as sand lizards and burrowing invertebrates.

4.32 Some of the European sites relevant to the FESNP area are likely to be affected by more specialized recreational activities, which are carried out less frequently than more popular activities (e.g., walking, dog walking, exercising). These niche activities might include canoeing, fishing and caving. However, due to their disproportionate impact these activities nevertheless require consideration. For example, canoeists might affect wildlife and their habitats throughout long stretches of rivers, including disturbance to gravel bars, the macrophyte community and species that live along the rivers, such as otter. Recreational fishing, not a mainstream recreational activity, is known to have contributed to the global fish stock crisis. It is estimated that recreational fishing around the world contributes approximately 12% to the global annual fish harvest<sup>58</sup>. Furthermore, a global meta-analysis showed that fishing, both recreational and commercial, affects not only the population abundance of the target species but also leads to knock-on effects in the wider food web<sup>59</sup>.

<sup>55</sup> Cole, D.N. 1995c. Recreational trampling experiments: effects of trampler weight and shoe type. Research Note INT-RN-425. U.S. Forest Service, Intermountain Research Station, Utah.

<sup>56</sup> Cole, D.N., Spildie, D.R. 1998. Hiker, horse and llama trampling effects on native vegetation in Montana, USA. *Journal of Environmental Management* 53: 61-71

<sup>57</sup> Taylor K., Anderson P., Liley D. & Underhill-Day J.C. 2006. Promoting positive access management to sites of nature conservation value: A guide to good practice. *English Nature / Countryside Agency, Peterborough and Cheltenham.*

<sup>58</sup> Cooke S.J. & Cowx I.G. 2004. The role of recreational fishing in global fish crises. *BioScience* 54: 857-859.

<sup>59</sup> Blaber S.J.M., Cyrus D.P., Albaret J.-J., Ching C.V., Day J.W., Elliott M., Fonseca M.S., Hoss D.E., Orensanz J., Potter I.C.,

- 4.33 A major concern for nutrient-poor terrestrial habitats such as dune and heathland systems is nutrient enrichment associated with dog fouling, which has been addressed in various reviews (e.g.,<sup>60</sup>). It is estimated that dogs will defecate within 10 minutes of starting a walk and therefore most nutrient enrichment arising from dog faeces will occur within 400 m of a site entrance. In contrast, dogs will urinate at frequent intervals during a walk, resulting in a spread-out distribution of urine. For example, in Burnham Beeches National Nature Reserve it is estimated that 30,000 litres of urine and 60 tonnes of dog faeces are deposited annually<sup>61</sup>.
- 4.34 While there is little information on the chemical constituents of dog faeces, nitrogen is one of the main components<sup>62</sup>. Nutrient levels are the major determinant of plant community composition and the effect of dog defecation in sensitive habitats is comparable to a high-level application of fertiliser, potentially resulting in the shift to plant communities that are more typical of improved grasslands.

## Background to Atmospheric Pollution

- 4.35 Current levels of understanding of air quality effects on semi-natural habitats are not adequate to allow a rigorous assessment of the likelihood of significant effects on the integrity of key European sites.
- 4.36 The main pollutants of concern for European sites are oxides of nitrogen (NO<sub>x</sub>), ammonia (NH<sub>3</sub>) and sulphur dioxide (SO<sub>2</sub>) and are summarised in Table 4. NO<sub>x</sub> can have a directly toxic effect upon vegetation. In addition, greater NO<sub>x</sub> or ammonia concentrations within the atmosphere will lead to greater rates of nitrogen deposition to soils. An increase in the deposition of nitrogen from the atmosphere to soils is generally regarded to lead to an increase in soil fertility, which can have a serious deleterious effect on the quality of semi-natural, nitrogen-limited terrestrial habitats.<sup>63 64</sup>.

**Table 2. Main sources and effects of air pollutants on habitats and species**

Pollutant	Source	Effects on habitats and species
Sulphur dioxide (SO <sub>2</sub> )	<p>The main sources of SO<sub>2</sub> are electricity generation, and industrial and domestic fuel combustion. However, total SO<sub>2</sub> emissions in the UK have decreased substantially since the 1980's.</p> <p>Another origin of sulphur dioxide is the shipping industry and high atmospheric concentrations of SO<sub>2</sub> have been documented in busy</p>	<p>Wet and dry deposition of SO<sub>2</sub> acidifies soils and freshwater and may alter the composition of plant and animal communities.</p> <p>The magnitude of effects depends on levels of deposition, the buffering capacity of soils and the sensitivity of impacted species.</p>

Silvert W. 2000. Effects of fishing on the structure and functioning of estuarine and nearshore ecosystems. ICES Journal of Marine Science 57: 590-602.

<sup>60</sup> Taylor K., Anderson P., Taylor R.P., Longden K. & Fisher P. 2005. Dogs, access and nature conservation. English Nature Research Report, Peterborough.

<sup>61</sup> Barnard A. 2003. Getting the facts – Dog walking and visitor number surveys at Burnham Beeches and their implications for the management process. *Countryside Recreation* 11:16-19.

<sup>62</sup> Taylor K., Anderson P., Liley D. & Underhill-Day J.C. 2006. Promoting positive access management to sites of nature conservation value: A guide to good practice. English Nature / Countryside Agency, Peterborough and Cheltenham.

<sup>63</sup> Wolseley, P. A.; James, P. W.; Theobald, M. R.; Sutton, M. A. **2006**. Detecting changes in epiphytic lichen communities at sites affected by atmospheric ammonia from agricultural sources. *Lichenologist* 38: 161-176

<sup>64</sup> Dijk, N. **2011**. Dry deposition of ammonia gas drives species change faster than wet deposition of ammonium ions: evidence from a long-term field manipulation *Global Change Biology* 17: 3589-3607

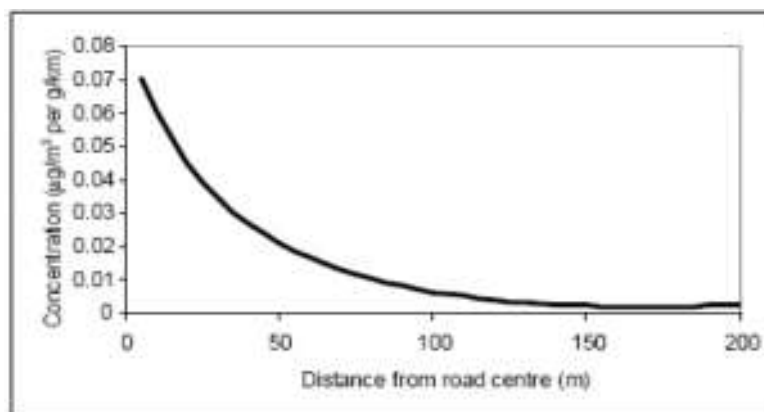
Pollutant	Source	Effects on habitats and species
	ports. In future years shipping is likely to become one of the most important contributors to SO <sub>2</sub> emissions in the UK.	However, SO <sub>2</sub> background levels have fallen considerably since the 1970's and are now not regarded a threat to plant communities. For example, decreases in Sulphur dioxide concentrations have been linked to returning lichen species and improved tree health in London.
Acid deposition	<p>Leads to acidification of soils and freshwater via atmospheric deposition of SO<sub>2</sub>, NO<sub>x</sub>, ammonia and hydrochloric acid. Acid deposition from rain has declined by 85% in the last 20 years, which most of this contributed by lower sulphate levels.</p> <p>Although future trends in S emissions and subsequent deposition to terrestrial and aquatic ecosystems will continue to decline, increased N emissions may cancel out any gains produced by reduced S levels.</p>	<p>Gaseous precursors (e.g., SO<sub>2</sub>) can cause direct damage to sensitive vegetation, such as lichen, upon deposition.</p> <p>Can affect habitats and species through both wet (acid rain) and dry deposition. The effects of acidification include lowering of soil pH, leaf chlorosis, reduced decomposition rates, and compromised reproduction in birds / plants.</p> <p>Not all sites are equally susceptible to acidification. This varies depending on soil type, bed rock geology, weathering rate and buffering capacity. For example, sites with an underlying geology of granite, gneiss and quartz rich rocks tend to be more susceptible.</p>
Ammonia (NH <sub>3</sub> )	<p>Ammonia is a reactive, soluble alkaline gas that is released following decomposition and volatilisation of animal wastes and from some chemical processes and vehicle exhausts. It is a naturally occurring trace gas, but ammonia concentrations are directly related to the distribution of livestock.</p> <p>Ammonia reacts with acid pollutants such as the products of SO<sub>2</sub> and NO<sub>x</sub> emissions to produce fine ammonium (NH<sub>4</sub><sup>+</sup>) - containing aerosol. Due to its significantly longer lifetime, NH<sub>4</sub><sup>+</sup> may be transferred much longer distances (and can therefore be a significant trans-boundary issue).</p> <p>While ammonia deposition may be estimated from its atmospheric concentration, the deposition rates are strongly influenced by meteorology and ecosystem type</p>	<p>The negative effect of NH<sub>4</sub><sup>+</sup> may occur via direct toxicity when uptake exceeds detoxification capacity and via N accumulation.</p> <p>Its main adverse effect is eutrophication, leading to species assemblages that are dominated by fast-growing and tall species. For example, a shift in dominance from heath species (lichens, mosses) to grasses is often seen.</p> <p>As emissions mostly occur at ground level in the rural environment and NH<sub>3</sub> is rapidly deposited, some of the most acute problems of NH<sub>3</sub> deposition are for small relict nature reserves located in intensive agricultural landscapes.</p>
Nitrogen oxides (NO <sub>x</sub> )	Nitrogen oxides are mostly produced in combustion processes. Half of NO <sub>x</sub> emissions in the UK	Direct toxicity effects of gaseous nitrates are likely to be important in areas close to the source (e.g.

Pollutant	Source	Effects on habitats and species
	<p>derive from motor vehicles, one quarter from power stations and the rest from other industrial and domestic combustion processes.</p>	<p>roadside verges). A critical level of NO<sub>x</sub> for all vegetation types has been set to 30 ug/m<sup>3</sup>.</p> <p>Deposition of nitrogen compounds (nitrates (NO<sub>3</sub>), nitrogen dioxide (NO<sub>2</sub>) and nitric acid (HNO<sub>3</sub>)) contributes to the total nitrogen deposition and may lead to both soil and freshwater acidification.</p> <p>In addition, NO<sub>x</sub> contributes to the eutrophication of soils and water, altering the species composition of plant communities at the expense of sensitive species.</p>
Nitrogen deposition	<p>The pollutants that contribute to the total nitrogen deposition derive mainly from oxidized (e.g. NO<sub>x</sub>) or reduced (e.g. NH<sub>3</sub>) nitrogen emissions (described separately above). While oxidized nitrogen mainly originates from major conurbations or highways, reduced nitrogen mostly derives from farming practices.</p> <p>The N pollutants together are a large contributor to acidification (see above).</p>	<p>All plants require nitrogen compounds to grow, but too much overall N is regarded as the major driver of biodiversity change globally.</p> <p>Species-rich plant communities with high proportions of slow-growing perennial species and bryophytes are most at risk from N eutrophication. This is because many semi-natural plants cannot assimilate the surplus N as well as many graminoid (grass) species.</p> <p>N deposition can also increase the risk of damage from abiotic factors, e.g. drought and frost.</p>
Ozone (O <sub>3</sub> )	<p>A secondary pollutant generated by photochemical reactions involving NO<sub>x</sub>, volatile organic compounds (VOCs) and sunlight. These precursors are mainly released by the combustion of fossil fuels (as discussed above).</p> <p>Increasing anthropogenic emissions of ozone precursors in the UK have led to an increased number of days when ozone levels rise above 40 ppb ('episodes' or 'smog'). Reducing ozone pollution is believed to require action at international level to reduce levels of the precursors that form ozone.</p>	<p>Concentrations of O<sub>3</sub> above 40 ppb can be toxic to both humans and wildlife and can affect buildings.</p> <p>High O<sub>3</sub> concentrations are widely documented to cause damage to vegetation, including visible leaf damage, reduction in floral biomass, reduction in crop yield (e.g. cereal grains, tomato, potato), reduction in the number of flowers, decrease in forest production and altered species composition in semi-natural plant communities.</p>

Source: Information summarised from the Air Pollution Information System (<http://www.apis.ac.uk/>)

4.37 Sulphur dioxide emissions are overwhelmingly influenced by the output of power stations and industrial processes that require the combustion of coal and oil. Ammonia emissions are dominated by agriculture, with some chemical processes also making notable contributions. As such, it is unlikely that material increases in SO<sub>2</sub> emissions will be associated with the SPNP.

- 4.38 Ammonia can have a directly toxic effect upon vegetation, particularly at close distances to the source such as near road verges<sup>65</sup>. NO<sub>x</sub> can also be toxic at high concentrations (far above the annual average critical level) but generally only in the presence of elevated sulphur dioxide which is very rare in the UK. High levels of NO<sub>x</sub> and NH<sub>3</sub> are likely to increase the total N deposition to soils, potentially leading to deleterious knock-on effects in resident ecosystems. Increases in nitrogen deposition from the atmosphere can, if sufficiently great, enhance soil fertility and lead to eutrophication. This often has adverse effects on community composition and the quality of semi-natural, nitrogen-limited terrestrial and aquatic habitats<sup>66, 67</sup>.
- 4.39 NO<sub>x</sub> emissions, however, are dominated by the output of vehicle exhausts (more than half of all emissions). Within a ‘typical’ housing development, by far the largest contribution to NO<sub>x</sub> (92%) will be made by the associated road traffic. Other sources, although relevant, are of minor importance (8%) in comparison<sup>68</sup>. Emissions of NO<sub>x</sub> could therefore be reasonably expected to increase as a result of greater vehicle use as an indirect effect of the SPNP.
- 4.40 According to the World Health Organisation, the critical NO<sub>x</sub> concentration (critical threshold) for the protection of vegetation is 30 µgm<sup>-3</sup>; In addition, ecological studies have determined ‘critical loads’<sup>69</sup> of atmospheric nitrogen deposition (that is, NO<sub>x</sub> combined with ammonia NH<sub>3</sub>) for key habitats within European sites.
- 4.41 According to the Department of Transport’s Transport Analysis Guidance, *“Beyond 200m, the contribution of vehicle emissions from the roadside to local pollution levels is not significant”*<sup>70</sup> (Figure 2).



**Figure 2: Traffic contribution to concentrations of pollutants at different distances from a road (Source: [www.dft.gov.uk/ha/standards/dmr/vol11/section3/ha20707.pdf](http://www.dft.gov.uk/ha/standards/dmr/vol11/section3/ha20707.pdf))**

- 4.42 This is therefore the distance that has been used throughout this HRA in order to determine whether European sites are likely to be significantly affected by development under the FESNP.

<sup>65</sup> [http://www.apis.ac.uk/overview/pollutants/overview\\_NOx.htm](http://www.apis.ac.uk/overview/pollutants/overview_NOx.htm).

<sup>66</sup> Wolseley, P. A.; James, P. W.; Theobald, M. R.; Sutton, M. A. **2006**. Detecting changes in epiphytic lichen communities at sites affected by atmospheric ammonia from agricultural sources. *Lichenologist* 38: 161-176

<sup>67</sup> Dijk, N. **2011**. Dry deposition of ammonia gas drives species change faster than wet deposition of ammonium ions: evidence from a long-term field manipulation *Global Change Biology* 17: 3589-3607

<sup>68</sup> Proportions calculated based upon data presented in Dore CJ et al. 2005. UK Emissions of Air Pollutants 1970 – 2003. UK National Atmospheric Emissions Inventory. <http://www.airquality.co.uk/archive/index.php>

<sup>69</sup> The critical load is the rate of deposition beyond which research indicates that adverse effects can reasonably be expected to occur

<sup>70</sup> [www.webtag.org.uk/archive/feb04/pdf/feb04-333.pdf](http://www.webtag.org.uk/archive/feb04/pdf/feb04-333.pdf)

4.43 There is no main road running directly to or from the FESNP area to a designated site identified to be sensitive to changes in atmospheric pollution. On this basis, **this pathway has been scoped out, both alone and in-combination**, for all relevant European sites and will not be considered further in this report.

## Background to Loss of Functionally Linked Land

4.44 While most European sites have been geographically defined to encompass the key features that are necessary for coherence of their structure and function, and the support of their qualifying features, this is not always the case. A diverse array of qualifying species including birds, bats and amphibians are not confined to the boundary of designated sites.

4.45 For example, the highly mobile nature of both wildfowl and heathland birds implies that areas of habitat of crucial importance to the maintenance of their populations are outside the physical limits of European sites. Despite not being designated, this area is still integral to the maintenance of the structure and function of the interest feature on the designated site and, therefore, land use plans that may affect such areas should be subject to further assessment. This has been underlined by a recent European Court of Justice ruling (C-461/17, known as the Holohan ruling<sup>71</sup>) which in paragraphs 37 to 40 confirms the need for an AA to consider the implications of a plan or project on habitats and species outside the European site boundary, provided that those implications are liable to affect the Conservation Objectives of the site.

4.46 Examples of other mobile qualifying species are great-crested newts and bats. The latter animal group is known to travel considerable distances from their roosts to feeding sites. For example, in a 2001 study, female adult Bechstein's bats regularly undertook commuting distances of up to 1km<sup>72</sup>. However, it is known that bat home ranges can be between 1-1.5km, with some individuals ranging up to 2.5km distance. Both spring migrations or regular foraging trips might take these species beyond the designated site boundary.

4.47 The Bat Conservation Trust (BCT) have defined 'Core Sustenance Zones' (CSZs) for different bat species<sup>73</sup>. A core sustenance zone (CSZ), as applied to bats, refers to the area surrounding a communal bat roost within which habitat availability and quality will have a significant influence on the resilience and conservation status of the colony using the roost. With reference to planning and development the core sustenance zone could be used to indicate:

- *The area surrounding the roost within which development work can be assumed to impact the commuting and foraging habitat of bats using the roost, in the absence of information on local foraging behaviour. This will highlight the need for species-specific survey techniques where necessary.*
- *The area within which mitigation measures should ensure no net reduction in the quality and availability of foraging habitat for the colony, in addition*

<sup>71</sup> The Holohan ruling also requires all the interest features of the European sites discussed to be catalogued (i.e., listed) in the HRA. That is the purpose of Appendix A.

<sup>72</sup> Kerth G., Wagner M. & Koenig B. 2001. Roosting together, foraging apart: Information transfer about food is unlikely to explain sociality in female Bechstein's bats (*Myotis bechsteinii*). Behavioral Ecology and Sociobiology 50: 283-291.

<sup>73</sup> [https://cdn.bats.org.uk/uploads/pdf/Resources/Core\\_Sustenance\\_Zones\\_Explained\\_04.02.16.pdf?v=1550597495](https://cdn.bats.org.uk/uploads/pdf/Resources/Core_Sustenance_Zones_Explained_04.02.16.pdf?v=1550597495)

*to mitigation measures shown to be necessary following ecological survey work<sup>74</sup>.*

4.48 BCT core sustenance zone sizes for the qualifying features of Wye Valley Woodlands SAC and the Wye Valley & Forest of Dean Bat Sites SAC are as follows:

- Greater horseshoe bat – CSZ radius of 3 km
- Lesser horseshoe bat – CSZ radius of 2 km

4.49 With regard to birds, functionally linked habitats typically provide habitat for foraging or other ecological functions essential for the maintenance of the designated population e.g., high-tide roosts for coastal waders and waterfowl. Functionally linked habitats may extend up to the maximum foraging distances established for relevant bird species. However, the number of birds foraging will tend to decrease further away from the protected site and thus the importance of the land to the maintenance of the designated population will decrease.

4.50 There is now an abundance of authoritative examples of HRA cases on plans affecting bird populations, where the potential importance of functionally linked land is recognised<sup>75</sup>. For example, bird surveys in relation to a previous HRA established that approximately 25% of the golden plover population in the Somerset Levels and Moors SPA were affected while on functionally linked land, and this required the inclusion of mitigation measures in the relevant plan policy wording. Another important case study originates from the Mersey Estuary SPA/Ramsar, where adjacently located functionally linked land had a peak survey count of 108% of the 5 year mean peak population of golden plover. Similar to the above example, this led to considerable amendments in the planning proposal to ensure that the site integrity was not adversely affected.

4.1 Natural England's Impact Risk Zones (IRZs)<sup>76</sup> identify the core foraging distances that wintering birds will travel from their SPAs / Ramsars and the guidance that underlies those zones will be utilised in this HRA. The guidance document further identifies that for SSSIs designated for wintering waterfowl and waders (other than golden plover and lapwing) a maximum of 2 km is appropriate for the identification of potential functionally linked habitat, with the exception of wind energy (3km) and airports (10km).

4.2 Generally, the identification of an area as functionally linked land is now a relatively straightforward process. However, the importance of non-designated land parcels may not be apparent and require the analysis of existing data sources to be firmly established. In some instances, data may not be available at all, requiring further survey work.

## Background to Water Quality

4.3 Increased amounts of housing or business development can lead to reduced water quality of rivers and estuarine environments. Sewage and industrial

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<sup>74</sup> Ibid

<sup>75</sup> Chapman C & Tyldesley D. 2016. Functional linkage: How areas that are functionally linked to European sites have been considered when they may be affected by plans and projects – A review of authoritative decisions. Natural England Commissioned Reports 207: 73pp.

<sup>76</sup> Knight M. (2019). Impact Risk Zones Guidance Summary – Sites of Special Scientific Interest Notified for Birds. Version 1.1. 8pp.

effluent discharges can contribute to increased nutrients on European sites leading to unfavourable conditions.

4.4 The quality of the water that feeds European sites is an important determinant of the nature of their habitats and the species they support. Poor water quality can have a range of environmental impacts:

- At high levels, toxic chemicals and metals can result in immediate death of aquatic life, and can have detrimental effects even at lower levels, including increased vulnerability to disease and changes in wildlife behaviour. Eutrophication, the enrichment of plant nutrients in water, increases plant growth and consequently results in oxygen depletion. Algal blooms, which commonly result from eutrophication, increase turbidity and decrease light penetration. The decomposition of organic wastes that often accompanies eutrophication deoxygenates water further, augmenting the oxygen depleting effects of eutrophication. In the marine environment, nitrogen is the limiting plant nutrient and so eutrophication is associated with discharges containing available nitrogen.
- Some pesticides, industrial chemicals, and components of sewage effluent are suspected to interfere with the functioning of the endocrine system, possibly having negative effects on the reproduction and development of aquatic life.
- For sewage treatment works close to capacity, further development may increase the risk of effluent escape into aquatic environments. In many urban areas, sewage treatment and surface water drainage systems are combined, and therefore a predicted increase in flood and storm events could increase pollution risk.

4.5 In addition to this, under the Environmental Damage (Prevention and Remediation) (England) Regulations 2015 and the Environmental Permitting (England and Wales) Regulations 2016, it is illegal to pollute watercourses. Individual planning proposals will undergo Preliminary Ecological Appraisal (PEA) or Environmental Impact Assessment (EIA), if identified as Schedule 1 or Schedule 2 proposals by the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. As such, water quality protection measures must by law be introduced on any scheme that could affect the water quality of the river or coastal environment, irrespective of whether part of that environment is designated as an SAC or SPA.

4.6 The River Wye SAC is sensitive to aquatic pollutants. Natural England's Site Conservation Objectives Supplementary Advice Note highlights that elevated nutrient levels in the SAC, especially the concentration of phosphorus, are likely to lead to eutrophication. This might change plant growth and community composition of the 'water courses of plain to montane levels' qualifying feature, as well as having knock-on effects (e.g., loss of substrate for spawning and early life stages, reduced dissolved oxygen (DO) concentrations, increased turbidity) on fish species, such as Atlantic salmon and shad, which generally require high DO and clear water.

4.7 The Severn Estuary SAC is designated for several habitats (e.g. estuaries, mud- and sandflats, Atlantic salt meadows) and species (lampreys, twaite shad) that are highly sensitive to changes in water quality. The document jointly published by Natural England and Natural Resources Wales highlights physico-chemical



parameters, such as oxygen, nutrients and turbidity in the water column as a primary attribute for protecting the integrity of the SAC. Significant changes to any of these parameters could trigger an increase in phytoplankton or macroalgal biomass, leading to changes in the distribution (including recruitment and spawning processes) of the qualifying fish species. Changes to water quality, such as reduced dissolved oxygen concentrations, are also known to act as barriers to migration for river lamprey, brook lamprey and twaite shad.

- 4.8 The Severn Estuary SPA/ Ramsar, designated for individual waterbirds as well as its composite waterfowl assemblage, is considered to be sensitive to water quality issues. The Severn River Basin Management Plan states that only 17% of the estuarine water bodies currently achieve good ecological status, with the remainder being at moderate status. On page 13, Natural England's Site Improvement Plan specifically highlights water pollution as a threat to the SPA/ Ramsar<sup>77</sup>. This high nutrient loading may lead to an increase in benthic macroalgae, which have been identified in several locations in the Severn Estuary SPA/ Ramsar, which is likely to have negative knock-on impacts on resident invertebrate communities. In turn, eutrophication effects could cascade up the food chain affecting the qualifying bird species. For example, increased nutrient input might change the sward composition of the saltmarsh, affect the Bewick's swans' ability to forage and ultimately impact the availability of adequate feeding habitat within the SPA/ Ramsar. Ultimately, it is to be noted that any negative impacts of nutrient loading on the qualifying features in the SPA/ Ramsar will occur as indirect effects on the birds' preferred foraging habitat and prey species. The Appropriate Assessment section of this report will therefore focus on discussing the Severn Estuary SAC.

## Background to Water Quantity, Level and Flow

- 4.9 The water level, its flow rates and the mixing conditions are important determinants of the condition of European sites and their qualifying features. Hydrological processes are critical in influencing habitat characteristics in wetlands and coastal waters, including current velocity, water depth, dissolved oxygen levels, salinity and water temperature. In turn these parameters determine the short- and long-term viability of plant and animal species, as well as overall ecosystem composition. Changes to the water flow rate within intertidal habitats can be associated with a multitude of further impact pathways, including substratum loss, smothering and changes in wave exposure, and often interact with coastal squeeze.
- 4.10 The unique nature of wetlands combines shallow water and conditions that are ideal for the growth of organisms at the basal level of food webs, which feed many species of birds, mammals, fish and amphibians. Overwintering, migrating and breeding wetland bird species are particularly reliant on these food sources, as they need to build up enough nutritional reserves to sustain their long migration routes or feed their hatched chicks.
- 4.11 Maintaining a steady water supply is of critical importance for many hydrologically dependent SPAs, SACs and Ramsars. For example, in many wetlands winter flooding is essential for sustaining a variety of foraging habitats for SPA/ Ramsar wader and waterbird species. However, different species vary in their requirements for specific water levels. For example, some duck species

<sup>77</sup> <http://publications.naturalengland.org.uk/publication/4590676519944192>

(e.g., wigeon) have optimum water depth requirements of under 0.3m for successful foraging. In contrast, bittern require deep water surrounding nesting sites to help deter predators.

4.12 For both wetland and coastal habitats, a constant supply of freshwater is fundamental to maintaining their ecological integrity. However, while the natural fluctuation of water levels within narrow limits is desirable, excess or too little water supply might cause the water level to be outside of the required range of qualifying birds, invertebrates or plant species. There are two mechanisms through which urban development might negatively affect the water level in European Sites:

- The supply of new housing with potable water may require increased abstraction of water from surface water and groundwater bodies. Depending on the level of water stress in the geographic region, this may reduce the water levels in European Sites sharing the same catchment.
- The proliferation of impermeable surfaces in urban areas increases the volume and speed of surface water runoff. As traditional drainage systems often cannot cope with the volume of stormwater, sewer overflows are designed to discharge excess water directly into watercourses. Often this pluvial flooding results in downstream inundation of watercourses and the potential flooding of wetland habitats.

4.13 It is also noted that FESNP area is located within an area of serious water stress (see **Error! Reference source not found.** overleaf), meaning that there are existing pressures on water resources that may be exacerbated by increased water abstraction.



Figure 1: Areas of water stress in England and Wales<sup>78</sup>

4.14 The River Wye SAC is designated for anadromous fish species as the River Usk SAC. The natural flow regime is therefore critical to all its qualifying fish species, particularly the shad.

4.15 Being hydrologically connected with, and therefore also being dependent on, the River Wye SAC, the Severn Estuary SAC is highly vulnerable to changes in water flow rates for several reasons. Firstly, changes in the water flow rate are likely to lead to increases in sediment erosion or accretion respectively, to which the seagrass in the estuary is highly sensitive. Furthermore, the SAC’s biotopes are also considered to be sensitive to changes in salinity, such as a long-term increase in salinity. Water abstraction for the public water supply in from the main

<sup>78</sup> Figure adapted from Environment Agency. 2021. Water stressed areas – final classification <https://www.gov.uk/government/publications/water-stressed-areas-2021-classification> [Accessed on the 21/02/2023]

rivers supplying the Severn Estuary SAC, might lead to decreased freshwater input and could, ultimately, increase salinity levels in the estuary.

4.16 The Severn Estuary SPA / Ramsar, which harbours several species of qualifying waterfowl and waders, is considered to have an indirect sensitivity to changes in the hydrological regime. It is unlikely that changes in the water flow rate would affect any of the qualifying species (e.g., Bewick’s swans) directly, because there is no linking impact pathway. However, an altered hydrological regime would likely affect their supporting habitats, including the Atlantic salt meadows, and the mud- and sandflats. For example, this could occur through changes in the species composition of the saltmarsh and a subsequent impact on the suitability of the saltmarsh for the birds or changes to the pattern of habitat use.

## Summary of Impact Pathways & European Sites to be Taken Forward

4.17 Having considered the impact pathways identified at paragraph 4.3, those shown in Table 3 will be taken to the next stage in the HRA process, the ‘Test of Likely Significant Effects’ (ToLSEs).

**Table 3. Impact pathways and relevant European sites to be taken forward**

Impact pathway	European site (s) potentially affected	European site(s) scoped out and reason why
Public access/ recreational pressure/ disturbance	<ul style="list-style-type: none"> <li>• <b>Severn Estuary SAC/ SPA/ Ramsar</b></li> <li>• <b>River Wye SAC</b></li> <li>• <b>Wye Valley Woods SAC</b></li> </ul>	<ul style="list-style-type: none"> <li>• <b>Wye Valley and Forest of Dean Bat Sites SAC</b> - The lesser and greater horseshoe bat populations in the Wye Valley and Forest of Dean Bat Sites SAC are very vulnerable to recreational disturbance, especially during hibernation when human presence might cause the bats to wake up and burn valuable fat reserves. Natural England’s Supplementary Conservation Objectives Advice Note highlights that hibernation sites, where possible, should be secured against unauthorised access using grilles. The upkeep and repair of grilles is being delivered by Natural England and Natural Resources Wales. Caving in the wider area of the SAC falls under the remit of the Royal Forest of Dean Caving Club (RFDCG), which provides background on the geology and ecology of selected caves<sup>79</sup>. A permit system is operated for cavers by the Forest of Dean Cave Conservation and Access Group. Furthermore, detailed access guidelines for both caves and mines in the Forest of Dean area have been released by members of the access group. The Wye Valley and Forest of Dean Bat Sites SAC is not considered to have a strong recreational draw and it is therefore unlikely that the relatively small individual component sites of the SAC receive a high number of recreational visits. Given this and that access is tightly regulated by grilles and the RFDCG, it is concluded that there will be no LSEs of the FESNP on the SAC regarding recreational pressure.</li> </ul>
Loss of functionally linked land	<ul style="list-style-type: none"> <li>• <b>Wye Valley and Forest of Dean Bat Sites SAC</b></li> </ul>	<ul style="list-style-type: none"> <li>• <b>River Wye SAC</b> – qualifying mobile species are aquatic.</li> </ul>

<sup>79</sup> <http://www.zen159313.zen.co.uk/rfdcc/caves.htm>

Impact pathway	European site (s) potentially affected	European site(s) scoped out and reason why
	<ul style="list-style-type: none"> <li>• <b>Severn Estuary SPA / Ramsar</b></li> </ul>	<p><b>Severn Estuary SAC</b> - qualifying mobile species are aquatic</p> <p><b>Wye Valley Woodlands SAC</b> – the FESNP area Boundary is beyond the CSZ for lesser horse-shoe bat.</p>
Water quality	<ul style="list-style-type: none"> <li>• <b>River Wye SAC</b></li> <li>• <b>Severn Estuary SAC</b></li> </ul>	<p><b>Severn Estuary SPA/ Ramsar</b> - any negative impacts of nutrient loading on the qualifying features in the SPA/ Ramsar will occur as indirect effects on the birds' preferred foraging habitat and prey species. Further assessment will therefore focus on the Severn Estuary SAC, as this provides the essential supporting habitats for the SPA's / Ramsar's waterfowl species.</p> <p><b>Wye Valley Woodlands SAC</b> – no hydrological connection therefore no pathway to qualifying features.</p> <p><b>Wye Valley &amp; Forest of Dean Bat Sites SAC</b> - no hydrological connection therefore no pathway to qualifying features.</p>
Water quantity	<ul style="list-style-type: none"> <li>• <b>River Wye SAC</b></li> <li>• <b>Severn Estuary SAC</b></li> </ul>	<p><b>Severn Estuary SPA/ Ramsar</b> – the sites harbour several species of qualifying waterfowl and waders, is considered to have an indirect sensitivity to changes in the hydrological regime. It is unlikely that changes in the water flow rate would affect any of the qualifying species (e.g., Bewick's swans) directly, because there is no linking impact pathway. However, an altered hydrological regime would likely affect their supporting habitats, including the Atlantic salt meadows, and the mud- and sandflats. For example, this could occur through changes in the species composition of the saltmarsh and a subsequent impact on the suitability of the saltmarsh for the birds or changes to the pattern of habitat use. Further assessment will therefore focus on the Severn Estuary SAC, as this provides the essential supporting habitats for the SPA's / Ramsar's waterfowl species.</p> <p><b>Wye Valley Woodlands SAC</b> – no hydrological connection therefore no pathway to qualifying features.</p> <p><b>Wye Valley &amp; Forest of Dean Bat Sites SAC</b> - no hydrological connection therefore no pathway to qualifying features.</p>

## 5. Test of Likely Significant Effects (ToLSEs)

### Introduction

- 5.1 When seeking to identify relevant European sites, consideration has been given primarily to identified impact pathways and the source-pathway-receptor approach, rather than adopting a purely 'zones'-based approach. The source-pathway-receptor approach is a standard tool in environmental assessment. In order for an effect to occur, all three elements of this mechanism must be in place. The absence or removal of one of the elements of the mechanism means there is no possibility for an effect to occur. Furthermore, even where an impact is predicted to occur, it may not result in significant effects (i.e., those which undermine the conservation objectives of a European site). Briefly defined, pathways are routes by which a change in activity can lead to a significant effect upon a European site.
- 5.2 The likely zone of impact (also referred to as the likely 'zone of influence') of a plan or project is the geographic extent over which significant ecological effects are likely to occur. The zone of influence of a plan or project will vary depending on the specifics of a particular proposal and must be determined on a case-by-case basis with reference to a variety of criteria, including:
- the nature, size / scale and location of the plan;
  - the connectivity between the plan and European sites, for example through hydrological connections or because of the natural movement of qualifying species;
  - the sensitivity of ecological features under consideration; and,
  - the potential for in-combination effects.

### Approach to Forest Edge South Neighbourhood Plan Policy Screening

- 5.3 There are 22 policies within the FESNP. Policies were screened out of having likely significant effects on a European site where any of the following reasons applied:
- they are environmentally positive;
  - they will not themselves lead to any development or other change;
  - they make provision for change but could have no conceivable effect on a European site. This can be because there is no pathway between the policy and the qualifying features or a European site, or because any effect would be positive;
  - they make provision for change but could have no significant effect on a European site (i.e., the effect would not undermine the conservation objectives of a European site); or,

- the effects of a policy on any particular European site cannot be ascertained because the policy is too general. For example, a policy may be screened out if, based on absence of detail in the policy, it is not possible to identify where, when, or how the policy may be implemented, where effects may occur, or which sites, if any, may be affected.
- 5.4 Any ‘criteria-based’ policy (i.e., those that simply list criteria with which development needs to comply) or other general policy statements that have no spatial element were also screened out. Likewise, policies that simply ‘safeguard’ an existing resource (e.g., existing green infrastructure or mineral resources) by preventing other incompatible development, were also screened out.
- 5.5 The appraisal therefore focussed on those policies with a definable spatial component. Having established which policies required scrutiny by virtue of being spatially defined, consideration was given as to whether likely significant effects could be dismissed due to a lack of connectivity to any European site for one of the following reasons:
- a potentially damaging activity may occur as a result of the policy but there is no pathway connecting it to a European site (due to distance, for example);
  - there are no European sites vulnerable to any of the activities that the policy will deliver; or,
  - the policy will not result in any damaging activities.

## Results of Policy Screening

- 5.6 The results of the ToLSEs arising from the policies of the FESNP are presented in Table 4. Where a policy is shaded green, there are no linking impact pathways to European sites and LSEs can be excluded. Should the screening outcome be shaded orange, LSEs cannot be excluded and the policy would be screened in for Appropriate Assessment.
- 5.7 Of the 22 FESNP policies, none were considered to have the potential to result in likely significant effects either alone or in combination with other plans and projects as they do not, in themselves, present any impact pathways to European sites.
- 5.8 As no impact pathways exist between the FESNP policies and the relevant European sites, there will be no in combination effect with the other plans or projects identified at paragraph 2.21 either. This is particularly relevant to the Forest of Dean District Council: Core Strategy (2012 – 2026) as the FESNP has been prepared in alignment with the adopted strategic policies.

**Table 4. Screening table of the policies included in the Forest Edge South Neighbourhood Plan**

Policy number/ name	Policy summary (full policy details can be found in the NP document)	Likely Significant Effects Screening Assessment
<b>Policy Theme 1: Climate Change, Sustainability and Biodiversity</b>		
Policy 1: Sustainable design and construction in new development	<p>All new developments should utilise sustainable design and construction methods, where feasible, including the principles set out in Design Guidelines 09 to 16 of the Forest Edge South Design Guidance (2022).</p> <p>Proposed developments will be supported where they incorporate the following principles, unless it can be demonstrated that these are not appropriate in a specific location:</p> <ul style="list-style-type: none"> <li>a) Utilise green design principles which minimise carbon emissions and use of resources; and</li> <li>b) Demonstrate effective use of resources during construction and operation; and</li> <li>c) Demonstrate high levels of water efficiency, including incorporating rainwater harvesting and grey water recycling systems; and</li> <li>d) Incorporate Sustainable Drainage Systems (SUDS) and measures to reduce or avoid water contamination and safeguard ground water supply; and</li> <li>e) Be designed to ensure that the design orientation of buildings maximises the solar gain; and</li> <li>f) Respect and enhance existing natural corridors, natural areas and green infrastructure, including Local Green Spaces; and</li> <li>g) Utilise locally sourced materials, where possible.</li> </ul>	<p><b>No likely significant effect, screened out.</b></p> <p>This is a development management policy and does not allocate sites for development. There are no pathways linking this policy to any European sites.</p> <p>Developments will be considered at the planning stage to ensure they comply with this policy, the NPPF and other relevant policies.</p>



Policy number/ name	Policy summary (full policy details can be found in the NP document)	Likely Significant Effects Screening Assessment
	<p><u>Related Strategic Policies</u> Policy CSP 1 – Design and Environmental Protection</p> <hr/> <p>Policy 2: Green spaces and biodiversity in new developments</p> <p>In recognition of the Biodiversity Emergency, new development will be supported where it:</p> <ul style="list-style-type: none"> <li>• Delivers a net gain in biodiversity (in line with requirements set in national policy or the Forest of Dean Local Plan); and</li> <li>• Adheres to the principles set out in Design Guideline 16 (Biodiversity) of the Forest of Dean Design Guidance (AECOM, 2022); and</li> <li>• Incorporates accessible semi-natural or amenity green space within the development itself (in accordance with minimum standards set in local policy) or provide improved access and enhancements to existing green spaces nearby.</li> </ul> <p><u>Related Strategic Policies</u> Policy CSP 1 – Design and Environmental Protection Policy CSP 2 – Climate Change</p>	<p><b>No likely significant effect, screened out.</b></p> <p>This is a development management policy and does not allocate sites for development. There are no pathways linking this policy to any European sites.</p> <p>Developments will be considered at the planning stage to ensure they comply with this policy, the NPPF and other relevant policies.</p>
<p>Policy 3: Allotments and community gardens</p>	<p>Development which would result in the loss of existing allotments and community gardens will not be supported.</p> <p>The following are locally recognised as existing allotments and community gardens (as defined on the Policies Map):</p> <ol style="list-style-type: none"> <li>1. Parkend Allotments (Local Green Space – see Policy 8)</li> <li>2. Whitecroft Allotments (Community Asset – see Policy 20)</li> </ol>	<p><b>No likely significant effect, screened out.</b></p> <p>This is a development management policy and does not allocate sites for development. There are no pathways linking this policy to any European sites.</p> <p>Developments will be considered at the planning stage to ensure they comply</p>

Policy number/ name	Policy summary (full policy details can be found in the NP document)	Likely Significant Effects Screening Assessment
	<p>3. Yorkley Community Garden (Local Green Space – see Policy 8)                      4. Parkend Community Orchard at York Lodge Fields (Local Green Space – see Policy 8)</p> <p>New developments will be supported where:</p> <p>a) They provide support for provision of new allotments or community growing spaces or community gardens, where appropriate; or                      b) In the case of developments that include shared communal facilities or open spaces, they incorporate an element of community growing space within the development itself.</p> <p>Related Strategic Policies                      Policy CSP 1 – Design and Environmental Protection                      Policy CSP 2 – Climate Change</p>	<p>with this policy, the NPPF and other relevant policies.</p>
<p>Policy 4: Renewable and low carbon energy developments</p>	<p>In recognition of the Climate Emergency, applications for new developments will be supported only when the applicant demonstrates:</p> <ul style="list-style-type: none"> <li>• How the development has sought to mitigate climate change and work towards achieving net zero carbon emissions, including how it has met the principles set out in Design Guidelines 09 (Minimising Energy Usage), 11 (Minimising Construction Waste) 12 (Re-use and Re-purpose), and 13 (Electric Vehicle Charging Points) of the Forest of Dean Design Guidance (2022); and</li> <li>• Where relevant, how the development comprehensively utilises passive solar gain and provides cooling for buildings, gardens and communal areas at the appropriate times of the year.</li> </ul>	<p><b>No likely significant effect, screened out.</b></p> <p>This is a development management policy and does not allocate sites for development. There are no pathways linking this policy to any European sites.</p> <p>Developments will be considered at the planning stage to ensure they comply with this policy, the NPPF and other relevant policies.</p>

Policy number/ name	Policy summary (full policy details can be found in the NP document)	Likely Significant Effects Screening Assessment
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Planning applications for changes to existing residential dwellings will be required to undertake reasonable consequential improvements to the energy performance of the existing dwelling. This will be in addition to the requirements under Part L of the Building Regulations for the changes for which planning permission is sought. Improvements could include, for example, the level of loft insulation, cavity wall insulation, draft proofing, and boiler efficiency.

Policy compliance would not be required when energy efficient measures would have an adverse impact on a Listed Building or the character of an area.

Proposals for renewable and low carbon energy generation schemes will be supported under this policy where:

- The impacts of the proposed development are (or can be made) acceptable; and
- The proposed development complies with the design and landscape impact criteria set out in Neighbourhood Plan Policy 5 (Design in new developments), Policy 6 (Historic environment) and Policy 7 (Landscape character).

**Related Strategic Policies**

Policy CSP 2 – Climate Change

Policy CSP 3 – Sustainable Energy Use within Development Proposals

**Policy Theme 2: Design and Environment**

Policy number/ name	Policy summary (full policy details can be found in the NP document)	Likely Significant Effects Screening Assessment
Policy 5: Design in new developments	<p>All new developments should be of a high-quality design and adhere to the Design Guidelines set out in Section 4 of the Forest Edge South Design Guidance (2022). This will be required to be demonstrated through the Design and Access Statement where one is required as part of a planning application.</p> <p>Major developments (as defined in Annex 2 of the NPPF) will also be assessed against the 12 questions in Building for a Healthy Life (2020) or its replacement. Developments will be expected to achieve a minimum of 9 out of 12 green ratings unless it can be demonstrated that there are practical reasons why this cannot be achieved. It is expected that this will be reviewed by Forest of Dean Council as part of the Development Management process.</p> <p>Proposed developments will be supported where they:</p> <ul style="list-style-type: none"> <li>a) Represent an enhancement and improvement to the built environment in the vicinity of the application site; and</li> <li>b) In the case of major residential developments, reflect a dwelling density of around 23 dwellings per hectare. Other developments should respect the prevailing density that surrounds the application site; and</li> <li>c) Positively contribute towards local character by creating a sense of place appropriate to its location; and</li> <li>d) Positively contribute towards enhancing legibility and wayfinding in the Forest Edge South Neighbourhood Plan area; and</li> <li>e) Respect the pattern of development that surrounds the application site; and</li> </ul>	<p><b>No likely significant effect, screened out.</b></p> <p>This is a development management policy and does not allocate sites for development. There are no pathways linking this policy to any European sites.</p> <p>Developments will be considered at the planning stage to ensure they comply with this policy, the NPPF and other relevant policies.</p>

Policy number/ name	Policy summary (full policy details can be found in the NP document)	Likely Significant Effects Screening Assessment
	<p>f) Be designed to ensure that there is a good outlook for all future occupiers of the land and buildings; and</p> <p>g) Make provision for an appropriate amount of outdoor amenity space; and</p> <p>h) Provide visual interest, particularly at street level and avoid using blank walls where these would be visible from public vantage points; and</p> <p>i) Incorporate cattle grids at access points to developments of two or more dwellings to prevent roaming by wild boar and sheep; and</p> <p>j) Incorporate active frontages at ground floor level.</p> <p>Related Strategic Policies                      Policy CSP 1 – Design and environmental protection                      Policy CSP 4 – Development at Settlements</p>	
<p>Policy 6: Historic environment</p>	<p>This policy shall support development that:</p> <p>a) Promotes the conservation of identified heritage assets, including designated heritage assets (including listed buildings and conservation areas) and non-designated heritage assets as defined on the Neighbourhood Plan Policies Map; and</p> <p>b) Ensures that new development avoids substantial harm to the significance of both designated and non-designated heritage assets, including effects on their setting.</p> <p>Related Strategic Policies                      Policy CSP 1 – Design and Environmental Protection</p>	<p><b>No likely significant effect, screened out.</b></p> <p>This is a development management policy and does not allocate sites for development. There are no pathways linking this policy to any European sites.</p> <p>Developments will be considered at the planning stage to ensure they comply with this policy, the NPPF and other relevant policies.</p>

Policy number/ name	Policy summary (full policy details can be found in the NP document)	Likely Significant Effects Screening Assessment
<p>Policy 7: Landscape character</p>	<p>To protect and enhance the valued local landscape character (as set out in the Forest Edge South Design Guidance (2022) and Character Assessments), proposed development will be supported that:</p> <ul style="list-style-type: none"> <li>a) Recognises and enhances the intrinsic character and beauty of the Neighbourhood Plan area, as defined in sections 3.4 and 3.5 of the Forest Edge South Design Guidance (2022); and</li> <li>b) Manages change in the countryside around the existing settlements of Pillowell, Oldcroft, Viney Hill, Whitecroft, Parkend and Yorkley to ensure the landscape character is not negatively impacted; and</li> <li>c) Does not have a significant adverse effect on the landscape setting of the existing settlements, as defined in the Landscape Character Assessments.</li> </ul> <p>Related Strategic Policies Policy CSP 1 – Design and Environmental Protection</p>	<p><b>No likely significant effect, screened out.</b></p> <p>This is a development management policy and does not allocate sites for development. There are no pathways linking this policy to any European sites.</p> <p>Developments will be considered at the planning stage to ensure they comply with this policy, the NPPF and other relevant policies.</p>
<p>Policy 8: Local Green Spaces</p>	<p>Development which would result in the loss of Local Green Spaces will not be permitted except in very special circumstances (in accordance with NPPF paragraph 101). The following areas are designated as Local Green Spaces (as shown on the Policies Map and in the following supporting text):</p> <ul style="list-style-type: none"> <li>1. Captain’s Green, Yorkley</li> <li>2. Cut and Fry Field, Oldcroft</li> <li>3. Parkend Allotments</li> <li>4. Parkend Sports Field</li> <li>5. Parkend Community Orchard at York Lodge Fields</li> </ul>	<p><b>No likely significant effect, screened out.</b></p> <p>This is a development management policy and does not allocate sites for development. There are no pathways linking this policy to any European sites.</p> <p>Developments will be considered at the planning stage to ensure they comply with this policy, the NPPF and other relevant policies.</p>

Policy number/ name	Policy summary (full policy details can be found in the NP document)	Likely Significant Effects Screening Assessment
	<p>6. Viney Hill Sports and Social Club                      7. Whitecroft Memorial Recreation Ground                      8. Yorkley Community Centre Playing Field and Playground                      9. Yorkley Community Garden, Yorkley                      10. Yorkley Slade, North of Woodland Place / Ridgeway</p> <p>Where very special circumstances are found to exist, replacement open space provision will be required of a size and quality equivalent or better than what is lost.</p> <p>Related Strategic Policies                      Policy CSP 1 – Design and Environmental Protection                      Policy CSP 2 – Climate Change                      Policy CSP 9 – Recreational and Amenity Land</p>	
<b>Policy Theme 3: Housing, Employment and Tourism</b>		
Policy 9: Infill development	<p>Proposals for residential development on brownfield infill and redevelopment sites, will be supported where they meet the following criteria:</p> <p>a) They are located within an identified settlement boundary as defined in the Forest of Dean Local Plan Policies Map (with the exception of applications for affordable housing); and                      b) Where the development fills a gap in an existing frontage, it must not block attractive views of features beyond the site; and                      c) They are well designed and adhere to the Design Guidelines (as set out in the Forest Edge South Design Guidance, 2022); and</p>	<p><b>No likely significant effect, screened out.</b></p> <p>This is a development management policy and does not allocate sites for development. There are no pathways linking this policy to any European sites.</p> <p>Developments will be considered at the planning stage to ensure they comply with this policy, the NPPF and other relevant policies.</p>

Policy number/ name	Policy summary (full policy details can be found in the NP document)	Likely Significant Effects Screening Assessment
	<p>d) They respect the character of the area, including identified heritage assets (as defined on the Policies Map) and landscape character features (set out in the Landscape Character Assessments); and</p> <p>e) They do not harmfully reduce the privacy and/ or amenity of nearby properties; and</p> <p>f) They do not form part of the garden of an existing residential dwelling, where this garden forms part of the prevailing character and setting of the local area; and</p> <p>g) The proposed development provides appropriate access, off street parking and turning arrangements; and</p> <p>h) The proposed development does not adversely impact any outdoor sports and recreational facilities or other important open spaces.</p> <p>Related Strategic Policies                      Policy CSP 4 – Development at Settlements                      Policy CSP 5 – Housing</p>	
<p>Policy 10: Live-work units and working from home</p>	<p>New residential developments will be supported where they:</p> <p>a) Incorporate adequate space for home working on a temporary basis; or</p> <p>b) Support the working needs of self-employed residents and others working from home on a permanent basis through the provision of purpose-built ‘live-work’ units; and</p> <p>c) Include provision for broadband connectivity.</p> <p>Related Strategic Policies                      Policy CSP 5 – Housing</p>	<p><b>No likely significant effect, screened out.</b></p> <p>This is a development management policy and does not allocate sites for development. There are no pathways linking this policy to any European sites.</p> <p>Developments will be considered at the planning stage to ensure they comply with this policy, the NPPF and other relevant policies.</p>



Policy number/ name	Policy summary (full policy details can be found in the NP document)	Likely Significant Effects Screening Assessment
	Policy CSP 7 – Economy	
Policy 11: Housing mix and affordable housing	<p>Applications for new residential development will be supported where these:</p> <ul style="list-style-type: none"> <li>• Are located within an identified settlement boundary as defined in the Forest of Dean Local Plan Policies Map (with the exception of schemes for 100% affordable housing); and</li> <li>• Prioritise delivery of small to medium sized homes (3 bedrooms or fewer); and</li> <li>• Deliver a variety of housing types, including terraced houses and flats; and</li> <li>• Deliver housing at a density that is in keeping with the character of the local area as set out in Policy 5 of this Neighbourhood Plan and Section 4 of the Forest Edge South Design Guidance (2022).</li> </ul> <p>Affordable housing should be delivered in accordance with the minimum policy requirements set out in the Forest of Dean Local Plan.</p> <p>The mix of affordable housing provided on each development site should represent (as close as possible) a split of 35% affordable home ownership (including 25% First Homes, 5% shared ownership and 5% rent-to-buy) and 65% affordable housing for rent.</p> <p>Proposed development schemes for 100% affordable housing on rural exception sites will be supported subject to compliance with other policies in the development plan.</p> <p>Related Strategic Policies</p>	<p><b>No likely significant effect, screened out.</b></p> <p>This is a development management policy and does not allocate sites for development. There are no pathways linking this policy to any European sites.</p> <p>Developments will be considered at the planning stage to ensure they comply with this policy, the NPPF and other relevant policies.</p>

Policy number/ name	Policy summary (full policy details can be found in the NP document)	Likely Significant Effects Screening Assessment
	Policy CSP 5 – Housing	
Policy 12: Housing for older people	<p>Applications for specialist older persons housing, including sheltered accommodation and extra care accommodation or residential care facilities, including nursing homes, will be supported provided that:</p> <ul style="list-style-type: none"> <li>• A local need has been identified and demonstrated through an Older Persons’ Needs Assessment; and</li> <li>• They are located within an identified settlement boundary (as defined in the Forest of Dean Local Plan Policies Map); and</li> <li>• The accommodation is within walking distance of public open space (applications for sheltered or extra care accommodation only) or includes an area of communal open space for residents’ exclusive use; and</li> <li>• The accommodation provides the highest standards of accessible and inclusive design; and</li> <li>• The accommodation provides pick up and drop off facilities close to the main entrance suitable for taxis, minibuses and ambulances; and</li> <li>• In the case of large-scale applications (of 10 or more units or a site of 0.5 hectares or more), the applicant has demonstrated that there is a local need for the scale and type of accommodation proposed; and</li> <li>• The development proposed complies with other Neighbourhood Plan policies, particularly those relating to design (Policy 5), historic environment (policy 6) and landscape character (Policy 7)</li> </ul>	<p><b>No likely significant effect, screened out.</b></p> <p>This is a development management policy and does not allocate sites for development. There are no pathways linking this policy to any European sites.</p> <p>Developments will be considered at the planning stage to ensure they comply with this policy, the NPPF and other relevant policies.</p>

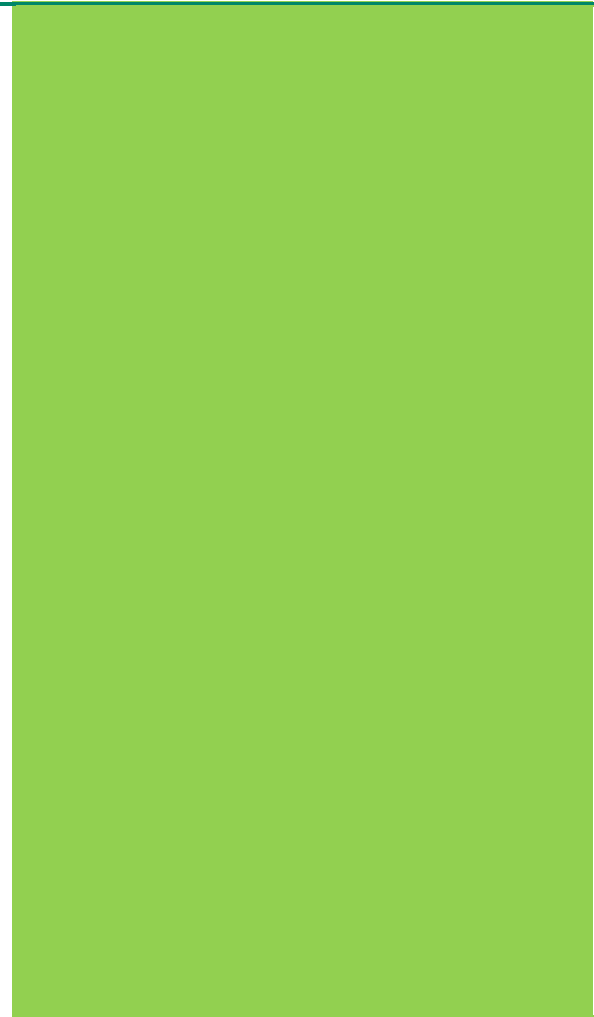
Policy number/ name	Policy summary (full policy details can be found in the NP document)	Likely Significant Effects Screening Assessment
	<p>Within applications for specialist older persons housing (Use Class C3), the provision of communal facilities for residents’ use, such as a restaurant, dining room and lounge, will also be supported.</p> <p>Related Strategic Policies Policy CSP 5 - Housing</p>	
Policy 13: First Homes	<p>First Homes should be delivered in accordance with the minimum requirements set out in the Forest of Dean Local Plan and National Planning Policy and should account for at least 25% of all affordable housing units delivered by developers through planning obligations.</p> <p>Any First Homes that are delivered in the Neighbourhood Plan area must be discounted by a minimum of 50% against the market value.</p> <p>Any First Homes that are delivered in the Neighbourhood Plan area must be sold to a person or persons meeting the First Homes eligibility criteria set out in National Planning Policy, in addition to which they must also be able to demonstrate a local connection to the Forest of Dean area.</p> <p>Evidence of a local connection may include:</p> <ul style="list-style-type: none"> <li>• Current residency; or</li> <li>• Family connections; or</li> <li>• Employment requirements; or</li> <li>• Other special circumstances, such as caring responsibilities.</li> </ul> <p>Related Strategic Policies Policy CSP 5 – Housing</p>	<p><b>No likely significant effect, screened out.</b></p> <p>This is a development management policy and does not allocate sites for development. There are no pathways linking this policy to any European sites.</p> <p>Developments will be considered at the planning stage to ensure they comply with this policy, the NPPF and other relevant policies.</p>

Policy number/ name	Policy summary (full policy details can be found in the NP document)	Likely Significant Effects Screening Assessment
<p>Policy 14: New employment floorspace</p>	<p>Applications which help to generate employment and develop business through the extension, conversion and replacement of existing buildings or provision of new buildings within existing employment sites, within defined settlement boundaries (as defined in the Forest of Dean Local Plan Policies Map) or at locations in accordance with the other policies of the Neighbourhood Plan will be supported, provided that they avoid significant adverse effects in terms of:</p> <ul style="list-style-type: none"> <li>• Impact on neighbouring properties, or the locality in general in terms of noise, fumes, odour or other nuisances; and</li> <li>• Impact on the character and appearance of the area in terms of scale, visual impact and nature of operations; and</li> <li>• Traffic generation, congestion and other traffic related nuisance.</li> </ul> <p>Related Strategic Policies Policy CSP 7 – Economy</p>	<p><b>No likely significant effect, screened out.</b></p> <p>This is a development management policy and does not allocate sites for development. There are no pathways linking this policy to any European sites.</p> <p>Developments will be considered at the planning stage to ensure they comply with this policy, the NPPF and other relevant policies.</p>
<p>Policy 15: Tourism-related development</p>	<p>This Neighbourhood Plan seeks to encourage, support and promote the Forest of Dean’s leisure, culture and tourism offer in a sustainable way.</p> <p>Applications for tourism-related development will be supported where it can be demonstrated through a Planning Supporting Statement that:</p> <ol style="list-style-type: none"> <li>a) They promote the principles of sustainable tourism through realising the potential of the area’s cultural and heritage assets; and</li> <li>b) They are of an appropriate scale so as not to have an adverse effect on the character or vistas of the immediate location; and</li> </ol>	<p><b>No likely significant effect, screened out.</b></p> <p>This is a development management policy and does not allocate sites for development. There are no pathways linking this policy to any European sites.</p> <p>Developments will be considered at the planning stage to ensure they <b>comply</b> with this policy, the NPPF and other relevant policies.</p>

Policy number/ name	Policy summary (full policy details can be found in the NP document)	Likely Significant Effects Screening Assessment
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- c) They reflect the principles of good design as set out in the Forest Edge South Design Guidance (2022) including providing appropriate on-site landscaping to integrate the development into its wider surroundings; and
- d) They maintain and enhance the quality of the public realm in terms of visual impact and amenity; and
- e) They support the coherent use of spaces and contribute to opportunities to improve access and movement by pedestrians and cyclists; and
- f) They do not adversely affect the forest and other existing green or open spaces that contribute positively to the tourism economy and where necessary make provision for new open spaces that will enhance the usability of the local environment and the appeal to visitors; and
- g) They can demonstrate that the local community have been consulted; and
- h) They do not adversely affect existing environmental designations or heritage assets; and
- i) Where the proposed development is located outside but adjacent to an existing settlement boundary (as defined in the Forest of Dean Local Plan Policies Map), it would not result in subsequent excessive expansion of the built form of the existing settlement.

Applications for new caravan/camping sites or purpose-built tourist accommodation, or extensions to existing caravan/camping sites or purpose-built tourist accommodation, will be supported only where the use is restricted to providing temporary holiday accommodation.



Policy number/ name	Policy summary (full policy details can be found in the NP document)	Likely Significant Effects Screening Assessment
	<p>Conversions and extensions to existing buildings to create overnight visitor accommodation must respect the rural character of the area and protect the amenity of neighbouring residential properties.</p> <p>Related Strategic Policies Policy CSP 7 – Economy</p>	
<b>Policy Theme 4: Transport and Access</b>		
<p>Policy 16: Parking for new developments</p>	<p>To be supported all new build development proposals must demonstrate how car parking requirements likely to be generated by the development will be met. The adequacy of how those requirements will be met will be assessed in terms of any detrimental impact on highway safety, and any severe cumulative impacts on the road network.</p> <p>New developments will be supported where adequate levels of on-site parking is provided, including disabled parking and cycle parking.</p> <p>ULEV charging points should be provided in new developments in accordance with recommendations set out in the Forest of Dean EV Charging Consultancy Support report and the Gloucestershire County Council Ultra Low Emission Vehicle (ULEV) Strategy.</p> <p>New developments will be supported where the design of parking adheres to the following principles:</p> <ul style="list-style-type: none"> <li>• Tandem car parking spaces (one vehicle behind the other, including one within a garage) shall be avoided, and</li> </ul>	<p><b>No likely significant effect, screened out.</b></p> <p>This is a development management policy and does not allocate sites for development. There are no pathways linking this policy to any European sites.</p> <p>Developments will be considered at the planning stage to ensure they comply with this policy, the NPPF and other relevant policies.</p>

Policy number/ name	Policy summary (full policy details can be found in the NP document)	Likely Significant Effects Screening Assessment
	<ul style="list-style-type: none"> <li>• Parking areas should be properly lit and designed to Design standards; and</li> <li>• Adequate car parking for visitors is provided; and</li> <li>• Cattle grids are incorporated at access points to developments of two or more dwellings to prevent roaming by wild boar and sheep; and</li> <li>• Cycle parking facilities shall be conveniently located, secure and not open to the elements, unless the applicant can demonstrate that this is unfeasible.</li> </ul> <p>Related Strategic Policies Policy CSP 1 – Design and Environmental Protection</p>	
<p>Policy 17: Access for New Developments and Sustainable Transport</p>	<p>To ensure that adequate transport infrastructure and safe access (including access to sustainable and active travel modes) is provided in new developments, this policy will support new developments which integrate cycle paths and pedestrian footpaths to provide connectivity between the development site and surrounding active travel networks.</p> <p>Support will also be given to planning applications for developments that:</p> <ul style="list-style-type: none"> <li>a) Incorporate a mix of uses so that the need to travel is minimised; and</li> <li>b) Are located in sustainable locations close to community facilities thereby reducing the need to travel; and</li> <li>c) Contribute to the provision of safe, accessible and attractive cycle and pedestrian routes within and adjoining the application site; and</li> <li>d) Provide links to current or proposed pedestrian routes and cycle networks, or access to public transport facilities; and</li> </ul>	<p><b>No likely significant effect, screened out.</b></p> <p>This is a development management policy and does not allocate sites for development. There are no pathways linking this policy to any European sites.</p> <p>Developments will be considered at the planning stage to ensure they comply with this policy, the NPPF and other relevant policies.</p>

Policy number/ name	Policy summary (full policy details can be found in the NP document)	Likely Significant Effects Screening Assessment
	<p>e) Where possible, link in with the Lydney-Parkend multi use track (see Policy 18); and</p> <p>f) Are located within active travel distance of public transport networks; and</p> <p>g) Promote or enhance opportunities for using sustainable transport modes.</p> <p>Related Strategic Policies                      Policy CSP 1 – Design and Environmental Protection                      Policy CSP 2 – Climate Change                      Policy CSP 4 – Development at Settlements</p>	
<p>Policy 18: Lydney-Parkend multi-use track</p>	<p>The Neighbourhood Plan safeguards land for the future development of a multi-use track between Lydney and Parkend, as defined on the Neighbourhood Plan Policies Map.</p> <p>This policy provides support for development which:</p> <p>a) Supports the enhancement of the multi-use track between Lydney and Parkend; and</p> <p>b) Safeguards land for this use, as defined on the Policies Map.</p> <p>Related Strategic Policies                      Policy CSP 9 – Recreational and Amenity Land</p>	<p><b>No likely significant effect, screened out.</b></p> <p>This is a safeguarding policy, aimed at preventing alternative development plans coming forward for this land, it doesn't specifically allocate the land for the future development of a multi-use track between Lydney and Parkend.</p> <p>The proposed development itself has the potential to result in the loss of functionally land as it is within the core sustenance zones<sup>80</sup> for foraging greater and lesser horseshoe bats associated</p>

<sup>80</sup> A CSZ refers to the area surrounding a communal bat roost within which habitat availability and quality will have a significant influence on the resilience and conservation status of the colony using the roost.



Policy number/ name	Policy summary (full policy details can be found in the NP document)	Likely Significant Effects Screening Assessment
<b>Policy Theme 5: Infrastructure and Amenities</b>		<p>with the Wye Valley and Forest of Dean Bat Sites SAC.</p> <p><b>It is recommended that the policy wording be strengthened to make clear and reinforce the need for a project specific HRA.</b></p>
<p>Policy 19: Digital infrastructure</p>	<p>This Neighbourhood Plan supports the provision of high-quality communication networks throughout the area for residents, businesses and visitors. This policy provides support for:</p> <p>a) Applications for new digital infrastructure, such as broadband and telecommunications, within the neighbourhood area that can be identified as being required for the local area and proposed new development. Applicants will be expected to outline the types of digital infrastructure needed, through an evidence-based approach, so that it can be outlined what infrastructure will be provided to facilitate new development; and</p> <p>b) The positioning of additional mobile telephone masts which are sympathetic to the landscape character, environment, resident amenity and are easily accessible for maintenance purposes.</p> <p>Related Strategic Policies Policy CSP 4 – Development at Settlements</p>	<p><b>No likely significant effect, screened out.</b></p> <p>This is a development management policy and does not allocate sites for development. There are no pathways linking this policy to any European sites.</p> <p>Developments will be considered at the planning stage to ensure they comply with this policy, the NPPF and other relevant policies.</p>
<p>Policy 20: Existing community facilities</p>	<p>Existing community facilities and public open spaces, including those identified in paragraph 15.13 above and shown as ‘Community Assets’ on the Neighbourhood Plan Policies Map, are important resources for the</p>	<p><b>No likely significant effect, screened out.</b></p>

Policy number/ name	Policy summary (full policy details can be found in the NP document)	Likely Significant Effects Screening Assessment
	<p>local community and should be retained as far as possible. This policy therefore supports applications for development that include:</p> <ul style="list-style-type: none"> <li>a) Improvements to existing community facilities; and</li> <li>b) Maintenance of Yorkley Community Centre; and</li> <li>c) Enhancements to local playing fields to make them suitable for multiple sports.</li> </ul> <p>Applications involving the loss or repurposing of existing community facilities will only be supported in very exceptional circumstances, where no other viable use of the facility can be demonstrated.</p> <p>Applications for change of use or loss of existing community facilities, including those designated as assets of community value (ACV), will not be supported unless the application site is allocated within the Development Plan for an alternate use or:</p> <ul style="list-style-type: none"> <li>a) It can be clearly demonstrated that the facility or ACV is no longer financially viable or considered necessary or of value to the community or a suitable replacement can be provided elsewhere; and</li> <li>b) Any replacement provision should meet or exceed the existing benefit to the community of the current site, especially with regard to personal safety in public open spaces, and accessibility; and</li> <li>c) Applications for major development (as defined in the NPPF) must be supported by a Health Impact Assessment to demonstrate that the loss of the existing facility will not have a significant adverse effect on the health and well-being of local residents; and</li> </ul>	<p>This is a development management policy and does not allocate sites for development. There are no pathways linking this policy to any European sites.</p> <p>Developments will be considered at the planning stage to ensure they comply with this policy, the NPPF and other relevant policies.</p>

Policy number/ name	Policy summary (full policy details can be found in the NP document)	Likely Significant Effects Screening Assessment
	<p>d) Applications relating to land or facilities identified as ACVs should enhance the value of the asset or provide additional opportunities for residents to meet, socialise, exercise or learn.</p> <p>Related Strategic Policies Policy CSP 8 – Retention of Community Facilities</p>	
<p>Policy 21: New community facilities</p>	<p>This policy will support applications for:</p> <p>a) New community services, community facilities or public open spaces that meet the needs of existing and future residents; and b) Enhanced sports and play facilities at Yorkley Community Centre.</p> <p>This support will only be given where the applicant demonstrates that:</p> <p>a) The development proposed is well-related to and accessible by existing or proposed new communities that the facility / public space is intended to serve; and b) The development proposed is required by the existing or proposed new communities it is intended to serve; and c) The development proposed would contribute towards an equal distribution of community facilities across the Neighbourhood Plan area.</p> <p>Related Strategic Policies Policy CSP 8 – Retention of Community Facilities Policy CSP 9 – Recreational and Amenity Land</p>	<p><b>No likely significant effect, screened out.</b></p> <p>This is a development management policy and does not allocate sites for development. There are no pathways linking this policy to any European sites.</p> <p>Developments will be considered at the planning stage to ensure they comply with this policy, the NPPF and other relevant policies.</p>

Policy number/ name	Policy summary (full policy details can be found in the NP document)	Likely Significant Effects Screening Assessment
Policy 22: Small-scale retail	<p>This policy provides support for development of new small-scale retail units ('village shops') provided the criteria below are met:</p> <ul style="list-style-type: none"> <li>a) The applicant demonstrates that the impact on the amenity of surrounding residential uses is minimised; and</li> <li>b) The applicant demonstrates that the development will not have unacceptable impacts on traffic, the local highway network and pedestrian safety.</li> </ul> <p>New major residential developments should also address the requirement for general shops for the community and provision should be made for one within the application site (subject to the above criteria being met) if there is not already one located within reasonable walking distance of the proposed development.</p> <p>Related Strategic Policies Policy CSP 7 – Economy</p>	<p><b>No likely significant effect, screened out.</b></p> <p>This is a development management policy and does not allocate sites for development. There are no pathways linking this policy to any European sites.</p> <p>Developments will be considered at the planning stage to ensure they comply with this policy, the NPPF and other relevant policies.</p>

*Source: Policy wording taken from Forest Edge South Neighbourhood Plan (Consultation Draft, December 2022).*

## 6. Conclusions and Recommendations

6.1 HRA was undertaken of Forest Edge South Neighbourhood Plan Consultation Draft, December 2022). A Test of Likely Significant Effects was undertaken of Plan policies in relation to the following European sites:

6.2 Wye Vlley Woodlands SAC

- River Wye SAC
- Wye Valley & Forest of Dean Bat Sites SAC
- Severn Estuary SAC/ SPA/ Ramsar

6.3 Following the Test of Likely Significant Effects it was concluded that none of the FESNP policies would lead to an adverse effect on the integrity of these European sites due to the lack of identifiable impact pathways either alone or in combination with other plans and/ or projects.

6.4 Policies were screened out where any of the following reasons applied:

- they are environmentally positive;
- they will not themselves lead to any development or other change;
- they make provision for change but could have no conceivable effect on a European site. This can be because there is no pathway between the policy and the qualifying features or a European site, or because any effect would be positive;
- they make provision for change but could have no significant effect on a European site (i.e., the effect would not undermine the conservation objectives of a European site); or,
- the effects of a policy on any particular European site cannot be ascertained because the policy is too general. For example, a policy may be screened out if, based on absence of detail in the policy, it is not possible to identify where, when, or how the policy may be implemented, where effects may occur, or which sites, if any, may be affected.

6.5 The 22 Policies within the FESNP are very much development management policies and do not specify locations or the quantum of development.

### Recommendations

6.6 Whilst Policy 18 is a safeguarding policy and, in itself, does not result in any LSE's, the proposed project to which the safeguarding policy applies to does have the potential to result in LSE's on the qualifying features of the Wye Valley and Forest of Dean Bat Sites SAC.

6.7 It is recommended that the policy wording be strengthened to reiterate the need for a project specific HRA.

6.8 Suggested additional wording could be:

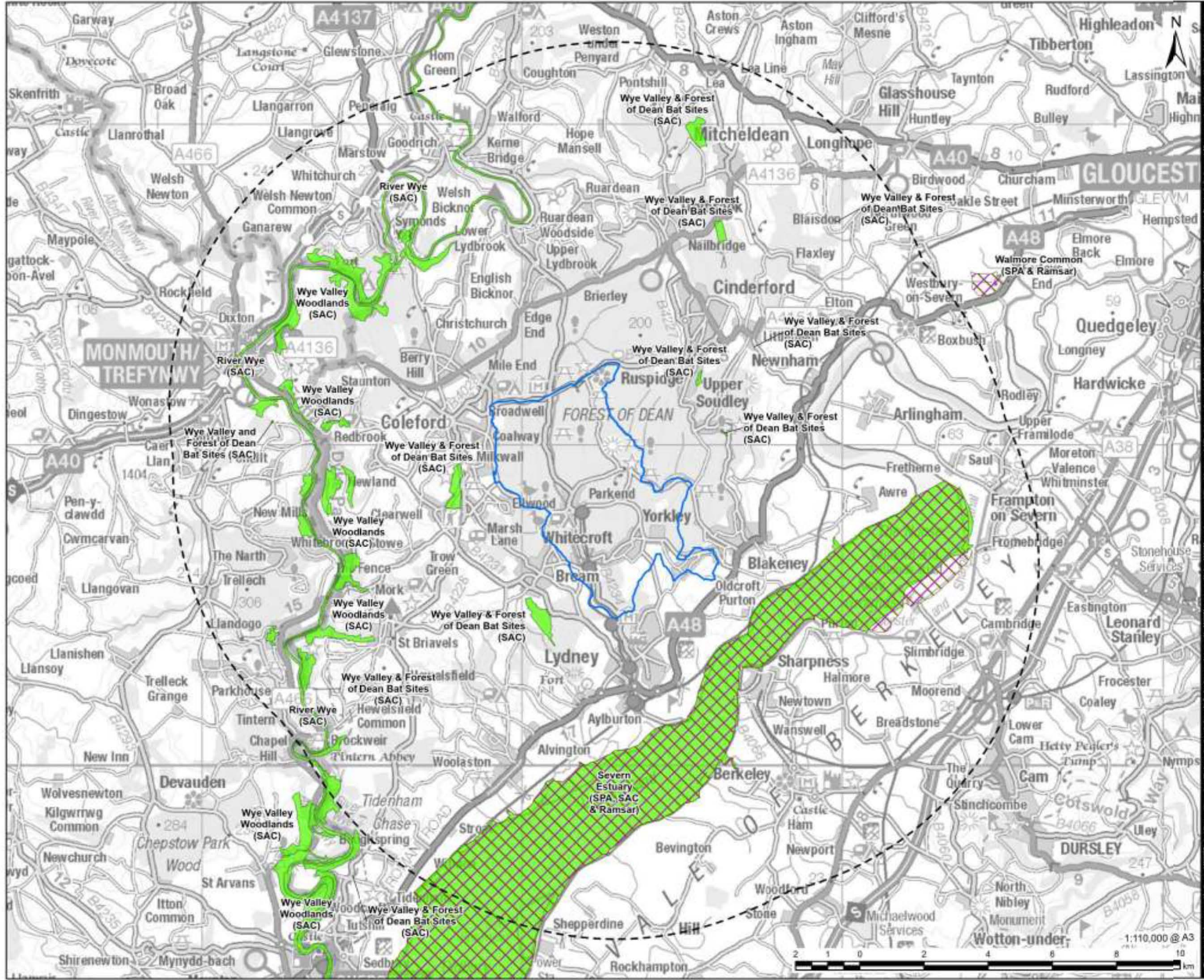
*“This policy provides support for development which:*

*#) can demonstrate that the requirements of regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as amended) have been considered through a project specific Habitats Regulations Assessment in order to rule out any adverse effects on the integrity of European sites”*

6.9 Note that this suggested wording would be subject to Examination and amendment along with all other elements of the plan.

# Appendix A

## A.1 Figure A.1



**PROJECT**  
 Forest Edge South  
 Neighbourhood Plan  
 Habitats Regulations  
 Assessment

**CLIENT**  
 Forest Edge South  
 Neighbourhood Plan Group

**CONSULTANT**  
 AECOM Limited  
 2 City Walk  
 Holbeck, Leeds  
 LS11 9AR  
 www.aecom.com

**LEGEND**

- Neighbourhood Plan Boundary
- 10km Study Area
- Ramsar
- Special Protection Area
- Special Area of Conservation

**NOTES**

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**ISSUE PURPOSE**  
 FINAL

**PROJECT NUMBER**  
 60571067

**FIGURE TITLE**  
 Location of European Designated Sites

**FIGURE NUMBER**  
 Figure 1

1:110,000 @ A3





[aecom.com](http://aecom.com)



**BEDFORD**

Planning / SDD / SPRU

[bedford@dlpconsultants.co.uk](mailto:bedford@dlpconsultants.co.uk)

**BRISTOL**

Planning / SDD / SPRU

[bristol@dlpconsultants.co.uk](mailto:bristol@dlpconsultants.co.uk)

**EAST MIDLANDS**

Planning / SDD

[nottingham@dlpconsultants.co.uk](mailto:nottingham@dlpconsultants.co.uk)

**LEEDS**

Planning

[leeds@dlpconsultants.co.uk](mailto:leeds@dlpconsultants.co.uk)

**LONDON**

Planning

[london@dlpconsultants.co.uk](mailto:london@dlpconsultants.co.uk)

**MILTON KEYNES**

Planning

[miltonkeynes@dlpconsultants.co.uk](mailto:miltonkeynes@dlpconsultants.co.uk)

**RUGBY**

Planning

[rugby.enquiries@dlpconsultants.co.uk](mailto:rugby.enquiries@dlpconsultants.co.uk)

**SHEFFIELD**

Planning / SDD / SPRU

[sheffield@dlpconsultants.co.uk](mailto:sheffield@dlpconsultants.co.uk)

