

Newark and Sherwood Allocations and Development Management Development Plan Document - Assessment under the Habitats Regulations

Newark and Sherwood District Council

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1 Introduction

1.1 PURPOSE OF THIS REPORT

1.1.1 Newark and Sherwood District Council is in the process of producing an Allocations and 'Development Management Development Plan Document (A&DM DPD). It is consulting on options. As part of the work, consideration must be given to the potential effects on sites of European importance for nature conservation. WSP Environmental Ltd has been appointed by the Council to consider the potential for such effects and how the A&DM DPD could be amended to avoid or mitigate such effects. This report has been prepared to accompany the draft A&DM DPD. This work builds on and has regard to earlier work undertaken in relation to HRA and the Core Strategy for the District.

1.1.2 The purpose of this Report is to:

- Set out the overall methodology;
- Identify the issues considered;
- Provide a record of the results of an exercise that screened individual policies against these issues;
- Present key recommendations and conclusions; and
- Contribute to an audit trail for HRA related work.

1.1.3 This report only needs to consider potential effects on designated European sites (including any candidate sites). A prospective European site has also been identified in Sherwood Forest, . The potential for a new European site was highlighted during the inquiry into a proposed Energy Recovery Facility at Rufford (APP/L3055/V/09/2102006). There is no formal requirement to look at this site from the perspective of compliance with relevant legislation relating to undertaking this assessment; however Planning Policy Statement 12¹ (PPS12) highlights the need for DPDs to handle contingencies. It was therefore felt appropriate to look at the risks to the A&DM DPD of a new European site being identified in the District over the course of its lifetime. Appendix C of this report does that.

1.2 BACKGROUND

1.2.1 Natura 2000 is the European Union-wide network of protected areas, recognised as 'sites of Community importance' under the EC Habitats Directive (Council Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora). These sites, which are also referred to as European sites, consist of Special Areas of Conservation (SACs), Special Protection Areas (SPAs) and Offshore Marine Site (OMS).

1.2.2 In addition to the above, sites designated under the Ramsar Convention (known as Ramsar sites) also receive the same degree of protection under Planning Policy Statement 9 (PPS9) (ODPM, 2005) as a matter of planning policy. SPAs and SACs are known as European sites and are part of the Natura 2000 network and all three types of site are also referred to as International sites.

1.2.3 The purpose of Appropriate Assessment (AA) of land use plans is to ensure that protection of the integrity of European sites is a part of the planning process at a regional and local level.

1.2.4 AA of plans and projects is required by Articles 6(3) and 6(4) of the European Habitats Directive:

"6(3) Any plan or project not directly connected with or necessary to the management of the site but likely to have a significant effect thereon, either individually or in combination with other plans or projects, shall be subject to appropriate assessment of its implications for the site in view of the site's conservation objectives. In the light of the conclusions of the assessment of the implications for the site and subject to the provisions of paragraph 4, the competent national authorities shall agree to the plan or project only after having ascertained that it will not adversely affect the integrity of the site concerned and, if appropriate, after having obtained the opinion of the general public"

¹ Planning Policy Statement 12: Creating Strong Safe and Prosperous Communities Through Local Spatial Planning, DCLG 2008

“6(4) If, in spite of a negative assessment of the implications for the site and in the absence of alternative solutions, a plan or project must nevertheless be carried out for imperative reasons of overriding public interest, including those of social or economic nature, the Member State shall take all compensatory measures necessary to ensure that the overall coherence of Natura 2000 is protected. It shall inform the Commission of the compensatory measures adopted.

Where the site concerned hosts a priority natural habitat type and/or a priority species the only considerations which may be raised are those relating to human health or public safety, to beneficial consequences of primary importance for the environment or, further to an opinion from the Commission, to other imperative reasons of overriding public interest”.

1.2.5 In the UK, the Habitats Directive is implemented through the Conservation (Natural Habitats &c) Regulations 1994 (the “Habitats Regulations”).

1.2.6 On 20 October 2005, the European Court of Justice (ECJ)² ruled that the UK had failed to fully transpose the provisions of Article 6(3) and (4) into the Habitats Regulations because the regulations did not clearly require land use plans to be subject to AA. Land use plans in this respect are Regional Spatial Strategies (RSSs), Development Plan Documents (DPDs) and Supplementary Planning Documents (SPDs)³. DPDS and SPDS are collectively referred to as Local Development Documents (LDDs).

1.2.7 A major amendment to the Habitats Regulations was made in 2007 (Statutory Instrument 2007 No. 1843) in response to the judgment. The 2007 amendment to the Regulations now specifically apply the provisions of the Habitats Regulations to land use plans such as the Core Strategy, and the relevant provisions are made in the main by Regulations 85A to 85E. The essential requirement is for the plan making authority to assess the potential effects of the LDD on European Sites in Great Britain. The site affected could be in or outside England.

1.2.8 The whole process of assessing the effects of a LDD on European sites is referred to in this report as the ‘**Habitats Regulations Assessment**’ (HRA), to clearly distinguish the whole process from the step within it commonly referred to as the ‘Appropriate Assessment’ (AA). The AA is a specific part of the entire assessment process and to use this term generally just adds confusion to the assessment. An AA is undertaken **when it has been determined that a plan or project (alone or in combination) is likely to have a significant effect, and where avoidance measures cannot easily be put in place to remove that likelihood**. In such instances, the next step in the process is to undertake an Appropriate Assessment of the plan or project, to determine in far greater detail the type and magnitude of impacts and to try to find suitable mitigation measures that may reduce the impact to a level at which it will no longer be significant.

1.2.9 This report has been prepared by WSP Environmental Ltd on behalf of Newark and Sherwood District Council to inform the preparation of their Core Strategy.

1.3 HABITATS REGULATIONS ASSESSMENT AND THE NEWARK AND SHERWOOD ALLOCATIONS AND DEVELOPMENT MANAGEMENT DPD

1.3.1 The Adopted Core Strategy provides a clear strategy for what will happen spatially throughout Newark and Sherwood up to 2026.

1.3.2 The Newark and Sherwood Core Strategy sets out the basic principles and policy direction for planning and development in the district and will, over time, be complemented by more detailed documents, including the A&DM DPD. These detailed DPDs will set out site allocations and policies for determining planning applications and will, collectively, be the basis for decision making on new development and use of land.

² Para. 51-56 in Case C-6/04, Commission of the European Communities v. United Kingdom of Great Britain and Northern Ireland, <http://curia.eu.int/jurisp/cgi-bin/form.pl?lang=en&Submit=Submit&alldocs=alldocs&docj=docj&docop=docop&docor=docor&docjo=docjo&numaff=C-6%2F04&datefs=&datefe=&nomusuel=&domaine=&mots=&resmax=100>

³ Letter from Lisette Simcock (ODPM) to chief planning officers (28 February 2006) “The Application of Appropriate Assessment under Article 6(3) and (4) of the Habitats Directive 92/43/EEC to Development Plans in the Transitional period between now and when the Amending Regulations come into force.”

1.3.3 The A&DM DPD will allocate sites for new housing and employment, set out various locations for protective designations and set out a suite of Development Management policies.

1.3.4 The Core Strategy and the Allocations and Development Management DPD form part of the Local Development Framework (LDF). The majority of development associated with the LDF will require planning permission and project level AAs to be undertaken where relevant. HRA is also required for other related processes such as licensing arrangements for the abstraction of water (for which the Environment Agency has responsibility). The position of the A&DM DPD within the hierarchy of plans in the District is therefore important because it has a bearing on the level of risk associated with any potential effects that are identified. The Commission of the European Communities communication on the precautionary principle⁴ recognises risk as a key factor in implementing the precautionary principle.

1.3.5 Notwithstanding the safeguards that exist at the project level, it will be important to demonstrate that the A&DM DPD, complemented by the Core Strategy, provides sufficient safeguards/measures to avoid potential issues down the line. This is considered essential to demonstrate that the A&DM DPD is sound.

1.4 STRUCTURE OF THIS REPORT

1.4.1 The remainder of this report is structured as follows:

- Section 2 sets out the context, examining previous work undertaken in the context of the Core Strategy, the characteristics of the site considered and an outline of the A&DM DPD;
- Section 3 sets out the methodology for the work;
- Section 4 considers issues looking at the nature of the issue, the implications for the A&DM DPD recommendations and conclusions arising from the HRA;
- Recommendations and conclusions are set out in Section 5;
- Appendix A summarises data from a visitor survey that is relevant to the assessment of recreational pressure;
- Appendix B sets out the results of a screening exercise undertaken on the draft A&DM DPD; and
- Appendix C provides an analysis of the prospective European site at Sherwood Forest and any implications for the A&DM DPD.

⁴ Communication from the Commission on the Precautionary Principle (2000), Commission of the European Communities

2 Context

2.1 INTRODUCTION

2.1.1 The Birklands and Bilhaugh SAC is the only European site within the District itself and 15km of the local authority boundary; it is the main focus for this report. It lies within Sherwood Forest, an important ecological and recreational resource.

2.1.2 This section provides an overview of the key issues considered as part of the HRA for the Core Strategy. It also identifies relevant policies in the Core Strategy. A brief description of the main elements of the A&DM DPD and key information for the SAC is then provided.

2.2 SHERWOOD FOREST

2.2.1 Emerging plans exist for promoting Sherwood Forest as a Regional Park, a concept acknowledged in the Core Strategy.

2.2.2 A Regional Park for Sherwood Forest was first proposed in 1969 when it was recognised that this was an attractive area that could benefit from a new rural planning approach. In more recent years there has been renewed interest in such a concept.

2.2.3 A feasibility study has been undertaken, with the findings published in May 2008 along with a commencement business plan. The feasibility study identified if a park based around Sherwood Forest and the surrounding area would bring about transformation changes and add value to what is already being done. Recommendations made within the report indicate that the inception year should start in April 2009. The Birklands and Bilhaugh SAC lies within the 'Heart of the Forest' and as such is within the proposed area for the Regional Park. The County Council intend to apply to the Government for Sherwood Forest to become a Regional Park.

2.3 SHERWOOD FOREST COUNTRY PARK AND VISITOR CENTRE

2.3.1 There are emerging plans for a new visitor centre serving the Sherwood Forest Country Park. The current visitors' centre attracts 400,000 visitors a year, but is now over 30 years old and needs to be rebuilt to help preserve the fragile ecology of the Forest. In 2002 an agreement was made between Natural England and Nottinghamshire County Council that designated Sherwood Forest as a National Nature Reserve. Part of the agreement was to divert mass tourism from the most ecologically sensitive areas, one of which is where the current visitor centre is situated.

2.3.2 An Environmental Impact Assessment (EIA) and an Appropriate Assessment (AA) of a proposal was already completed at the time that the HRA for the Core Strategy was undertaken. A scaled down project is now planned from that first envisaged. Land for the new visitors centre has been purchased by the County Council from Thoresby Estates. Known locally as "Naishs' Field the site is east of the B6034⁵. The timing of the application is uncertain as the County Council has put the project on short term hold due to wider budgetary constraints.

2.4 BIRKLANDS AND BILHAUGH SAC

2.4.1 The SAC is designated for '*Old acidophilous oak woods with Quercus robur on sandy plains, for which it is one of only four known outstanding localities in the UK*'. It is notable for its rich invertebrate fauna, particularly spiders, and also for a diverse fungal assemblage.

2.4.2 The site lies within Sherwood Forest and as such is subject to recreation pressure, which can damage the fragile habitat. Air pollution is a problem and has already caused a decrease in lichen diversity.

Conservation Objectives

2.4.3 Natural England has developed Draft Conservation Objectives for Birklands and Bilhaugh SAC, these are summarised below in Table 2.1:

⁵ <http://www.nottinghamshire.gov.uk/home/leisure/countryparks/sherwoodforestcp/sherwoodvisitorcentre.htm> (viewed on 23rd March 2010)

Table 2.1 Natural England Draft Conservation Objectives for Birklands and Bilhaugh SAC

Ecological Feature	Attribute	Target
Ancient semi-natural woodland, pasture mosaic/Old acidophilus oak wood on sandy plains W10 & W16a	Area	There is no decrease in the area of ancient semi-natural wood-pasture
		No loss of the semi-natural wood-pasture mosaic
	Structure and natural processes	At least three age classes present and spread across the average life expectancy of the commonest trees
		No reduction in the number of veteran trees other than through natural processes
		All standing veteran trees (>120cms dbh) are retained indefinitely and number ideally between 5-10 per hectare [Current distribution of veteran trees given in ENRR 361]
		All standing veterans have free crowns and are clear of competitive woody growth within at least a 5-10 metre radius of their canopy
		Mature native oak trees (>80cms dbh) average at least 5 trees per hectare
		Associated areas of permanent open (i.e.<25% tree cover) semi-natural habitat (e.g. acid grass-heath) covers between 10-30% of the wood-pasture mosaic
		Fallen decaying wood is visibly abundant from any one place (presence of one or more large fallen trunks/major boughs >50 cms in diameter, smaller pieces of timber numerous)
		Regeneration
	Any planting material is composed of locally native stock	
	Saplings of trees and shrubs such as rowan, hawthorn and birch present	
	Composition	
		Canopy cover (>25% tree cover) is present across no less

		than 70-80% of the unit Area
		Less than 5% of mature trees > 80cms dbh show severe stress or death attributable to disease, subsurface activities or pollution
	Local distinctiveness	Less than 5% of semi-natural wood-pasture mosaic area is heavily poached (by grazing animals) or heavily trampled (by recreational pressure)
		Less than 5% of semi-natural wood-pasture mosaic is heavily modified, improved or composed of vegetation characteristic of high disturbance levels
		At least 80% of woodland vegetation referable to appropriate NVC type (mainly W10, W16a)
		At least 95% of permanent open space within woodpasture mosaic referable to an appropriate NVC vegetation type (mainly H9, U2, U4)
	Associated species	No evidence from periodic expert surveys (at least once every 6 years) of a loss of key saproxylic species or a significant decline in their habitat quality (as assessed by more frequent simple visual surveys)

(Taken from living legend AA)

2.5 THE POLICY CONTEXT PROVIDED BY THE CORE STRATEGY

2.5.1 The A&DM DPD is not being prepared in a policy vacuum. The Adopted Core Strategy includes policies that are relevant to the HRA for the A&DM DPD. These set the framework for the assessment and need to be taken account of to avoid the HRA making unnecessary suggestions. The Core Strategy is also consistent with the Regional Spatial Strategy for the East Midlands (March 2009).

2.5.2 The relevant objectives and policies from the Adopted Core Strategy are:

- Area Objective ShA O3 - To protect and enhance the Birklands & Bilhaugh Special Area of Conservation and ensure that the Regional Park initiative is consistent with this;
- Core Policy 12 identifies the need to provide for Suitable Alternative Natural Green Space (SANG) to reduce visitor pressure on the District's ecological, biological and geological assets, particularly in the Newark area and for 5kms around the Birklands and Bilhaugh SAC. The Core Strategy states that further detail on the location, amount and nature of SANGs will be provided within the Allocations & Development Management DPD;
- Policy ShAP1 seeks to maintain and enhance the ecological, heritage and landscape value of the Sherwood Area whilst promoting sustainable and appropriate leisure, tourism and economic regeneration. ShAP1 includes a commitment to Ensuring the continued delivery of the conservation aims and objectives of the Birklands & Bilhaugh SAC and preventing development which would have an adverse impact on this area.

2.6 THE NEWARK AND SHERWOOD A&DM DPD

2.6.1 The main elements of the A&DM DPD are outlined below, including the following matters:

- Role of the A&DM DPD;
- Housing, employment and other allocations; and

- Emerging Development Management policies

2.7 ROLE OF A&DM DPD

2.7.1 The A&DM DPD is part of Newark and Sherwood's Local Development Framework sitting below the Core Strategy. The Core Strategy sets out the higher level strategic policies and proposals that will guide development and investment over the next 15 years. Whilst the Core Strategy allocated 3 Strategic Sites around the Newark Urban Area to deliver a large amount of the future housing and employment growth for the District the remainder of such planned growth needs to be allocated in another DPD. The A&DM DPD also contains a number of Development Management Policies for use in determining planning applications. When adopted, the A&DM DPD will fully update the Development Plan of the District and replace the Newark & Sherwood Local Plan.

2.8 ALLOCATING LAND FOR GROWTH

2.8.1 Key locations for growth within the district have been established through the Core Strategy, based on the identification of settlements that have a range of services. This has been done to ensure the best use of existing facilities and the most efficient provision of new facilities can be achieved.

2.8.2 Spatial Policy 1 'Settlement Hierarchy' sets out which settlements fall under which category. Spatial Policy 2 'Spatial Distribution of Growth' sets out the strategy for growth and the wider objectives that development will help secure. Spatial Policy 2 also identifies the anticipated level of growth for each settlement. Specific land provision has been made for urban extensions to Newark in the Core Strategy.

2.8.3 The A&DM DPD will identify allocations for housing, employment and mixed use development within other settlements (Ollerton & Boughton, Southwell, Rainworth, Clipstone, Bildworth, Bilsthorpe, Collingham, Edwinstowe, Farnsfield, Lowdham and Sutton on Trent), confirm the extent of the urban extensions and also identify smaller allocations within Newark..

2.9 DEVELOPMENT MANAGEMENT POLICIES

2.9.1 The Core Strategy contains policies relating to the following:

- Nature conservation and biodiversity, relating to the protection and enhancement of designated sites (for example Core Policy 12A 'Biodiversity and Green Infrastructure');
- Flood Issues - adopting a risk based approach to the allocation of land for development (for example Core Policy 10 'Climate Change');
- Water environment - acknowledging issues around the treatment, use and acquisition of water (for example Spatial Policy 6 'Infrastructure');
- Recreation, leisure, Green infrastructure and Open Space - concerned with the protection and creation of new green links (Core Policy 12A and the relevant Area Policies like NAP 2A-C); and
- Transport - infrastructure provision, reducing the need to travel and encouraging modal shift (for example Spatial Policy 7 'Transport' and other policies dealing with accessibility in rural areas like Core Policy 11).

2.9.2 Such policies will help to protect and enhance European sites and are relevant to the assessment of potential effects.

2.9.3 The A&DM DPD will include further policies relating to the management of development, see Appendix B and list of policies below.

Policy Area: Agenda for Managing Growth	
DM1	Development within settlements central to delivering the Spatial Strategy
DM2	Developer Contributions
Policy Area: Sustainable Development & Climate Change	
DM3	Renewable Energy
DM4	Design
Policy Area: Homes for All	
DM5	Householder Development
DM6	Specialist Accommodation and Community Facilities
Policy Area: Natural & Built Environment	
DM7	Development in the Open Countryside
DM8-11.	Protecting and Enhancing the Historic Environment
DM12	Shopfronts and Advertisements
DM13	Pollution & Hazardous Materials
Policy Area: Economic Growth	
DM14	Retail

3 Methodology

3.1 INTRODUCTION

3.1.1 HRA related work commenced whilst the Core Strategy was at its policy options stage. This enabled the HRA to truly influence the content of the Core Strategy and the HRA work relating to the A&DM DPD has also commenced at an early stage. The HRA process is an iterative one and the previous work has been referred to. HRA work will continue as the A&DM DPD progresses.

3.1.2 In devising the methodology for this work, regard has been had to relevant guidance and recent practice:

- Assessment of Plans and Projects Significantly Affecting Natura 2000 sites⁶ (European Union November 2001);
- Unpublished Draft Guidance from Natural England on AA of Regional Spatial Strategies and Local Development Frameworks⁷; and
- Guidance from the Department for Communities and Local Government (DCLG)⁸ on Appropriate Assessment of RSSs and LDDs.

3.1.3 The overall process is summarised in Figure 1 at the end of this section.

3.2 IDENTIFYING SITES FOR ASSESSMENT

3.2.1 As noted in Section 2 of this report, previous work focussed on the Birklands and Bilhaugh SAC. Consideration was given to the potential for recreational impacts on coastal sites but this was discounted. As with the HRA for the Core Strategy it is proposed to focus on the Birklands and Bilhaugh SAC in the case of the A&DM DPD because it is not anticipated that the DPD has potential to significantly impact on the integrity of other European sites and therefore inclusion of any additional sites is not necessary.

3.3 KEY ISSUES IDENTIFIED IN THE HRA OF THE CORE STRATEGY RELATING TO THE SAC.

3.3.1 The HRA for the Core Strategy identified the following issues:

- Air quality – impacts associated with both increased traffic and point source pollution;
- The potential for increased recreational pressure on the SAC associated with new development: and
- Water abstraction – and the potential for new development to lead to increased water abstraction that might harm the SAC.

3.3.2 It is proposed to focus on these issues again in order to ensure that the A&DM DPD does not exacerbate the issues and they are discussed in detail in Section 4 of this report.


3.3.3 In line with relevant guidance, the following tasks have been undertaken:

1. Brief description of the plan that is being considered;
2. Characteristics of the sites that might be affected;
3. Identification of policies that can be screened out. This included:

⁶ Assessment of Plans and Projects Significantly Affecting Natura 2000 sites, Methodological guidance on the provisions of Article 6(3) and (4) of the Habitats Directive 92/43/EEC European Union, November 2001 http://ec.europa.eu/environment/nature/nature_conservation/eu_nature_legislation/specific_articles/art6/pdf/natura_2000_assess_en.pdf

⁷ Draft Guidance, the Assessment of Regional Spatial Strategies and Sub-Regional Strategies under the Provisions of the Habitats Regulations, David Tyldesley and Associates for English Nature, March 2007.

⁸ Planning for the Protection of European Sites: Appropriate Assessment Guidance For Regional Spatial Strategies and Local Development Documents, DCLG, August 2006 http://www.communities.gov.uk/pub/353/PlanningfortheProtectionofEuropeanSitesAppropriateAssessmentGuidanceForRegionals_id1502353.pdf

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- Identification of all European sites within 15km of the local authority boundary;
 - Screening out European sites using a set of criteria;
 - A more detailed consideration of selected policies to highlight potential effects and any opportunities for avoidance measures to be incorporated in policies within lower level plans and projects. This comprised:
 - Identification of potential effects and the ‘pathways’ that might give rise to these effects on a policy by policy and settlement by settlement basis;
 - An assessment of the significance of potential effects with respect to the features (either or both primary habitats and species) for which a European site has been designated;
 - Consideration of opportunities for avoidance/mitigation measures, e.g. in the A&DM DPD thematic policies or lower tier documents;
 - The assessment of potential effects also took account of the likelihood of such effects occurring. This is consistent with the precautionary approach;
 - Consideration of the potential for in-combination effects; and
 - Recommendations for the development of the A&DM DPD.

3.4 SCREENING ALLOCATIONS AND POLICIES

3.4.1 Natural England has developed a series of categories that can be used as the basis for screening out proposals and policies. The categories are:

- Category A1: The policy will not itself lead to development e.g. because it relates to design or other qualitative criteria for development;
- Category A2: The policy is intended to protect the natural environment;
- Category A3: The policy is intended to conserve or enhance the natural, built or historic environment;
- Category A4: The policy would positively steer development away from European sites and associated sensitive areas; and
- Category A5: The policy would have no effect because no development could occur through the policy itself, the development being implemented through later policies in the same plan, which are more specific and therefore more appropriate to assess for their effects on European Sites and associated sensitive areas.

3.4.2 Proposals and policies that could not initially be screened out are considered further. The Natural England guidance identifies the following categories in which such policies can be placed:

- Category B – no significant effect;
- Category C – likely significant effect alone; and
- Category D – Likely significant effects in combination.

3.4.3 Appendix B presents the results of the screening exercise for the A&DM DPD. The first column identifies the relevant policy and the second column identifies the categories that arose from the initial screening exercise. The third column presents the categories that arose from the re-consideration of elements of the A&DM DPD that could not initially be screened out. It also includes recommendations for those policies that fell within Category C and D.

3.4.4 It is acknowledged that this exercise is subject to value judgements associated with all environmental assessments and although guided by criteria is still subjective.



Figure 1 – The HRA Process

4 The Issues

4.1 INTRODUCTION

4.1.1 This section provides a more detailed consideration of the issues identified in Section 3 and Appendix B sets out the results of the screening exercise.

4.1.2 It examines the following topics in turn:

- Air quality;
- Recreational pressure on the SAC; and
- Water abstraction.

4.1.3 For each topic it asks the following questions:

- What is the issue?
- Which settlements does it relate to?
- What are the implications for the A&DM DPD, including consideration of whether or not any recommendations from the previous iteration of the HRA for the Core Strategy have been taken on board?
- What are the implications for the HRA?

4.2 AIR QUALITY

Air Quality: What is the Issue?

4.2.1 Ecological elements within Birklands and Bilhaugh SAC, such as the diversity of lichen present, are sensitive to changes in air quality. It is important to establish the baseline background concentrations and to evaluate any local sources, such as road traffic.

4.2.2 Previous air quality assessments have taken this into consideration. Background concentrations were obtained from the National Air Quality Information Archive. This information was in relevance to two, one kilometre grid squares. These grid squares were up to four kilometres away from significant sources of road traffic emissions to ensure that they were not included. This is in line with DMRB guidance (11.3.1, paragraph 3.27).

The selected grid squares were 460500,368500 and 462500, 364500.

Background concentrations

Pollutant	2005	2007	2010
NO _x (µg.m ³)	14.9 (15.7)	13.7	12.1 (12.6)
NO ₂ (µg.m ³)	11.7 (12.3)	11.1	9.4 (9.9)
PM ₁₀ (µg.m ³)	19.8 (19.9)	19.1	18.2 (18.4)

4.2.3 It must be noted that in addition to road traffic sources, background pollutant concentrations may also be influenced by local industrial, and other, activities. Sources within 5km of the SAC include a petrol station mainly emitting benzene, 1, 3-butadiene and VOCs.

4.2.4 Thoresby Colliery is the only point source within 1km of the SAC and was modelled to emit 8.5 tonnes of PM₁₀ in 2003.

4.2.5 Background nitrogen deposition rates were obtained from APIS for the 5km grid square in which the study area lies.

Background nitrogen deposition rates.

Average N deposition rate (kg N/ha/yr)	2007	2010
	31.218	29.04

4.2.6 The critical load is the level over which significant harmful effects may occur; for forest habitats this is 10 -20 kg N ha⁻¹ y⁻¹. The results of the air quality assessment indicate that the background nitrogen deposition rate is in excess of the critical load for the habitat. It must be noted that the B6034 contributes 0.04 kg N ha⁻¹ y⁻¹, representing just 0.12% of the total nitrogen deposition rate. The B6034 had no detectable effect on the SAC at the time of assessment.

4.2.7 Exceeding critical loads is not uncommon in the UK and some context is provided in JNCC Report 387 (Hall *et al*, 2006) which states that exceedence statistics for nutrient nitrogen for designated sites in the UK indicate that 62.5% of SACS and 67.4% of A/SSSIs for which critical loads for terrestrial habitats are mapped, exceed their critical loads.

Air Quality: What are the implications for the A&DM DPD?

4.2.8 The above analysis suggests that existing point source pollution is more important than pollution associated with traffic on the B6034. The A&DM DPD has no influence on existing point source pollution.

4.2.9 For industrial processes, the current guidance that is used when assessing point source emissions is the IPPC H1 Guidance for the Environmental Assessment and Appraisal of BAT (available to download from <http://www.environment-agency.gov.uk/business/topics/pollution/37231.aspx>). Not all industrial processes/emissions will require assessment. A simple screening tool is provided with the guidance to determine which pollutants emitted from a process are released in significant amounts and which are not. For those pollutants which are emitted in significant amounts, detailed modelling may be required if the process is located near to sensitive receptors/locations of relevant exposure. The H1 document indicates that designated sites (including European sites) which are located within 10 km of the pollutant source should be considered as a sensitive receptor within an assessment. For major emitters (large power stations, refineries, or iron and steelworks) this distance increases to 15km.

4.2.10 With regards to development associated with the A&DM DPD, there is the potential that further assessment will be required for new industrial processes located within 10km (or 15km for major scale emitters) of the SAC. This may take the form of the simple screening exercise or more detailed modelling. It is assumed that each of the proposed industrial processes will need to carry out an appropriate air quality assessment in order to obtain their operating permit from the local authority or Environment Agency. It is also assumed that each process will implement appropriate mitigation measures to minimise their impact on European sites.

4.2.11 **Based on the above it is recommended that potential effects associated with air quality from industrial processes are best considered at the project level.**

4.2.12 **The HRA for the Core Strategy recommended that the Development Management DPD could highlight the need for assessments relating to potentially polluting development to consider the potential for effects on European sites and the scope for avoiding or mitigating these. Policy DM13 could be drafted to accommodate this recommendation.** This provision should relate to point source polluters and other activities that have potential to lead to increased deposition of nitrogen, e.g. poultry farms. Developments in the vicinity of the SAC that will lead to potential effects associated with increased road transport should also be assessed for potential impacts on the SAC.

4.2.13 The proposals for a new Regional Park and relocation of the Sherwood Forest Visitor Centre could contribute to a further reduction in air quality by attracting more visitors and more car-borne journeys. Although the Core Strategy recognises and supports the Regional Park initiative, it is an initiative that is being promoted across a number of local authorities. From our understanding it also appears that the Regional Park concept is not contingent on the Core Strategy, e.g. it does not rely on any specific land allocations at this stage.

4.2.14 The previous iteration of the HRA concluded that it was not possible to say at that stage what impacts the Regional Park will have on the SAC. The previous iteration of the HRA suggested that the Core Strategy's support for this concept should be contingent on the promoters demonstrating that there will be no harm to the SAC.

4.2.15 Policy ShAP 1 of the Core Strategy recognises the need to integrate the Regional Park concept with the SAC and sets out a commitment to prevent development that would have an adverse impact on the SAC.

4.2.16 The previous report also suggested that the Core Strategy should acknowledge its role in encouraging transport choice for visitors to the Regional Park and Sherwood Forest by exploring the provision of Park and Ride facilities and walking and cycling. This will require co-operation with adjoining local authorities and the County Council. The Adopted Core Strategy highlights the need for the body tasked with implementing the Regional Park to ensure that such impacts are mitigated.

4.2.17 Spatial Policy 7 'Sustainable Transport' in the Core Strategy seeks to ensure that all development helps to contribute to the objectives of the Local Transport Plan and provide transport choice. Policy ShAP1 in the Core Strategy also identifies the need to promote access by a range of transport modes including public transport and, where appropriate, ensure integration between car parking and cycling facilities, the supporting text makes it clear that the policy applies to the whole of the Regional Park. It is therefore considered that the Core Strategy provides sufficient safeguards in relation to the potential Sherwood Forest Visitor Centre and Regional Park.

Air Quality: What are the Implications for the Habitats Regulations Assessment?

4.2.18 It can reasonably be concluded that there will be no likely significant effect (either alone or in combination) as the result of the A&DM DPD being implemented.

4.2.19 The Core Strategy provides some policy safeguards **it is recommended that Policy DM13 of the A&DM DPD is drafted to include reference to the need for point source polluters that require planning permission to demonstrate that they will not significantly harm the SAC.**

4.3 PRESSURE FROM RECREATION

Recreational Pressure - What is the Issue?

4.3.1 The housing element of the A&DM DPD has the potential to introduce new residents to the area. A proportion of the total number of new residents will pursue recreational activities on nearby areas of green open space. New employment related activity can also give rise to recreational demand. Areas potentially affected could possibly include designated areas such as Birklands and Bilhaugh SAC, which contains habitats and species that may be sensitive to disturbance from increases in recreational pressure.

4.3.2 The distance that people are prepared to travel for recreational purposes is a key consideration. Research undertaken on behalf of Natural England (Liley et al 2005)⁹ in respect of the Thames Basin Heaths has indicated that most recreational users, and in particular those who are likely to visit the site most often, will live within 5km of the site. This distance also encompasses most dog walkers (Natural England, 2006)¹⁰.

4.3.3 Sherwood Forest is an exception to this. Whilst there is a gap in visitor survey data, it can be reasonably assumed that the most frequent users of the site travel from settlements up to 20km from the SAC.

4.3.4 In June 2005 a visitor survey was undertaken by ACK Tourism and RJS Associates Ltd. The survey consisted of face-to-face interviews with 284 visitors to the Sherwood Forest Country Park.

4.3.5 This survey showed that 30% of visitors to the site were from within the Nottingham (NG) postcode area. Common NG postcodes included:

- NG19 - 3.9%

⁹ Liley D, Jackson D, and Underhill-Day J (2005) *Visitor Access Patterns on the Thames Basin Heaths*. English Nature Research Report 682, Peterborough.

¹⁰ Natural England (2006) *Thames Basin Heaths (TBH) Special Protection Area (SPA) position on sheltered accommodation*. A letter from Natural England to local planning authorities setting out their position in relation to different use classes for planning applications.

- NG21 - 3.5%
- NG22 - 2.8%
- NG18 - 1.7%
- NG17 - 1.7%
- NG1, NG2, NG3, NG4, NG5, NG6, NG7, NG8, NG9 - approximately 8%
- NG10, NG11, NG12, NG13, NG14, NG15, NG16, NG20, NG23, NG24, NG25 - approximately 8%

4.3.6 The table at Appendix A provides an approximate distance travelled from each post code:

- 65% of visitors had travelled from home, whilst 25% had travelled from holiday accommodation; and
- 63% of visitors had been before and 8% visited the site on a weekly or more frequent basis.

4.3.7 The lack of data relating to frequency of visit to distance travelled leads to the need for some assumptions. It can be reasonably assumed that the most frequent users of the site travel from settlements up to 20km from the SAC.

4.3.8 The current focus of interest is on the Sherwood Forest Visitor Centre; this due to be reconstructed on a site across the B6034 from its present location. A recent planning application which had been approved was predicted to increase visitor numbers to 1,000,000 in the first year of operation falling to a plateau of approximately 800,000 in year three. The scheme is subject to a revised planning application which is understood to be scaled back, although impacts on visitor numbers are not clear at this stage.

4.3.9 In order to help reduce visitor pressure on the SAC it is proposed that visitors will be encouraged away from its boundaries and into the wider area. This will reduce the risk of harm to SAC habitats, in particular veteran trees within the vicinity of the existing visitor centre.

4.3.10 Current risks to the SAC include intensive activities in the vicinity of the existing visitor centre. This is in the form of car parking. Vehicle and pedestrian movement has the potential to compact soil and root zones around veteran trees in the area. Direct impacts include disturbance of tree roots through compaction from this activity and also damage to trees through vandalism.

4.3.11 Indirect impacts may arise through compaction causing damage to soil mycorrhiza and their root associations, disturbance to soil fauna and changes in hydrological functioning.

4.3.12 The Habitat Regulations Assessment Report for the Sherwood Forest Living Legend concluded:

'Whilst it is likely that existing local users of the wider SAC will continue to use minor paths, no significant adverse impacts to SAC habitats are anticipated to result from increased visitor numbers associated with the proposed campus development.'

4.3.13 The new visitor centre scheme included the improvement of existing access to the SAC. Evidence suggests that the existing footpath network has generally coped with usage, even during times of peak usage during the early 1990s when visitor numbers reached 1 million per annum (following the release of 'Robin Hood – Prince of Thieves').

4.3.14 There have been areas where footpaths have not coped as well as expected and this has been due to several factors. Paths that exist on a gradient have experienced surface erosion due to water run off. Pooling and rutting has also occurred on paths that have been poorly constructed. In these cases visitors have avoided the obstacles and have therefore widened the path and caused soil compaction over a wider area. As a result of this water run off which would otherwise have percolated down through the soil to the benefit of the sites ecology has been lost, adding to the stresses placed on the ecology of the site.

4.3.15 The Appropriate Assessment Report suggests that visitor numbers are not expected to reach the peak visitor numbers experienced during the 1990s and should therefore generally cope. However, opportunities exist to improve the network by addressing its isolated failings. If paths are properly constructed and use a camber or crossfall then water will run to the sides of the path and reduce erosion, pooling and rutting. These measures will improve water retention closer to natural levels.

4.3.16 These measures will help to focus visitor activity around the Major Oak and the associated existing controlled and surfaced areas. The Major Oak is recognised as a high profile cultural and heritage asset and high visitor demand already exists in this area, along with existing high levels of disturbance. Proposed access arrangements plan to alleviate this, especially to more remote and sensitive areas of the SAC. There are also plans to reopen access paths outside of the site, which will help to reduce footfall within the SAC.

4.3.17 All footpath improvements as part of the proposed scheme will be agreed with Natural England and fencing will be installed where Natural England and local site management feel it is appropriate.

Other Recreational Sites in the Area

4.3.18 There are other significant sites in the area that provide a recreational resource:

- Sherwood Pines Forest Park – large area of woodland with waymarked walking and cycling trails and other outdoor activities. Located to the south west of Edwinstowe Village;
- Rufford Abbey and Country Park – Picturesque Abbey remains and gardens surrounded in Woodland. Located south of Edwinstowe and Ollerton off the A614 near the B6034;
- Clumber Park – National Trust location set in a 4000 acre park. Located to the north of Edwinstowe and Ollerton; and
- Vicker Water Country Park, located just to the south of Clipstone village, 5 kilometres from Mansfield. The 80ha Park has been mainly formed on the site of former colliery spoil tips and lies in the shadow of the headstocks of Clipstone Colliery.

4.3.19 In addition the A&DM DPD makes provision for:

- Creation of a new footpath between Kelham Hall, Averham and the railway bridge at Averham Weir;
- The introduction of a circular route on land north of Farndon Harbour linking to Farndon Fields, the Sconce and Devon Park and the proposed Middle Beck Natural Corridor;
- Middle Beck / Shire Dyke Natural Corridor- the creation of a new multifunctional corridor stretching from Fernwood to the Sconce and Devon Park. In doing so the route should connect with the National Cycle Network Route and the Green Infrastructure being provided as part of the Land South of Newark strategic site. Provision should also be made for the introduction of a number of Local Nature Reserves along the route;
- Introduction of a new route linking the Country Park in the Land East of Newark strategic site to Stapleford Woods to the East and the Middle Beck / Shire Dyke Natural Corridor to the South East; and
- Creation of a Multi-User Route linking Newark and Southwell.

Recreational Pressure - Potential for increased Pressure on Coastal Sites.

4.3.20 The Steering Group asked for consideration of this issue at the time of the HRA for the Core Strategy. The discussion is repeated here in order to provide a transparent audit trail. The Habitats Regulations Assessment of the East Midlands Regional Plan, produced by Treweek Environmental Consultants and Environ, addresses the issue of potential impacts on coastal sites from recreational pressure.

4.3.21 The HRA states that a number of policies in the Regional Plan are likely to increase visitors to the coast, on which The Wash SAC, SPA and Ramsar is located. The HRA recommends that a Policy is added to the Plan, or a section is included under the Eastern Sub-area priorities, discussing the impacts of recreation on sensitive sites and discouraging local authorities from including policies in LDDs which encourage tourism and recreation on these sites. The HRA also recommends that other parts of the Lincolnshire Coast should be promoted to alleviate some of the pressure on the European Site.

4.3.22 Newark and Sherwood lies within the Northern Sub-area. Evidence suggests that regular users of sites (including coastal sites) travel around 5km, suggesting that development in Newark and Sherwood will not contribute significantly to the problem. The recommendations of the HRA for the RSS clearly focus on the Eastern Sub-area and the Newark and Sherwood Core Strategy does not have a role in promoting other locations on the Lincolnshire coast.

Recreational Pressure - Implications for the A&DM DPD

4.3.23 For the purposes of this HRA, new residential development at all settlements within the District have been considered to have the potential for cumulative impact (Category D) on the Birklands and Bilhaugh SAC, as all major settlements are within or approximately 20km from the site. Development within 5km will put pressure on the SAC as a local recreational resource, for dog walking etc.

4.3.24 In terms of mitigation, the main type of measure recommended by Natural England is the provision of Suitable Alternative Natural Greenspace (SANGS) for residential developments and/or improvements to existing sites to increase their visitor capacity and manage/avoid potential negative effects.

4.3.25 Natural England advocates that local communities should have access to an appropriate mix of green-spaces providing for a range of recreational needs, of at least 2 hectares of accessible natural green-space per 1,000 population. This can be broken down by the following system:

- No person should live more than 300 metres from their nearest area of natural green-space;
- At least one hectare of Local Nature Reserve should be provided per 1,000 population;
- There should be at least one accessible 20 hectare site within 2 kilometres;
- There should be one accessible 100 hectare site within 5 kilometres; and
- There should be one accessible 500 hectare site within 10 kilometres.


4.3.26 Natural England has provided guidance towards the characteristics that Suitable Alternative Natural Green Space (SANGS) should have (it relates to the Thames Basin Heaths and we understand the guidance is currently under review). The Guidance provides some important pointers on the location of SANGS, the facilities that are needed and the type of visitor that should be catered for.

4.3.27 The Guidance states that 8ha of SANGS per thousand population is generally required, although this applies to the Thames Basin Heaths SPA which is known to be under far greater pressure in terms of recreational disturbance (to ground nesting birds) resulting from significant encroachment onto the boundaries of the Thames Basin Heaths SPA than other Natura 2000 sites in the UK (which are predominantly both less sensitive and less encroached by existing urban development pressures). It is not considered appropriate for this level of SANGS provision (8 ha / 1,000 population) to be provided within Newark and Sherwood. Therefore, it is recommended that the ANGST guidance of 2ha / 1,000 population should be adopted. It is understood that the Infrastructure Delivery Plan used the ANGST guidance of 2ha/1000.

4.3.28 The Guidance on SANGS provides some important pointers on the location of SANGS, the facilities that are needed and the type of visitor that should be catered for.

4.3.29 Key considerations include;

- ensure provision of adequate car parking and signpost it;
- Where large populations are close to a European site, the provision of SANGS should be attractive to visitors on foot;
- Sites should be capable of providing routes of 2.5 to 5 kilometres, people may require longer routes;
- Where long routes cannot be accommodated within individual SANGS it may be possible to provide them through a network of sites, provided the connecting areas are rural in nature;
- Paths do not have to be of any particular width, and both vehicular-sized tracks and narrow Public Rights of Way (PRoW) type paths are acceptable to visitors;
- Safety is one of the primary concerns of female visitors. Paths should be routed so that they are perceived as safe by the users, with some routes being through relatively open (visible) terrain (with no trees or scrub, or well spaced mature trees, or wide rides with vegetation back from the path), especially those routes which are 1-3 km long;

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- The routing of tracks along hill tops and ridges where there are views is valued by the majority of visitors;
 - A substantial number of visitors like to have surfaced but not tarmac paths, particularly where these blend in well with the landscape. This is not necessary for all paths but there should be some more visitor-friendly routes built into the structure of a SANGS, particularly those routes which are 1-3 km long;
 - People value the naturalness of sites and artificial infrastructure should be avoided where possible;
 - However, SANGS would be expected to have adequate car parking with good information about the site and the routes available. Some subtle waymarking would also be expected for those visitors not acquainted with the layout of the site;
 - Other infrastructure would not be expected and should generally be restricted to the vicinity of car parking areas where good information and signs of welcome should be the norm, though discretely placed benches or information boards along some routes would be acceptable;
 - Hills do not put people off visiting a site, particularly where these are associated with good views, but steep hills are not appreciated. An undulating landscape is preferred to a flat one;
 - Water features, particularly ponds and lakes, act as a focus for visitors for their visit, but are not essential; and
 - It is imperative that SANGS allows for pet owners to let dogs run freely over a significant part of the walk. Access on SANGS should be largely unrestricted, with both people and their pets being able to freely roam along the majority of routes. This means that sites where freely roaming dogs will cause a nuisance or where they might be in danger (from traffic or such like) should not be considered for SANGS.

4.3.30 The guidance also provides comments on the enhancement of existing sites, including ensuring that candidate sites do not have any competing uses that would make them unsuitable as SANGS.

4.3.31 The Green Flag Award is the national standard for parks and green spaces in England and Wales. The award scheme began in 1996 as a means of recognising and rewarding the best green spaces in the country. It was also seen as a way of encouraging others to achieve the same high environmental standards, creating a benchmark of excellence in recreational green areas. **The Green Flag Award could be another way of ensuring that high quality sites are provided** (see <http://www.greenflagaward.org.uk/award/>).

4.3.32 Many of the strategic allocations in the Core Strategy already include provision of open space.

4.3.33 The previous iteration of the HRA report recommended that the Core Strategy, informed by the Green Infrastructure Study included a policy relating to the amount, quality and location of SANGS to be provided in the District. It also recommended that this should take account of opportunities for co-operating with adjoining authorities in the provision of SANGS.

4.3.34 Core Policy 12A 'Biodiversity and Green Infrastructure' references the Green Infrastructure Strategy that was prepared after the previous iteration of the HRA was completed. It sets out the commitment to establishing a network and priority areas for action.

4.3.35 The Infrastructure Delivery Plan undertaken as part of the evidence base for the Core Strategy did not identify any shortfalls in Alternative Natural Greenspace provision in the District. The Green Infrastructure Strategy prepared as part of the evidence base for the Core Strategy identifies opportunities for the creation and enhancement of Green Infrastructure.

4.3.36 The re-location of the Visitor Centre at Sherwood Forest provides the opportunity to include an area of green space that will be attractive to local people. This will help relieve pressure on the SAC from local residents within 5km of the SA.

4.3.37 The settlements within 5km of the SAC associated housing and population are summarised below:

Settlement	Residual dwelling requirement	Population @ 2.5 persons / dwelling	SANGS @ 2 ha/000
Clipstone	104	260	0.52
Edwinstowe	121	302.5	0.605
Ollerton and Boughton	487	1217.5	2.435
Total			3.56

4.3.38 Vicker Water Country Park, located just to the south of Clipstone village is considered to provide sufficient SANGS to meet the needs of the settlement and associated growth, leaving a residual need for about 3ha.

4.3.39 **The A&DM DPD recognises the potential for the re-located visitor centre at Sherwood Forest and this provides an opportunity to provide SANGS, a site of 3ha (or two sites of 2ha) would be the minimum size threshold. This would help meet additional recreational pressure.**

4.3.40 The Core Strategy recognises the need for additional Green Infrastructure associated with Ollerton and Boughton which will also contribute to SANGS.

Recreational Pressure - Implications for the HRA

4.3.41 Promotion of the Sherwood Forest Regional Park will give rise to potential issues associated with recreational pressure. Additional housing and to a lesser extent employment growth in Newark and Sherwood District and adjoining districts will also be an issue.

4.3.42 The section on air quality suggested that Core Strategy support for the Regional Park concept should be contingent on the advocates of the Park demonstrating that there will be no significant harm to the SAC and it now does this.

4.3.43 The Core Strategy (supported by the Green Infrastructure Strategy and Infrastructure Delivery Plan) suggests that there is sufficient greenspace (from a combination of existing and planned sources). The Core Strategy stated that the A&DM DPD would provide more detail on the location, amount and nature of SANGs (paragraph 5.61 refers).

4.3.44 **In order for the HRA to be able to conclude that there will be no likely significant effect (either alone or in combination) as the result of the A&DM DPD being implemented it is recommended that the proposals for the Visitor Centre at Sherwood Forest includes the provision of SANGS of at least 3ha.** This will help mitigate potential effects associated with visitors and increased recreational pressure within 5km of the SAC. **It may be prudent to identify an alternative site(s) for SANGS in the event that the visitor centre re-location does not proceed, for example in Edwinstowe or in the event that development at Edwinstowe takes place in advance of the visitor centre.** The Core Strategy recognises the need for additional Green Infrastructure associated with Ollerton and Boughton which will also contribute to SANGS.

4.3.45 It can therefore be reasonably concluded that – **provided the proposed SANG is provided** - there will be no likely significant effect (either alone or in combination) as the result of the A&DM DPD being implemented.

4.3.46 The HRA of the RSS suggests that it can be reasonably concluded that there will be no likely significant effect on Coastal sites arising from development in Newark and Sherwood District. The recommendations relating to the promotion of alternative locations on the Lincolnshire coast are noted but are not within the zone of influence of the Core Strategy or A&DM DPD for Newark and Sherwood and can therefore be discounted as an issue.

4.3.47 The promotion of alternative sites on the Lincolnshire Coast could be considered alongside the promotion of alternative sites in Newark and Sherwood but this is not something the A&DM DPD can directly influence.

4.4 WATER ABSTRACTION

Water Abstraction: What is the Issue?

4.4.1 Inundation is not required for the biological functioning of the SAC, however the site is vulnerable to stress if groundwater levels are significantly impacted.

4.4.2 The SAC is located within a Zone III (Total Catchment) Source Protection Zone (SPZ) for various public water supply boreholes. There are two water abstraction boreholes near the SAC. These are labelled as SK66/72A and SK66/72B on the British Geological Survey (BGS) logs. The logs indicate that the rest groundwater levels are approximately 31m below ground level.¹¹

4.4.3 In relation to water abstraction, the Sherwood Country Park Management Plan 1998 says:

The sandstone of the Sherwood Sandstone beds has been used as an aquifer for water abstraction since the nineteenth century. The water table now lies 15-25 metres below ground level. The vegetation of the Country Park must be dependent on intercepted rain, and fluctuations in the water table seem unlikely to have significant effects. This may to some extent always have been the case: though map evidence suggests the presence of several ponds in the Country Park at the beginning of the twentieth century, it is less certain that they are natural. There has been speculation that previous water extraction has been responsible for dieback in mature oaks, but there is no direct evidence for this.

4.4.4 It is the role of Water Resource Management Plans, which are produced by the water companies (in this case Severn Trent Water), to investigate in far greater detail the impact of water supply and demand on the natural environment. WRMPs are subject to scrutiny under the Habitats Directive.

4.4.5 A draft WRMP was produced by Severn Trent Water in May 2008. The East Midlands is dealt with as one Water Resource Zone. It notes:

“The East Midlands WRZ is one system, with much of it being on a strategic distribution grid. There is also an area supported by groundwater from the Sherwood sandstone, and group licenses allow flexibility in supplying this area although water quality problems, such as rising nitrates, has reduced the flexibility in recent years. There are some small areas that are not particularly well connected with the remainder of the zone, including Market Harborough, which is partially supported by imports from Anglian Water and the Newark area. As this zone is well connected, we have not sub divided the system to undertake a sub zonal water balance analysis at this time. This system is supported by reservoirs, supported and unsupported river abstraction and a number of groundwater sources. The zone exports water to the Severn WRZ. Provisional analysis shows that we have adequate capacity in peak demand periods in the East Midlands WRZ. We plan to undertake a more detailed analysis, including consideration of any local supply-distribution-demand issues, and to include any significant findings in the final version of WRMP09. We will, specifically, consider the surplus available to export to the Severn WRZ.”

4.4.6 Although there is adequate headroom in the East Midlands WRZ in the short term there are potentially longer term issues but these are contingent on assumptions made about the impacts of climate change, which seem to impact the East Midlands in particular of all the WRZs in the Severn Trent Water area.

4.4.7 The draft report states:

“When we apply the climate change impact assessment as prescribed in the Environment Agency’s Water Resources Planning Guideline, the impact in some zones is significant. In particular, the deployable output

¹¹ Atkins Ltd Sherwood Living Legend Geo-Environmental Desk Study Report (5048377 Sherwood Living Legend Desk Study v2.doc) January 2007.

projection for the East Midlands zone deteriorates rapidly with the result that the zone is projected to have a supply / demand shortfall by the end of AMP5.”

4.4.8 The report makes allowance for 6,000 dwellings in Newark between 2006 and 2016 and notes that this will give rise to an additional demand of between 1.6 and 2 million litres per day.

4.4.9 The report also notes:

“Newark is a housing growth point area which is currently not well linked with the rest of the zone. Localised resilience and water resources solutions will be put forward in the final version of WRMP09.”

4.4.10 The Environment Agency (EA) has been reviewing the effects of water abstractions upon aquifers and associated watercourse flows through 'Restoring Sustainable Abstraction (RSA). This work had not been completed when the draft WRMP was published but has since been considered in the company's responses:

“The EA require us to include in our WRMP the impact of their Restoring Sustainable Abstraction (RSA) programme where it is certain that we will be required to reduce abstractions which may be damaging the environment. The draft and final WRMPs follow the EA's planning guidelines, and as required by the Agency we have included only the impacts of those RSA sites where abstraction reductions have been identified by EA as being certain.”

‘In September 2008 we received from the EA confirmation of the sustainability reductions that they require us to include in the final WRMP. In that correspondence, their requirements at the majority of the RSA sites under investigation were still identified as being uncertain. In line with the EA guidance, for the final plan we have only included those sustainability reductions that the EA identified as being definite.’

‘...Investigations are ongoing at the majority of the RSA sites, and we are due to complete options appraisal for each affected site by 2010. We will review the potential impacts on the WRMP once options appraisal has been completed. For the final plan we have removed any new water resource investment options that could impact on RSA sites still under investigation. The phasing of any further sustainability reductions is likely to be determined by the Water Framework Directive's River Basin Management Planning process...’

4.4.11 Both STW and the EA recognise the current pressures upon the Sherwood Sandstone aquifers and the need to husband those resources. Any decision by the EA to revoke or to choose not to renew abstraction licenses when next up for consideration has not yet been confirmed and at present such actions are not explicitly incorporated in STWs forward planning. This aspect will need to be reviewed once the outcome of the RSA process is known and once the water companies have adapted their plans to that outcome.’

Water Abstraction: Implications for the A&DM DPD

4.4.12 The WRMP is still under development (as of late September 2011) and has identified the need for additional work in relation to the impacts of climate change on water supplies in the East Midlands and the needs of Newark. The EA's RSA programme is also on-going. Both initiatives are critical to future abstraction at this location and will have more influence on this than the Core Strategy. For example abstraction rights could be removed or reduced under the RSA. Policy on abstraction is also subject to assessment under the Habitats Directive.

4.4.13 The Core Strategy includes measures to reduce the demand for water and reduce water consumption in new housing (through adoption of the Code for Sustainable Homes) and other development (through BREEAM). The need for any additional measures will be contingent on finalisation of the WRMP.

4.4.14 The measures to reduce water demand in the Core Strategy may also benefit other European sites within the East Midlands WRZ.

Water Abstraction: Implications for the HRA



Shap 1 of the Core Strategy was amended to include a commitment to prevent development that would harm the site, combined with the measures relating to reduction of water consumption that are already in the Core Strategy it can be concluded that there will be no likely significant effect (either alone or in combination) as the result of the A&DM DPD being implemented because the Core Strategy provides sufficient safeguards.

5 Recommendations and Conclusions

5.1 AIR QUALITY

5.1.1 Poor air quality is an existing problem affecting the SAC. It appears that transport is not a major contributor to poor air quality at this location. The proposals for a new Regional Park and Visitor Centre could contribute to a further reduction in air quality by attracting more visitors and more car-borne journeys. Although the Core Strategy recognises and supports this initiative, it is an initiative that is being promoted across a number of local authorities. From our understanding it also appears that the Regional Park concept is not contingent on the Core Strategy, e.g. it does not rely on any specific land allocations at this stage. It is not possible to say at this stage what impacts the Regional Park will have on the SAC and the Core Strategy (through Policy ShAP 1) now acknowledges the need for no harm to be demonstrated. ShAP 1 also identifies the need for the Regional Park to promote transport choice. This will help provide the decision making framework for any planning applications that are needed and provide a clear signal to the promoters.

5.1.2 The Core Strategy may have a role in helping to promote modal shift; helping to reduce future potential impacts on air quality associated with visitors.

5.1.3 Policy DM13 of the A&DM DPD could highlight the need for assessments relating to potentially polluting development to consider the potential for effects on European sites and the scope for avoiding or mitigating these. This provision should relate to point source polluters and other activities that have potential to lead to increased deposition of nitrogen, e.g. poultry farms. Developments in the vicinity of the SAC that will lead to potential effects associated with increased road transport should also be assessed for potential impacts on the SAC.

5.1.4 If the proposed modifications are incorporated into the A&DM DPD it can reasonably be concluded that there will be no likely significant effect (either alone or in combination) as the result of the A&DM DPD being implemented.

5.2 RECREATIONAL PRESSURE

5.2.1 For the purposes of this HRA, new residential development at all settlements within the District have been considered to have the potential for cumulative recreational impact on the Birklands and Bilhaugh SAC, as all major settlements are within or approximately 20km from the site.

5.2.2 The provision of SANGS at 2ha/1,000 population is considered to be the primary means of avoiding such impacts. It is concluded that the 8ha/1,000 population SANGS benchmark established in other parts of the UK (e.g. associated with the Thames Basin Heaths SPA in the south-east) is not appropriate in this instance as the sensitivity is less. However, a conservative catchment for SANGS provision of 20km from the SAC has been identified. The Core Strategy sets the policy context for the provision of SANGS, including securing developer contributions to help deliver sites and provisions for long-term management.

5.2.3 Core Policy 12A 'Biodiversity and Green Infrastructure' references the Green Infrastructure Strategy that was prepared after the previous iteration of the HRA for the Core Strategy was completed. It sets out the commitment to establishing a network and priority areas for action.

5.2.4 The Infrastructure Delivery Plan undertaken as part of the evidence base for the Core Strategy did not identify any shortfalls in Alternative Natural Greenspace provision in the District. The Green Infrastructure Strategy prepared as part of the evidence base for the Core Strategy identifies opportunities for the creation and enhancement of Green Infrastructure, including opportunities for biodiversity enhancement and protection.

5.2.5 The proposals for a Regional Park based on Sherwood Forest should be subjected to Habitats Regulations Assessment – the responsibility for doing that needs to be clarified. The Core Strategy now states that the Regional Park concept will need to demonstrate that there is no significant harm to the SAC. The Regional Park concept provides the opportunity to examine issues around habitat fragmentation and restoration of connectivity.

5.2.6 The Green Flag Award could be another way of ensuring that high quality sites are provided (see Section 4 of this report).

5.2.7 The re-location of the visitor centre at Sherwood Forest provides the opportunity to include an area of SANGS that will also be attractive to local people. This will help relieve pressure on the SAC. An alternative site for SANGS could be identified at Edwinstowe in the event that the visitor centre does not proceed or if development at Edwinstowe proceeds ahead of the visitor centre. A site of 3ha (or two sites of 2ha) should be identified as a minimum functional area for SANGS. The Core Strategy already identifies the need for additional green infrastructure at Ollerton and Boughton that could also serve as SANGS.

5.2.8 It can therefore be reasonably concluded that – **provided the proposed SANGS is provided** - there will be no likely significant effect (either alone or in combination) as the result of the A&DM DPD being implemented.

5.3 WATER ABSTRACTION

5.3.1 The WRMP is still under development and has identified the need for additional work in relation to Newark. The EAs RSA programme is also on-going. Both initiatives are critical to future abstraction at this location and will have more influence on this issue than the Core Strategy and will be subject to HRA in their own right. The Core Strategy already includes proposals for a new water main to serve Newark and measures aimed at reducing water consumption associated with new development.

5.3.2 Policy ShAP1 in the Core Strategy provides adequate protection in relation to the SAC on this matter – since no development will be allowed that would have an adverse impact on this area.

5.4 OVERALL CONCLUSION

5.4.1 A process has been followed which follows advice provided by Natural England. This process has been termed an ‘assessment under the Habitats Regulations’ (or a ‘Habitats Regulations Assessment’).

5.4.2 The process has examined each policy within the A&DM DPD in turn to identify whether there is a potential for it to give rise to significant effects on European sites. For this part of the process a screening table has been used based on guidance produced by Natural England. Specific issues have been examined in detail and the contribution of the A&DM DPD to these issues and opportunities for avoidance and mitigation measures identified. An important element of completing the matrices has been the consideration of the risk of potential effects occurring, in accordance with the EC’s position statement on the Precautionary Principle¹². This process has taken account of existing avoidance and mitigation measures including relevant policies in the Core Strategy.

5.4.3 This process has also highlighted that the position of the A&DM DPD within the tiers of documents which make up the LDF (including the Core Strategy), as well as with other plans, programmes and projects is important when assessing the level of risk of significant effects occurring.


5.4.4 The key point is that the A&DM DPD will not in itself result in any change to or effect on any European site. Nothing will happen unless and until there is a planning permission for individual development sites. Whilst the Core Strategy can set a framework for these later decisions (and so to that extent influence them, as found in the Commission v UK decision), provided that framework makes it clear that (i) the requisite requirements of the Directive/Habitats Regulations will have to be satisfied at those later stages; and (ii) that the Core Strategy policies do not provide support for any proposal which would have an adverse effect on the integrity of any European site (and the Core Strategy clearly does not support such development), the A&DM DPD should not impact on any European site.

5.4.5 In addition, the potential for in-combination effects has been considered and as part of this process the results of the HRA work undertaken for the Regional Spatial Strategy on the overall level of growth has been examined and account has been taken of the recommendations contained within that HRA Report.

5.4.6 In this particular instance, a range of potential effects have been considered and discounted for the reasons set out in Section 4 of this report. These comprise potential effects associated with recreational pressure, issues associated with air pollution and water abstraction. These reflect the issues identified at the Regional level, which apply to a broader geographical area.

5.4.7 If the proposed modifications summarised in this report are incorporated into the Development Management DPD it can reasonably be concluded that there will be no likely significant effect (either alone or in combination) as a result of the A&DM DPD being implemented.

¹² Communication from the Commission on the Precautionary Principle (2000), Commission of the European Communities



5.4.8 On the basis of the work undertaken it is concluded that an Appropriate Assessment of the A&DM DPD will not be required if the measures outlined in this report are incorporated in the final version of the A&DM DPD. This report will be consulted on with Natural England and other consultees and should be updated in light of their comments and updated as the A&DM DPD develops.


Appendix A Summary of Visitor Survey Data

Postcode Area	Includes		Distance Between Postcode and NG21 (km)
NG19	Forest Town Mansfield Woodhouse New Houghton	Pleasley Stoney Houghton	6.51
NG21	Blidworth Clipstone Edwinstowe	Haywood Oaks New Clipstone Rainworth	Within 10km
NG22	Askham Bevercotes Bilsthorpe Boughton Budby Darlton Dunham Eakring East Markham Edingley Egmanton Farnsfield Halam Kersall	Kirklington Kirton Kneesall Laxton Maplebeck Milton Ollerton Ompton Perlethorpe Ragnall Thoresby Tuxford Walesby Wellow West Markham Winkburn	9.8
NG18	Mansfield		5.31
NG17	Huthwaite Kirkby in Ashfield Skegby	Stanton Hill Sutton in Ashfield Teversal	10.8
NG1	Nottingham		20.96
NG2	Gamston	West Bridgford	22.95
NG3	Nottingham		19.35
NG4	Carlton Colwick Gedling	Lambley Netherfield	18.96

NG5	Arnold Dorket Head	Redhill Woodthorpe	16.18
NG6	Bulwell Highbury Vale Old Basford		16.95
NG7	Nottingham		20.89
NG8	Bilborough		20.91
NG9	Attenborough Beeston Bramcote	Stapleford Toton	25.46
NG10	Long Eaton, Derbyshire New Sawley, Derbyshire	Sandiacre, Derbyshire Sawley, Derbyshire	29.29
NG11	Barton in Fabis Bradmore Bunny Clifton Gotham	Kingston on Soar Ratcliffe on Soar Ruddington Thrumpton Wilford	27.24
NG12	Bassingfield Clipston-on-the-Wolds Colston Bassett Cotgrave Cropwell Bishop Cropwell Butler Edwalton Holme Pierrepont Keyworth	Kinoulton Normanton-on-the-Wolds Owthorpe Plumtree Radcliffe on Trent Shelford Stanton-on-the-Wolds Tollerton Widmerpool Wysall	25.77
NG13	Alverton Aslockton Barkestone-le-Vale, Leicestershire Barnstone Bingham Bottesford, Leicestershire Car Colston East Bridgford Easthorpe, Leicestershire Elton Flawborough Granby	Kilvington Kneeton Langar Muston, Leicestershire Newton Normanton, Leicestershire Orston Plungar, Leicestershire Redmile, Leicestershire Saxondale Scarrington Screveton	24.75

	Hawksworth	Sutton Thoroton Tithby Whatton	
NG14	Bleasby Burton Joyce Calverton Caythorpe Epperstone Gonalston	Gunthorpe Hoveringham Lowdham Stoke Bardolph Thurgarton Woodborough	14.67
NG15	Annesley Annesley Woodhouse Butler's Hill Hucknall	Linby Newstead Papplewick Ravenshead	12.52
NG16	Awsorth Bagthorpe Brinsley Cossall Eastwood Kimberley	Moorgreen New Brinsley Nuthall Pinxton, Derbyshire Selston Underwood Watnall	17.89
NG20	Church Warsop Cuckney Elmton, Derbyshire Market Warsop Meden Vale	Nether Langwith, Derbyshire Norton Shirebrook, Derbyshire Upper Langwith, Derbyshire Whaley, Derbyshire	9.32
NG23	Averham Bathley Besthorpe Brough Carlton-on-Trent Caunton Claypole, Lincolnshire Flintham Girton Grassthorpe Harby Holme Kelham Langford	Norwell Norwell Woodhouse Ossington Rolleston Shelton Sibthorpe South Clifton South Muskham South Scarle Spalford Staythorpe Stubton, Lincolnshire Sutton on Trent Syerston	20.55

	Little Carlton Long Bennington, Lincolnshire Moorhouse Normanton on Trent North Clifton North Muskham	Thorney Thorpe Upton Westborough, Lincolnshire Weston Wigsley	
NG24	Balderton Barnby in the Willows Coddington	Farndon Hawton Newark-on-Trent Winthorpe	21.96
NG25	Easthorpe Fiskerton Halloughton Morton	Normanton Oxton Southwell	12.52



Appendix B Detailed Assessment of the Development Management Policies

Key to Table One

- Category A1: The policy will not itself lead to development e.g. because it relates to design or other qualitative criteria for development;
- Category A2: The policy is intended to protect the natural environment;
- Category A3: The policy is intended to conserve or enhance the natural, built or historic environment;
- Category A4: The policy would positively steer development away from European sites and associated sensitive areas;
- Category A5: The policy would have no effect because no development could occur through the policy itself, the development being implemented through later policies in the same plan, which are more specific and therefore more appropriate to assess for their effects on European Sites and associated sensitive areas.
- Category B – no significant effect;
- Category C – likely significant effect alone; and
- Category D – Likely significant effects in combination.

Note that categories C and D are not used in this instance.

Table One: Detailed Assessment of Development Management Policies

	Policy(s)	Scope	Categorisation in the initial screening	Comments and Recommendations
Policy Area: Agenda for Managing Growth				
DM1.	Development within settlements central to delivering the Spatial Strategy.	<p>This policy will define the types of development that will be acceptable within the Urban Boundaries of the Sub-Regional Centre and Service Centres and the Village Envelopes of the Principal Villages, as defined on the Proposals Map, including:</p> <ul style="list-style-type: none"> ● Residential ● Employment ● Community ● Culture, leisure & tourism and; ● Retail <p>The need for assessment by reference by other DM policies where relevant will be set out.</p>	This has the potential to include settlements within close proximity to the SAC. This is judged to fall under category C/D	See analysis in main report. Provision of Suitable Alternative Natural Greenspace (SANGS) associated with the relocated Sherwood Forest Visitor Centre would help avoid such impacts in combination with existing Green Infrastructure provision.
DM2.	Developer Contributions	This policy will set the requirement for developer contributions based on the implementation of standards set out in a Developer Contributions SPD. – This will allow for potential future changes to standards over the life of the plan without having to re-write the LDF Policy.	This relates Developer Contributions and is judged to fall under category A1	
Policy Area: Sustainable Development & Climate Change				
DM3.	Renewable Energy	<p>This policy will provide for the assessment of renewable and low carbon energy proposals and associated infrastructure both as standalone projects and where they form part of other proposals, including the retro-fitting of buildings, by reference to criteria including;</p> <ul style="list-style-type: none"> ● Visual impacts, including specific reference to landscape character, heritage assets, and other relevant designations. ● Environmental impacts including specific reference to noise, shadow flicker and electro-magnetic 	This policy includes consideration of ecological impact and is therefore considered to fall under category A1/A2	

	Policy(s)	Scope	Categorisation in the initial screening	Comments and Recommendations
		<p>interference.</p> <ul style="list-style-type: none"> ● Impact on highway safety through the delivery and installation/construction process and any on-going maintenance requirements. ● Impact on aviation. ● Ecological impact, through the delivery and installation/construction process and the on-going operation of the project. 		
DM4.	Design	<p>This policy will set out the criteria with which to assess all proposals either individually, or in conjunction with other development management policies and will include:</p> <ul style="list-style-type: none"> ● Provision and loss of parking (linked to appendix containing current standards to allow updating) ● Standards of private amenity space within residential development. ● Separation distances between different types of development. ● Access for people with disabilities. ● Local distinctiveness. ● Impact on amenity of neighbouring land uses. ● Construction materials with specific reference to sustainable design. ● Sustainability in design, materials and drainage. ● Impact on trees and woodlands ● Criteria for conversion of traditional rural buildings within settlements ● Crime & disorder. ● Light, noise and odour. 	<p>This policy relates to criteria with which to assess proposals and is therefore considered to fall under category A1</p>	
Policy Area: Homes for All				
DM5.	Householder Development	<p>This policy will provide for the assessment of all forms of householder development that requiring planning permission including:</p> <ul style="list-style-type: none"> ● Extensions. ● Alterations. 	<p>This relates to criteria for assessment and will be further defined in a linked SPD. This is considered to fall under category A1/A5</p>	



	Policy(s)	Scope	Categorisation in the initial screening	Comments and Recommendations
		<ul style="list-style-type: none"> ● Erection and conversion of outbuildings, including formation of annexes. ● Means of enclosure. <p>Criteria for assessment will be defined in relation to:</p> <ul style="list-style-type: none"> ● Impact on neighbouring land uses. ● Design and materials. ● Impact on character and appearance of surrounding area including heritage assets, other relevant designations and consideration of local distinctiveness. <p>Methods of assessment will be defined in a linked SPD</p>		
DM6.	Specialist Accommodation and Community Facilities	<p>This policy will provide for the assessment of all types specialist accommodation and community facilities including:</p> <ul style="list-style-type: none"> ● Hotels and guest houses ● Residential and care homes. ● Sheltered Housing ● Supported living. ● Hostels. ● Rehabilitation centres. ● Pre-schools. ● Day nurseries. ● Community centres and facilities. <p>The assessment of such proposals will be made by reference to the criteria of Policy DM4 - Design</p>	This policy relates to criteria with which to assess proposals and is therefore considered to fall under category A1	
Policy Area: Natural & Built Environment				
DM7.	Development in the Open Countryside	<p>This policy will identify and protect the most versatile areas of agricultural land and set out the criteria against which proposals resulting in its loss will be assessed.</p> <p>Appropriate development elsewhere in the countryside will be defined as including:</p>	Reference to DM4 means that this policy relates to criteria with which to assess proposals and is therefore considered to fall under category A1	



	Policy(s)	Scope	Categorisation in the initial screening	Comments and Recommendations
		<ul style="list-style-type: none"> ● Agricultural development requiring planning permission. ● New rural workers dwellings and the removal of occupancy conditions attached to existing dwellings. ● Replacement buildings. ● Conversion of existing buildings to commercial, community, tourist and residential uses. ● Rural diversification. ● New domestic and commercial equine uses and establishments and expansion of existing uses. ● New commercial, community and tourist uses and expansion of existing uses. ● Motor related services. <p>The assessment of such proposals will be made by reference to national policy and guidance, the criteria of Policy DM4 – Design, and relevant SPD’s.</p>		
DM8-11.	Protecting and Enhancing the Historic Environment	<p>There will be four policies covering the following areas:</p> <ol style="list-style-type: none"> 1. Listed Buildings- This policy will provide for the assessment of proposals requiring planning permission that involve the alteration, extension and change of use of listed buildings or affect their setting. Assessment will be made in the interests of encouraging their re-use, protecting and enhancing their architectural and historic interest and setting and, where not covered by other development management policies, by reference to the relevant criteria of Policy DM4 – Design. 2. Conservation Areas- This policy will require the impact on the character and appearance of conservation areas to be taken into account in assessing proposals requiring planning permission in conservation areas. Where not covered by other development management policies, proposals will also be assessed by reference to the relevant criteria of Policy DM4 – Design. 3. Materials- This policy will promote the use of traditional materials, methods and detailing when assessing proposals 	This policy relates to protecting and enhancing the historic environment and is considered to fall under category A3	



	Policy(s)	Scope	Categorisation in the initial screening	Comments and Recommendations
		<p>requiring planning permission for both new build development and alterations/extensions to existing buildings where they affect heritage assets.</p> <p>4. Sites of Archaeological and Historic landscape Interest- This policy will provide for the assessment of proposals that affect Sites of Archaeological and Historic landscape Interest with the intention of protecting and enhancing their form and setting.</p>		
DM12	Shopfronts and Advertisements	<p>This policy will provide for the assessment of proposals that require planning permission and advertisement consent with specific reference to:</p> <ul style="list-style-type: none"> ● Conservation areas. ● Listed buildings. ● Local distinctiveness. ● Promotion of economic prosperity through the provision of attractive and suitable retail facilities. <p>The need for assessment by reference to the Shopfronts and Advertisements Design guide SPD and where relevant, Policy DM4 - Design will be set out.</p>	This policy relates to criteria with which to assess proposals and is therefore considered to fall under category A1	



	Policy(s)	Scope	Categorisation in the initial screening	Comments and Recommendations
DM13	Pollution & Hazardous Materials	<p>This policy will provide for the assessment of:</p> <ul style="list-style-type: none"> ● Proposals for the creation and expansion of hazardous substance installations, and; ● Proposals that may be at risk from existing hazardous substance installations. ● Applications within and with the potential to impact on the source protection zone. <p>Criteria for the assessment of such proposals will be defined in relation to:</p> <ul style="list-style-type: none"> ● Impact the general population. ● Impact on groundwater. ● Impact on ecology. ● Impact on neighbouring land uses. <p>The need for assessment of proposals by other policies where relevant will be defined.</p> <p>The source protection zone and protection zones around hazardous installations will be defined on the proposals map.</p>	<p>This policy includes consideration of ecological impact and is therefore considered to fall under category A1/A2</p>	<p>The policy could highlight the need for sources of point source pollution that will require planning permission to consider the impact on the SAC.</p>
	Policy Area: Economic Growth			
DM14	Retail	<p>This policy will define, and identify on the proposals map, retail centre boundaries and frontages for all centres in the retail hierarchy. Retail proposals will be assessed by reference to the criteria of Policies DM8 – Shopfronts, DM4 - Design and the Shopfronts and Advertisements Design guide SPD</p>	<p>Reference to DM4 means that this policy relates to criteria with which to assess proposals and is therefore considered to fall under category A1</p>	



Appendix C Implications of a Prospective SPA



**Newark and Sherwood Allocations and
Development Management Development Plan
Document - Assessment under the Habitats
Regulations, Appendix C – Implications of a
Prospective Special Protection Area**

QM

Issue/revision	Issue 1	Revision 1	Revision 2	Revision 3
Remarks	Draft for Comment			
Date	October 2011			
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Checked by	Russell Buckley			
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1 Introduction

1.1 PURPOSE OF THIS REPORT

1.1.1 Newark and Sherwood District Council is in the process of producing an Allocations and 'Development Management Development Plan Document (A&DM DPD). It is consulting on options. As part of the work, consideration must be given to the potential effects on sites of European importance for nature conservation. WSP Environmental Ltd has been appointed by the Council to consider the potential for such effects and how the DPD could be amended to avoid or mitigate such effects. A HRA Screening report has been prepared to accompany the draft A&DM DPD. This work builds on and has regard to earlier work undertaken in relation to HRA and the Core Strategy for the District.

1.2 BACKGROUND

1.2.1 During the work on the HRA of the Core Strategy it became apparent that there was another issue that needed consideration, namely the potential for a new European site (a Special Protection Area, which is designated for the presence of important birds in accordance with the Birds Directive (79/409/EEC as amended) and Habitats Regulations 1994 (as amended)) to be identified in the District (and indeed in the wider Nottinghamshire area) at Sherwood Forest. The potential for a new European site was highlighted during the inquiry into a proposed Energy Recovery Facility at Rufford (APP/L3055/V/09/2102006).

1.2.2 The situation is complex and the implications for the Local Development Framework are not clear cut. The key points are:

- The site potentially qualifies as a SPA because of the presence of breeding nightjar and woodlark. The populations in the Sherwood Forest region represent more than 1% of their total UK breeding populations. The site is made up of a number of smaller areas which appear to provide optimal breeding habitat but it is important to stress that the boundary is not yet fixed;
- There is ongoing consideration of an additional qualifying Annex 1 species (honey buzzard) in the far north of the Sherwood Forest region which may require the inclusion of additional lands within the prospective SPA. However Natural England have advised that this species is ignored at this stage;
- The formal designation process will take place over a number of years and is taking place in the context of a wider review of sites and policy on such sites across the Country that is being led by Natural England;
- As the full SPA selection process has yet to be formally implemented and the formal UK Review of the existing suite of sites for nightjar and woodlark is pending, Natural England has not yet formed a view on whether a site within the Sherwood Forest region is one of the most suitable territories for these two species;
- The site would only be protected under the Birds Directive once it became a Potential SPA (pSPA). This can occur in one of two ways:
 - 1) The announcement of a formal public consultation on the proposed site on behalf of the Minister; and
 - 2). A Ministerial announcement that a site, or list of sites, have been accepted as pSPAs, such as a list of sites resulting from an UK SPA Review exercise.
- Based on the above there was no statutory requirement for the HRA of the Core Strategy to consider the prospect of an SPA at this location;
- Planning Policy Statement 12¹ (PPS12) highlights the need for Core Strategies to handle contingencies (para. 4.46):

"A strategy is unlikely to be effective if it cannot deal with changing circumstances. Core strategies should look over a long time frame – 15 years usually but more if necessary. In the arena of the built and natural

¹ Planning Policy Statement 12: Creating Strong Safe and Prosperous Communities Through Local Spatial Planning, DCLG 2008

environment many issues may change over this time. Plans should be able to show how they will handle contingencies:

It may not always be possible to have maximum certainty about the deliverability of the strategy. In these cases the core strategy should show what alternative strategies have been prepared to handle this uncertainty and what would trigger their use. Authorities should not necessarily rely on a review of the plan as a means of handling uncertainty.”

- At the time of undertaking the HRA for the Core Strategy, the prospect of a new European Site being designated in the District was considered by the Council and WSP to warrant a contingency based approach in line with PPS12. Natural England also confirmed support for this approach.

1.2.3 An Appendix to the HRA for the Core Strategy therefore looked at the potential implications of a new SPA at Sherwood Forest. The work was kept separate from the main HRA to avoid confusing the two elements. That element of the HRA effectively adopts a risk based approach, examining the implications of the possible designation of a new SPA over the course of the Core Strategy period – and any contingency arrangements, the Core Strategy might make, in the event that the designation occurs. The term ‘prospective SPA’ is used hereafter to refer to this area.

1.2.4 The purpose of this report is to repeat the risk assessment process for the A&DM DPD. This report forms an appendix to the main HRA screening report.

The Inspectors Report on the Core Strategy

1.2.5 The findings of the Inspectors Report on the Core Strategy also provide relevant context. The report considered the need for a policy on the Prospective SPA in the Core Strategy. His report states (paragraphs 83 to 85)²:

“Para 6 of PPS 9 advises that specific policies on internationally designated sites of biodiversity and geological conservation value should not be included in DPDs, as they have statutory protection in any event. In this case the possible future Special Protection Area (SPA) in Sherwood Forest to protect the habitats of nightjars and wood larks has not been identified by Natural England, the responsible body, and does not constitute a “potential” SPA where the Habitat Regulations would apply. Neither the possible extent of the designation, albeit theoretically neither large, nor any actual requirements for habitat protection are yet known and no selection process has yet been commenced with the European Union. Even so, it is entirely right that a Risk Assessment for designation formed part of the Habitats Regulation Screening (App C LD27) and informed the development of the CS.


Having been aware of the issue, the Council has sought to ensure that any designation during the plan period would have only a limited impact on the CS. However, there are inevitable delays involved, as well as the uncertainty as to whether any such designation would actually make it through the many obstacles that lie ahead, before final endorsement. Moreover, as worded, the policy merely commits the Council to a review of those adopted policies and proposals that might be in conflict “as soon as is practicable”. This would have to be undertaken in any event if a SPA is identified, in accord with PPS 9.

Whilst para 4.46 of PPS 12 says that CSs should consider contingencies it adds that this should include showing what alternative strategy (or strategies) has been prepared to handle the uncertainty and would trigger its use. There is no such reference in policy CP12B or its reasoned justification in paras 5.64 – 5.67 inclusive. Accordingly, the policy and its supporting text are neither necessary nor sound and should be deleted (Recommendation IC2). The absence of such a policy does not affect the soundness of the CS in all other respects for the reasons set out above”.

The Secretary of State’s Decision on the Rufford Application

1.2.6 The likely effect on the population of woodlark and nightjar was a key consideration in the Secretary of State’s decision. The Secretary of State agreed that whilst the application site was not within an area currently identified as a Special Protection Area (SPA), there was merit in following the approach set out in Regulation 61 of the Conservation of Habitats and Species Regulations 2010 (the Habitats Regulations) when considering the impact

² Report to Newark and Sherwood District Council by Nigel Payne BSc (Hons), Dip TP, MRTPI, MCMI an Inspector appointed by the Secretary of State for Communities and Local Government, Planning Inspectorate Date 11th March 2011



of the development on the use of the area by the bird species referred to above and listed on Annex 1 of the Birds Directive (a “risk based approach”). The Secretary of State concluded that he could not be sure that the proposed development would not harm the integrity of the area used by the birds and that the conflict this created with the aims of the Regional Spatial Strategy and the potential harm to the integrity of the habitat used by the woodlark and nightjar weighed significantly against the proposal

1.3 STRUCTURE OF THIS APPENDIX

1.3.1 The remainder of this report is structured as follows:

- Section 2 sets out the context, providing details of the area covered by the prospective SPA and the reasons behind it;
- Section 3 sets out the methodology for the work;
- Section 4 considers issues looking at the nature of the issue, the implications for the Core Strategy and any additional implications for the A&DM DPD;
- Recommendations and conclusions are set out in Section 5; and
- Annex A summarises data on land parcels that is relevant to the assessment and Annex B sets out the results of a screening exercise undertaken on the A&DM DPD.



2 Context

2.1 INTRODUCTION

2.1.1 This section sets out the context, providing details of the site covered by the prospective SPA and background to why it is considered to have potential as a European site. The text in this section draws heavily on Natural England's advice to the Inspector for the Rufford Inquiry³.

2.2 DESIGNATING EUROPEAN SITES – OVERVIEW OF THE PROCESS

2.2.1 The selection of SPAs in the UK involves two stages and the selection guidelines for SPAs are available on the Joint Nature Conservation Committee (JNCC) website (www.jncc.gov.uk/page-2643). The first stage of this process is intended to identify those areas most likely to qualify for SPA status, including those areas used regularly by 1% or more of the Great Britain (or in Northern Ireland, the all-Ireland) population of a species listed in Annex I of the Birds Directive in any season (criterion 1.1). Stage 2 of the selection process then considers and evaluates these areas further using an additional seven criteria, such as species geographic range, population density, number of qualifying species and site naturalness, to select the most suitable areas in number and size for SPA classification.

2.2.2 A UK wide SPA Review is taking place between 2009 – 2011 and led by an Executive Steering Group chaired by Defra and comprising representatives of the Government departments/four country administrations and their statutory conservation agencies across the UK, together with the Joint Nature Conservation Committee. The revised Review Terms of Reference outline that as part of the Review there will be a determination of whether it is necessary to increase the coverage of SPAs for both nightjar and woodlark in light of the most recent national species surveys. Additional background information provided by the RSPB dated 4 February 2010 (Dodd, A, Jennings, K, & Wilkinson, C. 2010) has demonstrated that the population coverage of both nightjar and woodlark within the existing SPA suite has declined between the last national surveys. Significant population changes have also occurred on individual SPAs during this time. The RSPB have also identified a number of possible additions to the SPA series should the UK SPA Review conclude it necessary to increase the coverage of both species. One of these possible additions is Sherwood Forest.

2.2.3 The UK SPA Review will be delivered in three phases. The first phase will consider and develop further guidance and principles to assist in the ongoing application of the UK SPA selection guidelines, including the adequacy of the existing suite of SPAs for species such as nightjar and woodlark. The second phase will be undertaken by the four Country Administrations in conjunction with the relevant statutory conservation agencies. It will involve the consideration and application of those principles and further guidance established in phase one, subject to Ministerial approval. This will include whether new SPAs should be considered in the light of recommendations from the first phase of the review, and if so, their location and extent, and similarly, whether existing SPAs should be extended either in spatial extent or through the addition of further qualifying species. It will be during this phase when the formal evaluation of individual sites against both Stage 1 and Stage 2 criteria of the SPA Selection Guidelines will be most appropriate. The third phase involves the revision of citations and boundaries (as appropriate and necessary) by individual Country Administrations at those sites where qualifying species and areas have been changed.

2.2.4 The UK SPA review process has not yet been completed and the national review of the SPA suite for nightjar and woodlark has not yet been formally undertaken and there has been no formal consideration of additional sites for these species against the SPA Selection Guidelines. However, recognising the importance of this issue in the context of the Rufford Public Inquiry referred to in the introduction of this report, Natural England has undertaken its own review of the ornithological importance of the Sherwood Forest Region against the SPA selection guidelines. This work anticipates and will feed into the UK SPA Review.

³ Response to Planning Inspector's request for information from Natural England Rufford Energy Recovery Facility, Natural England, 7th October 2009

2.3 WHY A PROSPECTIVE EUROPEAN SITE?

2.3.1 Natural England's review of the breeding nightjar and woodlark population data collected during the 2004 and 2006 National Surveys has concluded that numbers of breeding nightjar and woodlark in the Sherwood Forest region represent more than 1% of their total UK breeding populations. According to Natural England's calculations, Sherwood Forest supported 1.88% of the total UK breeding nightjar population during 2004 and 2.51% of the total UK breeding woodlark population during 2006 (based on the statutory 1% threshold levels from 1992 and 1997 respectively).

2.3.2 Natural England was also concerned that the Sherwood Forest region serves to function as a single ecological site. Analysis undertaken by the RSPB (Dodd, A. et al. 2010) identified a strong aggregation of nightjar territories in the Sherwood Forest region and likely foraging ranges associated with these territories would suggest considerable overlap and interaction between birds. Many of the component blocks of the Sherwood Forest region are fragmented but sufficiently adjacent or in close proximity to each other to allow movement of birds between the areas, giving the whole area a strong ecological identity.

2.3.3 Natural England is now of the opinion that Sherwood Forest satisfies criterion 1.1 and thus Stage 1 of the SPA Selection Guidelines for breeding nightjar and woodlark. This conclusion is also independently supported by the analysis undertaken by RSPB (Dodd, A. et al. 2010). As a result Natural England would advocate the further consideration of Sherwood Forest against Stage 2 of the SPA Selection Guidelines at the appropriate stage during the UK SPA Review process. However, as the full SPA selection process has yet to be formally implemented and the formal UK Review of the existing suite of sites for nightjar and woodlark is pending, Natural England has not yet formed a view on whether a site within the Sherwood Forest region is one of the most suitable territories for these two species. Natural England has not so far provided any advice to the Secretary of State on the selection of any SPA in the Sherwood Forest area. However it is their view that the possibility of Sherwood Forest being recommended for future classification as a SPA remains at this stage on the basis of the evidence from the national surveys and the interpretation of that data.

2.4 WHAT IS THE EXTENT OF THE AREA POTENTIALLY AFFECTED?

2.4.1 No assessments of the boundary of any future SPA have been made. However, following a review of data by Natural England and without prejudice to any recommendation that may in time be made to the Secretary of State and in order to assist the Rufford Inquiry Natural England have identified a single indicative boundary around what it would consider to represent the core breeding nightjar and woodlark populations in the Sherwood Forest region. This is shown in Figures 1 to 6. This boundary seeks to include those nightjar and woodlark territories recorded during the 2004 and 2006 national survey years which were associated with optimal breeding habitat for these species (broadly defined as semi-natural heathland and acid grassland and coniferous plantation forest on former semi-natural habitat). Data from other years has not been considered in this regard.

2.4.2 Natural England have emphasised this does not constitute a proposed SPA boundary for a number of reasons. This boundary is purely indicative and there is ongoing consideration of an additional qualifying Annex 1 species (honey buzzard) in the far north of the Sherwood Forest region which may require the inclusion of additional lands. The outcomes of the UK SPA Review process will be relevant, as is the need for wider consultation with landowners, stakeholders and partners on a proposed SPA site boundary.

2.5 WHAT DESIGNATIONS ALREADY EXIST IN THESE AREAS?

2.5.1 The Prospective SPA covers a large area already subject to a number of other statutory and non-statutory ecological designations, and as such a level of protection is already afforded to some areas. Some such designations include:

- Birklands and Bilhaugh Special Area of Conservation;
- Foxcovert Plantation, Nottinghamshire Wildlife Trust Nature Reserve;
- Rainsworth Water Local Nature Reserve;
- Cockglode and Rotary Wood Local Nature Reserve;



-
- Sherwood Heath Local Nature Reserve;
 - Sherwood Forest National Nature Reserve;
 - Rainworth Heath SSSI;
 - Strawberry Hill Heath SSSI;
 - Birklands West and Ollerton Corner SSSI;
 - Birklands and Bilhaugh SSSI;
 - Thoresby Lake SSSI;
 - Welbeck Lake SSSI; and
 - Clumber Park SSSI.

3 Methodology

3.1 INTRODUCTION

3.1.1 The method used for this risk assessment is the same as that used for the HRA of the Core Strategy and A&DM DPD.

3.1.2 In devising the methodology for this work, regard has been had to relevant guidance and recent practice:

- Assessment of Plans and Projects Significantly Affecting Natura 2000 sites⁴ (European Union November 2001);
- Unpublished Draft Guidance from Natural England on AA of Regional Spatial Strategies and Local Development Frameworks⁵; and
- Guidance from the Department for Communities and Local Government (DCLG)⁶ on Appropriate Assessment of RSSs and LDDs; and
- An advice note issued by Natural England⁷.

3.1.3 The overall process is summarised in the Figure at the end of this section.

3.2 KEY ISSUES

3.2.1 Based on the work undertaken for the HRA of the Core Strategy we know that the key issues with respect to the prospective SPA relate to:

- Issues associated with air quality;
- Potential for increased recreational pressure and associated issues – particularly disturbance to ground nesting birds;
- Potential for effects on European sites associated with water abstraction.

3.2.2 Discussions with Natural England in the context of the HRA for the Core Strategy also highlighted the need to consider:

- Issues associated with pet predation;
- Potential for effects associated with habitat loss and fragmentation
- Issues associated with lighting.

3.3 SCREENING POLICIES

3.3.1 Natural England has developed a series of categories that can be used as the basis for screening out policies and proposals. The categories are:


- Category A – no effect;

⁴ Assessment of Plans and Projects Significantly Affecting Natura 2000 sites, Methodological guidance on the provisions of Article 6(3) and (4) of the Habitats Directive 92/43/EEC European Union, November 2001 http://ec.europa.eu/environment/nature/nature_conservation/eu_nature_legislation/specific_articles/art6/pdf/natura_2000_assess_en.pdf

⁵ Draft Guidance, The Assessment of Regional Spatial Strategies and Sub-Regional Strategies under the Provisions of the Habitats Regulations, David Tyldesley and Associates for English Nature, March 2007.

⁶ Planning for the Protection of European Sites: Appropriate Assessment Guidance For Regional Spatial Strategies and Local Development Documents, DCLG, August 2006 http://www.communities.gov.uk/pub/353/PlanningfortheProtectionofEuropeanSitesAppropriateAssessmentGuidanceForRegionals_id1502353.pdf

⁷ Advice Note to Local Planning Authorities regarding the consideration of effects on the breeding population of nightjar and woodlark in the Sherwood Forest area, Natural England 22 July 2011

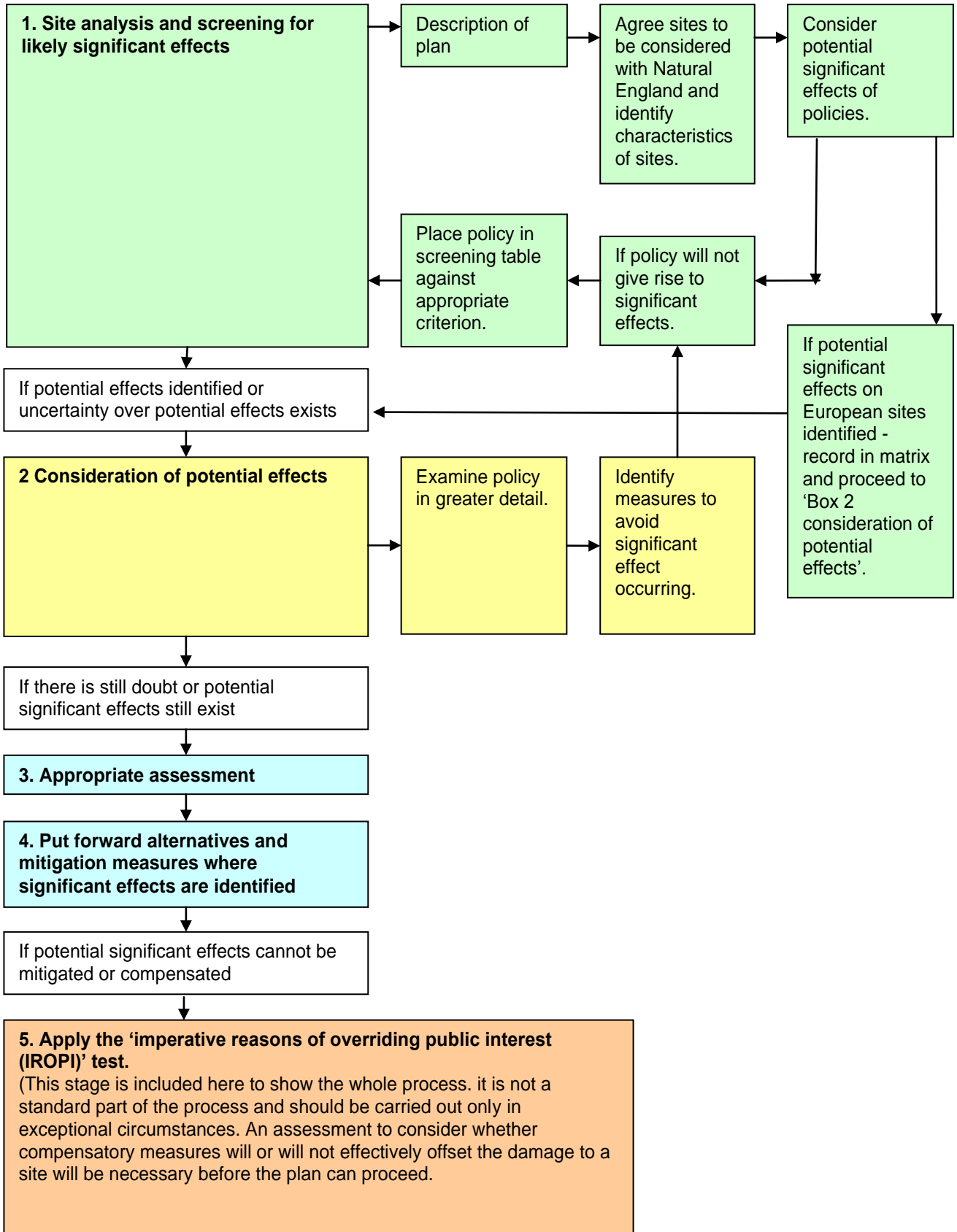
- 
-
- Category A1: The policy will not itself lead to development e.g. because it relates to design or other qualitative criteria for development;
 - Category A2: The policy is intended to protect the natural environment;
 - Category A3: The policy is intended to conserve or enhance the natural, built or historic environment;
 - Category A4: The policy would positively steer development away from European sites and associated sensitive areas; and
 - Category A5: The policy would have no effect because no development could occur through the policy itself, the development being implemented through later policies in the same plan, which are more specific and therefore more appropriate to assess for their effects on European Sites and associated sensitive areas.

3.3.2 Policies that could not initially be screened out are considered further. The Natural England guidance identifies the following categories in which such policies can be placed:

- Category B – no significant effect;
- Category C – likely significant effect alone; and
- Category D – Likely significant effects in combination.

3.3.3 Table One (in Annex B) presents the results of the screening exercise for the A&DM DPD. The first column identifies the relevant policy and the second column identifies the categories that arose from the initial screening exercise. The third column presents the categories that arose from the re-consideration of elements of the Core Strategy that could not initially be screened out. It also includes recommendations for those policies that fell within category C and D.

3.3.4 It is acknowledged that this exercise is subject to value judgements associated with all environmental assessments and although guided by criteria is still subjective.



4 The Issues

4.1 INTRODUCTION

4.1.1 In line with emerging advice, policies have been screened against the issues identified in the HRA undertaken for the Core Strategy and site specific issues identified in discussion with Natural England in order to identify whether or not policies will have a potentially significant effect on the prospective European sites, either individually or in combination. This section provides a more detailed consideration of the issues and Annex B sets out the results of the screening exercise.

4.1.2 It examines the following topics in turn:

- Air quality;
- Recreational pressure (including potential for disturbance of ground nesting birds);
- Water abstraction,
- Issues associated with pet predation;
- Potential for effects associated with habitat loss and fragmentation; and
- Issues associated with lighting.

4.1.3 For each topic it asks the following questions:

- What is the issue?
- What are the implications for the Core Strategy?
- What are the implications for the HRA?

4.2 AIR QUALITY

Air Quality: What is the Issue?

4.2.1 There are two relevant sources of pollution, industrial processes and traffic. These are considered in turn below.

4.2.2 With regards to road traffic emissions, as detailed in the Design Manual for Roads and Bridges (DMRB), Volume 11, Section 3, Part 1 (May 2007) the effect of road traffic emissions on local air quality quickly reduces as the distance from the road increases. The DMRB states in paragraph 3.13 that “Only properties and Designated Sites within 200m of roads affected by the project need be considered”. Beyond 200m, the contribution of traffic emissions to local pollutant concentrations is considered to be negligible (although this is not to say that local pollutant concentrations will not still exceed the statutory air quality objective levels). This is further illustrated by Graph C1 in Annex C which is shown below, which shows the contribution to atmospheric pollutant concentrations of a stream of traffic compared to the distance from the centre of a road. Natural England also recognises that emissions are not likely to be significant beyond 200m.

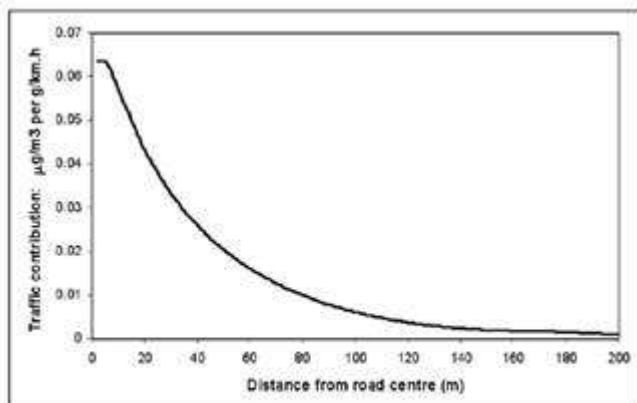


Figure C1 Traffic Contribution to Pollutant Concentration at Different Distances from the Road Centre

4.2.3 A number of Major roads that run through the District are adjacent to the prospective SPA, including:

- The A617
- The A614
- The A 616

4.2.4 For industrial processes, the current guidance that is used when assessing point source emissions is the IPPC H1 Guidance for the Environmental Assessment and Appraisal of BAT (available to download from <http://www.environment-agency.gov.uk/business/topics/pollution/37231.aspx>). Not all industrial processes/emissions will require assessment. A simple screening tool is provided with the guidance to determine which pollutants emitted from a process are released in significant amounts and which are not. For those pollutants which are emitted in significant amounts, detailed modelling may be required if the process is located near to sensitive receptors/locations of relevant exposure. The H1 document indicates that designated sites (including European sites) which are located within 10 km of the pollutant source should be considered as a sensitive receptor within an assessment. For major emitters (large power stations, refineries, or iron and steelworks) this distance increases to 15km.

Air Quality: What are the implications for the A&DM DPD?

4.2.5 Potential effects associated with increased traffic levels due to increased population as a result of the housing provision within the Core Strategy were identified. Increased traffic could have cumulative impacts on air quality which could potentially affect the prospective SPA.

4.2.6 EIA should ensure that mitigation measures are put in place to reduce the risk of this type of pollution occurring as a result of new development projects. The Core Strategy also aims to limit growth in car traffic and promote public transport services, for example Spatial Policy 7.

If the prospective SPA is designated it may mean that the potential effects of developments on air quality along relevant transport corridors will need closer scrutiny at the project level. The Development Management DPD could highlight the need for this.

4.2.7 With regards to development associated with the Core Strategy, there is the potential that further assessment will be required for new industrial processes located within 10km (or 15km for major scale emitters) of the prospective SPA. This may take the form of the simple screening exercise or more detailed modelling. It is assumed that each of the proposed industrial processes will need to carry out an appropriate air quality assessment in order to obtain their operating permit from the local authority or Environment Agency. It is also assumed that each process will implement appropriate mitigation measures to minimise their impact on European sites.

4.2.8 Based on the above it is recommended that potential effects associated with air quality from industrial processes are best considered at the project level.

4.2.9 Policy DM 13 of the A&DM DPD could highlight the need for such assessments to consider the potential for effects on European sites and the scope for avoiding or mitigating these.

Air Quality: What are the Implications for the Habitats Regulations Assessment?

4.2.10 In the event that a SPA is designated more detailed analysis of issues in relation to air quality would be required, for example through project level Appropriate Assessment. The Core Strategy already contains policies relating to the protection of European sites. Policy DM13 of the A&DM DPD could highlight the need to consider the potential impact of traffic and sources of point source pollution that require planning permission on air quality near European sites.

4.3 PRESSURE FROM RECREATION

Recreational Pressure - What is the Issue?

4.3.1 The housing element of the core strategy has the potential to introduce new residents to the area. A proportion of the total number of new residents will pursue recreational activities on nearby areas of green open space. New employment related activity can also give rise to recreational demand. The main HRA for the Core Strategy sets out the issues in more detail.

4.3.2 Woodlark and Nightjar are ground-nesting birds and are therefore potentially susceptible from disturbance, particularly from dogs. They are also vulnerable to cat predation and other issues such as fires. Acknowledged measures to counter such issues, in addition to the provision of alternative spaces include⁸:

- Use of signs, leaflets, educational material;
- Access management – use of rangers/wardens, seasonal restrictions (provided lawful) and campaigns;
- Fire risk assessment and management;
- Recording and monitoring; and
- Use of developer contributions to help fund the above.

4.3.3 Some of the areas that make up the prospective SPA are already in recreational use and will attract visitors from a wide catchment. These include the Sherwood Forest Country Park (and associated Visitor Centre) and Rufford Abbey and Country Park. Other smaller sites are likely to be attractive to residents within a 5km radius.

Recreational Pressure - Implications for the A&DM DPD

4.3.4 The Core Strategy supported by the Green Infrastructure Strategy recognises the importance of Green Infrastructure. Core Policy 12A 'Biodiversity and Green Infrastructure' references the Green Infrastructure Strategy. It sets out the commitment to establishing a network and priority areas for action, this includes specific consideration of the western part of the district, which takes in much of the prospective SPA. The opportunity to enhance and protect biodiversity is identified.

4.3.5 The Infrastructure Delivery Plan undertaken as part of the evidence base for the Core Strategy did not identify any shortfalls in Alternative Natural Greenspace provision in the District. The Green Infrastructure Strategy prepared as part of the evidence base for the Core Strategy identifies opportunities for the creation and enhancement of Green Infrastructure.

4.3.6 In the Thames Basin Heaths and in other parts of the UK (e.g. the Dorset Heaths) there is a presumption against residential development within 400 metres of the SPA. Exceptions can be made to allow for barriers to human movement or if it can be demonstrated that the development will not increase the population in the area, e.g. because it is a small affordable housing scheme catering for need in the area.

4.3.7 If a SPA is proposed there may be a case for introducing developer contributions to help fund the provision of SANGS/and or provision on site and management of sites and in particular help manage

⁸ Thames Basin Heaths SPA Delivery Framework, Thames Basin Heaths Joint Strategic Partnership Board, February 2009.

potential conflicts between recreational use and ecology this may require an amendment to the Community Infrastructure Levy Schedule as the use of developer contributions is restricted to five projects once the Levy is introduced by a Council. Given the proposals for a Regional Park in the area (see main HRA report) it is likely that issues in relation to recreational impact will also need to be considered as part of those proposals.

4.3.8 Provision of SANGS in the Thames Basin Heaths is based on 8ha / 1,000 population and provision is required for development located within 400m – 5km of the SPA. 8ha / 1000 may or may not be appropriate in the context of the Prospective SPA. In the context of the Thames Basin Heaths this level of provision is justified to help create spaces that replicate the experience of large areas of heathland. We recommend discussion with Natural England on the level of provision required and how best to establish the evidence base for that.

4.3.9 Issues around disturbance means that there may also be a need to introduce a presumption against residential development within 400m of the SPA should it be designated. The A&DM DPD would need to state this in the event that the SPA is designated.

Recreational Pressure - Implications for the HRA

4.3.10 The Core Strategy acknowledges the importance of Green Infrastructure. The Publication Core Strategy (supported by the Green Infrastructure Strategy and Infrastructure Delivery Plan) suggests that there is sufficient greenspace (from a combination of existing and planned sources). This includes sites in the Prospective SPA, which could lead to tensions between the recreational use of sites and the SPA designation. **Funding, secured from developer contributions, to manage such tensions, for example to fund education projects, management plans and their implementation and use of wardens etc. would be a potential way of avoiding or mitigating such issues but the mechanism for securing these and the relationship with the proposed Regional Park would also need to be understood.**

Water Abstraction: What is the Issue?

4.3.11 It is the role of Water Resource Management Plans, which are produced by the water companies (in this case Severn Trent Water), to investigate in far greater detail the impact of water supply and demand on the natural environment. WRMPs are subject to scrutiny under the Habitats Regulations.

4.3.12 A draft WRMP was produced by Severn Trent Water in May 2008. The East Midlands is dealt with as one Water Resource Zone. It notes:

“The East Midlands WRZ is one system, with much of it being on a strategic distribution grid. There is also an area supported by groundwater from the Sherwood sandstone, and group licences allow flexibility in supplying this area although water quality problems, such as rising nitrates, has reduced the flexibility in recent years. There are some small areas that are not particularly well connected with the remainder of the zone, including Market Harborough, which is partially supported by imports from Anglian Water and the Newark area. As this zone is well connected, we have not sub divided the system to undertake a sub zonal water balance analysis at this time. This system is supported by reservoirs, supported and unsupported river abstraction and a number of groundwater sources. The zone exports water to the Severn WRZ. Provisional analysis shows that we have adequate capacity in peak demand periods in the East Midlands WRZ. We plan to undertake a more detailed analysis, including consideration of any local supply-distribution-demand issues, and to include any significant findings in the final version of WRMP09. We will, specifically, consider the surplus available to export to the Severn WRZ.”

4.3.13 Although there is adequate headroom in the East Midlands WRZ in the short term there are potentially longer term issues but these are contingent on assumptions made about the impacts of climate change, which seem to impact the East Midlands in particular of all the WRZs in the Severn Trent Water area.

4.3.14 The draft report states:

“When we apply the climate change impact assessment as prescribed in the Environment Agency’s Water Resources Planning Guideline, the impact in some zones is significant. In particular, the deployable output projection for the East Midlands zone deteriorates rapidly with the result that the zone is projected to have a supply / demand shortfall by the end of AMP5.”

4.3.15 The report makes allowance for 6,000 dwellings in Newark between 2006 and 2016 and notes that this will give rise to an additional demand of between 1.6 and 2 million litres per day.

4.3.16 The report also notes:

“Newark is a housing growth point area which is currently not well linked with the rest of the zone. Localised resilience and water resources solutions will be put forward in the final version of WRMP09.”

4.3.17 The Environment Agency (EA) has been reviewing the effects of water abstractions upon aquifers and associated watercourse flows through 'Restoring Sustainable Abstraction' (RSA). This work had not been completed when the draft WRMP was published but has since been considered in the company's responses:

“The EA require us to include in our WRMP the impact of their Restoring Sustainable Abstraction (RSA) programme where it is certain that we will be required to reduce abstractions which may be damaging the environment. The draft and final WRMPs follow the EA's planning guidelines, and as required by the Agency we have included only the impacts of those RSA sites where abstraction reductions have been identified by EA as being certain.”

‘In September 2008 we received from the EA confirmation of the sustainability reductions that they require us to include in the final WRMP. In that correspondence, their requirements at the majority of the RSA sites under investigation were still identified as being uncertain. In line with the EA guidance, for the final plan we have only included those sustainability reductions that the EA identified as being definite.’

‘...Investigations are ongoing at the majority of the RSA sites, and we are due to complete options appraisal for each affected site by 2010. We will review the potential impacts on the WRMP once options appraisal has been completed. For the final plan we have removed any new water resource investment options that could impact on RSA sites still under investigation. The phasing of any further sustainability reductions is likely to be determined by the Water Framework Directive's River Basin Management Planning process...’

4.3.18 Both STW and the EA recognise the current pressures upon the Sherwood Sandstone aquifers and the need to husband those resources. Any decision by the EA to revoke or to choose not to renew abstraction licenses when next up for consideration has not yet been confirmed and at present such actions are not explicitly incorporated in STWs forward planning. This aspect will need to be reviewed once the outcome of the RSA process is known and once the water companies have adapted their plans to that outcome.’

Water Abstraction: Implications for the A&DM DPD

4.3.19 The WRMP is still under development (as of September 2011) and has identified the need for additional work in relation to the impacts of climate change on water supplies in the East Midlands and the needs of Newark. The EA's RSA programme is also on-going. Both initiatives are critical to future abstraction at this location and will have more influence on this than the Core Strategy. For example abstraction rights could be removed or reduced under the RSA. The WRMP and EA's RSA programme are also subject to Habitats Regulations Assessment.

4.3.20 The Core Strategy includes measures to reduce the demand for water and reduce water consumption in new housing (through adoption of the Code for Sustainable Homes) and other development (through BREEAM). The need for any additional measures will be contingent on finalisation of the WRMP.

4.3.21 The measures to reduce water demand in the Core Strategy may also benefit other European sites within the East Midlands WRZ.

Water Abstraction: Implications for the HRA

4.3.22 Shap 1 of the Core Strategy was amended to include a commitment to prevent development that would harm the existing European site. If a new European site were to be allocated it could prompt a review of the LDF and Shap 1 could be amended to recognise the new SPA and protect it in the same way. No additional modifications to the A&DM DPD are suggested.

Pet Predation – what is the issue?

4.3.23 Woodlark and Nightjar are ground nesting birds and are potentially susceptible to cat predation.

Pet Predation – Implications for the A&DM DPD

4.3.24 An established response to this issue is to prohibit residential development within 400 metres of the boundary of a SPA unless there are physical obstructions to cat movement (e.g. cat-proof fencing), for example the Thames Basin Heaths Delivery Plan adopts this approach. **The A&DM DPD would be the place to identify such a policy** in the event that the SPA is designated..

Pet Predation – Implications for the HRA?

4.3.25 The introduction of a 400 m buffer zone around the SPA should enable the HRA to conclude that there will be no likely significant effect as a result of the A&DM DPD being implemented.

Habitat loss and fragmentation – what is the issue?

4.3.26 Any habitat loss would be potentially harmful as it would result in a reduction in suitable nesting and feeding sites and ultimately could reduce the ability of an area to support these species.

4.3.27 Nightjar feed over a wide area. The birds feed on moths and other night flying insects by catching them on the wing. The effects of habitat fragmentation were investigated in a recent study, in terms of patch size and isolation, and were found to affect both occupancy of patches and densities on occupied patches. Occupied patches were significantly larger than unoccupied patches. The likelihood of a patch being occupied increased with increasing area of heathland in the vicinity (area within 10 km, excluding the area of the patch itself). There was also an effect of number of heathland patches within 10 km, but this was dependent upon the area effect. For patches with a smaller amount of heathland in the vicinity, it was better for this to be in a larger number of patches⁹.

Habitat loss and fragmentation – A&DM DPD

4.3.28 The appropriate response to the risk of habitat loss and fragmentation is to preserve and enhance existing areas of supporting habitat – supporting habitat may occur outside of the SPA boundary and creation of new areas of supporting habitat outside the SPA is also a possibility. Supporting habitat need not be physically connected to existing sites but close enough to create a stepping stone effect.

4.3.29 Project level Appropriate Assessment would be required to help establish if sites could serve as supporting habitat. The Development Management DPD could highlight the need for this approach.

4.3.30 Developer contributions may be required to help manage and maintain existing sites and create new ones in the event that the SPA is designated.

4.3.31 .

Habitat loss and fragmentation – Implications for the HRA

4.3.32 With the above measures in place it should be possible to conclude that there is no likely significant effect as a result of the Core Strategy or A&DM DPD being implemented.

Lighting – what is the issue?

Nightjars are nocturnal. Prey such as moths are attracted to lights. This creates the potential for collisions with vehicles while the birds are feeding on the wing adjacent to roads¹⁰. On commercial sites there is the potential to restrict vehicle speeds to reduce the risk but this would probably also be done for health and safety reasons. Lightspill might also reduce the availability of nesting sites because birds will gravitate to better quality sites.

⁹ Habitat associations of nightjar *Caprimulgus europaeus* breeding on heathland in England J. A. Bright¹, R. H. W. Langston & S. Bierman, RSPB Research Report No. 25 October 2007.

¹⁰ The Sherwood Forest Trust; 1999, *Species Action Plan for Nightjar*; [online]. Available: http://www.nottsbag.org.uk/pdfs/BAP/sap_nightjar.pdf

Lighting – Implications for the A&DM DPD

4.3.33 A 400m buffer for the SPA would prevent residential development from causing increased lighting in close proximity to the SPA; however it does not preclude other forms of development within 400m such as industrial development, which may have associated lighting.

4.3.34 **The issues associated with lighting should be capable of being assessed and resolved through the provision and implementation of design guidance** in the event that the SPA is designated.

4.3.35 . The guidance could be based on principles of best practice lighting design produced by the Institution of Lighting Engineers and could identify the areas where such issues would need to be considered at the project level through AA.

4.3.36 Key issues for the design guidance to cover and examples of how effects can be avoided through design include:

- Location and design of lighting;
- Identification and protection of habitats;
- Identification/retention/enhancement of linkages/corridors; and
- Provision of new sites.

Lighting – Implications for the HRA

4.3.37 The issues can be dealt with through the provision and adoption of design advice. With a commitment to produce such guidance in the event that the SPA is designated , e.g. as a Supplementary Planning Document set out in the A&DM DPD, the HRA should be able to conclude that there will be no significant effects arising from the Core Strategy and other DPDs. Project level assessment should also be required for developments in the vicinity of the SPA and these should include issues associated with lighting.

5 Recommendations and Conclusions

5.1 AIR QUALITY

5.1.1 The Development Management DPD could highlight the need for AA to consider the potential for effects on European sites associated with additional traffic in proximity to the site or industrial processes and the scope for avoiding or mitigating these.

5.2 RECREATIONAL PRESSURE

5.2.1 If a SPA is proposed there may be a case for introducing developer contributions to help fund the provision of SANGS and management of sites and in particular help manage potential conflicts between recreational use and ecology. The provision of SANGS as part of developments may also be an appropriate response. The level of provision and the evidence base for it will need to be discussed with Natural England.

5.2.2 There may also be a need to introduce a presumption against residential development within 400m of the site. The A&DM DPD would be the place to do that.

5.2.3 The Core Strategy acknowledges the importance of Green Infrastructure. The Publication Core Strategy (supported by the Green Infrastructure Strategy and Infrastructure Delivery Plan) suggests that there is sufficient greenspace (from a combination of existing and planned sources). This includes sites in the Prospective SPA, which could lead to tensions between the recreational use of sites and the SPA designation but this also needs to be viewed in the context of the proposed Regional Park, which is likely to have far more significant implications in relation to recreational pressure. Funding, secured from developer contributions, to manage such tensions, for example to fund management plans and their implementation and use of wardens etc. would be a potential way of avoiding or mitigating such issues.

5.3 WATER ABSTRACTION

5.3.1 The WRMP is still under development and has identified the need for additional work in relation to the impacts of climate change on water supplies in the East Midlands and the needs of Newark. The EAs RSA programme is also on-going. Both initiatives are critical to future abstraction at this location and will have more influence on this than the Core Strategy. For example abstraction rights could be removed or reduced under the RSA. The WRMP and RSA are themselves subjected to HRA, providing a further safeguard.

5.3.2 The Core Strategy includes measures to reduce the demand for water and reduce water consumption in new housing (through adoption of the Code for Sustainable Homes) and other development (through BREEAM). The need for any additional measures will be contingent on finalisation of the WRMP.

5.3.3 The measures to reduce water demand in the Core Strategy may also benefit other European sites within the East Midlands WRZ.

5.3.4 Shap 1 of the Core Strategy was amended to include a commitment to prevent development that would harm the existing European site. If a new European site were to be allocated it could prompt a review of the LDF and Shap 1 could be amended to recognise the new SPA and protect it in the same way. No additional modifications to the A&DM DPD are suggested. .

5.4 PET PREDATION

5.4.1 An established response to this issue is to prohibit residential development within 400 metres of the boundary of a site unless there are physical obstructions to cat movement, for example the Thames Basin Heaths Delivery Plan adopts this approach. **The A&DM DPD would be the place to identify such a policy if the SPA was designated.**

5.5 HABITAT LOSS AND FRAGMENTATION

5.5.1 The appropriate response to the risk of habitat loss and fragmentation is to preserve and enhance existing areas of supporting habitat – supporting habitat may occur outside of the SPA boundary and creation of new

areas of supporting habitat outside the SPA is also a possibility. Supporting habitat need not be physically connected to existing sites but close enough to create a stepping stone effect.

5.5.2 Project level Appropriate Assessment would be required to help establish if sites could serve as supporting habitat. The Development Management DPD could highlight the need for this approach. Developer contributions may be required to help manage and maintain existing sites and create new ones.

5.6 LIGHTING

5.6.1 The issues associated with lighting are capable of being assessed and resolved through the provision and implementation of design guidance. The guidance could identify the areas where such issues would need to be considered at the project level through AA.

5.6.2 The A&DM DPD could highlight the need for AA to consider the potential for effects on European sites associated with new sources of lighting and the scope for avoiding or mitigating these.

5.7 OVERALL CONCLUSION

5.7.1 A process has been followed which utilises advice provided by Natural England. This process, applied to the Prospective SPA, mirrors what can be termed an 'assessment under the Habitats Regulations' (or a 'Habitats Regulations Assessment').

5.7.2 The process has examined relevant issues in turn to identify whether there is a potential for it to give rise to significant effects on the Prospective SPA. This has been informed by a screening table based on guidance produced by Natural England. Specific issues have been examined in detail and the contribution of the Core Strategy and A&DM DPD to these issues and opportunities for avoidance and mitigation measures identified. An important element of completing the matrices has been the consideration of the risk of potential effects occurring, in accordance with the EC's position statement on the Precautionary Principle¹¹. This process has identified additional mitigation and avoidance measures – these are judged to be capable of implementation through the Core Strategy and Development Management DPD in the event that the SPA is designated..

5.7.3 Nightjar and Woodlark are protected species and as such are already a material planning consideration. Parts of the Prospective SPA are also afforded protection through other designation (also a material planning consideration), e.g. the Birklands and Bilhaugh Special Area of Conservation.


5.7.4 In this particular instance, a range of potential effects have been considered and discounted for the reasons set out in Section 4 of this report. These comprise potential effects associated with recreational pressure, issues associated with air pollution, water abstraction, pet predation, habitat loss and fragmentation and lighting. These reflect the issues identified at the Regional level and through discussion with Natural England.

5.7.5 If the proposed modifications summarised in this report and detailed in Annex A are incorporated into the Core Strategy and the A&DM DPD following designation of the SPA it can reasonably be concluded that there will be no likely significant effect (either alone or in combination) as the result of them being implemented.

5.7.6 The Inspectors report on the Core Strategy considered the need for a policy that acknowledged the prospective SPA. He concluded that such a policy was unnecessary at this stage. The logic appears to be – the SPA is not there now so no need to acknowledge it, if it is designated a review of the Core Strategy would be required anyway. The same principle could be applied to the A&DM DPD. It could be silent on the implications of the prospective SPA but be reviewed in the event that the process to confirm the designation progresses. The difference between the Core Strategy and the A&DM DPD is that the proposed policies are more specific than the one recommended for the Core Strategy that simply recognised the prospective SPAs existence. The policies proposed in the A&DM DPD are intended to complement existing Development Management policies in order to help prospective applicants identify what might be unacceptable development. For example, residential development within 400m of the SPA and mitigation and avoidance measures that will enable the Council to conclude that development will not have a significant impact on the integrity of the SPA, such as measures in relation to lighting.

5.7.7 Even if the A&DM DPD was silent on the prospective SPA and the designation progressed it would become a material consideration at the planning application stage and impacts would be considered through Appropriate

¹¹ Communication from the Commission on the Precautionary Principle (2000), Commission of the European Communities



Assessment. The implications of the Secretary of State’s decision in relation to the Rufford Inquiry is that the potential impact on integrity of the area used by nightjar and woodlark is already a material consideration. The benefit of having policies in the A&DM DPD is that they would help provide clarity in terms of the situation and what was required in order to avoid or mitigate potential significant negative impacts on the SPA.

5.7.8 It is recommended that the pros and cons of including contingency policies in the A&DM DPD that would be implemented in the event that the SPA was designated should be discussed with the Planning Inspectorate, Natural England, the Environment Agency and other stakeholders.

5.7.9 There may also be implications for the strategy on securing developer funding towards management of the SPA and provision of any necessary SANGS in the event that the SPA is designated. This may require an amendment to the Community Infrastructure Levy Schedule as the use of developer contributions is restricted to five projects once the Levy is introduced by a Council. The need for any such contributions would need to be examined in the context of the proposed Regional Park at Sherwood Forest because this is likely to have far greater implications in terms of impacts on the SPA if the two designations were confirmed.

Annex A – Details for Land Parcels

Area 1A

Information Required	Site Reference (see accompanying Plan:	Any Additional Comments
Site size (for area proposed to be designated)	4.2km ²	
Principle Land Uses	Forestry Commission Land Recreation – Robin Hood Way	
Ownership	<ul style="list-style-type: none"> - Partially within Portland training college/school grounds. - Private ownership associated with recent housing development to the east of A60 Nottingham Road. - Forestry Commission Land 	
Management Plan in Place?	Forestry Commission manage woodland.	
Responsibility for Management?	Forestry Commission - Sherwood: <ul style="list-style-type: none"> - Harlow Wood (PT) - Welbeck Estates - Land Adjacent Harlow Wood Hospital 	Map shows Portland Training College for the Disabled and a school
Any Forestry Commission licences? Any information	Forestry Commission Land	



on rotation / felling etc.		
Any Wildlife Trust projects in the pipeline e.g. habitat enhancements, public accessibility projects	Not known	
Species thought to be present - Data source(s)	Not known	
Public accessibility information – full open access? Public footpath only? Permitted footpaths?	<ul style="list-style-type: none"> - Small area of access land - Robin Hood Way - Footpath - Walks/Trails 	
Formal/informal car parks? Visitor centres? Local/National Nature Reserves?	<p>3 small car parks</p> <ul style="list-style-type: none"> – One of these features a small visitor centre and is situated adjacent to the Portland College. - Remaining two car parks feature information boards and trails leading away from car parks, these are situated within Ashfield District. 	



Area 1B

Information Required	Site Reference (see accompanying Plan:	Any Additional Comments
Site size (for area proposed to be designated)	0.9 km ²	
Ownership	Notts Golf Club	
Principle Land Uses	Golf Course – Notts Golf Club, Hollinwell	
Management Plan in Place?	Managed as golf course	
Responsibility for Management?	The site is managed as part of Notts Golf Club, Hollinwell	
Any Forestry Commission licences? Any information on rotation / felling etc.	None	
Any Wildlife Trust projects in the pipeline e.g. habitat enhancements, public accessibility projects	Not known	
Species thought to be present - Data source(s)	Not known	



Public accessibility information – full open access? Public footpath only? Permitted footpaths?	Open for golfers Footpath exists on western border.	
Formal/informal car parks? Visitor centres? Local/National Nature Reserves?	Golf Club - club house parking	

Area 1C

Information Required	Site Reference (see accompanying Plan:	Any Additional Comments
Site size (for area proposed to be designated)	2.5 km ²	
Ownership	Nottingham City Council – Newstead Abbey Private Residences	
Principle Land Uses	Registered park and garden Recreation – PRowS and small area of access land.	
Management Plan in Place?	Managed as part of Newstead Abbey by Nottingham City Council	
Responsibility for Management?	Abbey Wood (west of site) – part of Newstead Abbey - registered parks and gardens Newstead Priory Wood (far north west of site) – Woodland Trust Site	
Any Forestry Commission licences? Any information on rotation / felling etc.	None	
Any Wildlife Trust projects in the pipeline e.g. habitat enhancements, public	Not known	

accessibility projects		
Species thought to be present - Data source(s)	Not known	
Public accessibility information – full open access? Public footpath only? Permitted footpaths?	<ul style="list-style-type: none"> - National cycle route passes though site - Robin Hood Way along western boundary - Small area of access land in northwest of site – associated with Woodland Trust site - Admittance to Newstead Abbey land is subject to an admission fee of £4 per adult and £10.50 for a family 	
Formal/informal car parks? Visitor centres? Local/National Nature Reserves?	Newstead Abbey, and properties located within the woodland, must enter through a main gate which is manned, only visitors to the abbey and residences may enter. The car park and gate closes at 5.45pm and admittance is subject to an admission fee of £4 per adult and £10.50 for a family.	

Area 1D

Information Required	Site Reference (see accompanying Plan:	Any Additional Comments
Site size (for area proposed to be designated)	0.5 km ²	
Ownership	Not known	
Principle Land Uses	Recreation – Robin Hood Way, also likely informal access Likely Forestry – although not listed as under forestry commission management the site features conifer plantation with open tracts	
Management Plan in Place?	Not known	
Responsibility for Management?	Not known	
Any Forestry Commission licences? Any information on rotation / felling etc.	Appears to be conifer plantation.	
Any Wildlife Trust projects in the pipeline e.g. habitat enhancements, public accessibility projects	Not known	



Species thought to be present - Data source(s)	Not known	
Public accessibility information – full open access? Public footpath only? Permitted footpaths?	Robin Hood Way crosses site.	
Formal/informal car parks? Visitor centres? Local/National Nature Reserves?	Small informal car parking area to south east of site.	



Area 1E

Information Required	Site Reference (see accompanying Plan:	Any Additional Comments
Site size (for area proposed to be designated)	0.4 km ²	
Ownership	Not known	
Principle Land Uses	Recreation – informal access	
Management Plan in Place?	Adjacent to Linby Trail LNR	
Responsibility for Management?	Not known	
Any Forestry Commission licences? Any information on rotation / felling etc.	Not known	
Any Wildlife Trust projects in the pipeline e.g. habitat enhancements, public accessibility projects	Not known	
Species thought to be present - Data source(s)	Not known	



Public accessibility information – full open access? Public footpath only? Permitted footpaths?	<ul style="list-style-type: none">- Informal access looks likely from aerial photographs with trails across the site- National Cycle route skirts boundary to west and north	
Formal/informal car parks? Visitor centres? Local/National Nature Reserves?	Adjacent to Linby Trail LNR	



Area 2A

Information Required	Site Reference (see accompanying Plan:	Any Additional Comments
Site size (for area proposed to be designated)	1.6 km ²	
Ownership	Forestry Commission land	
Principle Land Uses	Forestry Recreation	
Management Plan in Place?	Not known	
Responsibility for Management?	Forestry Commission – Sherwood Forest – Sherwood Lodge	Forestry Commission land does not include Long Wood
Any Forestry Commission licences? Any information on rotation / felling etc.	Forestry Commission land	
Any Wildlife Trust projects in the pipeline e.g. habitat enhancements, public accessibility projects	Not known	



Species thought to be present - Data source(s)	Not known	
Public accessibility information – full open access? Public footpath only? Permitted footpaths?	Open Access Land Walks/trails – links with Robin Hood Way which passes site to the west.	
Formal/informal car parks? Visitor centres? Local/National Nature Reserves?	2 small formal car parks 1 picnic site –a small picnic area associate with central car park	

Area 2B

Information Required	Site Reference (see accompanying Plan:	Any Additional Comments
Site size (for area proposed to be designated)	4 km ²	
Ownership	Forestry Commission land.	
Principle Land Uses	Forestry Recreation	
Management Plan in Place?	Not known	
Responsibility for Management?	Forestry Commission – Sherwood Forest – Sherwood Lodge	
Any Forestry Commission licences? Any information on rotation / felling etc.	Not known	
Any Wildlife Trust projects in the pipeline e.g. habitat enhancements, public accessibility projects	Not known	



Species thought to be present - Data source(s)	Not known	
Public accessibility information – full open access? Public footpath only? Permitted footpaths?	Open Access Land Walks/trails Robin Hood Way	
Formal/informal car parks? Visitor centres? Local/National Nature Reserves?	3 car parks one picnic area walks/trails	

Area 2C

Information Required	Site Reference (see accompanying Plan:	Any Additional Comments
Site size (for area proposed to be designated)	1.2 km ²	
Ownership	Forestry commission land	
Principle Land Uses	Forestry Recreation	- recently replanted spoil tip to south.
Management Plan in Place?	Not known	
Responsibility for Management?	Forestry Commission – Sherwood Forest – Sherwood Lodge	Foxcovert Plantation – not forestry commission (OS – nature reserve)
Any Forestry Commission licences? Any information on rotation / felling etc.	Forestry Commission land	
Any Wildlife Trust projects in the pipeline e.g. habitat enhancements, public accessibility projects	Not known	



Species thought to be present - Data source(s)	Not known	
Public accessibility information – full open access? Public footpath only? Permitted footpaths?	Open Access Land Footpath	
Formal/informal car parks? Visitor centres? Local/National Nature Reserves?	Nature reserve centred around Foxcovert – did not show up on searches of online databases	

Area 3A

Information Required	Site Reference (see accompanying Plan:	Any Additional Comments
Site size (for area proposed to be designated)	19.7 km ²	
Ownership	Forestry Commission land – Sherwood Pines Forest Park Center Parcs Holiday Village	
Principal Land Uses	Nature Conservation Recreation Forestry Holiday Village (Center Parcs)	Sustainable Management Objectives include (Sherwood Pines): - Pursue a policy of diversification of tree species and silvicultural systems to provide maximum marketing opportunities and to mitigate against climate change and other environmental factors. - Help to minimise impacts of climate change through awareness raising and education - Pursue a policy of protecting, and sustainably managing priority habitats and species.
Management Plan in Place?	Managed as part of the Sherwood Pines Forest Park by the Forestry Commission. Holiday Village has associated habitat conservation activities, which it runs as part of its tourist attractions	
Responsibility for Management?	Forestry Commission – Sherwood – Land at Clipstone, Rufford Local Nature Reserve – Rainsworth Water SSSIs: - Rainworth Heath – Dry & Wet Heaths	

	- Strawberry Hill Heath – Lowland Heath	
Any Forestry Commission licences? Any information on rotation / felling etc.	Forestry Commission land	
Any Wildlife Trust projects in the pipeline e.g. habitat enhancements, public accessibility projects	Not known	
Species thought to be present - Data source(s)	Not known	
Public accessibility information – full open access? Public footpath only? Permitted footpaths?	Trails, walks and cycle routes associated with the Sherwood Pines Forest Park Open Access land Center Parcs Holiday Village	Sherwood Forest Pines also acts as an open air music venue and, as such, hosts a series of concerts in the Summer months. Sherwood Forest Pines hosts car rallies and two are planned for 2010 – one on 12 th June and one on 20 th November
Formal/informal car parks? Visitor centres? Local/National Nature Reserves?	Forestry Commission Visitor Centre 2 formal car parks – one very large and associated with visitor centre – this closes in the evening and parking is charged during the day, offering discount rates after 6pm Adventure activities – including 'Go Ape!' High ropes course	



	<p>Cycle hire – available from Visitor Centre</p> <p>Walks/trails – leading away from both car parks</p> <p>Cycle paths</p> <p>Tourist feature</p>	
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Area 3B

Information Required	Site Reference (see accompanying Plan:	Any Additional Comments
Site size (for area proposed to be designated)	1 km ²	
Ownership	Not known	
Principal Land Uses	Industrial park and factory units. Rough grassland	
Management Plan in Place?	Not known	
Responsibility for Management?	Industrial estate and factory units occupy large part of land.	
Any Forestry Commission licences? Any information on rotation / felling etc.	Not known	
Any Wildlife Trust projects in the pipeline e.g. habitat enhancements, public accessibility projects	Not known	
Species thought to be	Not known	



present - Data source(s)		
Public accessibility information – full open access? Public footpath only? Permitted footpaths?	Partially occupied by industrial park and factory units. Area of rough grassland is present – not accessible.	
Formal/informal car parks? Visitor centres? Local/National Nature Reserves?	On road car parking available in the industrial estate, and also car parks associated with the factory units – although these are private car parks	Located close to the Vicar Water Country Park– Green Flag Award Winning.

Area 4A

Information Required	Site Reference (see accompanying Plan:	Any Additional Comments
Site size (for area proposed to be designated)	6.8 km ²	
Ownership	Forestry Commission Land National Trust Property Welbeck Estate Nottinghamshire County Council	
Principle Land Uses	Forestry Nature Conservation Recreation	
Management Plan in Place?	<p>SSSIs:</p> <ul style="list-style-type: none"> - Birklands West and Ollerton Corner – invertebrate fauna associated with old trees characteristic of open oak-birch woodland in Notts. Also notable tracts of lowland acid grassland and heaths. - Birklands and Bilhaugh – best remaining oak-birch woodland in Notts. - Thoresby Lake – dry acid grassland, acid loam grassland, marsh and reedswamp plant communities. - Welbeck Lake– notable for breeding wildfowl inc. heronry. - Clumber Park – large area of mixed habitats – 	It should be noted that due to designations much of these will be subject to management plans – for example Sherwood Heath LNR is subject to the Sherwood Heath, Cockglode Wood and Rotary Wood Management Plan, 2009 and also an associated Green Flag Application



	<p>lowland acid grassland, heath, mature deciduous woodland</p> <p>NNRs:</p> <ul style="list-style-type: none">- Sherwood Forest – wood pasture and lowland heath <p>LNRs:</p> <ul style="list-style-type: none">- Cockglode and Rotary Wood – managed by NCC & friends of Sherwood Heath Group.- Sherwood Heath – part of Birklands West and Ollerton Corner SSSI <p>Country Parks:</p> <ul style="list-style-type: none">- Clumber- Sherwood Forest <p>Forestry Commission (Sherwood):</p> <ul style="list-style-type: none">- Thoresby- Welbeck Estate- The Lings- Apley Head Wood- Normanton Larches <p>National Trust:</p> <ul style="list-style-type: none">- Clumber Park <p>Registered Common Land:</p> <ul style="list-style-type: none">- the Drinking Pit <p>Registered Parks and Gardens:</p> <ul style="list-style-type: none">- Clumber Park- Thoresby Park- Welbeck Abbey	
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Responsibility for Management?	Nottinghamshire County Council Friends of Sherwood Heath Group National Trust Forestry Commission Private owners – e.g. Welbeck Estates	
Any Forestry Commission licences? Any information on rotation / felling etc.	Forestry Commission (Sherwood): - Thoresby - Welbeck Estate - The Lings - Apley Head Wood - Normanton Larches	
Any Wildlife Trust projects in the pipeline e.g. habitat enhancements, public accessibility projects	Sherwood Heath, Cockglode Wood and Rotary Wood Management Plan and Green Flag Application 2009	
Species thought to be present - Data source(s)	Not known	
Public accessibility information – full open access? Public footpath only? Permitted footpaths?	Robin Hood Way Country park Picnic areas Caravan site Over 20 miles of cycle routes associated with Clumber Park	<ul style="list-style-type: none"> - Clumber Park runs many activities including talks, cricket, walks, tours and concerts. - Thoresby Park has free admittance and parking although large areas are amenity grassland, dog bins provided. - Welbeck Abbey is privately owned and as such public access is confined to public rights of way which pass though the property



	Sherwood Heath LNR is open access and includes a visitor centre – dog bins provided	
Formal/informal car parks? Visitor centres? Local/National Nature Reserves?	<p>Car parks – there are several formal car parks present associated with the Sherwood Forest Visitor Centre and Country Park, Clumber Park</p> <p>Visitor Centre and Thoresby Courtyard</p> <p>National Trust Property</p> <p>Registered Park and Garden</p> <p>Informal parking occurs on much of the approaches to Clumber Park and is widely allowed – this means that recreation occurs widely through much of the Clumber Park area.</p> <p>Free parking is available at Thoresby Courtyard</p> <p>Free Parking is available at Sherwood Heath LNR</p>	

Area 4B

Information Required	Site Reference (see accompanying Plan:	Any Additional Comments
Site size (for area proposed to be designated)	0.9 km ²	
Ownership	Walesby Forest Outdoor Adventure Activity Centre	
Principle Land Uses	Outdoor Adventure Activity Centre	
Management Plan in Place?	Managed as part of the Walesby Forest Outdoor Adventure Activity Centre	
Responsibility for Management?	Walesby Forest Outdoor Adventure Activity Centre	- 250 acres with purpose built lake
Any Forestry Commission licences? Any information on rotation / felling etc.	None	
Any Wildlife Trust projects in the pipeline e.g. habitat enhancements, public accessibility projects	Not known	
Species thought to be	Not known	



present - Data source(s)		
Public accessibility information – full open access? Public footpath only? Permitted footpaths?	Robin hood way passes west of site Private access to Walesby Forest Outdoor Adventure Activity Centre – which offers a wide range of outdoor adventure activities	- Visitors can access Walesby Forest Outdoor Adventure Activity Centre for £3.50 a day.
Formal/informal car parks? Visitor centres? Local/National Nature Reserves?	Private land associated with Walesby Forest Outdoor Adventure Activity Centre	

Area 4C

Information Required	Site Reference (see accompanying Plan:	Any Additional Comments
Site size (for area proposed to be designated)	1 km ²	
Ownership	Forestry Commission Land – Ollerton Pit Woods – community woodland – made up of Tip Top Wood and OllertonWood Sherwood Energy Village	
Principle Land Uses	Forestry Recreation Nature Conservation	
Management Plan in Place?	Not known	
Responsibility for Management?	Forestry Commission	
Any Forestry Commission licences? Any information on rotation / felling etc.	Forestry Commission Land	



Any Wildlife Trust projects in the pipeline e.g. habitat enhancements, public accessibility projects	Not known	
Species thought to be present - Data source(s)	Skylark	
Public accessibility information – full open access? Public footpath only? Permitted footpaths?	Several marked trails	
Formal/informal car parks? Visitor centres? Local/National Nature Reserves?	One formal car park	

Area 4D

Information Required	Site Reference (see accompanying Plan:	Any Additional Comments
Site size (for area proposed to be designated)	1.4 km ²	
Ownership	Redbrick House Hotel Forestry Commission Land	
Principle Land Uses	Forestry Hotel	
Management Plan in Place?	Not known	
Responsibility for Management?	Hotel Forestry Commission	
Any Forestry Commission licences? Any information on rotation / felling etc.	Forestry Commission Land: - Land at Warsop	
Any Wildlife Trust projects in the pipeline e.g. habitat enhancements, public	Not known	



accessibility projects		
Species thought to be present - Data source(s)	Not known	
Public accessibility information – full open access? Public footpath only? Permitted footpaths?	Byway open to all traffic crosses site	
Formal/informal car parks? Visitor centres? Local/National Nature Reserves?	Some informal parking along A6075 Peafield Lane	



Annex B - Detailed Assessment of Development Management Policies

Key to Table One

- Category A – no effect;
 - Category A1: The policy will not itself lead to development e.g. because it relates to design or other qualitative criteria for development;
 - Category A2: The policy is intended to protect the natural environment;
 - Category A3: The policy is intended to conserve or enhance the natural, built or historic environment;
 - Category A4: The policy would positively steer development away from European sites and associated sensitive areas;
 - Category A5: The policy would have no effect because no development could occur through the policy itself, the development being implemented through later policies in the same plan, which are more specific and therefore more appropriate to assess for their effects on European Sites and associated sensitive areas.
- Category B – no significant effect;
- Category C – likely significant effect alone; and
- Category D – Likely significant effects in combination.

Note that categories C and D are not used in this instance.

Table One: Detailed Assessment of Development Management Policies

	Policy(s)	Scope	Categorisation in the initial screening	Comments and Recommendations
Policy Area: Agenda for Managing Growth				
DM1.	Development within settlements central to delivering the Spatial Strategy.	<p>This policy will define the types of development that will be acceptable within the Urban Boundaries of the Sub-Regional Centre and Service Centres and the Village Envelopes of the Principal Villages, as defined on the Proposals Map, including:</p> <ul style="list-style-type: none"> ● Residential ● Employment ● Community ● Culture, leisure & tourism and; ● Retail <p>The need for assessment by reference by other DM policies where relevant will be set out.</p>	This has the potential to include settlements within close proximity to the prospective. This is judged to fall under category C/D	See analysis in main report. Provision of Suitable Alternative Natural Greenspace (SANGS) would help avoid such impacts in combination with existing Green Infrastructure provision. The need for such space would need to be considered in the context of the proposed Regional Park.
DM2.	Developer Contributions	This policy will set the requirement for developer contributions based on the implementation of standards set out in a Developer Contributions SPD. – This will allow for potential future changes to standards over the life of the plan without having to re-write the LDF Policy.	This relates Developer Contributions and is judged to fall under category A1	The role of CIL and developer contributions may need to be reviewed if the SPA is designated.
Policy Area: Sustainable Development & Climate Change				
DM3.	Renewable Energy	<p>This policy will provide for the assessment of renewable and low carbon energy proposals and associated infrastructure both as standalone projects and where they form part of other proposals, including the retro-fitting of buildings, by reference to criteria including;</p> <ul style="list-style-type: none"> ● Visual impacts, including specific reference to landscape character, heritage assets, and other relevant designations. ● Environmental impacts including specific reference to 	This policy includes consideration of ecological impact and is therefore considered to fall under category A1/A2	



	Policy(s)	Scope	Categorisation in the initial screening	Comments and Recommendations
		<p>noise, shadow flicker and electro-magnetic interference.</p> <ul style="list-style-type: none"> ● Impact on highway safety through the delivery and installation/construction process and any on-going maintenance requirements. ● Impact on aviation. ● Ecological impact, through the delivery and installation/construction process and the on-going operation of the project. 		
DM4.	Design	<p>This policy will set out the criteria with which to assess all proposals either individually, or in conjunction with other development management policies and will include:</p> <ul style="list-style-type: none"> ● Provision and loss of parking (linked to appendix containing current standards to allow updating) ● Standards of private amenity space within residential development. ● Separation distances between different types of development. ● Access for people with disabilities. ● Local distinctiveness. ● Impact on amenity of neighbouring land uses. ● Construction materials with specific reference to sustainable design. ● Sustainability in design, materials and drainage. ● Impact on trees and woodlands ● Criteria for conversion of traditional rural buildings within settlements ● Crime & disorder. ● Light, noise and odour. 	<p>This policy relates to criteria with which to assess proposals and is therefore considered to fall under category A1</p>	
Policy Area: Homes for All				
DM5.	Householder Development	<p>This policy will provide for the assessment of all forms of householder development that requiring planning permission including:</p> <ul style="list-style-type: none"> ● Extensions. 	<p>This relates to criteria for assessment and will be further defined in a linked SPD. This is considered to fall under category A1/A5</p>	



	Policy(s)	Scope	Categorisation in the initial screening	Comments and Recommendations
		<ul style="list-style-type: none"> ● Alterations. ● Erection and conversion of outbuildings, including formation of annexes. ● Means of enclosure. <p>Criteria for assessment will be defined in relation to:</p> <ul style="list-style-type: none"> ● Impact on neighbouring land uses. ● Design and materials. ● Impact on character and appearance of surrounding area including heritage assets, other relevant designations and consideration of local distinctiveness. <p>Methods of assessment will be defined in a linked SPD</p>		
DM6.	Specialist Accommodation and Community Facilities	<p>This policy will provide for the assessment of all types specialist accommodation and community facilities including:</p> <ul style="list-style-type: none"> ● Hotels and guest houses ● Residential and care homes. ● Sheltered Housing ● Supported living. ● Hostels. ● Rehabilitation centres. ● Pre-schools. ● Day nurseries. ● Community centres and facilities. <p>The assessment of such proposals will be made by reference to the criteria of Policy DM4 - Design</p>	This policy relates to criteria with which to assess proposals and is therefore considered to fall under category A1	
Policy Area: Natural & Built Environment				
DM7.	Development in the Open Countryside	<p>This policy will identify and protect the most versatile areas of agricultural land and set out the criteria against which proposals resulting in its loss will be assessed.</p> <p>Appropriate development elsewhere in the countryside will be</p>	Reference to DM4 means that this policy relates to criteria with which to assess proposals and is therefore considered to fall under	



	Policy(s)	Scope	Categorisation in the initial screening	Comments and Recommendations
		<p>defined as including:</p> <ul style="list-style-type: none"> ● Agricultural development requiring planning permission. ● New rural workers dwellings and the removal of occupancy conditions attached to existing dwellings. ● Replacement buildings. ● Conversion of existing buildings to commercial, community, tourist and residential uses. ● Rural diversification. ● New domestic and commercial equine uses and establishments and expansion of existing uses. ● New commercial, community and tourist uses and expansion of existing uses. ● Motor related services. <p>The assessment of such proposals will be made by reference to national policy and guidance, the criteria of Policy DM4 – Design, and relevant SPD's.</p>	category A1	
DM8-11.	Protecting and Enhancing the Historic Environment	<p>There will be four policies covering the following areas:</p> <ol style="list-style-type: none"> 1. Listed Buildings- This policy will provide for the assessment of proposals requiring planning permission that involve the alteration, extension and change of use of listed buildings or affect their setting. Assessment will be made in the interests of encouraging their re-use, protecting and enhancing their architectural and historic interest and setting and, where not covered by other development management policies, by reference to the relevant criteria of Policy DM4 – Design. 2. Conservation Areas- This policy will require the impact on the character and appearance of conservation areas to be taken into account in assessing proposals requiring planning permission in conservation areas. Where not covered by other development management policies, proposals will also be assessed by reference to the relevant criteria of Policy DM4 – Design. 	This policy relates to protecting and enhancing the historic environment and is considered to fall under category A3	



	Policy(s)	Scope	Categorisation in the initial screening	Comments and Recommendations
		<p>3. Materials- This policy will promote the use of traditional materials, methods and detailing when assessing proposals requiring planning permission for both new build development and alterations/extensions to existing buildings where they affect heritage assets.</p> <p>4. Sites of Archaeological and Historic landscape Interest-This policy will provide for the assessment of proposals that affect Sites of Archaeological and Historic landscape Interest with the intention of protecting and enhancing their form and setting.</p>		
DM12	Shopfronts and Advertisements	<p>This policy will provide for the assessment of proposals that require planning permission and advertisement consent with specific reference to:</p> <ul style="list-style-type: none"> ● Conservation areas. ● Listed buildings. ● Local distinctiveness. ● Promotion of economic prosperity through the provision of attractive and suitable retail facilities. <p>The need for assessment by reference to the Shopfronts and Advertisements Design guide SPD and where relevant, Policy DM4 - Design will be set out.</p>	This policy relates to criteria with which to assess proposals and is therefore considered to fall under category A1	

	Policy(s)	Scope	Categorisation in the initial screening	Comments and Recommendations
DM13	Pollution & Hazardous Materials	<p>This policy will provide for the assessment of:</p> <ul style="list-style-type: none"> ● Proposals for the creation and expansion of hazardous substance installations, and; ● Proposals that may be at risk from existing hazardous substance installations. ● Applications within and with the potential to impact on the source protection zone. <p>Criteria for the assessment of such proposals will be defined in relation to:</p> <ul style="list-style-type: none"> ● Impact the general population. ● Impact on groundwater. ● Impact on ecology. ● Impact on neighbouring land uses. <p>The need for assessment of proposals by other policies where relevant will be defined.</p> <p>The source protection zone and protection zones around hazardous installations will be defined on the proposals map.</p>	This policy includes consideration of ecological impact and is therefore considered to fall under category A1/A2	The policy could highlight the need for sources of point source pollution that will require planning permission to consider the impact on the SPA in the event of its designation and the need for development proposals to consider the impact on air quality within the SPA.
	Policy Area: Economic Growth			
DM14	Retail	This policy will define, and identify on the proposals map, retail centre boundaries and frontages for all centres in the retail hierarchy. Retail proposals will be assessed by reference to the criteria of Policies DM8 – Shopfronts, DM4 - Design and the Shopfronts and Advertisements Design guide SPD	Reference to DM4 means that this policy relates to criteria with which to assess proposals and is therefore considered to fall under category A1	