



Mansfield  
District Council

Mansfield District Council

# Mansfield District Council Local Plan

Habitat Regulations Assessment of the  
Submitted Local Plan

Likely Significant Effects Including  
Appropriate Assessment

Published September 2019

## Quality information

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# 1. Introduction

## 1.1. The purpose of this document

- 1.1.1. Mansfield District Council submitted its Local Plan (2013-2033) to the Secretary of State in December 2018. As part of this work, consideration was given to whether the plan may result in a likely significant effect on sites of European importance for nature conservation, otherwise known as the Natura 2000 network. The nearest and most relevant Natura 2000 site that was assessed is the Birklands and Bilhaugh Special Area of Conservation (see Section 2). This work also assessed impacts on habitat within the wider Sherwood area supporting European protected birds (nightjar and woodlark), know colloquially as the Sherwood possible potential Special Protection Area (ppSPA). Even though this area is not currently a designated or formally proposed SPA (and therefore is not covered by Article 6(3) of the Habitats Directive), it was included for purposes of good environmental practice and future-proofing (see Section 3); this is in line with advice provided by Natural England in a letter dated 28 June 2010 updated July 2011, September 2012, and March 2014) and contained in Appendix A.
- 1.1.2. Potential impacts have been identified and assessed through a process informally called a Habitats Regulations Assessment (HRA), triggered by Articles 6 (3) and 6 (4) of the European Community Directive 92/43/EEC on the Conservation of Natural Habitats and of Wild Fauna and Flora, which is implemented in England and Wales through the Regulations 105 -109 of the Conservation of Habitats and Species Regulations 2017 (as amended). This has been an iterative process as part of the creation of the emerging local plan through its many stages (see Section 4).
- 1.1.3. During the course of the Examination of the Local Plan (14<sup>th</sup> May to 24<sup>th</sup> May 2019), the Planning Inspector requested that the sections of the report concerning Sherwood ppSPA were restructured to create an appropriate assessment, in order to comply with the ruling of the Court of Justice of the European Union (CJEU) in Case C-323/17, People Over Wind and Sweetman v Coillte Teoranta. In that judgment the court ruled that measures intended to avoid or reduce harm on a European site (colloquially called 'mitigation measures' in the UK) can only be taken into account at the appropriate assessment stage of HRA rather than the initial Likely Significant Effect stage (i.e. screening stage). The request was made for the purposes of future-proofing the Local Plan HRA if the Sherwood area were to ever be designated or proposed as an SPA during the lifetime of the plan.
- 1.1.4. This report has therefore been created to produce a separate assessment of Likely Significant Effects, followed by an appropriate assessment. For simplicity both Birklands & Bilhaugh SAC and Sherwood ppSPA are covered in both the Likely Significant Effects analysis and the appropriate assessment.
- 1.1.5. It must be noted that appropriate assessment is not a technical term; it simply means whatever level of assessment is appropriate to support a conclusion regarding adverse effects on integrity (i.e. the structure and function of the site). As such, the law purposely does not prescribe what it should consist of or how it should be presented; these are decisions to be made on a case by case basis by the competent authority.
- 1.1.6. The HRA that accompanied the submitted Local Plan was sufficiently thorough that Natural England agreed that no likely significant effect would arise. Since the 'bar' for judging a likely significant effect (i.e. the mere *possibility* of a significant effect) is

considerably more stringent than that for determining adverse effects on integrity, it follows that the technical analysis undertaken for the submitted Local Plan was already sufficiently thorough to support an appropriate assessment. Therefore, no new technical analyses are required to create an appropriate assessment. The changes made to this report are therefore structural or consist of updates to the evidence base due to the passage of time since the HRA of the submitted plan.

1.1.7. There is a single European designated site near to Mansfield district which falls within the legal coverage of HRA. This is Birklands & Bilhaugh SAC, located within the adjacent district of Newark & Sherwood.

1.1.8. This document also includes discussion of impacts on an area of land informally known as the Sherwood possible potential Special Protection Area (ppSPA), a collective area of habitats known to, or have the potential to, support European protected birds, nightjar and woodlark. Despite the name, this site is not designated or officially proposed as a Special Protection Area.

1.1.9. The HRA that accompanied the Local Plan (HRA Screening Report, 2018) concluded that no likely significant effect would arise on Birklands & Bilhaugh SAC (the only designated or formally proposed European site of relevance to the assessment) and that assessment did not identify the need for any mitigation for the Local Plan. The assessment of likely significant effects on Sherwood ppSPA did take account of mitigation measures (i.e. measures to avoid or reduce the effect of the plan). Since the Sherwood ppSPA has no formal status (or formally proposed status) there is no legal requirement to consider impacts on the ppSPA in this document at all and the Sweetman ECJ ruling does not apply. However, for completeness and in order to adopt a risk-based approach to future-proof the local plan having regard to the Habitats Regulations (2017 as amended) and Section 40 of the NERC Act 2006<sup>1</sup>, it has been decided to include this area in the HRA.

1.1.10. In reading the assessment in this report, it is however important to bear in mind the distinction between the high level of protection afforded to the Birklands & Bilhaugh SAC and the much lower level of protection afforded by law to the area dubbed Sherwood ppSPA, which has no actual legal status as a site. The assessment must be proportionate to the difference in status of these two sites.

## 1.2. Background

1.2.1. The Natura 2000 network was set up under Article 3 of the Habitats Directive (92/43/EEC) to ensure key sites are designated for protection. These sites are recognised as being of the highest ecological importance (European importance) based on the presence of rare, endangered and/or vulnerable natural habitats and species.

1.2.2. Natura 2000 sites, which are also referred to as European Sites<sup>2</sup>, consist of Special Areas of Conservation (SACs) and Special Protection Areas (SPAs). SACs are identified for habitats listed on Annex I and for species listed on Annex II of the 1992 Habitats Directive (92/43/EEC). SPAs are classified under Article 4 of the 1979 Birds Directive (79/409/EEC). In addition, sites designated under the Ramsar Convention

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<sup>1</sup> See Section 3.3 for more information.

<sup>2</sup> The terms European site and Natura2000 site are used interchangeably in this document.

(Ramsar sites) also receive the same degree of protection under the NPPF<sup>3</sup> and the ODPM Circular 6/2005<sup>4</sup>. According to both these documents, candidate SACs (cSCA) and potential SPA (pSPA) are also to be considered in the same way as if they had been classified or designated.

- 1.2.3. There are no European or Ramsar sites located within Mansfield district, and only one site is within a reasonable distance (15 km)<sup>5</sup> of the district boundary<sup>6</sup>. This is Birklands and Bilhaugh SAC (Ref: UK0012740) which lies to the east of Market Warsop, near to Edwinstowe (see Appendix A.1). It is located in Newark and Sherwood district but is approximately 0.7km from the Mansfield district boundary and approximately 3km from Warsop village.
- 1.2.4. Under the Habitats Directive a **competent authority** is required to carry out an assessment of whether a plan or project is likely to significantly affect the integrity of a European site, in relation to its vulnerabilities and conservation objectives. Assessments should be carried out on all plans and projects that are not directly connected with or necessary for the management of the site.
- 1.2.5. For issues relating to planning, the Local Planning Authority, in this case Mansfield District Council, is considered the '**competent authority**'. The definition of '**plans**' extends to land use: plans such as the Mansfield District Council Local Plan and related documents. These plans cannot be adopted by planning authorities unless:
- There has been a determination by the planning authority based on objective information that the plan is **not** likely to have a significant effect on any European site; or
  - An **appropriate assessment** has been carried out in respect of the provisions of the plan which **are** likely to have a significant effect on any European site, which has then concluded that there will be no adverse effect on the integrity of any European site - in line with the requirements of Article 6 (3) and 6 (4) of the Habitats Directive.
- 1.2.6. The overall process of assessing the impacts of a plan or project on a European site is informally known as a Habitat Regulations Assessment (HRA). Henceforth, this is the term used in this document for the overall assessment process. An Appropriate Assessment is simply a step within the HRA and is required to further investigate likely (if any) significant effects identified in the Screening Stage (alone

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<sup>3</sup> National Planning Policy Framework 2012

<sup>4</sup> Office of the Deputy Prime Minister Government Circular 06/2005: Biodiversity and Geological Conservation – Statutory Obligations and Their Impact within the Planning System (16 August 2005)

<sup>5</sup> There is no set distance that must be considered, rather a reasonable and precautionary approach must be taken in order to consider those sites that might be affected by a plan. 15km was chosen as a reasonable distance (15km buffer from Mansfield District boundary) to identify sites likely to be affected as this appears to be the standard distance used in HRAs. It is based on a reasonable travel distance by car in which a majority of people travel to such sites/areas.

<sup>6</sup> The Sherwood Forest area is currently being considered as a possible future Special Protection Area (possible potential SPA or ppSPA). It is being assessed along-side a UK-wide Review Programme led by Defra (work currently on-going). If the area is formally proposed and then classified as a potential SPA (pSPA) or full SPA, all plans would be subject to provisions under the Conservation of Habitats and Species Regulations 2010. Although this area is not formally a pSPA nor a SPA, Natural England advises that councils adopt a risk-based approach to planning proposals (letter dated 28 June 2010, further revised July 2011). This issue is further discussed in Section 2.4.



or in combination) and to identify mitigation measures. Table 1.1 below summarises the HRA process<sup>7</sup>. Further information is available in Section 4.

**Table 1-1 Summary of the HRA Process**

<b>Stage One:</b> Screening	The process which identifies the likely impacts upon a Natura2000 site of a project or plan, either alone or in combination with other projects or plans, and considers whether these impacts are likely to be significant. If significant impacts are identified in the Screening stage of the HRA process, then it is necessary to carry out an Appropriate Assessment (Stage 2 below).
<b>Stage Two:</b> Appropriate Assessment	The consideration of the impact of the project or plan on the integrity of the Natura2000 site, either alone or in combination with other projects or plans, with respect to the site's structure and function and its conservation objectives. Additionally, where there are adverse impacts, an assessment of the potential mitigation of those impacts.
<b>Stage Three:</b> Assessment of alternative solutions	The process which examines alternative ways of achieving the objectives of the project or plan that avoid adverse impacts on the integrity of the Natura2000 site.
<b>Stage Four:</b> Assessment where no alternative solutions exist and where adverse impacts remain	An assessment of compensatory measures where, in the light of an assessment of imperative reasons of overriding public interest (IROPI), it is deemed that the project or plan should proceed (it is important to note that this guidance does not deal with the assessment of imperative reasons of overriding public interest).

### 1.3. HRA and the Mansfield District Council Local Plan

- 1.3.1. The Mansfield Local Plan sets out strategic issues and policies, as well as more detailed development management policies and site allocations. It is important to demonstrate that the Local Plan will not have an adverse effect on European sites, or that it includes an adequate policy framework to enable the delivery of measures to prevent adverse effects on the integrity of the Birklands and Bilhaugh Special Area of Conservation (SAC).
- 1.3.2. A similar assessment has also been carried out for a possible potential Sherwood SPA (ppSPA), based on guidance from Natural England<sup>8</sup>. This is not a formal HRA process as this is not currently a European protected site. Please see Section 3 for more details.
- 1.3.3. The HRA must be carried out in an objective and transparent way taking into account possible significant impacts (alone and in combination) with other plans and

<sup>7</sup> European Commission Environment DG. November 2001. Assessment of plans and projects significantly affecting Natura2000 sites: Methodological guidance on the provisions of Article 6(3) and (4) of the Habitats Directive 92/43/EEC. Oxford Brookes University, UK.

<sup>8</sup> Advice Note to Local Planning Authorities regarding the consideration of likely effects on the breeding population of nightjar and woodlark in the Sherwood Forest region, March 2014, Natural England.

projects. It assesses the overall scale, location, timing and nature of new development.

## 2. European Site considered

- 2.1.1. As noted in Section 1.2, there are no Natura 2000 sites located within Mansfield District. The Birklands and Bilhaugh Special Area of Conservation (SAC) is the only Natura 2000 site located within close proximity (approximately 0.7km from the Mansfield district boundary and approximately 3km from Warsop village).
- 2.1.2. A possible potential Sherwood Special Protection Area (ppSPA) based on the presence of nightjar and woodlark populations has also been assessed through this report, based on the adoption of a precautionary approach (see Sections 2.3 and 3). This site is located partly within Mansfield district and also within adjacent local authorities. Maps are available in Appendix A.1.

### 2.2. Location and Setting

- 2.2.1. The Birklands and Bilhaugh SAC is located in Newark and Sherwood district near Edwinstowe within the Sherwood Forest Natural Area<sup>9</sup>. The SAC overlaps with three other designations including the Sherwood Forest National Nature Reserve (NNR), Birklands and Bilhaugh Site of Special Scientific Interest (SSSI) and Birklands and Bilhaugh Local Wildlife Site (LWS). There are other LWSs and priority habitats as defined by Section 41 of the NERC Act 2006<sup>10</sup> (i.e. Lowland Parkland and Wood Pasture, Broadleaved, Mixed and Yew Woodland, and Dwarf Shrub Heath) within close proximity of the SAC (see Appendices A.1 to A.3). Together, this cluster of designated sites and priority habitats form an important biodiversity reservoir<sup>11</sup> within Nottinghamshire.
- 2.2.2. The setting of the SAC is rural, with only villages (such as Edwinstowe, Ollerton, New Ollerton and Market Warsop) surrounding it. Mansfield urban area (including Mansfield town or central area, Forest Town and Mansfield Woodhouse) is located 5.8km to the south-west.
- 2.2.3. It is important to assess any combined effects from adjacent local authorities' local planning policies and existing and planned future developments, including roads and waste facilities, within and around these settlement areas. As such, each part of Chapter 5 of this document contains an 'in combination' assessment which places Mansfield within the context of development in the surrounding authorities.

### 2.3. Characteristics, Conservation Objectives and Site Vulnerability

- 2.3.1. The role of the HRA is to identify if the Local Plan (alone and in-combination) would result in likely significant effects on the Birklands and Bilhaugh SAC and apply a similar risk-based approach to the possible potential Sherwood SPA.
- 2.3.2. In order to assess if any risk from policies and development is likely, it is important to understand:
- why the site has been designated - this is based on its 'qualifying feature(s) of interest'
  - the condition of these features

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<sup>9</sup> <http://www.naturalengland.org.uk/ourwork/conservation/biodiversity/englands/naturalareas.aspx>

<sup>10</sup> Natural Environment and Rural Communities Act 2006 (<http://www.legislation.gov.uk/ukpga/2006/16/section/41>)

<sup>11</sup> A biodiversity reservoir consists of large collective patches of habitat which have within them: a) a good variety of connected and high-quality natural or semi-natural habitats and b) support a rich diversity of species.

- site vulnerability – what existing pressures are there and the site’s (and its features’) sensitivity to change and
  - the overall Conservation Objectives for the site. Please see ‘Methods and Approach’ section for more information.
- 2.3.3. The following section describes the European site.

**Table 2-1 Birklands and Bilhaugh SAC Site Characteristics<sup>12</sup>**

<b>Site Name</b>	Birklands and Bilhaugh Special Area of Conservation (SAC)
<b>Area</b>	271.84 ha
<b>Location</b>	SK618679 (centroid) Nottinghamshire; Newark and Sherwood DC
<b>General site character</b>	<ul style="list-style-type: none"> <li>• Heath. Scrub. Maquis and garrigue. <i>Phygrana</i> (1%)</li> <li>• Dry grassland. Steppes (3%)</li> <li>• Broad-leaved deciduous woodland (89%)</li> <li>• Coniferous woodland (5%)</li> <li>• Other land (including towns, villages, roads, waste places, mines, industrial sites) (2%)</li> </ul>
<b>Annex I habitats on site</b>	<ul style="list-style-type: none"> <li>• Old acidophilous oak woods with <i>Quercus robur</i> on sandy plains</li> <li>• European dry heaths<sup>13</sup></li> </ul>
<b>Qualifying Features</b>	Old acidophilous oak woods with <i>Quercus robur</i> on sandy plains for which this is one of only four known outstanding localities in the United Kingdom and is the most northerly site selected for old acidophilous oak woods. The site is notable for its rich invertebrate fauna, particularly spiders, and for a diverse fungal assemblage, including <i>Grifoa sulphurea</i> and <i>Fistulina hepatica</i> .
<b>Condition/Health (based on Natural England assessment of SSSI as of time of HRA assessment)<sup>14</sup></b>	<ul style="list-style-type: none"> <li>• 96.87%% of site is in ‘unfavourable recovering’ condition. This condition is applied to areas of the SSSI/SAC which do not currently meet the criteria for favourable condition but are progressing towards that state and are expected to meet them in the future. The woodlands have been identified as benefiting from improved management, including, improving and maintaining the structure and function of the woodland system and a continuity of dead-wood habitats. There are older trees and younger trees but none in middle age classes to replace the veteran/ancient trees as they die off. Targeting the composition and structure of trees present would make a big difference to the health of the identified features of interest (see above). Pollution and climate change are also contributing factors of poor health and likely to exacerbate stresses<sup>15</sup>. These impacts may be more difficult to address directly, except through policy and indirectly through continued habitat management.</li> </ul>

<sup>12</sup> These are based on the Natura 2000 Standard Data Form (Produced by JNCC. Version 2.1, 23/05/02).

<sup>13</sup> European dry heaths are not a qualifying feature of the SAC because they make up a very small proportion of the overall site. The status of heathland as an Annex 1 habitat places certain obligations on the local authority with regards to Section 74 of the Countryside & Rights of Way (CRoW) Act but compliance with the CRoW Act is not part of the HRA process..

<sup>14</sup> <https://designatedsites.naturalengland.org.uk/>

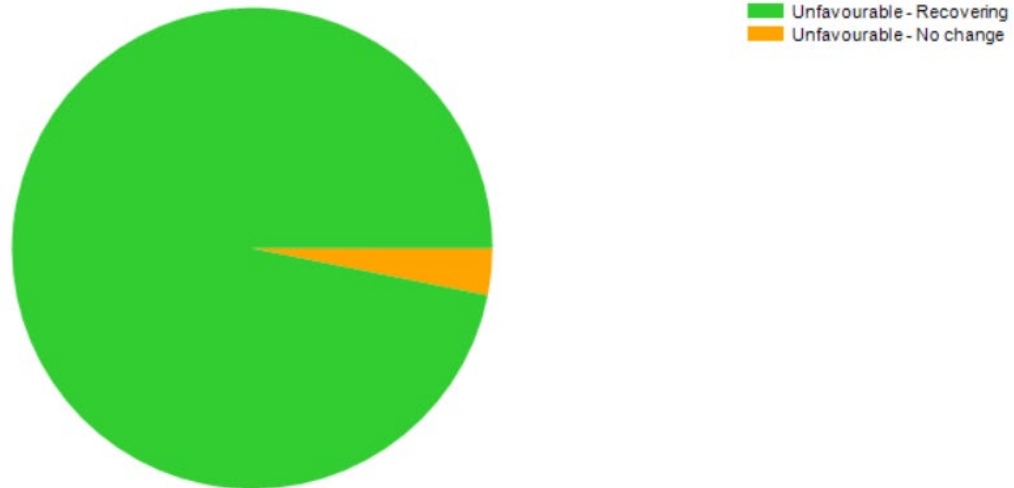
<sup>15</sup> Aspeden, L, et al. 16 Aug 2013. Assessing the potential consequences of climate change for England’s landscapes: Sherwood. Natural England Research Report NERR049.

	SSSI Units (areas) included within the SAC boundary: 4, 5, 6, 7 10, & 12 (based on November 2013 assessment).
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**SSSI name: Birklands And Bilhaugh**

% Area meeting PSA target	% Area favourable	% Area unfavourable recovering	% Area unfavourable no change	% Area unfavourable declining	% Area destroyed / part destroyed
96.87%	0.00%	96.87%	3.13%	0.00%	0.00%

Condition Summary



**Table 2-2 Birklands & Bilhaugh SAC Site Vulnerabilities and Conservation Objectives**

<p><b>Vulnerability</b> (as this relates to pressures from development)<sup>16</sup></p>	<ul style="list-style-type: none"> <li>• Visitor pressure (access to and recreational activities within the site)</li> <li>• Air pollution from the industrial towns causing a reduction in lichen diversity is a problem.</li> <li>• Lack of appropriate management e.g. lack of grazing and establishment of new tree species (especially oak)</li> <li>• Subsidence from mining which has the potential to affect woodland condition</li> <li>• Habitat fragmentation</li> <li>• Anti-social behaviour including burning and fly-tipping</li> <li>• Water abstraction and drainage</li> </ul>
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<sup>16</sup>JNCC. 23 May 2002. Birklands and Bilhaugh Natura2000 Data Form. Version 2.1, 23/05/02 and SSSI 'Operations likely to damage the special interest of Birklands and Bilhaugh.' OLD1003476.

<b>Summary Conservation Objectives<sup>17</sup></b>	<b>of</b> Avoid the deterioration of the qualifying natural habitats and the habitats of qualifying species, and the significant disturbance of those qualifying species, ensuring the integrity of the site is maintained and the site makes a full contribution to achieving Favourable Conservation Status of each of the qualifying features.  Subject to natural change, to maintain or restore: <ul style="list-style-type: none"><li>• The extent and distribution of qualifying natural habitats and habitats of qualifying species;</li><li>• The structure and function (including typical species) of qualifying natural habitats and habitats of qualifying species;</li><li>• The supporting processes on which qualifying natural habitats and habitats of qualifying species rely;</li><li>• The populations of qualifying species;</li><li>• The distribution of qualifying species within the site.</li></ul>
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<sup>17</sup> <http://www.naturalengland.org.uk/ourwork/conservation/designations/sac/eastmidlands.aspx>

### 3. Possible Potential Sherwood Special Protection Area (ppSPA)

#### 3.1. Location and Setting

- 3.1.1. A portion of the Sherwood Forest area is currently being considered as a possible potential Special Protection Area, with regard to birds of European importance (nightjar and woodlark) that this area supports. It is referred in this document as a ppSPA. Based on 2004-2006 survey results, the Sherwood Area contains greater than 1% of the UK's population of each of these species. That has been reaffirmed by more recent data; for example, the 2016 Sherwood Forest nightjar survey recorded 88 nightjar territories, while data cited by RSPB indicates approximately 70 pairs<sup>18</sup>. Irrespective of the figure used this is between 1% and 2% of the UK population of approximately 4,600 churring males<sup>19</sup>. Percentage is a first step (Stage 1) towards considering if an area qualifies as an SPA or potential SPA (pSPA)<sup>20</sup>. This information is currently being assessed along-side a UK-wide review programme led by Defra<sup>21</sup>. 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. Accordingly, the Review Panel (JNCC) has not yet formed a view on whether a site within the Sherwood Forest region is one of the 'most suitable territories' for these species and therefore has not so far provided any advice to the Secretary of State on the selection of any SPA in the Sherwood Forest Area.
- 3.1.2. If the area were to be formally proposed as a potential Special Protection Area (pSPA), meaning it is on its way to becoming a formally classified SPA, *plans* and *projects* would have to be subject by law to the provisions under the Conservation of Habitats and Species Regulations 2017 (as amended) that apply to assessment of impacts on all European sites. This is because the National Planning Policy Framework (NPPF 2019) requires authorities to afford the same protection to pSPAs as they do to formal SPAs (see paragraph 176).
- 3.1.3. Until the Sherwood Forest area is formally proposed by government as a pSPA there is no legal obligation to undertake HRA. However, Natural England (NE) still advises that in order to reduce future risks should the site ever be proposed, it is logical for Local Authorities to satisfy themselves that current planning applications contain '*sufficient objective information to ensure that all potential impacts on the breeding nightjar and woodlark populations have been adequately avoided or minimised*'. In doing so, NE advises that this should be done '*using appropriate measures and safeguards*', in order to '*ensure that any future need to review outstanding permissions under the 2010 Regulations is met with a robust set of measures in place*' (letter from Natural England, 28 June 2010 updated July 2011, September 2012, and March 2014). A copy of Natural England's Advice Note to Local Planning Authorities regarding the consideration of likely effects on the

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<sup>18</sup> RSPB Futurescapes Sherwood Forest Available online at: [https://www.rspb.org.uk/Images/sherwoodforest\\_tcm9-281889.pdf](https://www.rspb.org.uk/Images/sherwoodforest_tcm9-281889.pdf)

<sup>19</sup> Conway, G., Wotton, S., Henderson, I., Langston, R., Drewitt, A. & Currie, F. (2007) Status and distribution of European Nightjars *Caprimulgus Europeanus* in the UK in 2004. *Bird Study* 54: 98–111. It is standard practice to equate 1 churring (singing) male with a probable breeding pair

<sup>20</sup> For more information, see the Joint Nature Conservation Committee's website on SPA classification: <http://jncc.defra.gov.uk/page-1405>

<sup>21</sup> The time schedule of this UK SPA Review has been changeable. There are many issues included in this review, including a more realistic alignment with the European Habitats Directive. This may have implications in how sites are selected and what complimentary areas are included. For more information, see the Joint Nature Conservation Committee's website (Review of the UK SPA Network): <http://jncc.defra.gov.uk/page-162>



breeding population of nightjar and woodlark in the Sherwood Forest region, can be seen in Appendix A of this report. Natural England has confirmed at time of writing this assessment that there are no planned recent updates to this advice note and their advice remains the same as time of writing this assessment.

- 3.1.4. In addressing the above, Natural England advises that local authorities take a '*risk-based approach*' to forward planning and decision making, such that, development plans and proposals are accompanied by an '*additional and robust assessment of the likely impacts arising from the proposals on any breeding nightjar and woodlark in the Sherwood Forest area.*'

### 3.2. Characteristics, Conservation Objectives and Site Vulnerability

- 3.2.1. Currently, since the site is not officially proposed for designation, there are no formal conservation objectives or site boundaries available; therefore it is difficult to provide the same level of detail regarding site vulnerabilities, as has been given to Birklands and Bilhaugh SAC. In the absence of this information, a more informal approach has been taken.
- 3.2.2. According to evidence submitted for the Rufford Energy Recovery Facility (ERF) Public Inquiry (February – September 2010), a draft ppSPA boundary was drawn and was based on combined Indicative Core Areas submitted by Natural England, and Sherwood Important Bird Areas submitted by RSPB. See Appendix A.1 for the approximate boundary of the ppSPA which is subject to change if the site was ever designated. The updated advice letter submitted by Natural England (March 2014), advises that it is the combined boundaries of these areas that form an informal ppSPA boundary. The Birklands and Bilhaugh SAC is included within this boundary. Draft *Conservation Objectives* and *Qualifying Features of Interest* were submitted by Natural England as part of the ERF public inquiry, of which Natural England has advised that these are used to inform a 'risk-based approach'. These are summarised in Table 3.1 below.

**Table 3-1 Sherwood ppSPA probable interest features and conservation objectives**

<b>Conservation Objective</b>	'To maintain the species features in favourable condition, which is defined in part in relation to their population attributes. On this site favourable condition requires the maintenance of the population of each species feature. Maintenance also implies restoration, if evidence from condition assessment suggests a reduction in size of population.'
<b>Qualifying Features of Interest</b>	<ul style="list-style-type: none"> <li>• Nightjar and woodlark populations including breeding sites and occupied territories</li> <li>• Nightjar and woodlark habitats including lowland heathland, coniferous woodland with a mosaic of bare ground and low vegetation amongst young scrub, scattered trees or dense stands of young conifer trees.</li> </ul>

- 3.2.3. In response to Natural England's original advice letters dated July 2011 and September 2012, Mansfield District Council's planning section developed and implemented a 'Risk-based Approach' through a decision tree and advice papers to be followed and referenced with planning applications as of 1<sup>st</sup> April 2012. Consultation, with Natural England, the Nottinghamshire Wildlife Trust, RSPB and

Nottinghamshire County Council', was undertaken in 2011 on the decision tree and associated appendices, to inform this approach.

- 3.2.4. In accordance with Natural England's advice, as reinforced by the Secretary of State, an informal HRA is provided in this report. Caution should be placed on the fact that Sherwood Forest is not an SPA or a pSPA (i.e. neither designated nor formally proposed for designation) such that the strict application of Regulation 105 is not required. However, it is still necessary for the local authority to take into account other Regulations e.g. Regulations 10. Comments are provided, as best is possible, to address this alongside this HRA review, particularly in Section 5.5 as it relates to fragmentation and loss of nightjar or woodlark habitat, whether within the ppSPA or not.

### **3.3. Regulation 10 of the Habitats Regulations (2017, as amended)**

- 3.3.1. Regulations 10(2) and 10(3) places a duty on Local Authorities and other public bodies to preserve, maintain and re-establish habitats for wild birds and to ensure that these areas are not further degraded. How this duty is implemented is at the discretion of each public body. The amendment to the Habitats Regulations (2017) further reinforces duties placed on Local Authorities (including those duties under the Town and Country Planning Act) to protect and enhance biodiversity through Section 40 of the Natural Environment and Rural Communities Act (NERC) Act 2006.

*10 (2) Except in relation to the marine area, the Environment Agency, the Forestry Commissioners(14), local authorities, the Broads Authority(15) and National Park authorities must take such steps in the exercise of their functions as they consider appropriate to contribute to the achievement of the objective in paragraph (3).*

- 3.3.2. Regulation 10 (3) objective is to protect, maintain and re-establish (i.e. through creation and/or re-creation of habitat) habitats important to wild birds in exercising their duties as stated above. It aligns the Habitats Regulations 2017 with the EC Wild Birds Directive.

*10 (3) The objective is the preservation, maintenance and re-establishment of a sufficient diversity and area of habitat for wild birds in the United Kingdom, including by means of the upkeep, management and creation of such habitat, as appropriate, having regard to the requirements of Article 2 of the new Wild Birds Directive.*

- 3.3.3. Article 2 of the Birds Directive requires that Member States 'take measure to maintain the population of all wild birds at a level which corresponds to ecological, scientific and cultural requirements, while taking into account of economic and recreational requirements, or to adapt the population of these to that level.' This equates to the need for the diversity and area of habitats should be protected and maintained as such that wild bird populations are capable of maintaining themselves on a long-term basis throughout their natural ranges.

- 3.3.4. Regulation 10(7) states economic and recreational requirements must be taken into consideration but does not expand on what this might mean in practice.

*10 (7) In considering which measures may be appropriate for the purpose of securing or contributing to the objective in paragraph (3), appropriate account must be taken of economic and recreational requirements.*

3.3.5. Regulations 10 (8) & (9) provide further duties to use all reasonable endeavours to avoid pollution or deterioration of habitats of wild birds. This applies to all bird habitats, both within and outside protected areas. Competent authorities should seek to avoid, or where not practicable mitigate, all such pollution or deterioration.

*(8) So far as lies within their powers, a competent authority in exercising any function in or in relation to the United Kingdom must use all reasonable endeavours to avoid any pollution or deterioration of habitats of wild birds (except habitats beyond the outer limits of the area to which the new Wild Birds Directive applies).*

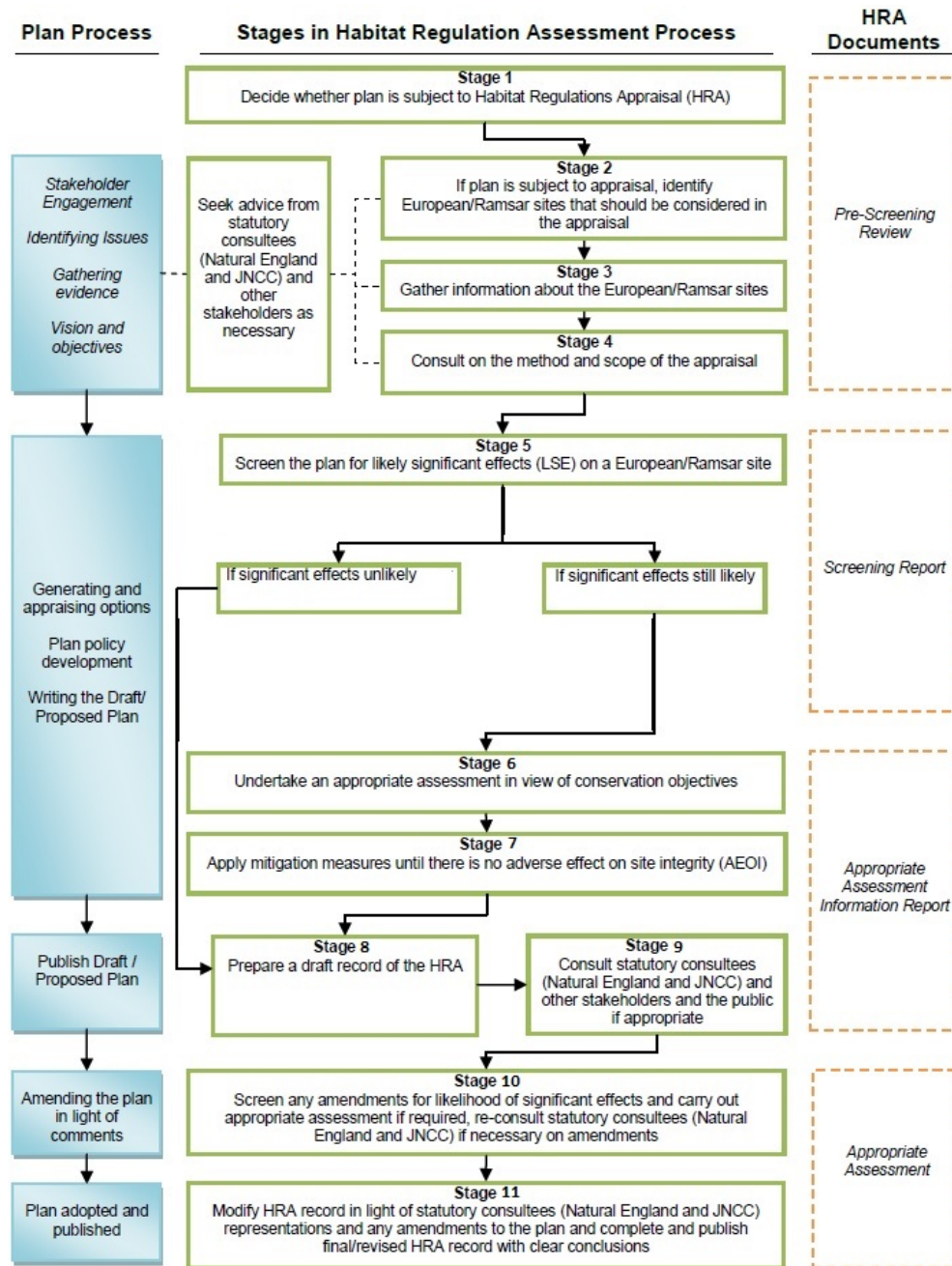
*(9) The appropriate authority must take any steps they consider necessary to facilitate or co-ordinate arrangements to secure the taking of steps under paragraphs (1) and (2) by the bodies mentioned in those paragraphs.*

3.3.6. Regardless of whether an SPA or pSPA in Sherwood is designated, based on the various parts of Regulation, nightjar and woodlark nesting sites and habitats should preferably be safeguarded through the planning process. In addition to the HRA, all endeavours are made in this report to address Regulation 10 of the Habitats Regulations (2017) as they relate to the ppSPA, particularly in section 5.5. At the same time, locations of known nightjar and woodlark nests are not disclosed in this report in order to protect these locations.

## **4. Method and Approach**

### **4.1. Background**

4.1.1. A Habitats Regulations Assessment (HRA) should act as a quality-control measure for assessing all relevant documents (plans and projects); this must include the ability to accommodate changes and re-test modifications where and when necessary (i.e. in relation to mitigating identified likely significant effects). Therefore the HRA process is often a rolling one with continual updates until the local plan is formally submitted to the Secretary of State. The HRA process should be completed before the adoption of the final version of a plan or project. The figure below provides a summary of the entire HRA process.



**Figure 4-1 Stages of the HRA process for marine plans in England (adapted from Scottish Natural Heritage, 2015)<sup>22</sup>.**

4.1.2. Recently, the UK government has published some brief guidance on the HRA process<sup>23</sup>. That guidance does not change HRA practice as established by case law and this HRA is compliant with that guidance. For example, the guidance identifies that an appropriate assessment must catalogue (i.e. identify/list) the entirety of

<sup>22</sup> Scottish Natural Heritage. 2015. Habitats Regulations Appraisal of Plans: Guidance for Plan-Making Bodies in Scotland. Version 3.0.

<sup>23</sup> <https://www.gov.uk/guidance/appropriate-assessment>

habitat types and species for which a site is protected (this is done in sections 2 and 3 of this report) and an appropriate assessment must identify and examine the implications of the proposed plan or project for the designated features present on that site (this is the purpose of section 5 of this report onwards), including species present outside the boundaries of that site and functionally linked (this is done in this report for nightjar and woodlark where their presence on allocated development sites is taken into account even if they are outside the current proposed ppSPA boundary).

4.1.3. . The HRA process includes the following key stages, which follow on from one another as needed:

- evidence gathering & screening (judging Likely Significant Effects)
- Appropriate Assessment & Assessment of Alternative Solutions (if needed); and
- assessment where no alternative solutions exist and where adverse impacts remain (if needed).

4.1.4. It is important to note that the Habitat Regulations Assessment (HRA) is separate from the Sustainability Appraisal. It has a much narrower remit and a much more strict definition of a significant effect. However, the HRA and SA usually take place during the same stages and clearly the conclusions of the HRA are relevant in informing the conclusions of the SA regarding biodiversity impacts. Both processes help to inform final policy development in the Local Plan. The HRA process has informed the MDC Sustainability Appraisal process as follows:

- Alignment of generated options at the Issues and Options and the Preferred Option stages. This was to ensure that the same options were appraised by the HRA and SA and to reduce confusion and ensure efficient use of resources. Separate HRA and SA assessments were then conducted.
- The SA screening of sites process has been used as an initial filter in assessing the potential impacts on the SAC and possible potential SPA under the SA Objective 6 (e.g. impacts from recreation, air pollution and cat predation using buffering). The HRA built upon this to determine likely significant effects using more detailed information.
- The local plan consultation draft Sustainability Appraisal (December 2015) has been informed by the HRA. There are references throughout the SA report to the HRA and both Birklands & Bilhaugh SAC and Sherwood ppSPA. For example, paragraph 1.1.1 of the SA report discusses impacts from Policy M4 on Sherwood ppSPA and draws upon the analysis presented in this HRA report and concludes that *'As identified in the HRA, it will be necessary to undertake application-specific assessments when these sites are brought forward for development, in order to determine the effects more accurately and identify appropriate mitigation'*.

4.1.5. This document covers both the 'Evidence Gathering & Screening' stage of the HRA process and an appropriate assessment. This work was completed to help inform the writing of policies and location of proposed development sites during preparation of the Local Plan. Applying this assessment 'as early as possible' was necessary in order to identify and respond to any possible information needs or gaps and ensure policies are soundly based; in other words, that they are based on the most relevant, up-to-date and objective information available at the time of preparation.

## 4.2. Identifying Sites for Assessment and Specific Vulnerabilities

- 4.2.1. As noted in Section 2 of this document, an initial search area of 15km was used to identify which Natura 2000 sites to include in this assessment; Birklands and Bilhaugh SAC was identified. The possible potential Special Protection Area (SPA) within the Sherwood Area was also considered upon consultation with Natural England.
- 4.2.2. Section 2 shows the ecological vulnerabilities of the Birklands and Bilhaugh SAC site.
- 4.2.3. Section 3 shows the ecological vulnerabilities of the nightjar and woodlark within the Sherwood Area.

## 4.3. Key Issues that Could Affect Site Integrity

- 4.3.1. Key issues were identified which could affect site *integrity* of the Birklands and Bilhaugh SAC and Sherwood ppSPA. These key issues were identified based on a combination of:
  - site vulnerabilities outlined in Section 2
  - a review of previous HRA work undertaken at the East Midlands regional level and through other local authority Habitat Regulation Assessments (HRAs)<sup>24</sup>
  - the environmental context of the area surrounding the SAC and ppSPA (e.g. open heathland and similar habitats)
  - known deficiencies or sources of environmental stress (e.g. lack of accessible open space, climate change); and
  - known levels of use and existing development pressures in the area.
- 4.3.2. Climate change is considered alongside all the key issues identified below, with a specific focus on air quality and water abstraction, as this is an influencing factor for these key issues.
- 4.3.3. Key issues identified for the Birklands and Bilhaugh SAC:
  - air quality
  - tourism and recreation and
  - water abstraction.
- 4.3.4. Key issues identified for the nightjar and woodlark and a possible potential SPA (ppSPA) in the Sherwood area:
  - air quality
  - tourism and recreation
  - habitat fragmentation
  - water abstraction and
  - proximity of development in relation to impacts from cats and density of development.

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<sup>24</sup> East Midlands Regional Plan (RSS) (2009); Habitat Regulations Assessment of Newark and Sherwood District Council Publication Amended Core Strategy (June 2018); Ashfield District Council Habitats Regulations Screening Reports (September 2016); and the Bassetlaw District Council Habitats Regulation Assessment Screening Report (January 2019)

## 4.4. Consultation

- 4.4.1. While there is no legal obligation to consult Natural England on the assessment as it relates to the ppSPA (since the ppSPA is not a formally proposed or designated site), it is logical to do so. Moreover, under the Duty to Cooperate, as part of the Localism Act, councils are required to consult with statutory bodies such as Natural England and neighbouring local authorities on strategic issues.
- 4.4.2. Prior to formal consultation with Natural England on this full report, various stages of informal consultation with Natural England and formal public consultation were undertaken during preparation of the Local Plan on several occasions. This included consulting with Natural England with regards to evidence gathering, designing the methods approach and assessment outcomes prior to commencing the assessment.
- 4.4.3. The stages of consultation were as follows:
- Consultation with Natural England, RSPB, Nottinghamshire Wildlife Trust and Nottinghamshire County Council on a risk-based approach to the possible potential SPA (2010) with regards to assessing planning applications.
  - Citizen's Panel consultation on recreational use patterns of green spaces and countryside in and around the district (2010)
  - Consultation on HRA method approach (2011) with Natural England
  - Consultation on HRA assessment conclusions on a Local Plan topic paper used to inform the strategic issue of where and how much development should take place in the district (2011) with Natural England
  - Discussion with Natural England regarding specific key issues: habitat fragmentation (2014) and recreation (2014)
  - Discussion with Mansfield District Council Environmental Health regarding air quality issues and impacts (April 2014)
  - Interim meeting with Natural England to discuss HRA approach and updates on ppSPA (October 2014)
  - Public consultation on the HRA Likely Significant Effects Screening Report (2016) took place from August-September 2016. This process screened potential impacts as a result of the MDC Local Plan Consultation Draft (2016) - this included consultation with Natural England of which were supportive of the findings. Comments received were considered and informed further HRA screening reports submitted as part of the Local Plan Preferred Options Consultation Draft (2013-2033) in 2017 and subsequent Publication Draft of the Local Plan (2013-2033) in 2018.
  - Public consultation on an Interim Habitats Regulation Assessment (2017) informed the Preferred Options Consultation Document (2013-2033). Consultation took place 2nd October to 10th November 2017. Comments received were considered and informed the HRA Screening Report submitted for the Publication Draft of the Local Plan (2013-2033) in 2018.
  - Formal consultation with Natural England on the Mansfield District Council Local Plan (Publication Draft) – Habitats Regulations Assessment (HRA) Screening Report

## 4.5. Screening Stage

- 4.5.1. The main purpose of the screening stage is to identify whether a policy or plan as a whole are **likely to have a significant effect** (LSE) on a Natura 2000 site. The

Court of Justice of the European Union has confirmed that this is essentially consideration of the mere possibility for an effect, without any detailed examination. This determines whether an Appropriate Assessment is required under the Habitats Regulations (2017) as amended.

4.5.2. Impacts may include<sup>25</sup>:

- Types of change that are inherently damaging
- Quantity or magnitude of change because it is too large
- Location of change
- Blocking other options
- Justifying damaging development
- Combined effects (in-combination)
- Unforeseen effects of a programme

4.5.3. In this context, 'likely' means risk or possibility of effects occurring that cannot be ruled out on the basis of objective information. 'Significant' effects are those that would undermine the conservation objectives for the qualifying features potentially affected, either alone or in combination with other plans or projects. Even a possibility of a significant effect occurring is sufficient to trigger an 'appropriate assessment'.

4.5.4. The Local Plan and its policies should be assessed on its own and in combination with other plans and projects, where necessary.

4.5.5. Likely significant effects are triggered when:

- there is a probability or a genuine realistic risk of a plan or project having a negative effect on a European site;
- that this effect is likely to undermine the site's conservation objectives; or
- such an effect cannot reasonably be excluded on the basis of objective information.

4.5.6. The Habitats Directive requires that the **precautionary principle** should be applied where there is any uncertainty in determining whether or not there are any 'likely significant effects', or in other words, if any LSE cannot be ruled out.

4.5.7. Table 4.1 below presents the approach taken with regards to the HRA Screening stage; it is based on Natural England draft guidance.<sup>26</sup> Section 5 of this report presents a summary of the results of the HRA while Appendix C provides the screening table covering all policies.

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<sup>25</sup> Guidance from the ECJ, the judgement of the European Court of Justice in the case of EC v the UK, case C – 6/04 and the opinion of the Advocate General in this case.

<sup>26</sup> Tyldesley, D. for Natural England. January 2009. The habitats regulations assessment of local development documents (revised draft guidance). Natural England.



**Table 4-1 Initial Screening Categorisation**

Category	Purpose of Policy	General Action
<b>No Negative Effect</b>		
<b>A1</b>	The option/policy will not itself lead to development (e.g. it is a policy about design or other qualitative criteria for development or they are not a land use policy).	No action required
<b>A2</b>	The option/policy is intended to protect the natural environment including biodiversity.	No action required
<b>A3</b>	The option/policy is intended to conserve or enhance the natural, built or historic environment, where enhancement will not have an effect on a European Site.	No action required
<b>A4</b>	The option/policy helps steer development away from the European site and associated sensitive areas.	No action required
<b>No Significant Effect</b>		
<b>B</b>	The option/policy might have an effect but it is likely that the option/policy would not have a (negative) significant effect on a European site or associated sensitive areas because the effects are trivial or „de minimis“, even if combined with other effects. Identifying such policies or proposals needs to be approached with caution, so as to ensure compliance with the requirements for „in-combination“ effects and the application of the precautionary principle. Also, this may be because no development could occur through the policy itself, as the development would be implemented more detailed policies and/or site development level.	Adopt precautionary approach: Adapt policy where possible. AND/OR note where/how might this be addressed in an assessment of an associated lower tier document.
<b>Likely Significant Effect Alone</b>		
<b>C</b>	<p>The option/policy is likely to have a direct or indirect impact on a European Site as it:</p> <ol style="list-style-type: none"> <li>1) chooses land or steers future built development in an area where a European site is located (on or adjacent to).</li> <li>2) is of particular magnitude or type of development that, regardless of where it is located, could impact a European site.</li> <li>3) Could block options or alternatives to development and thus, prevent impacts from being avoided.</li> <li>4) Would be vulnerable to failure at the implementation stage.</li> <li>5) Effects include developments that may be ecologically, hydrologically or physically connected to it and/or also increase/compound existing pressures.</li> </ol>	Remove or amend option/policy as to avoid likely significant effect(s). If it is not possible to do so, conduct a full Appropriate Assessment.
<b>Likely Significant Effect in Combination</b>		
<b>D</b>	The option/policy when considered in combination with other options, policies, plans or projects is likely to have a significant effect on a European site.	Remove or amend option/policy as to avoid likely significant effect(s). If it is not

	This could include proposals or developments that form part of a series, implemented over time and/or where earlier projects can affect later projects. Cumulation of development?	possible to do so, conduct a full Appropriate Assessment.
<b>Depends on how the plan is implemented</b>		
<b>F</b>	The effect(s) of an option, policy or proposal depends on how they are implemented in due course, through the development management process. There is uncertainty if through the implementation process, the policy or proposal could have a significant effect on a European site.	Include restrictions or a caveat in the policy or proposal in order to exclude support for potentially damaging impacts. Once this is in place, the policy or proposal may then be reassessed.

## 4.6. Appropriate Assessment

- 4.6.1. The appropriate assessment process is essentially identical to that for determining Likely Significant Effects but involves more detailed examination of the issues to determine whether adverse effects on integrity would arise; in other words to go beyond the simple identification of potential risks to the site and consider whether any potential effects would arise in practice and if so, whether they would prevent the site achieving its conservation objectives either alone or in combination with other plans and projects.
- 4.6.2. Please see **Appendix D** for a table summarising the types of policies and possible cumulative impacts to consider in relation to the key issues that could affect site integrity. The integrity of a site is the coherence of its ecological structure and function, across its whole area that enables it to sustain the habitat, complex of habitats and/or the levels of populations of the species for which it was designated.
- 4.6.3. The emphasis should be on objectively demonstrating, with supporting evidence, that: **there will be no adverse effect on the integrity** of a Natura 2000 site. This includes using the most up-to-date and scientific information available. Conclusions should be based on sound judgement. However, for any HRA of a plan, there will be limitations and uncertainties. Section 4.7 summarises these.
- 4.6.4. It is at the appropriate assessment stage that mitigation (i.e. measures introduced into the Local Plan in order to avoid or reduce harm to the European site) has been taken into account for the Sherwood ppSPA, such as the insertion of text into planning policy specifically requiring down-the-line assessment for developments within 400m of the SPA or policies contained within the Local Plan aimed at improving air quality in the district and ensuring that an assessment is undertaken of developments that will result in a significant change in atmospheric nitrogen deposition on heathland.
- 4.6.5. The previous version of this HRA, which addressed the screening stage<sup>27</sup>, contained a very detailed examination of likely significant effects. In practice, it constituted an appropriate assessment but was not identified as such, since at that time there was no case law preventing the fullest level of analysis (up to and including identification of mitigation) being presented as an assessment of Likely Significant Effects. For this reason, in light of the People over Wind ruling, the report is restructured to explicitly separate out the appropriate assessment from the assessment of likely significant effects. Section 6 of this report onwards are therefore explicitly identified as the appropriate assessment section.

## 4.7. Limitations and Uncertainties

- 4.7.1. Natural England<sup>28</sup> recognises that dealing with uncertainty is one of the most difficult aspects of undertaking a Habitat Regulations Assessment (HRA).
- 4.7.2. In most cases, it will not be possible for a Habitats Regulations Assessment of a Local Plan (i.e. local development document or LDD) to apply the same level of detail

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<sup>27</sup> Mansfield District Council Local Plan (Publication Draft) – Habitats Regulations Assessment (HRA) Screening Report, September 2018.

<sup>28</sup> Unpublished (revised draft guidance) from Natural England: The Habitats Regulations Assessment of Local Development Documents produced for Natural England by David Tyldesley and Associates (January 2009).

as would be applied to a specific project, which is the subject of a planning application for consent. It is widely recognised that assessing plans is by nature more variable, and usually a broader, level of assessment.

4.7.3. In the assessment of a plan, there will not always be full information about:

- a) the changes that may be predicted as a result of implementing a policy or proposal in a LDD; or
- b) what the effects of the changes may be on the site(s) potentially affected, or
- c) how the effects may be avoided or reduced and if necessary, how the effects may be compensated for.

4.7.4. Other uncertainties include:

- Scientific uncertainty: this is due to uncertainty of predicted effects due to a lack of ecological knowledge or lack of up-to-date data. A precautionary approach should be taken if this type of uncertainty arises.
- Regulatory uncertainty: local plans may rely on/make reference to other plans outside the Local Planning Authorities (in this case Mansfield District Council) control.
- Implementation uncertainty: It will be important to include a caveat in the local plan advising that any development that could cause adverse effects on a European site will not be in accordance with the local plan.

4.7.5. Such uncertainties are taken into account through an appropriate use of the precautionary principle. This approach also takes into account the fact that most plans will be followed by subsequent more detailed plans (which can then be assessed in more detail) or by planning applications and projects (which can be assessed in the fullest detail). This substantially minimises the risks associated in the inevitably broad level of assessment possible at the Local Plan level, since the subsequent tiers in the planning process effectively consist of inbuilt further checks and safeguards before the development being assessed is actually delivered on the ground.

## 5. Determination of Likely Significant Effects

- 5.1.1. This section outlines the results of the assessment of likely significant effects, without taking account of mitigation, for both Birklands and Bilhaugh SAC and the possible potential Sherwood SPA (ppSPA). It takes into consideration possible in-combination effects (i.e. impacts from this plan alongside others). Appendix C provides the screening table covering all policies.
- 5.1.2. Many of the impacts considered in Appendix C are relevant for both the SAC and ppSPA as the SAC is included within the draft ppSPA boundary. Where there are important distinctions between the SAC and ppSPA, this is noted in the table. However, since one site (the SAC) is a European designated site and must legally be covered by the HRA process, it is treated and discussed separately from the ppSPA throughout this report, as commensurate with its status (i.e. non-designated important habitat area). Therefore, the conclusions for the SAC and ppSPA are written separately. The main differences between the vulnerabilities of the SAC and ppSPA are centred on recreational pressures and urbanisation (including pet disturbance/predation). The ppSPA is more sensitive to disturbance from recreational pressures and from domestic pets (dogs and cats) as it supports ground nesting bird species.
- 5.1.3. The screening process consisted of an analysis (using the classification criteria identified in Section 4.5) of every proposed policy and proposed development site, as set out in the various stages of the Mansfield District Council Local Plan (2013-2033)<sup>29</sup>. The culmination of this exercise is reported in Appendix C, providing assessment findings on the Publication Draft Local Plan (2013-2033), as informed through previous HRA screening reports (i.e. 2016, 2017) and consultations (please see section 4.4). Subsequently, any policies or development sites that could not be immediately screened out were subject to appropriate assessment, as discussed in the following chapter.
- 5.1.4. The identification of whether the impacts of the Local Plan's policies and proposed developments are likely to significantly affect the sites in question, depends on whether or not a clear 'pathway' can be identified. A 'pathway' in this context is a direct or indirect relationship between the key issue and the site's sensitive qualifying features.
- 5.1.5. In summary, the following policies were deemed to have Likely Significant Effects (i.e. the possibility of an effect requires further investigation) prior to more detailed investigation or consideration of mitigation:
- S2 (Spatial Strategy)
  - S4 (Delivering Key Regeneration Sites)
  - S5 (Development in the Countryside)
  - SUE2 (Land off Jubilee Way)
  - H1 (Housing Allocations) and
  - E2 (Sites Allocated as New Employment Areas)

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<sup>29</sup> Local Plan Consultation Draft in 2016, Preferred Options Consultation Draft in 2017 and Publication Draft Local Plan in 2018.

- RT6 (Retail and Leisure Allocations).

The most common reason for policies being screened into appropriate assessment was because they were category C policies (Likely Significant Effect alone), while H1 and E2 were screened in as category D policies (Likely Significant Effect in combination). It is the development associated with these policies that is therefore the subject of section 6, the appropriate assessment.

## 6. Appropriate Assessment

### 6.1 Introduction

- 6.1.1. Having completed the initial consideration of policies and allocations to determine if the mere potential for an effect exists, this chapter examines each impact pathway in detail to determine whether adverse effects on integrity would arise (i.e. to determine whether the plan would compromise the achievement of the site's conservation objectives and thus affect its integrity or structure and function).

### 6.2 Air Quality

- 6.2.1. The information in this section applies to both the SAC and possible potential SPA (ppSPA) since air pollution affects these sites in very similar ways, as they relate to the sites' conservation objectives, vulnerabilities and qualifying features of importance, although conclusions regarding the SAC and ppSPA are reported separately.
- 6.2.2. Nitrogen (N) is an important nutrient for all plants and some need more than others. When nitrogen is present in excess, a loss of species diversity can result because more competitive (and often more common and widespread) species benefit at the expense of more sensitive (and generally less common) plant species, leading to the loss of important habitat, such as those within the Sherwood Forest. This process is called eutrophication. Increases in nitrogen can also increase heathland and woodland species' sensitivity to frost and drought and can affect overall soil health.<sup>30</sup>
- 6.2.3. Nitrogen deposition is the process of gaseous nitrogen (in the form of nitrogen oxides (NO<sub>x</sub>) and ammonia (NH<sub>3</sub>)) transferring from the atmosphere to the ground.
- 6.2.4. Sources of NO<sub>x</sub> and ammonia include road traffic, incineration (including crematoria), livestock, power facilities, and heavy industry (e.g. cement works).
- 6.2.5. One way of determining when there is too much pollution is by assigning a measurement called the critical level (for concentrations of pollution in the atmosphere) and critical load (for rates of pollution deposition to ground). Calculating critical load is a way of estimating an area's exposure to one or more pollutants which could significantly harm certain sensitive environment receptors like heathlands and woodlands.
- 6.2.6. Different habitats have different critical loads. The UK Air Pollution Information System ([www.apis.ac.uk](http://www.apis.ac.uk)) provides information and guidance about critical loads for various habitats. The methods for calculating critical loads are based on internationally agreed approaches.

#### **Climate change**

- 6.2.7. Climate change forms the background context for development across the UK. Climate change is expected to have an effect on the SAC, as indicated in Natural England's study on the impacts of climate change in the Sherwood area. At the same time it is a national and international issue and climate-change related effects on European sites cannot be directly attributed to the impact of particular developments or development plans. For that reason, it is not discussed as a specific key issue

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<sup>30</sup> DEFRA information leaflets. 27 Aug 2010. The impacts of acid and nitrogen deposition on: lowland heathland. UK Research on The Eutrophication and Acidification of Terrestrial Ecosystems, [www.bangor.ceh.ac.uk/terrestrial-umbrella](http://www.bangor.ceh.ac.uk/terrestrial-umbrella).

within this assessment. This is because it has rather an indirect impact on the health or integrity of the European sites. However, because climate change contributes additional stress to species and their habitats, Appendix C has highlighted policies within the Local Plan which seek to address climate change through the mitigation of greenhouse gas emissions and adaptation.

### **Birklands & Bilhaugh SAC**

#### **Road Traffic**

6.2.8. There is a standard method for assessing the impacts of road traffic on European sites that is used by Highways England (formerly the Highways Agency) on their schemes and which Natural England also supports. This is a three-part process which involves:

- a) Considering the probable change in vehicle flows, as a result of new development, on any roads within 200m of the European site is likely to exceed 1,000 Annual Average Daily Traffic (i.e. average vehicle movements per day) or 200 Heavy Duty Vehicles per day.
- b) Considering whether the contribution of a given plan (such as the Mansfield Local Plan) to that additional traffic would be essentially nominal<sup>31</sup>;
- c) Considering whether the habitat and species that might be affected would be likely to be affected by an increase in nitrogen deposition and NOx concentration.
- d) If so, then air quality calculations can be undertaken to determine if the change in nitrogen oxide (NOx) concentration or nitrogen deposition rate will exceed relevant thresholds (critical level/load).

6.2.9. If the change in vehicle flows due to the proposed increase in development during the Local Plan period is expected to be nominal, it is reasonable to conclude that the local plan's impact (and its contribution to any in combination effects) can be considered essentially neutral.

#### **Mansfield District**

6.2.10. A 200m buffer around the SAC was used to identify the potential area that could be affected by nitrogen deposition from road traffic<sup>32</sup>. No such roads were identified within Mansfield District. There are also no new road infrastructure projects planned during the Local Plan's period that would be within 200m of the SAC.

6.2.11. The only road within 200m of the SAC is Swinecote Road (B6034) located in the town of Edwinstowe in Newark and Sherwood District. This is unlikely to be a commuter route for traffic arising from Mansfield since it does not link any significant work destinations with any settlements in Mansfield. Trips arising from Mansfield are thus most likely to be recreational visitors to the Sherwood Forest visitor centre, but they are very unlikely to be sufficiently numerous for average daily flows to increase by more than a nominal extent. As such, the B6034 is very unlikely to experience a significant change in flows as a result of the Mansfield District Local Plan. Air quality considerations therefore do not need to be taken further for the SAC.

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<sup>31</sup> There is currently no formal guidance regarding this threshold but in other parts of the country Natural England has accepted that a change below 100 AADT due to a Local Plan is nominal

<sup>32</sup> Design Manual for Roads and Bridges: Volume 11 Environmental Assessment, Highways Agency, May 2007.

<sup>28</sup> Habitats Regulations assessment of the Newark and Sherwood Publication Amended Core Strategy: Appropriate Assessment (June 2018).



6.2.12. Moreover, unrelated to any need to protect the SAC, Policies IN8 (Protecting and Improving the Sustainable Transport Network) and IN9 (Impact of Development on the Transport Network) and NE3 (Pollution and land instability) all set out a strong policy framework for Mansfield Council to encourage and facilitate delivery and use of sustainable transport and public transport, which given the potential for reduction in reliance on private vehicles could reduce emissions across the local transport network. Equally, Policy CC1 (Renewable and Low Carbon Energy Generation) promotes sustainable energy generation which will contribute towards improving the overall background air quality in the district.

#### In-combination

6.2.13. The HRA of the Newark and Sherwood Amended Core Strategy<sup>28</sup> (June 2018) notes that, as advised by Natural England, only 17% of nitrogen deposited on the SAC derives from road traffic (paragraph 5.1.3 of Newark & Sherwood Amended Core Strategy HRA). This is supported by the fact that, while nitrogen deposition rates at the SAC exceed the critical load for the habitat, the Air Pollution Information System (apis.ac.uk) page for this SAC shows that NO<sub>x</sub> concentrations (the primary vehicular source of nitrogen) are approximately 33% below the critical level being an average of 13.62 µg<sub>m</sub><sup>-3</sup> compared to a critical level of 30 µg<sub>m</sub><sup>-3</sup>. In other words, ammonia (derived primarily from agriculture) is the most likely source of the majority of nitrogen deposited at the SAC, rather than NO<sub>x</sub> derived from traffic. The Newark and Sherwood HRA concluded, as does this HRA, that changes in flows on the B6034 due to growth would be negligible and this was demonstrated by modelling undertaken for that Local Plan HRA which included consideration of *inter alia* the proposed Thoresby Colliery development, the Center Parcs Combined Heat and Power Unit, Bilsthorpe Energy Centre, Brickyards Farm and the Longbelt Farm and Stud Farm Anaerobic Digestion Plant.

6.2.14. Additionally, Gedling Borough's HRA screening report concluded that findings within their developing local plan will have '*no effect alone or in-combination... following mitigation identified in those reports*'. Bassetlaw District Council are currently in the process of drafting their local plan as such there is no supporting available HRA report to draw upon for in-combination assessment for this borough. In January 2019 Bassetlaw Council published an updated HRA for their new Local Plan. However, that only documents the screening stage of assessment.

6.2.15. Since average daily flows are very unlikely to change on this route as a result of the Mansfield Local Plan no 'in combination' effect would arise.

#### Conclusion

6.2.16. Considering the information above and existing positive policies to improve local air quality and reduce private vehicle use, it is considered that increases in vehicle use within 200m of the SAC from road traffic within the District will be negligible. Strategic policies, development management policies and proposed development sites in the Local Plan (alone and in-combination with neighbouring districts) will not have a likely effect on the SAC in this respect.

#### Industrial Development

##### Mansfield District

6.2.17. In general, the only types of industrial and commercial development proposed in the Local Plan fall within the definition of:

- B1: Business (offices, research and development of products and processes, light industry appropriate in a residential area). This covers uses which can be carried out in any residential area without detriment to the amenity of the area by reason of noise, vibration, smells, fumes, smoke, soot ash, dust or grit.
- B2: General Industrial Use (for industrial process other than one falling within class B1, excluding incineration purposes, chemical treatment or landfill or hazardous waste) and
- B8: Storage or distribution.

6.2.18. For the most part, such uses do not involve significantly harmful emissions of atmospheric pollutants, other than those associated with vehicle exhausts and (to a small extent) central heating boilers. As such, it is normal practice when undertaking a HRA of a local plan to focus upon the most likely source of emissions: transport exhaust emissions. Any minerals and waste-related industry (which can be associated with significant emissions) will be covered, not by the Mansfield District Local Plan, but by the Minerals and Waste Plans for Nottinghamshire, under the remit of Nottinghamshire County Council. In the event that an application was submitted for an industrial proposal that fell within the classification of B2 or *sui generis* which covers waste disposal installations (e.g. incineration) and had significant potential emissions, it would be covered by the Environment Agency and Mansfield District Council environmental permitting processes, which would ensure no adverse effect on any European sites. No such applications are expected within Mansfield district at time of writing. Any impacts from existing or proposed developments outside the district are addressed below.

6.2.19. Given this, it is considered that there is little prospect of an industrial development with significant atmospheric emissions being associated with the Local Plan. Additionally, the inbuilt safeguards in the Environment Agency and Mansfield District Council Environmental Health permitting processes create further safeguards to ensure that no adverse effect on the integrity of any European sites would arise.

In-combination

6.2.20. A 10km buffer around the SAC was used to identify existing areas of industrial development that may significantly impact on air quality. Potential sources include:

- existing employment sites (areas safeguarded for employment in Policy E3)
- employment allocations within Mansfield District
- the District's crematorium; and
- the district heating network.

6.2.21. Based on consultation with the Mansfield District Council's Environmental Health team, there were no concerns raised. The Mansfield District Council 2017 Air Quality Annual Status Report (ASR June 2017) states that no sites were identified in the district of existing, new or recently changed industrial installations, or in neighbouring authorities in which emissions have increased substantially or in which exposure levels have been significantly introduced. It is envisaged that most measures put in place through environmental permits and the monitoring of these permits (issued by the Mansfield District Council and the Environment Agency) will address likely risks.

- 6.2.22. The nature of the Environment Agency permitting process is that point-source emitters<sup>33</sup> are only permitted if they will not result in an adverse effect on European sites within 10km (15km for major emitters). If mitigation or moderating measures are required to ensure that no effect will arise then these are secured through the permitting process. Given this and the fact that new significant point-source emitters will not be associated with the Local Plan (2013-2033), it is considered that there would be no 'in combination' effect through this pathway.
- 6.2.23. Employment allocations in neighbouring districts (immediately adjacent and with the 10km radius) with B2, B8 and/or *sui generis* (e.g. incineration) reference were also identified. Newark and Sherwood District Council's HRA of their Amended Core Strategy (June 2018) showed no significant effects, nor did Ashfield District Council Local Plan Publication (September 2016) or the HRA of the adopted Bassetlaw Core Strategy. In January 2019 Bassetlaw Council published an updated HRA for their new Local Plan. However, that only documents the screening stage of assessment. It will therefore be incumbent on Bassetlaw to either conclude no adverse effects or to deliver adequate mitigation. There are no proposed developments for incineration within the 10 km buffer. A planning application for a plasma gasification plant near Bilsthorpe was approved by Secretary of State in June 2016, but is still not constructed at time of writing. Given this conclusion and the fact that new significant point-source emitters are not likely to be associated with the Local Plan, it is considered that there would be no 'in combination' effect through this pathway.

### Conclusion

- 6.2.24. The Publication Draft Local Plan provides a positive approach to air quality. Policy NE3 (Pollution and land instability) addresses impacts on air quality, such that development is required to assess, avoid and reduce harmful impacts on the natural environment (including sensitive habitats and designated sites) and encourages improving local air quality. It also states that: '*development proposed where such unacceptable levels of pollution ...already exist, will only be supported in exceptional circumstances and it can be satisfactorily demonstrated that the risks of adverse impacts have been fully assessed and mitigated to an acceptable levels*'. Policy IN8 (Protecting and improving the sustainable transport network) also supports development proposals which enhance the existing sustainable transport network. Other design policies (e.g. policies P2, P3, P7 also encourage the incorporation of sustainable transport principles and address impacts on local amenity, including air quality. Considering the information above and the host of policies aimed at reducing negative impacts on air quality, it is considered that the Local Plan will not have an adverse effect on the integrity of Birklands & Bilhaugh SAC alone or in combination as a result of emissions from new industrial development. The Newark and Sherwood Local Plan includes a similar approach.

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<sup>33</sup> Installations such as energy from waste plants, power stations and pig farms which are geographically fixed, unlike road traffic

**Sherwood ppSPA**

6.2.25. Although there is no legal requirement to do so as part of the HRA process, the following section considers potential for impacts on the Sherwood ppSPA.

**Road Traffic**

**Mansfield District**

6.2.26. A link road is planned in the north-west of Policy SUE2 (Land Off Jubilee Way) which will connect Eakring Road to Crown Farm Way via the existing Crown Farm industrial estate. This will therefore be within the ppSPA as currently defined. However, it is over 200m from the nearest existing area of heathland within the ppSPA. There will also be an overall increase in employment development and housing via Policy S2 and associated policies. As such, there will generally be an increase in traffic flows in Mansfield district, although there are existing bus linkages from Mansfield to the business parks and also cycle routes that offer non-car modes of transport which are likely to provide an overall positive effect on air quality.

6.2.27. Table 6.1 summarises the existing roads that fall within 200m of the ppSPA within, and adjacent to, Mansfield district.

**Table 6-1 Sections of existing road that lie within 200m of Sherwood ppSPA**

<b>Section of road</b>	<b>Relevance to the ppSPA</b>
The A60 at Harlow & Thieves Woods	The A60 is one of the most frequently used roads in Mansfield District with local and county level traffic. It lies within 200m of areas of woodland within the ppSPA. The potential for impacts on those parts of the ppSPA that are primarily woodland and plantation are discussed below this table.
The A617 MARR at Rainworth Heath SSSI	The A617 is one of the most frequently used roads in Mansfield District with local and county level traffic. It lies within 200m of areas of woodland within the ppSPA, immediately to the east of Mansfield district in the vicinity of Rainworth Heath SSSI. The potential for impacts on those parts of the ppSPA that are primarily woodland and plantation are discussed below this table.
Jubilee Way South north of and west of Ransomwood Business Park / Ratcher Hill Quarry	<p>Jubilee Way South is situated within 200m of a part of the ppSPA which is currently a working quarry. In the future, this area may include plans to implement nature conservation improvements, including habitat creation. Detailed plans are not known at this point in time. Despite being contained within the ppSPA therefore, the zone within 200m of Jubilee Way South does not constitute nesting or foraging habitat for nightjar or woodlark. As such, there is no scope for air quality impacts on either species as a result of development in the Local Plan.</p> <p>There are also some narrow strips of heathland within the ppSPA situated within 200m of Jubilee Way South but these are narrow belts (typically 20-30m wide) sandwiched between the road and Oak Tree Business Park to the south and would not be used for nesting by nightjar or woodlark.</p> <p>Jubilee Way South lies within 200m of Oak Tree Heath Local Nature Reserve and SSSI, a 10ha block of heathland. However, this is not proposed to be part of the ppSPA.</p>

<p>Eakring Road at Sherwood Forest Golf Course SSSI / restored Mansfield Colliery</p>	<p>Eakring Road carries very little traffic as it only leads to a small area of development (approximately 50 houses), the restored Mansfield Colliery (now green space and has no official car park facilities), Mansfield Rugby Club, and the Sherwood Forest Golf Course which is also a SSSI.</p> <p>The Mansfield Transport Study (Stage 2) predicts significant increases in traffic flows along Eakring Road, in relation to planned development. However, according to MAGIC the nearest areas of heathland are 30m or more from the roadside which is beyond the zone where NOx concentrations due to the road will be concentrated. Moreover, Policy SUE2 (Land off Jubilee Way), addresses required improvements to junctions and enhancements to sustainable transport.</p>
<p>Crown Farm Way</p>	<p>Crown Farm Way currently serves the Crown Farm Industrial estate and also links Pump Hollow Road/Violet Hill (A6117) with Clipstone Road East. The Mansfield Transport Study (Stage 2) predicts significant increases in traffic flows along Crown Farm Way, in relation to planned development. According to MAGIC there is no heathland within 200m of the roadside. Moreover, the policy for allocation H1a (Clipstone Road East), which is to be accessed from Crown Farm Way, sets out requirements towards contributions towards the improvement of bus stops within the vicinity of the site, to improve the uptake of sustainable transport. These help to address impacts from traffic flows.</p>
<p>Newlands Road</p>	<p>Currently serves existing residential development, and thus as only local traffic. Allocation H1a (Clipstone Road East) is located to the north of this road but access is planned from Clipstone Road and Crown Farm Way. No likely significant increases in traffic; moreover, according to MAGIC there is no heathland within 200m of the roadside.</p>
<p>The A6191 (Southwell Road) north of Sherwood Oaks Business Park</p>	<p>There are areas of woodland within the ppSPA within 200m of this road at Ransomwood Business Park. Potential effects on woodland are therefore discussed in the paragraph below this table.</p> <p>There are areas of heathland or acid grassland within the ppSPA adjacent to the A6191 (Southwell Road) north of Sherwood Oaks Business Park but these are narrow strips immediately adjacent to the road and would not be used by nightjar or woodlark for nesting habitat.</p>
<p>The A6075 at Peafield Plantation, between Mansfield Woodhouse and Warsop</p> <p>The A6075 between Warsop and Kings Clipstone past Windmill Plantation / Birklands West and Ollerton Corner</p> <p>The B6035 between Warsop and Edwinstowe past Windmill Plantation / Birklands West and Ollerton Corner</p>	<p>The A6075 (Mansfield Woodhouse to Warsop) and A6075 (Warsop to Edwinstowe) are used mainly for local travel.</p> <p>There are areas of woodland within the ppSPA within 200m of these roads. Potential effects on woodland are therefore discussed in the paragraph below this table.</p>

6.2.28. In summary, therefore, there are areas of ppSPA heathland within 200m of some of the above roads but these are narrow disturbed belts that would be unsuitable for nesting nightjar or woodlark and/or lie beyond the principal zone within which NOx

due to the road will be concentrated. There are however several areas of ppSPA plantation or woodland which also lie within 200m of five of the aforementioned roads (The A60, the A617, the A6191 (Southwell Road), the A6075 and the B6035), and within 200m of the proposed new link road associated with Policy SUE2, that merit further consideration.

6.2.29. Whether any significant ecological effect will actually occur from increased nitrogen deposition depends on a wide range of factors, particularly site management. As identified in Table 5.2 the majority of the ppSPA within 200m of these roads is either:

1. Permanent woodland (particularly next to the road) which is likely to be unsuitable habitat for nesting nightjar and woodlark, or
2. Plantation woodland, which is felled and replanted on a regular cycle and therefore does provide suitable open habitat for these species on a temporary basis before the tree canopy is well-developed and the ground becomes unsuitable for nesting<sup>34</sup>.

6.2.30. In the first case, the fact that neither nightjar nor woodlark will be present in the permanent woodland means that increased nitrogen deposition would not affect either bird species. In the second case, there are three elements that are very likely to prevent any adverse effects occurring on nightjar or woodlark as a result of an increase in nitrogen deposition:

- Firstly, the belt of permanent woodland next to the road is very likely to reduce dispersal of the emitted pollutants into the ppSPA<sup>35</sup> (or suitable nightjar/woodlark habitat area);
- Secondly, most of the time the emitted pollutants will deposit to semi-mature or mature plantation at a time when nightjar and woodlark will be absent; and
- Finally, the process of planting and felling the trees on a fifty to sixty year cycle, as well as plantation management (such as weed suppression), is likely to have a much greater and long-term effect on ground vegetation in this area (and therefore its suitability for use by nightjar and woodlark) than atmospheric nitrogen deposition.

6.2.31. For all these reasons it is considered that an adverse effect on the integrity of nightjar and woodlark populations in areas of plantation would not arise from air quality, either alone or in combination with other plans and projects. Moreover, in order to minimise air quality issues generally, the Local Plan contains a series of policies aimed at minimising reliance on private cars and focussing on improving access to public transport overall and this will also benefit the ppSPA.

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<sup>34</sup> Most plantations are managed on a 50-60 year cycle of felling and replanting as part of standard Forestry Commission practice. Generally, new plantation is suitable for nesting woodlark for the first six years before the tree growth becomes too dense and the birds move elsewhere to nest, while new plantation is suitable for nightjar for its first twenty years.

<sup>35</sup> Xu, Y. (2008) Modelling the effects of roadside trees, results and conclusions. Report for the London Borough of Harrow. AEA, Harwell, Oxon.

Air pollution removal by urban trees and shrubs in the United States (2006). David J. Nowak, Daniel E. Crane, Jack C. Stevens. *Urban Forestry & Urban Greening* 4 115–123

Freer-Smith, P.H., Beckett, K.P. and Taylor, G. (2005). Deposition velocities to *Sorbus aria*, *Acer campestre*, *Populus deltoides x trichocarpa* 'Beaupre', *Pinus nigra* and *x Cupressocyparis leylandii* for coarse, fine and ultra-fine particles in the urban environment. *Environmental Pollution* 133, 157–167.

6.2.32. Similarly to the Birklands and Bilhaugh SAC, Policies IN8 (Protecting and Improving the Sustainable Transport Network) and IN9 (Impact of Development on the Transport Network) and NE3 (Pollution and land instability) all set out a strong policy framework for Mansfield Council to encourage and facilitate delivery and use of sustainable transport and public transport, which given the potential for reduction in reliance on private vehicles could reduce emissions across the local transport network. Equally, Policy CC1 (Renewable and Low Carbon Energy Generation) promote sustainable energy generation which will contribute towards improving the overall background air quality in the district.

In-combination

6.2.33. Housing in Newark & Sherwood and Ashfield districts is particularly relevant in considering potential for any impact in combination given that the ppSPA crosses the border between those districts and Mansfield and several of the roads mentioned in the preceding text (particularly the A617 and A6075) pass directly from one district to the other.

6.2.34. However, it has already been concluded that use of areas of plantation by nightjar and woodlark is unlikely to be affected by changes in air quality and the HRA of the Newark & Sherwood Amended Core Strategy (June 2018) scopes out air pollution as an impact pathway for the ppSPA.

6.2.35. It is therefore concluded that there isn't likely to be a significant combined negative effect with other local authority plans.

Conclusion

6.2.36. Considering the information above and existing positive policies to improve local air quality and reduce private vehicle use, it is considered that increases in vehicle flows within 200m of the ppSPA within the district from road traffic as a result of the Mansfield Local Plan (alone and in combination) will not affect the pollution-sensitive habitats on which the ppSPA birds depend. Strategic policies, development management policies and allocations in the Local Plan (alone and in-combination) will not have an adverse effect on the integrity of the ppSPA in this respect.

6.2.37. Nonetheless, since every development acquires further detail at the planning application level Natural England have requested that for the site allocated under Policy SUE2 an air quality impact assessment on SSSI heathland is undertaken. This will further ensure that no adverse effect arises in practice. If an SPA is designated in the future, it would be prudent for any new development proposed to be located within 200m to be assessed on a site by site basis, with regards to localised impacts from road traffic (air pollution and noise impacts) and be expected to provide appropriate mitigation, in line with Policy NE2 and the wording of Policy SUE2 which states that '*An application specific assessment will be required to identify and address impacts on nightjar and woodlark and their habitats*'.

## **Industrial Development**

### **Mansfield District**

6.2.38. The comments regarding impacts from industrial development to the Birklands and Bilhaugh SAC similarly apply to the possible potential Sherwood SPA (ppSPA).

### **In-combination considerations**

6.2.39. The comments regarding impacts from industrial development to the SAC similarly apply to the Sherwood ppSPA.

### **Conclusion**

6.2.40. Considering the information above and existing positive policies to improve local air quality, it is considered that the Local Plan will not have an adverse effect on the integrity of Sherwood ppSPA alone or in combination as a result of emissions from new industrial development.

6.2.41. If an SPA is designated in the future, it would be prudent for any new development proposed to be located within 200m to be assessed on a site by site basis, with regards to localised impacts from road traffic (air pollution and noise impacts) and be expected to provide appropriate mitigation, in line with Policy NE2.

## **6.3. Pressures from Recreation and Tourism**

### **Birklands and Bilhaugh SAC**

6.3.1. The conservation objectives for this SAC include avoiding deterioration of habitats and species for which the site was designated, and avoiding disturbance of these species.

6.3.2. According to the condition report for the Birklands and Bilhaugh SSSI, most of the areas also within the SAC designation are classified as 'unfavourable but recovering', except for Unit 12 which is within or close to the visitor centre compound and associated car parking areas. Unit 12 is an area in which recreational pressures are most likely to have the greatest impact. A new visitor centre has now been built at Sherwood Country Park and National Nature Reserve (NNR) near the cricket ground in Edwinstowe and to create a new visitor attraction designed and delivered by a consortium including the RSPB. The location of the new visitors centre and new car park are located outside, but adjacent to the SAC. Work is underway to clear the old visitor centre and to restore the area back to wood pasture.

6.3.3. People straying from paths can cause ground compaction and trampling of vegetation and micro-habitats important for supporting invertebrates and fungi. Most paths are within close proximity to the visitor's centre, the Major Oak (a popular attraction) and the car park. Measures (e.g. signage, fencing) have already been put in place to keep people on designated paths around these areas, minimising harmful impact on the woodlands.



**Mansfield District**

- 6.3.4. Visitor surveys of the Sherwood Forest Country Park<sup>36</sup> from various years, show that approximately 30-42% (over a third) of visitors to the site came from within Nottinghamshire (NG post code)<sup>37</sup>, travelling from up to 20km. The proportion of NG postcode visitors within and around the Mansfield area (NG19, NG20 & NG21) was about 8%. Other nearby concentrations of visitors included Sheffield, Doncaster, Derbyshire and Lincolnshire. Based on a latest visitor survey for the Sherwood Forest Country Park (2015), the vast majority (86%) of respondents had visited Sherwood Forest before; this is similar to previous (2013) survey results reported in the HRA of the submitted Local Plan. Results from this survey also showed that more people are coming back to Sherwood Forest than ever before. This highlights that it is a popular tourist destination.
- 6.3.5. According to the Nottinghamshire County Council August 2015 visitor survey, the main reason people visit the Sherwood Forest was to take children or grandchildren out for the day (34%). The majority of visitors came for a walk or stroll around the forest (97%). The Major Oak was an important and enjoyable element of the day for 88% of visitors. Dog walkers made up 9% of visitors.
- 6.3.6. A 2010 Mansfield Citizen Panel questionnaire indicated that the Sherwood Forest Country Park receives an even distribution of visitors from all areas of the district. Therefore it is taken that any development within the district may, cumulatively impact on the SAC.
- 6.3.7. Table 6.2 presents a summary of part of the 2010 Mansfield Citizen’s Panel survey in which residents were asked if they visited particular named woodlands or heathlands. The results indicated that Sherwood Forest Country Park/NNR (incorporating the SAC) is visited from all areas of the district.

**Table 6-2 High-level summary of the key parts of the 2010 Mansfield Citizen’s Panel Survey relevant to Sherwood Forest**

Area Name	Brief Description of Area (not provided with Citizen Panel questions)	Observed results
Sherwood Forest	Sherwood Forest Country Park. Accessed from the village of Edwinstowe. Includes a visitor car park, café and other visitor attractions (e.g. shop, information and interpretation displays). The Robin Hood Festival is held here every year in August.	This area had the highest visits from respondents with a very even distribution across the district. The reference ‘Sherwood Forest’ was meant to pertain to the Sherwood Forest Country Park but the interpretation of this may have had wider geographic meaning.
Birklands and Budby Forest	Encompasses a large area of ancient woodland, plantation woodland, other natural/semi-natural woodland and heathlands covering all of the Sherwood Forest National Nature Reserve (NNR) &	Responses indicate that there are few who visit this area but those who do visit, the results show a distribution from across the district, except from the areas of Pleasley,

<sup>36</sup> Visitor surveys for Sherwood Forest Country Park were carried out by ACK Tourism and RJS Associates Ltd. and included results from: Winter 2004, Summer 2005, Autumn 2006, Spring 2008 and Spring 2009. And also Nottinghamshire County Council Visitor Survey from August 2015.

<sup>37</sup> WSP for Newark and Sherwood DC. October 2009. Newark and Sherwood Core Strategy Options Report- Assessment under the Habitats Regulations.

Area Name	Brief Description of Area (not provided with Citizen Panel questions)	Observed results
	plantation and mixed woodland between the NNR and Market Warsop (including Thynghowe Viking Heritage site). Access is from the Sherwood Forest Country Park car park plus public footpaths (approx. 1km walk) and unofficial car park areas north of the Country Park.	Oak Tree estate, and the south western areas of the District. No clear geographical pattern of visitors from a particular area nearer to this area such as Warsop could be concluded. Birklands and Budby Forest may not be that well known to most (in that it is only visited by a few) and/or that members of the Citizen's Panel don't recognise the name.

6.3.8. This gives an indication of what areas residents from Mansfield visit in and around the Birklands and Bilhaugh SAC. Generally, those areas with visitor attractions, car parking and/or cafés attracted the largest number of 'yes' responses with a geographically even distribution around the district. For those areas less well-known and with fewer or no visitor amenities, the 'yes' responses were far fewer with a more clumped distribution near to the particular site visited. This suggests a more localised geographic visitor trend for these sites.

6.3.9. Overall, these results show that: 1) the presences of visitor amenities are likely to attract a larger number of visitors and 2) popular sites such as the Sherwood Forest Country Park attract visitors from all areas of the district.

6.3.10. Correspondence was held with Natural England in 2014 as to whether the SAC was currently being damaged as a result of excessive recreational pressure. They responded that *'We do not have any evidence to suggest that the site is suffering as a result of recreational impacts. The condition assessments do not indicate that recreational pressure is a threat to the site and the conservation objectives/ supplementary advice does not highlight this as a potential issue either. Once the visitor centre is moved off the site the recreational impacts should reduce even further'*.<sup>38</sup>

6.3.11. In summary, over a third of visitors to the Sherwood Forest Country Park come from Nottinghamshire and a significant percentage of those (8%) derive from Mansfield. The SAC is a current key location for visitors in the Country Park largely due to the presence of the visitor centre near to the SAC. Although the Country Park is a popular visitor destination for the region, there is no indication that visitor pressure is currently damaging the interest of the SAC or that it is expected to become unmanageable in the near future.

6.3.12. There are many existing footpaths on site and the author's experience of recreation in woodlands generally indicates that people are inclined to follow existing paths rather than create new ones, unless visitor pressure becomes exceptionally high. Sherwood Forest Country Park has well established footpaths and a majority of visitors don't stray from them. Although a popular reason for visiting the Sherwood Country Park is the 'forest', a large portion (88% in 2015)<sup>39</sup> of people took in the

<sup>38</sup> Natural England written advice to Mansfield District Council September 2014 'Mansfield District Council Habitats Regulations Assessment Scoping study of Preferred Options for the Local Plan'

<sup>39</sup> Survey of Visitors Sherwood Forest Country Park, August 2015, Nottinghamshire County Council. [http://www.nottinghamshire.gov.uk/media/126996/sherwood\\_survey\\_2015\\_finalv2.pdf](http://www.nottinghamshire.gov.uk/media/126996/sherwood_survey_2015_finalv2.pdf)

Major Oak during their visit, indicating that most people visit key attractions accessed from established paths.

6.3.13. The most damaging activity recreational visitors could undertake regarding the interest features of the SAC is off-track recreation involving high ground-pressure such as heavy footfall activities (e.g. paint-balling) or those involving vehicles. This is highly unlikely given that the main recreational activity permitted within the country park is walking. Horse riding is also permitted but only on designated bridleways.

6.3.14. Moreover, the residents of Mansfield district have access to a good choice of accessible woodlands outside the SAC and other areas of nearby natural green space with visitor facilities (e.g. café and toilets). Many of these are closer to Mansfield district residents than the Sherwood Forest Country Park. Examples of nearby accessible woodland and heathland include<sup>40</sup>:

- Spa Ponds Nature Reserve in Forest Town between Mansfield and Clipstone
- Oxclose Wood near to the Mansfield Woodhouse train station
- Shirebrook Wood west of Sookholme, accessed from Longster Lane
- Shining Cliff Plantation, High Oakham, south-west Mansfield
- Cauldwell Plantation and Stonehills Plantation (south of Shining Cliff Plantation in Ashfield District)
- Black Scotch Plantation/Ponds Plantation/Lichfield Wood within and adjacent to Berry Hill Park
- Oak Tree Heath Nature Reserve
- Woods surrounding and north of Warsop Vale
- Woods west of Church Warsop; and
- Other wooded green corridors along rivers and restored mineral railway lines (some with heathland) within easy walking distances of the district's urban areas.

6.3.15. Examples of large natural areas with visitor facilities (other than the Sherwood Forest Country Park within the SAC) located within easy reach of Mansfield residents include:

- Vicar Water Country Park
- Pleasely Pit Country Park
- Newstead Abbey; and
- Sherwood Pines Forest Park

6.3.16. Despite its attractions, Sherwood Forest Country Park and other accessible woodlands within the SAC are not the only large areas of woodland and publicly accessible natural greenspace available to Mansfield residents for outdoor recreation. Therefore, there are many alternative options.

6.3.17. Construction for a large residential development (approximately 1,700 houses) in Mansfield district (covered by Policy SUE3 Land at Berry Hill and also known as Lindhurst and situated south of Mansfield urban area) is now underway. Completion for this development is expected to be largely within the plan period (up to 2033). Any potential impact, of already approved planning applications, on the SAC will have

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<sup>40</sup> <http://www.woodlandtrust.org.uk/visiting-woods/>. This weblink (last accessed 31/01/18) contains interactive mapping displaying the location of some of these woodlands. Others are depicted on Appendix B.4.

been considered through the planning application process and does not therefore need to be discussed anew in the Local Plan or its HRA.

**Development in Neighbouring Authorities (in-combination considerations)**

- 6.3.18. The recent relocation of the Sherwood Forest Visitor Centre in(2018) is expected to result in an increase in visitors to the Sherwood Forest Country Park (although not necessarily to the SAC due to the relocation of the centre outside the SAC boundary) compared to current visitor numbers of approximately 350,000<sup>41</sup>. The new visitor centre will include a number of new attractions and increased visitor facilities. Impacts on the SAC from the new visitor attraction will have been addressed through the planning application for the visitor centre and the removal of the existing visitor centre will allow the restoration and recovery of the former location.
- 6.3.19. The Sherwood Forest Living Legends project informs plans for a Sherwood Regional Park. The Habitat Regulations Assessment report for the Sherwood Living Legend project, which included plans for the relocation of the visitor's centre, found no likely significant effect associated with this planned development. This conclusion was based on: 1) the ability of existing paths and visitor facilities to cope with further visitor numbers and 2) improved management of paths and visitor management<sup>42</sup>.
- 6.3.20. Plans are also being devised to establish a Sherwood Forest Regional Park within Nottinghamshire<sup>43</sup>. These may increase the number of visitors to the region and the Sherwood Forest. Regional Parks, unlike National Parks, have no fixed definition but have been established across the UK and Europe. All regional parks use environmental enhancements as the foundation for economic and social improvements. They have no formal planning role and are mainly aimed economic regeneration. A Sherwood Forest Regional Park board has been established to bring this forward, although work is still in its early stages. The vision and objectives of the Sherwood Forest Regional Park include within them an emphasis on environmental enhancement and promoting the area in a sensitive manner.
- 6.3.21. The Vision that has been developed is for “*a future for the Sherwood Forest area where the outstanding natural and cultural heritage is nationally and internationally recognised – where vibrant communities, economic regeneration and environmental enhancement thrive together in this inspiring natural setting*”. The Vision is supported by four broad objectives:
- *Objective 1: To manage, enhance and promote the landscape character of the Forest, including its biodiversity and geodiversity;*
  - *Objective 2: To manage, enhance and promote the historic character of the Forest, its settlements, heritage assets and culture, including its industrial heritage;*
  - *Objective 3: To promote sustainable leisure and tourism; and*
  - *Objective 4: To support agricultural diversification, woodland and rural economy uses which respect local character’.*

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<sup>41</sup>Nottinghamshire County Council webpage on Sherwood Forest Country Park- <http://visitsherwood.co.uk/a-sherwood-forest-for-all/> [accessed 31/01/18]

<sup>42</sup> Quoted from the Newark and Sherwood District Council's Allocations and Development Management publication Development Plan Document – Assessment under the Habitat Regulations, Sept 2012

<sup>43</sup> <http://ukeconet.org/wp-content/uploads/2009/02/Sherwood-Forest-Regional-Park-Feasibility-Study-Report.pdf> [accessed 30/01/18]

- 6.3.22. The Sherwood Forest Country Park and SAC are located within Newark and Sherwood District.
- 6.3.23. The 'in combination' assessment of the amended Newark & Sherwood Core Strategy HRA (June 2018) covered three neighbouring plans that are within catchment of the SAC. It was concluded that due to the landscapes surrounding Mansfield, including green infrastructure, open space and woodland, these *'should help to offset increases in recreational pressures on the ppSPA as well as Birkland & Bilhaugh SAC'* (paragraph 8.2.3)
- 6.3.24. Additionally, Gedling Borough's HRA screening report (May 2016) concluded that their Local Plan will have *'no effect alone or in-combination... following mitigation identified in those reports'* and this conclusion is also made in their 2017 HRA Addendum, with specific reference to mitigation for the development at Flatts Lane in order to draw this conclusion.
- 6.3.25. Ashfield District Council's HRA of their (now withdrawn) Local Plan (September 2016) concluded no likely significant effect on the SAC with regards to recreational impacts. Paragraph 1.9 of Ashfield District Council's written statement regarding Matter 1 of the examination made it clear that the Local Plan was considered not to have a likely significant effect on the SAC and that Natural England concurred with that conclusion. A new Ashfield Local Plan is being produced but it is very likely that the same conclusion will be drawn regarding the SAC. Likewise, Bassetlaw District Council's HRA for their Site Allocations DPD (Preferred Options) – Draft Screening Report (February 2014) concluded no significant effect based on the following: *'although an increase [in] housing numbers (principally in Worksop, but also in Retford and Tuxford) will increase the number of people living near to Birklands and Bilhaugh, [the] Core Strategy Policy [which was a general policy regarding provision of adequate green infrastructure rather than something related to SANG] will ensure quantitative and qualitative growth in green infrastructure [the network of greenspace across the district], diverting potential recreational pressure'*. No new issues were identified with regards to the site allocations put forward. In January 2019 Bassetlaw Council published an updated HRA for their new Local Plan. However, that only documents the screening stage of assessment. It is nonetheless expected that the mitigation approach identified for the Core Strategy will be continued for the new Local Plan.
- 6.3.26. The new visitor centre and the policies and allocations within the local plans of Mansfield District Council and the surrounding authorities is therefore within the context of an abundant and increasing range of alternative areas of publically accessible natural greenspace.

### **Conclusion**

- 6.3.27. Natural England has previously indicated to Mansfield District Council that the Sherwood Forest Country Park (incorporating the SAC) is a major regional attraction.
- 6.3.28. Within this context, the relocation of the visitor centre in Newark & Sherwood District is expected to result in a significant reduction in visitor activity within the more sensitive areas of the SAC part of the Country Park and has occurred early in the Local Plan period (2018). Based on advice from Natural England and the HRA conclusions of surrounding authorities (notably Newark & Sherwood Council) there is no reason to expect recreational pressure within the SAC to become unsustainable

and the relocation of the visitor centre could entirely avoid an unsustainable increase in visitors that might otherwise occur over the plan period.

6.3.29. Mansfield District Council has no control over access within, or the management of, the SAC. However, incidentally to any need to protect the SAC, the Council is creating and promoting a strong green infrastructure network through Policy IN2 (Green Infrastructure). There are also plans to produce a Green Infrastructure and Biodiversity supplementary planning document (SPD) to assist with the implementation of policies in the Local Plan. Outside of Mansfield town itself, the district is largely rural and also has very good access to natural areas within the urban area, including green corridors and other areas of accessible forestry, as illustrated earlier in this section.

6.3.30. As such, it is considered unnecessary for the Mansfield Local Plan to include specific interventions targeted particularly at the SAC interest features, since the most effective possible intervention (relocating the visitor centre) has already been identified and is being taken forward. In addition, the Council, through the Local Plan, is making a strong contribution towards the protection and enhancement of integrated green infrastructure networks. The Mansfield District Council Community Open Space Assessment (2018) of the district recommends new development consider new and enhanced provision for access to natural green space. Policy IN4 (Creation of Community Open Space and Outdoor Sports Provision) requires development to provide new on-site open space or off-site contributions in accordance with this assessment and the Mansfield Green Space Standard which includes improving access to natural green space. Generally this will ensure an adequate supply of accessible semi-natural greenspace within its own boundaries. It is therefore concluded that an adverse effect on the integrity of the SAC would not arise (either alone or in combination) via recreation due to new housing in Mansfield district.

### **Sherwood ppSPA**

6.3.31. Disturbance of ground nesting birds by people and dogs can leave nests vulnerable to predation and can influence nesting behaviour<sup>44</sup> and, as a result, breeding success. Recreational pressures on areas supporting nightjar and woodlark are likely to increase with increasing numbers of residential developments. A proportion of new residents will likely pursue recreational activities on nearby areas of green and open space including open countryside, heathlands and woodlands within and surrounding these areas.

6.3.32. A long-term (10 year) study on nightjar habitat in the Sherwood Forest area compared a heavily visited area (containing a café, shops, an adventure ropes course and 28.3 km of walking and cycling tracks) with a more lightly visited area (containing no amenities and only 3.3km of tracks). The study found that overall, nightjar density was significantly lower and there were significantly fewer breeding

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<sup>44</sup> Underhill-Day, J.C. (2005). A literature review of urban effects on lowland heaths and their wildlife, Report No. 624. English Nature, Peterborough.

Murison, G. (2002) The impact of human disturbance on the breeding success of nightjar *Caprimulgus europaeus* on heathlands in south Dorset, England. English Nature, Peterborough.

Ruddock, M. & Whitfield, D.P. (2007) A Review of Disturbance Distances in Selected Bird Species, A report from Natural Research (Projects) Ltd to Scottish Natural Heritage

Miller, Scott G., Richard L. Knight, and Clinton K. Miller. "Wildlife responses to pedestrians and dogs." *Wildlife Society Bulletin* (2001): 124-132.

pairs in the heavily disturbed habitat compared with the less disturbed habitat, although, average breeding success per pair, in terms of eggs and fledglings produced, was not significantly different between the two sections (heavily visited and lightly visited) across years, either because of different behavioural tolerance levels to disturbance or through confounding effects due to population density. The study concluded that, while male birds were largely unaffected, females more actively avoid settling in heavily disturbed areas. The report concluded that managing access patterns by the public to heathland areas during critical nesting periods could reduce the effects of disturbance. Previous studies have suggested that the control of dogs and restriction of access to dog walkers would be particularly important considerations. The research also reported a recent model that predicted that the extent to which visitors spread out across a site may have a greater negative impact on populations of ground-nesting birds than simple visitor numbers. The research concluded by stating that creating an increased number of potential nest sites for female nightjars (i.e. habitat areas) may also help reduce the effects of recreational disturbance, particularly if they are in areas where human access can be managed to keep disturbance levels low<sup>45</sup>.

6.3.33. The previously mentioned visitor survey data for Sherwood Forest Country Park (2015) indicates that visitor origins are spread over a large geographic area. Around 47 percent (%) (i.e. almost half) of visitors to the Country Park come from across Nottinghamshire, with visitors also being spread across the East Midlands (27%) and other areas within the UK and internationally (at these greater distances visitor origins become more dispersed). Residents of Mansfield are a significant source of visitors, as are residents of Nottingham, which is unsurprising given these are the two largest settlements in Nottinghamshire. Other than the Country Park (which is not likely to be representative of the rest of the ppSPA since it is a 'showpiece' site) survey results from the Mansfield District Citizens Panel (Sept 2010) suggested that Clipstone Forest, Vicar Water and Sherwood Pines are the most visited heathland/forest sites. Although that survey is now almost ten years old, it is unlikely that residents' behaviour patterns have fundamentally changed and these remain very popular sites. Many of these results were from a geographically uniform distribution of respondents (in other words, people did not necessarily visit the area closest to them), suggesting that sites with visitor facilities (e.g. car parks, café, toilets) generally attract people from all areas of the district. More local sites without visitor facilities such as Strawberry Hills Heath SSSI and Rainworth Heath, Birklands and Budby Heath were visited in lower numbers and generally by residents who live near these areas.

6.3.34. In summary:

- the core recreational catchment for the Sherwood Forest Country Park component of the ppSPA covers much of Nottinghamshire;
- other parts of the ppSPA (with visitor facilities) attract visitors from across Mansfield district; and
- sites without visitor facilities and lesser known sites attract people from the immediate local areas.

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<sup>45</sup> Lowe, A., A. C. Rogers, and K. L. Durrant. 2014. Effect of human disturbance on long-term habitat use and breeding success of the European Nightjar, *Caprimulgus europaeus*. *Avian Conservation and Ecology* 9(2): 6. <http://dx.doi.org/10.5751/ACE-00690-090206>

6.3.35. As such, the remainder of this assessment concludes that a net increase in housing (and thus potentially population increases) anywhere within Nottinghamshire, and particularly Mansfield district, may make a contribution to increased recreational pressure within at least some parts of the ppSPA. This is discussed further below.

### **Mansfield District**

6.3.36. Paragraph 60 of the NPPF (2019) sets out that the determination of the number of homes required should be based on the standardised housing methodology set out in national planning guidance. This methodology uses household projections and information about the affordability of properties to establish the number of homes needed in the local area. Applying this methodology results in a local housing need for 5,580 homes over the plan period (an average of 279 homes per year). However, due to the growth aspirations of the council and the government it is proposed to set the housing target for the local plan as 6,500 homes.

6.3.37. When taking into account completed new development (2013-2018), approved planning application commitments and windfall site (2013-2018), the number of homes that the Local Plan needs to allocate new development sites for is split between:

- At least 5,850 - homes within and adjacent to the Mansfield urban area and
- At least 650 - homes within Warsop parish.

6.3.38. Assuming an average occupancy of 2.4 residents per dwelling would mean that these c. 6,500 dwellings could be associated with a total further population increase of approximately 15,600 if they were all occupied by people who do not currently reside in Mansfield district. This would be a roughly 15% increase in the population of the district<sup>46</sup>. This is likely to be a worst-case prediction, since in reality it is probable that a proportion of the new dwellings will be occupied by people who already live within Mansfield district.

6.3.39. It has already been established that Mansfield makes a fairly large contribution to visits to Sherwood Forest Country Park and also to other parts of the ppSPA nearest to Mansfield district, particularly Clipstone Forest, Vicar Water and Sherwood Pines. The number of visitors from Mansfield district (although not necessarily the overall percentage) can potentially therefore be expected to increase by approximately 5% due to population increase over the plan period if we assume that behaviour patterns stay essentially similar. A modest but significant increase in visitors can thus be expected, particularly when the Mansfield Local Plan is considered in combination with other Local Plans across Nottinghamshire (since approximately a third of visitors to the Sherwood Forest Country Park live in the county).

6.3.40. While trampling effects on the SAC are likely to be avoided through relocation of the visitor centre (see earlier), an increase in recreational activity may increase disturbance of nesting nightjar and woodlark in heathland and plantation clearings in absence of counter-balancing site management, access management or other mitigation.

6.3.41. Around the Thames Basin Heaths SPA, specific new 'showpiece' areas of accessible natural greenspace known as SANG (in addition to access management

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<sup>46</sup> According to 2016 Mid-Year estimates the population of the district is 107,400



and education) were considered necessary to offset any increase in visitors because of the large existing population (over 750,000 people) living within easy walking/driving distance of the Thames Basin Heaths SPA, its relatively small core catchment (5km) and the relative lack of other non-SPA forms of large-scale accessible natural greenspace in some of the surrounding authorities (such as Woking district and Surrey Heath district). Other parts of the country have smaller populations and more alternative greenspace already in existence than the Thames Basin Heaths. In these areas (such as the Breckland SPA) provision of additional 'showpiece' alternative greenspace (SANG), has been considered a less important component of mitigation. Rather, good general natural green infrastructure network provision has been considered adequate when coupled with access management and education.

6.3.42. The approach to managing recreational pressure in Breckland and other parts of the country is in closer alignment to the current advice from Natural England (2014 Advice Note) provided to the Nottinghamshire authorities. In particular, Natural England has advised Mansfield District Council to be cautious about utilising a mitigation approach which is based too closely on the Thames Basin Heaths SPA model. Rather, there needs to be a focus on a more creative and flexible approach to addressing recreational pressures. This includes a combination of:

- improving (and promoting) natural green space (GI) nearby;
- providing improved access management (including ranger services);
- providing improved visitor education and information;<sup>47</sup> and
- alternative habitat creation (without public access) for nightjar and woodlark.

6.3.43. As already discussed in the section on Birklands & Bilhaugh SAC, Mansfield district has numerous large accessible woodlands (including areas with visitor facilities and those without) which are publically accessible but lie outside the SAC or ppSPA. There are also other large areas of natural green space accessible to the public outside the draft ppSPA boundary, namely along rivers and restored mineral railway lines. Larger natural green spaces also include nine Local Nature Reserves, as well as former collieries restored to green space (e.g. Oxclose Wood, Shirebrook open space, restored Welbeck colliery in Meden Vale, Vicar Water Country Park, etc.).

6.3.44. These areas of greenspace are well distributed around Mansfield district and many of them are in close proximity to the Mansfield urban area (the focus of the district's population). Many of them are also already connected via major trails or public rights of way. In terms of overall quantity, more of the accessible natural greenspace and woodland within Mansfield district is located outside the ppSPA designation than within it. Mansfield district is therefore in a good position to join up these areas of accessible natural greenspace (woodland and other habitats) and expand upon them

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<sup>47</sup> 'SANGS was the mitigation solution developed for TBH where alternative areas of green space are created to alleviate pressure on the SPA habitats, however there may be other more practical options including access management or enhancement of other green space which may be more appropriate for Sherwood and should be explored before going down the SANGS route, which can prove costly'. Email advice from Natural England to Mansfield District Council dated September 2014. This advice has also been reflected in the notes of a meeting held between Natural England and Mansfield District Council in October 2014.

in identified areas of deficiency to provide a strong GI network including accessible woodlands and heathlands outside the ppSPA but within easy access to residents.

6.3.45. The Community Open Space Assessment (2018) provides an assessment of type, amount and quality of community open space within the district. The main findings are:

- Accessible natural green space makes up approximately 75% of the total area of green space in the district. In addition, there are other urban parks which have substantial natural features and settings, thus also offering access to natural spaces. Combined, these areas make up 53% of the total number of open spaces identified in the assessment. These range in size from 0.17 hectares to 196 hectares.
- Many of the larger areas of natural green space are located outside but immediately adjacent to the urban area. These are mainly restored collieries. Exceptions to this are some well-used green corridors that contribute positively to accessible natural green space. These are made up of smaller, joined up areas of natural green space and are mainly located along former mineral railway tracks and along the district's river valleys. These include:
  - Maun Valley and Ravensdale Local Nature Reserves (LNRs) located in the wards of Carr Bank, Maun Valley and Yeomanhill
  - Land around Kings Mill Reservoir, Oakham, Hermitage and Quarry Lane LNRs located in the wards of Grange Farm, Oakham, and Portland
  - Disused railway green spaces extending from Racecourse Park all the way through Rainworth located in the wards Earkring, Lindhurst, Oaktree and Ransom Wood; and
  - Oak Tree LNR in Oaktree ward.

6.3.46. Where natural green spaces meet up with formally managed parks, these offer good opportunities for long-distance walking and cycling opportunities. Examples include the green infrastructure corridor along the river Maun stretching from Kings Mill Reservoir to Titchfield Park near Water Meadows and a section of the River Meden stretching from Carr Lane Park in Market Warsop to The Bottoms LNR in Meden Vale.

6.3.47. Just over a third (approximately 35%) of the total area of natural green space and other open space with natural areas can be found within the urban area. There are significantly greater numbers of sites with natural areas located within the urban area than outside the urban area; this is down to a greater number of smaller sites found within the urban area. This information suggests that there is a relatively good balance of natural green space within the urban area, as well as spaces located on the urban edge, indicating a fairly good distributed resource throughout the district. A general exception to this trend, is the western section of the district which is generally lacking in this resource.

6.3.48. Overall, the majority of open spaces offering access to nature are located within walking distance to where people live. Wards with access to these larger, urban edge natural green spaces include (7 out of 36 wards):

- Meden
- Warsop Carrs
- Ransom Wood
- Oak Tree

- Sherwood
- Market Warsop
- Newlands

- 6.3.49. These wards are located on the eastern side of the district, with the majority of these green spaces located outside the draft ppSPA boundary. Exceptions to this include, the restored Mansfield Colliery, north of Eakring Road near Vicar Water Country Park, a large area of woodlands east of Market Warsop, and Clipstone Forest. All three of these sites lack formal visitor facilities and car parking is limited or absent. The woodlands east of Market Warsop are accessed via public footpaths with no car parking facilities and along busy roads. There is also a railway line between Market Warsop and the woodland, potentially acting as a further deterrent for accessing this site easily on foot.
- 6.3.50. The Mansfield District Council Community Open Space Assessment (2018) assessment utilised reasonable standard walking journeys to natural green space (10 minute walking journey based on a variety of sources) and identified areas in the district where this was met and not met. It concluded that overall, residents have good access to areas with natural green space (84.7%). This included formally managed parks with significant natural spaces/features (i.e. making up a third or more of the park's area) and the countryside via public rights of way. There are only three wards where 50% or more households lacked access to natural space or the countryside within a 10-minute walking journey and a further 12 wards where 25-49% of households generally lacked access. Further detail is provided in the open space assessment document (Section 4.2).
- 6.3.51. Parts of Kingsway, Market Warsop, Ling Forest, Newlands and Oak Tree, Ransom Wood (Bellamy estate) wards located on the eastern side of the district have identified access improvement needs so that residents can more easily access areas of natural green space within a 10-minute walk. For most of these areas, the countryside or larger areas of natural green space can be easily accessed via public rights of way and cycle ways by residents in this area of the district, within at least a 15 minute walk.
- 6.3.52. Generally, natural green spaces (e.g. restored collieries, urban woodland sites, green corridors and other areas primarily managed for natural habitats) were assessed as 'average' quality. The quality assessment criteria were designed to take account of the different types of green spaces, but there may be a slight bias towards sites with established facilities such as trails and benches. For the most part, the more established natural green spaces such as Local Nature Reserves and Vicar Water Country Park, scored 'good' to 'very good'.
- 6.3.53. Improvements to natural green space are required across district in order to promote and encourage greater use of these sites. Overall, enhancements are needed to improve the quality of natural green spaces in the district, particularly in relation to their 'place shaping' and 'accessibility' qualities. This is especially important within areas that currently lack access to formal green space.
- 6.3.54. There are still opportunities to increase the availability, quality and accessibility of areas of greenspace to ensure that opportunities are maximised to improve access to natural green space within easy walking distance (10 minute walking distance), especially for residents living on the eastern side of the district closer to the ppSPA, where gaps exist.

- 6.3.55. It is considered that improving the quality of nearby formal parks and amenity spaces and creating new local green corridors within new development would help towards addressing these shortfalls. In order to encourage further visitor use, it will be important that the quality of natural green spaces in the district are also improved, where relevant.
- 6.3.56. The Local Plan includes a policy on green and blue infrastructure (IN2) aimed at protecting and enhancing green infrastructure (GI) network and core areas and promoting new GI linkages. The Mansfield District Council Green Infrastructure Study (2018) identifies 13 strategic GI networks and a majority of sites identified for allocation in the Local Plan are within 400 metres of these networks. The publication of a Green Infrastructure & Biodiversity SPD is also planned.
- 6.3.57. The authors of this report consider that, in addition to the existing commitment to a strong GI network, new applications for large housing developments (over 50 dwellings) located within 400m of parts of the ppSPA likely to be used by nightjar and woodlark may need to include an appropriate bespoke mitigation package for recreational pressure on the ppSPA, depending on whether existing disturbance levels are low and access to alternative semi-natural green infrastructure is limited. This is in line with advice given to Mansfield Council by Natural England in October 2014 that with regard to the ppSPA '*...we recommend that instead the proposed allocations are screened for their potential to impact on the identified nightjar and woodlark habitats. This would need to be done on a case by case basis, depending on the nature of the habitat, the ownership, footpaths and facilities. The proximity of other alternative greenspace would need to be taken into account too*'.
- 6.3.58. Policy NE2 (Biodiversity and Geodiversity) is the policy which would also apply to the Sherwood ppSPA as it would afford protection to nightjar and woodlark habitat wherever they occur. Part 5 of policy NE2 states that '*Where development is proposed within 400 meters of the non-designated Sherwood Forest ppSPA, a risk based approach, as set out in Natural England's Advice Note to Local Planning Authorities, will be adopted to all planning applications in relation to the possible potential Special Protection Area for the Sherwood Forest region*'.
- 6.3.59. Policy NE2 therefore provides the policy hook for impacts on the ppSPA to be taken into account in planning decisions and along with the aforementioned policy on green and blue infrastructure (IN2), implementation of the Mansfield District Council Green Infrastructure Study (2018) and publication of the Green Infrastructure & Biodiversity SPD, will ensure that no adverse effect on the integrity of the ppSPA arises through recreational pressure.
- 6.3.60. The Council should also promote sensitive tourism to residents and visitors through the provision of educational leaflets regarding the nightjar and woodlark and their sensitivities. The Council should also ensure that nearby attractions are promoted in addition to the Sherwood Forest Country Park. However, it is acknowledged that this is not appropriate for inclusion in the Local Plan and is therefore not discussed further.
- 6.3.61. In the long term, if Sherwood Forest is formally proposed as an SPA (pSPA), it is considered that the visitor evidence base would benefit from improvement. In that event, the Nottinghamshire authorities should consider jointly commissioning bespoke visitor surveys of the main access points across the pSPA (in addition to the Sherwood Forest Country Park) to determine which parts of the pSPA are visited most heavily, clarify what proportion of visitors come from each district and identify

potential access management (or other management) interventions on a parcel-by-parcel basis. At the moment, the data for the Sherwood Forest Country Park is relatively good but the data for other parts of the pSPA are variable. It is recognised that this is not something that Mansfield District Council would implement unilaterally but would need to involve all the relevant Nottinghamshire councils. It is also recognised that this would only be appropriate if a formal pSPA or SPA designation is made.

**Development in Neighbouring Authorities (in combination considerations)**

- 6.3.62. An assessment was undertaken for the Newark & Sherwood Amended Core Strategy (June 2018) which focussed on specific housing sites within 5km of the ppSPA. Policy wording had already been devised to enable mitigation to be delivered. This wording was included in both the Core Strategy and Development Management plans and through wording in relation to specific allocations. The main purpose of these policies has been to ensure that there is adequate provision of Suitable Alternative Natural Greenspace<sup>48</sup> (SANGs) in Newark and Sherwood district (Policy DM7 and Core Policy 12). As a result the latest (June 2018) Newark & Sherwood HRA concluded that there remained an adequate policy mechanism in place to avoid likely significant effects. Given that is also the conclusion of this HRA regarding the Mansfield Local Plan, there will be no unaddressed 'in combination' effects. The Amended Newark & Sherwood Core Strategy HRA (June 2018) reports an in combination assessment of three neighbouring plans that are within catchment of the SAC. It was concluded that due to the landscapes surrounding Mansfield, including green infrastructure, open space and woodland, these *'should help to offset increases in recreational pressures on the ppSPA as well as Birkland & Bilhaugh SAC'*.
- 6.3.63. Additionally, Gedling Borough's HRA screening report (May 2016) concluded that their Local Plan will have *'no effect alone or in-combination... following mitigation identified in those reports'* and this conclusion is also made in their 2017 HRA Addendum, with specific reference to mitigation for the development at Flatts Lane in order to draw this conclusion.
- 6.3.64. Ashfield District Council's HRA of their (now withdrawn) Local Plan (September 2016) identifies the large amounts of alternative recreational natural greenspace already existing in Ashfield District (other than the ppSPA) and concludes that *'Even in light of a potential increase in visitors to the ppSPA, it is considered that the existing raft of management initiatives referred to above and the relocation of the visitors centre in Sherwood Forest will be sufficient to avoid a significant effect on the ppSPA in the foreseeable future, and in any event within the life of the Local Plan'*. Paragraph 1.9 of Ashfield District Council's written statement regarding Matter 1 of the examination made it clear that the Local Plan was considered not to have a likely significant effect on the Sherwood ppSPA and that Natural England concurred with that conclusion. Given that is also the conclusion of this HRA regarding the Mansfield Local Plan, there will be no unaddressed 'in combination' effects. A new Ashfield Local Plan is being produced but it is very likely that the same conclusion will be drawn regarding the ppSPA.

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<sup>48</sup> In other words, large sites consisting of natural habitat (as opposed to closely managed formal parks) over which residents and visitors can walk freely as an alternative and supplement to the Country Park

6.3.65. Bassetlaw District's Local Plan is currently in production and their HRA (January 2019) currently only covers the screening (likely significant effects) stage of assessment. However, it seems likely that a similar conclusion will be reached as for Newark & Sherwood District, Ashfield District and Mansfield District, and if any requirement for protective measures is identified in the forthcoming HRA of the Bassetlaw Local Plan, it will be incumbent on that authority to devise such measures, which would thus address any effect 'in combination' with the Mansfield Local Plan.

### **Conclusion**

6.3.66. It can be concluded that Policy NE2 and Policy IN2 between them provide an adequate policy framework is in place to enable a proportionate response to the protection of the nightjar and woodlark habitat in the ppSPA from recreational pressure (and thus avoiding an adverse effect on the integrity of the ppSPA), given that the ppSPA is not a formal designation and within the context of the large amount of existing accessible semi-natural greenspace, outside the ppSPA area in Mansfield. They do this by developing and promoting of a strong managed green infrastructure network through the Green Infrastructure & Biodiversity SPD facilitated by Policy IN2 and through ensuring specific large developments close to the ppSPA provide bespoke mitigation as necessary. These would also be key measures in ensuring that the Council's obligations regarding Regulation 10 are met.

## **6.4. Water Abstraction**

6.4.1. Severn Trent is responsible for providing drinking water throughout the district. This water is split between ground water sources, rivers and reservoirs. Water supplies in the Nottinghamshire zone come from a combination of local groundwater sources and links to the Strategic Grid zone (the name given by the water company to their largest supply zone, which covers an area from Derbyshire down to Gloucestershire). In Nottinghamshire, 80% of public supply is abstracted from the Sherwood Sandstone Aquifer<sup>49</sup>, thus playing a strategic role in water use. The aquifer in Nottinghamshire is classified as 'over-abstracted' by the Environment Agency's (EA) Catchment Abstraction Management Strategies (CAMS March 2007), which means that further abstraction from the aquifer is unlikely to be permitted.

6.4.2. Without new investment, the Severn Trent Strategic Grid and Nottinghamshire zones face some significant supply shortfalls in the long term as a result of the need to reduce abstraction from unsustainable sources and the potential impacts of climate change which could by themselves result in increased drought and a lowering of water levels in the sandstone aquifer. These two zones will therefore require new sources of water supply. Severn Trent Water's strategy for the Nottinghamshire zone, as reflected in their adopted Water Resource Management Plan (2019), which takes the effects of climate change into account, is based around reducing leakage and demand for water, and relying more on water transfer from the Strategic Grid zone.

6.4.3. The main new supply schemes for this zone are therefore to provide major treated water links to the Strategic Grid zone which will allow for a more flexible supply system better able to transfer water from that zone into Nottinghamshire in response to drought conditions (such as might arise more frequently due to climate change).

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<sup>49</sup>RPS. June 2009. Mansfield District Council Water Cycle Study- final report. An aquifer is a body of rock, gravel or sand which holds water underground.

Increased abstraction from the Sherwood Sandstone Aquifer (beyond current licenced levels) is not part of the future water supply solution and there is therefore no reason to expect any lowering of the groundwater levels in this area and thus any change in water levels within the designated sites.

#### **Birklands & Bilhaugh SAC**

6.4.4. The habitats within the SAC are not specifically reliant on water for their biological functioning as there is little to no open water on the site. These habitats are vulnerable to stress if groundwater levels are significantly altered, especially in relation to veteran trees but this will not occur from public water supply as there are no plans to increase abstraction from the Sherwood Sandstone Aquifer.

#### **Sherwood ppSPA**

6.4.5. The majority of the Sherwood ppSPA is underlain by the Sherwood Sandstone Aquifer. Generally speaking, lowland dry heathland habitats are not affected by present fluctuations in ground water supply. Nightjars sometimes forage over wetland areas (and many other types of habitat) but are not dependent on them. Since there are no plans to increase abstraction from the Sherwood Sandstone Aquifer as part of future public water supply, no effects on groundwater will occur from Mansfield local plan development.

#### **Conclusion**

6.4.6. It is concluded that an adverse effect on integrity via the water supply pathway would not arise on the SAC or nightjar or woodlark habitat (i.e. area within the ppSPA) from development set out in the Local Plan, because there are no plans to increase abstraction from the Sherwood Sandstone Aquifer, the principal aquifer underlying both the SAC and ppSPA, as part of future public water supply.

## 6.5. Urbanisation

- 6.5.1. The natural environment is complex; most plants and wildlife rely on either a particular habitat type (e.g. broadleaved woodland, heathland) or a particular combination of habitats (habitat mosaic) to thrive. In addition to habitat type, habitat conditions and structure (e.g. south facing slope, dead standing wood, patches of bare soil, or areas of scrub adjacent to open areas of heathland etc.) are important factors for survival. Smaller organisms' (e.g. insects and fungi) immediate requirements are often on a more localised scale, for example a single tree, whereas other wildlife like birds may need vast areas for foraging in a single night.
- 6.5.2. Wildlife (and even plants) need to be able to move around in order to find food and suitable places to live, breed and raise young; they must also be able to move in order to survive changes in their environment, for example disturbances caused by climate change or development. Movement is also important for the exchanging of genes, the building blocks for diversity and survival. Without this, generations of wildlife and plants may become weaker and lack the ability to thrive.
- 6.5.3. Urbanisation essentially involves development encroaching on open spaces to such an extent that there is a regular background level of impact (whether recreational activity, cat predation, fly tipping of garden waste and other activities) due to the very close proximity of large amounts of housing. This can have a negative effect on wildlife causing them to retreat further into the body of a site and abandon the edge habitats, or impacting on their breeding success.
- 6.5.4. For the purposes of this assessment 'urbanisation' is used to refer to all potential impact pathways that stem from the close proximity new development other than those considered elsewhere in this report e.g. lighting, noise, cat predation, fly tipping, inadvertent arson and other pathways.

### **Birklands & Bilhaugh SAC**

- 6.5.5. Based on the Birklands and Bilhaugh SAC's conservation objectives, it is considered that any development within Mansfield district is too far away from the SAC to negatively affect its habitats. As such, development within the district will not result in adverse effects on the integrity of the SAC, alone or in combination with other plans or projects. Indeed, there are potential positive effects from the plan with respect to its proposals to improve the amount of woodland and heathland (and the extent to which it is connected) within the Sherwood Landscape Character network. Policy NE1 states that '*planning permission will only be granted for developments within a landscape policy zone where they positively contribute towards meeting the defined landscape actions for the relevant zone*'.
- 6.5.6. In addition, Policy NE2 seeks net gains in biodiversity for acceptable development sites where feasible, by maximising opportunities to incorporate biodiversity enhancements across a landscape-scale. Policy NE2 also seeks to enhance the role of development in providing an accessible, functional, healthy and robust natural environment.
- 6.5.7. A Green Infrastructure and Biodiversity SPD would also provide more detailed guidance for implementing these policies with respect to protecting and enhancing the ecological networks within the district.



## **Sherwood ppSPA**

### **Mansfield district**

- 6.5.8. Nightjars generally avoid settling on heathland within 250-500m of development land<sup>50</sup>, although it is important to note that this is a generalisation; there are numerous instances of nightjar successfully breeding within 200-250m of some settlements, such as in Breckland Forest in East Anglia. This variation may be due to the type and design of green buffer areas separating nightjar from built up areas and also how access to sites containing nightjar habitat is managed.
- 6.5.9. The impact of domestic cat predation on ground-nesting birds is a recognised risk associated with increases in residential development. This issue is of greatest concern to population survival when settled territories are involved because these are in a fixed location and have vulnerable young and chicks. Foraging or singing adult nightjar and woodlark can be preyed upon by cats but are much less vulnerable. Research on the roaming distance of domestic cats varies from approximately 400m to over 1500m. Evidence suggests that about 60% of domestic cats roam up to 400m<sup>51</sup>. In addition, the analysis undertaken for the Thames Basin Heaths SPA concluded that there were other pressures associated with locating development within 400m of the SPA (recreational pressure, fly tipping and vandalism risk) that could not be mitigated by the provision of alternative natural greenspace, since the SPA was so close that it was unlikely alternative greenspace would provide sufficient alternative appeal.
- 6.5.10. It is reasonable to conclude that, at least for the heathland parts of the Sherwood ppSPA, a similar conclusion could potentially be drawn regarding impact of housing within 400m<sup>52</sup>. It should be noted that the conclusion in the Thames Basin Heaths area to impose a prohibition on net residential development within 400m of the SPA was reached in particular because this was an area with a very high existing residential population density within 400m of the SPA and because there was a realistic prospect of a very large quantum of additional new development coming forward within that zone.
- 6.5.11. Neither circumstance applies to Mansfield district and its urban proximity to the ppSPA. Moreover, there is not a strong enough legislative basis to introduce a total prohibition on residential development within 400m of the Sherwood ppSPA, since it is not actually formally proposed for designation as an SPA or pSPA at the present time. Nonetheless, increases in development within 400m of the ppSPA present the greatest potential to reduce nightjar and woodlark densities in those parts of the ppSPA and therefore require particular scrutiny on a case-by-case basis.
- 6.5.12. The specific importance of the 400m zone around the ppSPA is reflected in Policy NE2 which states that '*Where development is proposed within 400 meters of the non-*

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<sup>50</sup> Liley, D & Clarke, R.T. 2003. The impact of urban development and human disturbance on the numbers of nightjar *Caprimulgus europaeus* on heathlands in Dorset, England. *Biological Conservation* 114: 219-230.

<sup>51</sup> Barratt, D.G. (1997) Home range size, habitat utilisation and movement patterns of suburban and farm cats *Felis catus*. *Ecography*, **20**, 271-280. Turner, D. C., and O.Meister. 1988. Hunting behaviour of the domestic cat. Pages 111–121 in D. C. Turner and P. Bateson, editors. *The domestic cat: the biology of its behaviour*. Cambridge University Press, Cambridge, UK.

<sup>52</sup> The situation for plantation is potentially different because a given area of plantation is effectively unsuitable for woodlark or nightjar for a large part of its life-cycle such that factors other than proximity of development might have a stronger influence over whether nightjar or woodlark select those areas to nest.

*designated Sherwood Forest ppSPA, a risk based approach, as set out in Natural England’s Advice Note (2014) to Local Planning Authorities, will be adopted to all planning applications in relation to the possible potential Special Protection Area for the Sherwood Forest region’.*

Housing sites

6.5.13. There is a single urban extension in Mansfield district that is currently under construction and is located within 400m of the ppSPA boundary (Table 6.3). Since its impacts have already gone through scrutiny as part of the planning process, it does not need to be assessed afresh in this HRA. However, it does set a precedent that is relevant to future housing sites within 400m of the ppSPA.

**Table 6-3 Permitted housing sites within 400m of the ppSPA in Mansfield district**

Area of Development	Type of Development	Location	Impact	Adverse effect on integrity and mitigation
SUE3 (Land at Berry Hill) also known as Lindhurst – south of A617 bordering Harlow Wood and Rainworth Lakes SSSI	Mixed development (including 1700 houses, hotel/leisure, school, shopping centre, employment areas)	Adjacent to the ppSPA	Prior to development the site was arable land surrounded by woodland.  Fire, tipping, recreational disturbance, cat predation	Mitigation measures have been written in as conditions including habitat creation adjacent to Harlow Wood and complimentary habitat near Newstead. Green Infrastructure network to be integrated into development. SuDS creation and management plan. Educational measures and access management including ranger service.  In-combination – most likely some impact in combination with all other residential development. But not significant once planned mitigation is put in place.

6.5.14. The Local Plan allocates two currently unconsented housing sites that are located well within 400m of the ppSPA<sup>53</sup>. These are:

- Site H1a (Clipstone Road East, Crown Farm Way) is predominately residential. These are two large sites (Sites 13 and 101) combined into a single allocation and located south-west of Clipstone, and will deliver a total of 511 dwellings. Site 101 has a resolution to grant subject to the signing of a Section 106 agreement. An application for Site 13 was submitted in 2017. Although part of the ppSPA does lie within 400m of this site, much of that part of the ppSPA is an existing industrial/employment site at Crown Farm and is unlikely to support nesting nightjar or woodlark territories. Another portion is wetland (private fishing ponds) with limited tree cover which would not be used by nightjar or woodlark. The other

<sup>53</sup> Site H1j is also technically located within 400m of the ppSPA but is 390m away at its closest and is separated from the ppSPA by urban development, Moreover, the only part of the ppSPA within 400m of this site is a small area of industrial estate.

nearby area of land to the south of industrial estate is the restored Mansfield colliery site, which could provide some value for nightjar or woodlark in the long term depending on habitat restoration and subsequent appropriate management. There are no records of either species on or near the site according to data from Nottinghamshire Biological & Geological Records Centre.

- Site SUE2 (Land off Jubilee Way) has expected total yield of 800 dwellings. It is understood that this site is intended as a mixed use residential, leisure and employment area (4ha). It is also intended to include landscape buffering and habitat creation. The developable area is within the western sections near to Jubilee Way North and Eakring Road. The built footprint (c. 40ha) includes residential, employment, rugby club, golf club, link road a possible primary school and open space).

The developable area of SUE2 (Land off Jubilee Way) currently contains blocks of woodland/woodland scrub, grassland and small patches of heathland. It is also located within the ppSPA boundary, including the areas of Crown Farm Industrial estate, the restored Mansfield colliery and a small area located within the golf course south of Eakring Road. Adjacent to the developable area are larger areas of woodland and heathland that make up the Sherwood Forest Golf Course SSSI and Strawberry Hill Heaths SSSI; these are also included in the ppSPA parcel, which does present suitable habitat for nightjar and woodlark. Oak Tree Heath (also part of Strawberry Hill Heath SSSI) lies on the opposite side of Jubilee Way South. SUE2, as a whole, is located within a Heathland and Acid Grassland opportunity area, identified by Mansfield District Council based on recommendations from the previous Local Plan HRA Screening Report (2016), aimed at encouraging the linkage of existing heathland/woodland areas through habitat creation. Thus, there is potential for this site to sensitively deliver habitat improvements through better quality linkages with the adjacent ecological network.

6.5.15. On balance, it is considered that housing development of these two sites is not inherently incompatible with the ppSPA, given that much of the ppSPA within 400m of these two sites appears unlikely to be suitable for nesting sites for nightjar or woodlark, and larger developments have already been recently permitted within 400m of the ppSPA. Additionally, any potential for negative effects on the ppSPA could be avoided, minimised and mitigated similar to the SUE3 (Land at Berry Hill) development. However, given the size of these sites and their close proximity to the ppSPA, the applicant/site promoter should provide further information in planning application responses to development briefs confirming either that:

- a) the ppSPA within 400m of the development site is unsuitable for nightjar or woodlark as expected; or
- b) that it is suitable, but that disturbance (from whatever source, including lighting or cat predation) would not arise; or
- c) that disturbance may arise and that a mitigation solution similar to that accepted for the SUE3 (Land at Berry Hill) site (albeit on an appropriately smaller scale) could be delivered.

6.5.16. This is a specific requirement for both Policy SUE2 and Policy H1a.

- 6.5.17. With regard to Policy SUE2 (Land off Jubilee Way), the proposed footprint of the built development avoids the majority of the ppSPA within the proposed built-up site boundary. Sections of the ppSPA that *do* fall within the proposed developable boundary (net area) include a 10 hectare section within the existing golf course and a larger section falling within the Crown Farm industrial site and the restored Mansfield colliery. Crown Farm isn't likely to support nightjar and woodlark nesting habitat. The restored Mansfield Colliery is also not known to currently support potential nesting habitat, although confirmatory surveys would need to be carried out for relevant planning applications.
- 6.5.18. There are potential disturbance pathways and impacts on nesting nightjar/woodlark within the adjacent parts of the ppSPA (i.e. those that lie to the south and to the east of the developable area of Site SUE2). These could arise from both recreational activity and general proximity of development. Consideration of this issue is advisable in devising the details of a masterplan for this site and related planning applications, in case the ppSPA does progress to European or national designation at some future date, which could be prior to completion of this development (currently planned for completion in 2032). If any of the ppSPA areas were to be designated as Sites of Special Scientific Interest (SSSI) of national significance, then the assessment of impacts would fall outside the HRA process but in practice would be very similar.
- 6.5.19. It is noted that development of this site has potential to deliver ecological enhancements and opportunities to reduce impacts on nightjar and woodlark. The following considerations are necessary to avoid, minimise and mitigate potential impacts:
- to better manage access to sensitive areas, including: a) a better defended western boundary of the ppSPA by installing gate across Eakring Road leading to the Sherwood Forest Golf Course SSSI/ habitats and beyond; b) diverting the bridleway from the northern edge of Strawberry Hill Heaths SSSI; c) to link up existing and diverted bridleways within the site; d) control the use of four wheeled vehicles/off road bikes; and e) designing in landscaped buffer areas to the south to discourage access to Strawberry Hill Heaths SSSI, both part of the ppSPA; and
  - to provide recreational green corridors and open space within the site, with potential dedicated/alternative dog walking areas in order to reduce recreational visits to the SSSIs/ppSPA. This should to be documented in an access management plan which also clearly addresses the above bullet point and identifies how residents of the new housing estate will be actively encouraged to access green space close to housing rather than increasing pressures on the SSSI; and
  - to deliver improved habitat connectivity between created areas of heathland and/or other types of complementary habitat (as part of the new development) and existing habitat within adjacent SSSIs/ppSPA (e.g Oak Tree Heath SSSI, Strawberry Hills Heath SSSI, Sherwood Forest Golf Course SSSI, and existing habitats outside these designations). If heathland creation takes place in the same location as the golf academy and nearby open space, this is likely to limit the ability of that heathland to support nesting nightjar or woodlark, which may in turn limit its ability to serve as mitigation if nesting nightjar and woodlark are found within, or adjacent to, the development footprint of the site. Thus, this habitat creation is important in terms of providing habitat buffering to nearby sensitive sites and habitats and potential foraging habitat but not nesting habitat; and

- to deliver compensatory habitat, if evidence of nesting nightjar and woodlark is found, then this could mean that 'compensatory habitat' would need to be created nearby, but off-site, in order to offset any loss to development.
- 6.5.20. A very detailed analysis of the impacts of this proposed site cannot be undertaken until further work has been done to support a planning application and therefore a fuller analysis will be required at that stage. This is entirely normal: the purpose of this analysis at Local Plan level is to identify whether there are likely to be fundamental obstacles to scheme delivery that cannot be resolved and guidance from the European Commission has made it clear that HRA is expected to be a tiered process, gaining further detail as each stage of the planning process is negotiated<sup>54</sup>.
- 6.5.21. Nonetheless, the following recommendations are made for detailed masterplan development and planning applications on this specific site:
- Nightjar/woodlark surveys of the entire site and areas of suitable habitat adjacent to the site should be undertaken to help inform the detailed analysis of potential impacts on nightjar and woodlark for the planning application. If evidence of nesting nightjar and woodlark is found, then this could mean that 'compensatory habitat' would need to be created nearby in order to offset any loss to development, provided it can be demonstrated that the development cannot avoid such losses and that all appropriate steps to mitigate such losses have been taken.
  - Discussions were had with Natural England (NE), and through these pre-allocation discussions, NE recommended that any potential impacts of air pollution arising from the proposed SUE2 site would need to be assessed both in terms of the increase in traffic volumes, particularly within 200m of road traffic, and any other potential direct impacts generated from the proposal. Potential impacts referred to include any significant negative impacts with regards to nitrogen deposition and NOx concentrations on nearby designated sites. An air quality assessment was recommended at the application stage to confirm whether the proposed development would have a significant negative impact on the SSSIs and surrounding heathland, alone or in-combination. Any impacts would require mitigation (e.g. off-setting measures) within the developable area or as contributions to wider off-setting measures.
  - It is understood that there has been anti-social behaviour issues with motor bikes and 4x4 vehicles along both the eastern and western boundaries (Jubilee Way, sewage works, Earking Rd). Nottinghamshire Wildlife Trust (NWT) has put in barriers on public rights of way to Strawberry Hill Heaths (off Jubilee Way). Consideration may need to be given to extending these barriers and designing in landscaping buffers to ensure there is no easy access from the development site into any adjacent SSSI parcel.
  - The scheme should provide recreational green corridors and open space within the site, with potential dedicated/alternative dog walking areas in order to reduce recreational visits to the SSSIs/ppSPA. This should to be documented in an access

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<sup>54</sup> Opinion of Advocate General Kokott, 9th June 2005, Case C-6/04. Commission of the European Communities v United Kingdom of Great Britain and Northern Ireland, paragraph 49: *'It would also hardly be proper to require a greater level of detail in preceding plans [than in planning applications] or the abolition of multi-stage planning and approval procedures so that the assessment of implications can be concentrated on one point in the procedure. Rather, adverse effects on areas of conservation must be assessed at every relevant stage of the procedure to the extent possible on the basis of the precision of the plan. This assessment is to be updated with increasing specificity in subsequent stages of the procedure.'*

<http://curia.europa.eu/juris/document/document.jsf?docid=58359&doclang=EN>

management plan which also clearly addresses the above bullet point and identifies how residents of the new housing estate will be actively encouraged to access green space close to housing rather than increasing pressures on the SSSI;

6.5.22. With these recommendations in place, and given the positive environmental measures associated with this development (notably the creation and restoration of heathland), it is considered that there is no reason to conclude delivery of 800 dwellings on this site will adversely affect the ability of the ppSPA to support nightjar and woodlark, although clearly considerable masterplanning, ecological survey and mitigation design will be needed. Therefore, a conclusion of no adverse effect on integrity can be drawn.

#### Employment sites

6.5.23. In addition to residential development, there is one proposed allocated employment site located within 400m of the SPA in Mansfield District. Part of one of these is actually located within the ppSPA boundary. This is discussed in Table 6.4 overleaf.

**Table 6-4 Employment Sites Allocated in the Mansfield Local Plan and located within 400m of the ppSPA**

Area of Development	Details	Within or Outside ppSPA boundary
Policy E2a – Ratcher Hill Employment Area (Sites 38, 40 and 150)	<p>Allocated for B2 (general industrial) or B8 (storage and distribution) use</p> <p>All located within previously developed land and within existing employment/business parks</p>	<p>Site allocation E2a is within the ppSPA, but in a setting with other employment/industrial development (a working quarry, within which site 150 is entirely located) on previously-developed land. As such, new disturbance effects are less likely to arise given the existing disturbance/activity background. Since this is employment development, significant recreational impacts are unlikely to arise and no new access roads are proposed within 200m of the ppSPA. Although it is located within the ppSPA, none of the habitat within the site itself is suitable for nesting nightjar or woodlark and there are no records of either species on or near the site according to data from Nottinghamshire Biological &amp; Geological Records Centre. Nonetheless, since it is within the ppSPA, it is recommended that a Phase 1 Habitat Survey is undertaken to confirm whether the site is suitable, followed if appropriate by a nightjar/woodlark survey to support the planning application, in accordance with policy NE2.</p> <p>Clearly, as and when planning applications are progressed, it will also be necessary to ensure that mitigation measures are investigated and devised, such as habitat buffers, access barriers and careful lighting design to minimise incidental illumination of areas of plantation and heathland in the ppSPA. Such measures are frequently included in development designs.</p>
RT6b (Frontage to Ransom Wood Business Park)	<p>Retail/leisure use.</p> <p>Located within 400 metres (m) of the ppSPA</p>	<p>Within 400 metres of the ppSPA and surrounded by woodland, but it is located within a wider area also occupied by existing office development. There is an established walking and cycling green corridor located directly to the north of the site which may experience increased use as a result of the development but this is not within the ppSPA and recreational use is likely to be restricted to established pathways. Although it is located within 400metres of the ppSPA and surrounded by suitable habitat there are no records of either nightjar or woodlark on or near the site according to data from Nottinghamshire Biological &amp; Geological Records Centre and new disturbance effects are less likely to arise given the existing disturbance/activity background. Nonetheless,</p>

		<p>since it is within 400m of the ppSPA it is recommended that a Phase 1 Habitat Survey is undertaken to confirm whether the site is suitable, followed if appropriate by a nightjar/woodlark survey to support the planning application and assessment of potential impacts (e.g. recreational disturbance, air quality), in accordance with policy NE2.</p> <p>Clearly, as and when planning applications are progressed, it will also be necessary to ensure that mitigation measures are investigated and devised, such as habitat buffers, access barriers and careful lighting design to minimise incidental illumination of areas of plantation and heathland in the ppSPA. Such measures are frequently included in development designs.</p>
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6.5.24. Any planning application associated with these sites should be subject to a project-level assessment as is required by Policy NE2 and Policies E2 and RT6. However, it is considered that none of the proposed development sites are inherently incompatible with the ppSPA, given the developments that have already been recently permitted within 400m of the ppSPA.

**In-Combination Effects (outside Mansfield district)**

6.5.25. An assessment was undertaken for the Newark & Sherwood Amended Core Strategy (June 2018) which focussed on specific housing sites within 5km of the ppSPA. Policy wording had already been devised to enable mitigation to be delivered. This wording was included in both the Core Strategy and Development Management plans and through wording in relation to specific allocations. The main purpose of these policies has been to ensure that there is adequate provision of Suitable Alternative Natural Greenspace<sup>55</sup> (SANGs) in Newark and Sherwood district (Policy DM7 and Core Policy 12). The June 2018 HRA also considered development sites that were allocated within 400m of the ppSPA. Three such sites were identified that were not already under construction, and one in particular (Thoresby Colliery) was considered likely to result in adverse effects without mitigation. However, as a result of the mitigation commitment made by the local authority the June 2018, Newark & Sherwood HRA concluded that there remained an adequate policy mechanism in place to avoid likely significant effects. Given that this is also the conclusion of this HRA regarding the Mansfield Local Plan, there will be no unaddressed 'in combination' effects.

6.5.26. Ashfield District Council Local Plan was subject to examination in 2017 and went out to Main Modifications consultation in June 2018. The HRA of the withdrawn Local Plan (2016) does not specifically discuss housing within 400m of the ppSPA but paragraph 1.9 of Ashfield District Council's written statement regarding Matter 1 of the examination makes it clear that the Local Plan was considered not to have a likely significant effect on the Sherwood ppSPA and that Natural England concurred with that conclusion. A new Ashfield Local Plan is being produced and it will be incumbent on Ashfield District Council to either draw the same conclusion or to devise a mitigation strategy. Given a conclusion of no adverse effect on integrity is also the conclusion of this Mansfield Local Plan HRA, there will be no unaddressed 'in combination' effects.

6.5.27. Bassetlaw District's Local Plan is currently in production and there is no 'in date' HRA available to consult. In January 2019 Bassetlaw Council published an updated HRA for their new Local Plan. That HRA only documents the screening stage of assessment. If any requirement for protective measures is identified in the forthcoming HRA of the Bassetlaw Local Plan it will be incumbent on that authority to devise such measures, which would thus address any effect 'in combination' with the Mansfield Local Plan.

**Conclusion**

6.5.28. The requirement inserted into Policy NE2 regarding the importance of the 400m zone around the ppSPA would cover the following sites:

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<sup>55</sup> In other words, large sites consisting of natural habitat (as opposed to closely managed formal parks) over which residents and visitors can walk freely as an alternative and supplement to the Country Park

- H1a (Clipstone Road East)
- SUE2 (Land off Jubilee Way)
- H1j (Cauldwell Road)
- E2a (Ratcher Hill Employment Area)
- RT6b (Frontage to Ransom Wood Business Park)

6.5.29. Moreover, the individual policies covering each site replicate the requirements of Policy NE2. Appendix 8 in the Local Plan also provides indicative master plans for SUE2 and H1a to help guide the application stage. The necessary information to enable the assessment could be provided to the local authority through response to development briefs.

6.5.30. Employment development should also be avoided within 400m of the ppSPA except where it can be demonstrated that it would not lead to a significant adverse effect on nightjar or woodlark. A condition may be required that construction of such development would not take place during the nightjar and woodlark breeding season, depending on whether it would be audible above ambient noise levels, or whether the proximity of known nightjar or woodlark nests is sufficiently close that visual disturbance could arise. It is recognised that the section of the ppSPA around Ransom Wood Business Park and Ratcher Hill Quarry is likely to be already exposed to high background disturbance levels due to its proximity to major roads and industrial development and that further industrial development within the existing footprint is unlikely to result in a significant additional impact if the measures identified in this paragraph were deployed.

6.5.31. It can be concluded that an adequate policy framework would be in place to enable a proportionate response to the protection of the nightjar and woodlark habitat in the ppSPA from urbanisation, given that the ppSPA is not a formal designation. This would therefore be a key measure in ensuring that the Council's obligations regarding Regulation 10 are met and avoiding an adverse effect on the integrity of the ppSPA.

## **6.6. Fragmentation of nightjar and woodlark habitat**

6.6.1. There are habitat patches in Mansfield district that may be suitable for nightjar and woodlark but which lie outside the ppSPA boundary itself. In particular there are large areas of dry heath acid grassland mosaic at Vicar Water Country Park and Sherwood Forest Golf Course.

6.6.2. As discussed in Chapter 2, Regulation 10 (2) of the Conservation of Habitats and Species Regulations 2017 places a duty on local authorities and other public bodies to preserve, maintain and re-establish habitats for wild birds and to ensure that these areas are not further degraded. How this is achieved is at the discretion of the local authority. Within the context of a Local Plan (and thus planning policy) there are limited opportunities available to a local authority in providing this preservation, maintenance and enhancement. Policy NE2 would enable proportionate protection to nightjar and woodlark habitats, whether within the ppSPA or elsewhere. This would therefore assist Mansfield District Council in meeting the requirements of Regulation 10 in Mansfield district as it relates to two of the scarcest bird species present in the wider area (nightjar and woodlark).

6.6.3. There may be further opportunities for Mansfield District Council to improve protection of nightjar and woodlark wherever they are found in the district, but most

of these are likely to lie outside the Local Plan process and more in the remit of Mansfield's role as landowner and land manager. Although such matters do not fall within the statutory remit of HRA (since they do not relate to an actual SPA/ppSPA), they are discussed here for completeness.

- 6.6.4. The habitats in the Sherwood Forest area that support nightjar and woodlark are generally fragmented (i.e. available in small scattered patches). Additional development could result in further fragmentation if that development is situated between parcels of habitat, preventing easy movement of birds between parcels. Fragmentation could also occur if development results directly in the loss of heathland or plantation woodland (or areas proposed for future enhancement as these habitats). To an extent this is balanced by recommendations and plans to restore heathland as part of planned development in the local plan (such as the restoration of Mansfield Colliery in relation to SUE2 and Ratcher Hill Quarry in relation to E2a and also separate minerals restoration plans which are likely to help facilitate the creation (or restoration) of heathland within close proximity of each other). Nonetheless, further fragmentation of habitat in the Sherwood area should be avoided.
- 6.6.5. The long-term substantial loss, degradation and fragmentation of lowland heathland habitats has been the major factor associated with the decline of nightjar and woodlark<sup>56</sup>. Heathland in Nottinghamshire is highly fragmented and the majority of heathland patches tend to be less than 2ha. This means that edge effects<sup>57</sup> from development and human/pet disturbances may have a greater effect than if the patches were larger. The mean patch size of heathland in Nottinghamshire is approximately between 4 and 5ha. In Nottinghamshire, there are 39 heathland Local Wildlife Sites (LWSs) and seven Sites of Special Scientific Interest (SSSI) with heathland as a dominant habitat type or as a component of a larger habitat mosaic. Not all Local Wildlife Sites have ecologically functioning areas of heathland, as some patches are very small or of poor quality. There are no SSSIs in Mansfield district that have been designated for nightjar or woodlark, although these species have been recorded nesting on some SSSIs in the county.
- 6.6.6. The most suitable habitats for nesting nightjar and woodlark are heathland, acid grassland and plantation woodland (meaning any woodland that is cropped and replanted on a regular cycle, creating clearings in which the birds can nest). Woodland that is maintained as continuous-cover forestry is generally unsuitable for nesting nightjar and woodlark, unless they incorporate adequate clearings. Development that would affect areas of plantation woodland, heathland or acid grassland (irrespective of whether they are part of the ppSPA) could potentially affect nightjar and woodlark.

### **Mansfield district**

- 6.6.7. One of the current proposed housing allocations lies within 400m of a large area of potentially suitable habitat outside the ppSPA (see Appendix A.2). This is Site H1j

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<sup>56</sup> Research examples that support/explore this include: Rose, et al. 2000. Changes in heathland in Dorset, England between 1987 and 1996. *Biological Conservation*. 121: 93-105. & Langston et al. 2007. Nightjar *Carpodacus europaeus* and Woodlark *Lullula arborea* – recovering species in Britain? *Ibis*. 149: 250-260.

<sup>57</sup> The term 'edge effects' refers to the fact that impacts from activities outside a site are likely to be felt more keenly at the edge of the site than further towards the middle. Small sites have a high proportion of edge to middle and therefore are more vulnerable because very little of the site is far enough away from the edge to be undisturbed.

(Cauldwell Road), with an expected total yield of 42 dwellings<sup>58</sup> is within 400m of Shining Cliff Plantation. This is *not* part of the ppSPA but does constitute habitat that (subject to management) *could* support nightjar and woodlark at appropriate periods in the forestry cycle. The proximity of the plantation is unlikely to pose a fundamental obstacle to delivery of the development since the plantation is already exposed to extensive surrounding urban development. The development should, however, be designed to incorporate and connect to nearby green infrastructure corridor(s) (i.e. recreational green corridor), such that it directs people towards alternative green infrastructure, lessening the impact on nearby plantation woodlands (west and south), for example with planned green corridors within the approved neighbouring SUE3 (Land at Berry Hill) development to the east across the A60.

- 6.6.8. None of the new housing or employment sites are situated in locations which would prejudice the delivery of the heathland and acid grassland creation opportunities identified by Mansfield District Council (see Appendix A.3). Site SUE2 is located within ostensible areas of potentially suitable nightjar and woodlark habitat. The proposals for that site include the opportunity to create approximately 17ha of complementary habitat (e.g. heathland) which may also represent potentially suitable habitat for nightjar and woodlark depending on the disturbance pressures to which it is exposed and will reduce pressure elsewhere in the ppSPA by deflecting recreational activity.
- 6.6.9. Mansfield District Council already has a risk-based approach in place that is designed to identify and address impacts at the planning application level and this process should be continued to enable such developments to be identified and their impacts assessed and resolved. Addressing habitat fragmentation mitigation could also be expanded upon in any future Green Infrastructure & Biodiversity Supplementary Planning Document (SPD) referenced in Policy IN2 in order to ensure that the wider landscape-scale habitat connections are protected and reinforced.
- 6.6.10. Policy NE2 (Biodiversity and Geodiversity) is the policy which would apply to the nightjar and woodlark wherever they are found. Part 8 of the policy states that '*On sites supporting protected species ... development proposals will only be supported where ... it can be demonstrated that the benefits of the development outweighs the impact on species ... and that appropriate avoidance, mitigation, enhancement and management measures can be satisfactorily secured*'. Policy NE2 therefore provides the policy hook for impacts on nightjar and woodlark to be taken into account in planning decisions, in addition to impacts on other sensitive ecological sites and species.
- 6.6.11. Development that would affect areas of woodland, heathland or acid grassland (irrespective of whether they are part of the ppSPA) should include the consideration of the potential of these habitats to support nightjar and woodlark within ecological assessments undertaken to support planning applications; this would potentially include a survey. A judgment would need to be made on a case-by-case basis. The

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<sup>58</sup> This is likely to form part of a larger development within Ashfield District Council between Cauldwell Road and the A617 (Ref- SKA3p, Name – South of West Notts College, Cauldwell Road) with an approximate yield of 207 houses within the Ashfield side of the allocation. The HRA of the Ashfield District Council Local Plan concludes no adverse effects will arise on the ppSPA due to a combination of greenspace being delivered as part of the development and residents' likely use of the extensive greenspace being delivered as part of the approved SUE3 (Land at Berry Hill) project.

assessment and its conclusions would then be taken into account in the development control process in the normal manner.

- 6.6.12. In addition to preserving and seeking to increase the number and extent of suitable land parcels for nightjar and woodlark (whether within the ppSPA or not), a further way to reduce the risk of further fragmentation is to ensure that the existing ppSPA parcels are better connected with one another. The selection of site allocations has aimed to avoid increased fragmentation of the ppSPA through presence of intervening built development by creating and restoring key habitat linkages through these areas, so that they can better provide functional habitat corridors between sites designated for nature conservation and other priority habitats outside designated sites, and also by requiring sensitively placed and designed development, as appropriate and in consultation with Natural England. Key areas for such interventions are identified as blue hatching on the plan in Appendix A.1. The Council has confirmed that these areas have been included within the strategic green infrastructure network and are included on the local plan policies map, in order to recognise the potential sensitivity of these areas. Policy IN2 also protects and enhances the green infrastructure (GI) network and core areas and promotes new GI linkages within the district.

### **Conclusion**

- 6.6.13. The policy framework set out in Policy NE2 of the Local Plan requires the prioritisation of the protection and avoidance of fragmentation of the ecological network by development while Policy IN2 proactively sets out Mansfield District Council's strategy for protecting and enhancing the GI network and the promotion of new GI linkages. As such, it is concluded that a sufficient policy framework is in place within the Local Plan to enable a proportionate response to minimise fragmentation and loss of nightjar and woodlark habitat (whether within the ppSPA or elsewhere) and thus avoid an adverse effect on the integrity of the ppSPA. This would therefore be a key measure in ensuring that the Council's obligations regarding Regulation 10 of the Habitats Regulation 2017 (as amended) are met.

## 7. Overall Conclusion

### 7.1 Introduction

7.1.1. This report has discussed the one European site of relevance to development in Mansfield District: Birklands & Bilhaugh SAC. It has also discussed a site that is not formally designated (or formally proposed) and is generally known as Sherwood ppSPA. Since Sherwood ppSPA does not fall within the legal remit of HRA but is rather included as good practice, these two sites are discussed separately.

### 7.2. Birklands & Bilhaugh SAC

7.2.1. The following pathways of impact were explored regarding the SAC:

- air quality
- recreational pressure
- water abstraction for public water supply and
- urbanisation.

7.2.2. It is concluded that no adverse effect on the integrity of the SAC will arise from the Mansfield Local Plan either alone or in combination with other plans and projects.

#### Air quality

7.2.3. It is considered that Mansfield district will not contribute materially to additional flows on the B6034 and thus will not result in air quality effects.

#### Recreational pressure

7.2.4. It is considered that the relocation of the Sherwood Forest Country Park visitor centre will result in a substantial reduction in visitor pressure within the SAC (although not on visitor activity in the Country Park more generally). Although not within the control of Mansfield District Council, the visitor centre relocation will reduce visitor pressure on the SAC from across Nottinghamshire and is the most effective measure to protect the site from risk of excessive trampling. In addition, the residents of Mansfield district have access to a good choice of accessible woodlands, and other large areas of publicly accessible green space, closer than the SAC, which can be expected to increase with any Green Infrastructure and Biodiversity supplementary planning guidance to assist with the implementation of policies in the Local Plan. As such no adverse effect on integrity is expected.

#### Water abstraction

7.2.5. No change to groundwater levels will occur as a result of the Local Plan since there are no plans to increase abstraction from the Sherwood Sandstone Aquifer.

#### Urbanisation

7.2.6. The proposed locations for development in Mansfield district are sufficiently far from the SAC that no urbanisation effect would arise.

### 7.3. Sherwood ppSPA

7.3.1. The following pathways of impact were explored regarding the ppSPA:

- air quality
- recreational pressure
- water abstraction for public water supply
- urbanisation and
- habitat fragmentation.

7.3.2. It is concluded that no adverse effects on integrity will arise from the Mansfield Local Plan either alone or in combination with other plans and projects.

#### **Air Quality**

7.3.3. It has been concluded that adverse effects on the integrity of the ppSPA are unlikely due to a combination of: a) low susceptibility of the plantation woodland habitat (Clipstone Forest) closest to the road within the ppSPA, b) distances of over 200 metres between heathland areas likely to be used by nightjar and woodlark and major roads and c) the policies contained within the Local Plan aimed at improving air quality in the district and ensuring that an assessment is undertaken of developments that will result in a significant change in atmospheric nitrogen deposition on heathland.

7.3.4. Policies IN8 (Protecting and Improving the Sustainable Transport Network) and IN9 (Impact of Development on the Transport Network) and NE3 (Pollution and land instability) all set out a strong policy framework for Mansfield Council to encourage and facilitate delivery and use of sustainable transport and public transport, which given the potential for reduction in reliance on private vehicles could reduce emissions across the local transport network. Equally, Policy CC1 (Renewable and Low Carbon Energy Generation) promote sustainable energy generation which will contribute towards improving the overall background air quality in the district.

7.3.5. Nonetheless, since every development acquires further detail at the planning application level Natural England have requested that for the site allocated under Policy SUE2 an air quality impact assessment on SSSI heathland is undertaken. This will further ensure that no adverse effect arises in practice. If an SPA is designated in the future, it would be prudent for any new development proposed to be located within 200m to be assessed on a site by site basis, with regards to localised impacts from road traffic (air pollution and noise impacts) and be expected to provide appropriate mitigation, in line with Policy NE2 and the wording of Policy SUE2 which states that '*An application specific assessment will be required to identify and address impacts on nightjar and woodlark and their habitats*'.

#### **Recreational pressure**

7.3.6. Although visits to the Sherwood Forest Country Park and other parts of the ppSPA are likely to increase, such an increase will be balanced by delivery of a strong network of natural green infrastructure in Mansfield district, incorporating the large number of existing accessible natural open spaces and woodlands around the district, outside the ppSPA. Part 5 of policy NE2 states that '*Where development is proposed within 400 meters of the non-designated Sherwood Forest ppSPA, a risk based approach, as set out in Natural England's Advice Note to Local Planning Authorities, will be adopted to all planning applications in relation to the possible*

*potential Special Protection Area for the Sherwood Forest region*'. Policy NE2 therefore provides the policy hook for impacts on the ppSPA to be taken into account in planning decisions and along with the aforementioned policy on green and blue infrastructure (IN2), implementation of the Mansfield District Council Green Infrastructure Study (2018) and publication of the Green Infrastructure & Biodiversity SPD, will ensure that no adverse effect on the integrity of the ppSPA arises through recreational pressure.

### **Water abstraction**

7.3.7. No change to groundwater levels will occur as a result of the Local Plan since there are no plans to increase abstraction from the Sherwood Sandstone Aquifer.

### **Urbanisation**

7.3.8. With regard to urbanisation and development within, or within 400m of, the ppSPA, the following housing and employment sites should be subject to application-specific assessment in line with the wording for Policy NE2:

- H1a (Clipstone Road East)
- SUE2 (Land off Jubilee Way)
- H1j (Cauldwell Road)
- E2a (Ratcher Hill Employment Area)
- RT6b (Frontage to Ransom Wood Business Park)

7.3.9. The individual policies covering each site replicate the requirements of Policy NE2. Appendix 8 in the Local Plan also provides indicative master plans for SUE2 and H1a to help guide the application stage. The necessary information to enable the assessment could be provided to the local authority through response to development briefs. As such a sufficient mechanism exists in the Local Plan to ensure no adverse effect on integrity of the ppSPA arises.

### **Habitat fragmentation**

7.3.10 The existing policy framework set out in Policy NE2 of the Local Plan states that 'On sites supporting protected species ... development proposals will only be supported where ... it can be demonstrated that the benefits of the development outweighs the impact on species ... and that appropriate avoidance, mitigation, enhancement and management measures can be satisfactorily secured'. As such, it is concluded that, a sufficient policy framework is in place within the Local Plan to enable a proportionate response to minimise fragmentation and loss of nightjar and woodlark habitat (whether within the ppSPA or elsewhere).

7.3.11 In addition, the Council has incorporated a number of areas for creating and restoring key habitat linkages into the strategic green infrastructure network, so that they can better provide functional habitat corridors between sites designated for nature conservation and other priority habitats outside designated sites, and also by requiring sensitively placed and designed development, as appropriate and in consultation with Natural England. This is in line with the requirement of Policy IN2 to protect and enhance the green infrastructure (GI) network and core areas and promotes new GI linkages within the district. As such it is considered that no adverse effect on the integrity of the ppSPA would arise.



## 7.4. Future-proofing for Sherwood

- 7.4.1. In the event that Sherwood became a formal proposed SPA (pSPA), then those parts of Policy NE2 relating to full designated international wildlife sites would become the applicable policy.
- 7.4.2. In the long term, if Sherwood Forest is formally proposed as an SPA (pSPA), it is considered that the visitor evidence base would benefit from improvement. In that event, the Nottinghamshire authorities should consider jointly commissioning bespoke visitor surveys of the main access points across the pSPA (in addition to the Sherwood Forest Country Park) to determine which parts of the pSPA are visited most heavily, clarify what proportion of visitors come from each district and identify potential access management (or other management) interventions on a parcel-by-parcel basis. At the moment, the data for the Sherwood Forest Country Park are relatively good but the data for other parts of the ppSPA are variable. It is recognised that this is not something that Mansfield District Council would implement unilaterally but would need to involve all the relevant Nottinghamshire councils. It is also recognised that this would only be appropriate if a formal pSPA or SPA designation is made.
- 7.4.3. Policy NE2 of the Local Plan requires the prioritisation of the protection and avoidance fragmentation of the ecological network by development. Areas have been incorporated into the strategic green infrastructure network to encourage habitat restoration and prevent fragmentation of the nightjar and woodlark habitat in the district. The Council has commenced initiatives to deliver a strong network of natural green infrastructure in Mansfield district, incorporating the large number of existing accessible natural open spaces and woodlands around the district and the ongoing development and promotion of a strong managed green infrastructure network through the Green Infrastructure & Biodiversity SPD facilitated by Policy NE2. All of these are key elements available through the Council's Local Plan function to protect wildlife habitat generally (and nightjar and woodlark habitat particularly) across the district and thus discharge their duties under Regulation 10 of the Conservation of Habitats and Species Regulations 2017 (as amended).

## Appendix A: Natural England Advice Regarding Sherwood ppSPA

### Advice Note to Local Planning Authorities regarding the consideration of likely effects on the breeding population of nightjar and woodlark in the Sherwood Forest region



March 2014

This advice note updates and replaces the previous note dated 5 September 2012 to reflect the introduction of the National Planning Policy Framework ('NPPF') and amendments to the Conservation of Habitats and Species Regulations 2010 ('the Habitats Regulations').

#### Summary

While no conclusion has yet been reached about the possible future classification of parts of Sherwood Forest as a Special Protection Area (SPA) for its breeding bird (nightjar and woodlark) interest, Natural England advise those affected Local Planning Authorities (LPAs) to be mindful of the Secretary of State's decision in 2011, following Public Inquiry, to refuse to grant planning permission for an Energy Recovery Facility at Rainworth where the potential impacts on these birds and their supporting habitats was given significant weight.

In light of this decision we therefore recommend a precautionary approach should be adopted by LPAs which ensures that reasonable and proportionate steps have been taken in order to avoid or minimise, as far as possible, any potential adverse effects from development on the breeding populations of nightjar and woodlark in the Sherwood Forest area. This will help to ensure that any future need to comply with the provisions of the 2010 Regulations is met with a robust set of measures already in place.

This Advice Note provides a brief explanation of the background to the current situation and suggests a 'risk-based' approach that could be followed to help future-proof decision-making on plans and projects. In addition a summary of the current LPA statutory duties in relation to birds is provided for clarity and there are links to further information relating to the legislation and policy that affects SPAs. The document is set out as follows:

- ☒ **Background – including reference to planning case law**
- ☒ **Current situation**
- ☒ The recommended 'risk -based' approach
- ☒ **Existing statutory duties relevant to birds**
- ☒ **Further information**
- ☒ **Map highlighting the areas of greatest ornithological interest for breeding nightjar and woodlark**

#### **Background – the possibility of a protected area (Special Protection Area) for nightjar and woodlark in Sherwood and Rufford Energy Recovery Facility planning case law**

The UK government is required by European law to identify how it can contribute to the conservation of particular bird species across their natural range in Europe through the protection of suitable sites. In doing this exercise it has identified that the populations of nightjar and woodlark in Sherwood may warrant such protection. A final decision has not been made and it remains under consideration as part of a UK-wide SPA Review Programme being led by the Joint Nature Conservation Committee<sup>1</sup>. The possibility of the area becoming an SPA creates a risk for spatial planning in the Sherwood area. This is because any formalisation of the site as a Special Protection Area (SPA) would place a legal

<sup>1</sup>See <http://archive.defra.gov.uk/rural/documents/protected/spareview-tor.pdf>

obligation on decision-taking bodies requiring past decisions to be reviewed and potentially modified.

In 2011, following a Public Inquiry, the Secretary of State decided to refuse to grant planning permission for an Energy Recovery Facility on land at the former Rufford Colliery site at Rainworth. The likely effect on the breeding populations of woodlark and nightjar was a key consideration in the Secretary of State's decision<sup>2</sup>.

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 formal approach required for SPAs. He agreed that when considering the impact of the development on the use of the area by the bird species listed on Annex 1 of the European Wild Birds Directive – in this case woodlark and nightjar - an approach similar to that set out in the relevant legislation (Regulation 61 of the Habitats Regulations<sup>3</sup>) should be adopted. 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 woodlark and nightjar weighed significantly against the proposal.

### **Current situation**

Until the SPA Review concludes and provides further guidance as to whether new SPAs for nightjar and/or woodlark should be classified in the UK to meet the obligations of the Wild Birds Directive, there continues to be uncertainty about the future classification of an SPA in the Sherwood Forest area. However it is our view that, based on the evidence from the most recent national nightjar and woodlark surveys in 2004 and 2006 and the interpretation of that data, there remains a possibility of an area of Sherwood Forest being recommended for future classification.

We recognise that in the interim this creates difficulty for LPAs in how they should consider land allocations and policies in Development Plans and individual planning applications within the Sherwood Forest area. How local authorities choose to confront this issue is ultimately a matter for them, however Natural England advise that LPAs should adopt a form of 'risk based approach' or similar of the kind taken by the Secretary of State in the case referred to above. This should provide decision-making with a degree of future-proofing until such a time that there is greater certainty on whether the Sherwood Forest area is to be afforded pSPA or SPA status and whether the provisions of the 2010 Regulations are to take effect as a matter of policy or law.

The recommended 'risk -based' approach

The 'risk based' approach advocated by Natural England was endorsed by the Secretary of State in coming to his decision on the development proposal at the former Rufford Colliery.

Natural England suggest that in taking a risk-based approach to development plan making and decision-making, LPAs seek to ensure that plans and proposals are accompanied by an additional and robust assessment of the likely impacts arising from the proposals on breeding nightjar and woodlark in the Sherwood Forest area. This should ideally cover the potential direct, indirect and cumulative impacts which may include, but may not be limited to, the following;

- ☒ disturbance to breeding birds from people, their pets and traffic
- ☒ loss, fragmentation and/or damage to breeding and/or feeding habitat
- ☒ bird mortality arising from domestic pets and/or predatory mammals and birds
- ☒ bird mortality arising from road traffic and/or wind turbines

<sup>2</sup> See <http://webarchive.nationalarchives.gov.uk/20120919132719/http://www.communities.gov.uk/documents/planning-callins/pdf/1914959.pdf>

<sup>3</sup> See <http://www.legislation.gov.uk/uk/si/2010/490/made>

☒ pollution and/or nutrient enrichment of breeding habitats

No formal assessments of the boundary of any future SPA have been made; therefore it is not possible to definitively identify whether individual application sites would fall inside or outside any possible future designated area. However the enclosed map, which highlights the areas of greatest ornithological interest for breeding nightjar and woodlark, was submitted as evidence to the Rufford ERF Public Inquiry and could be of assistance to your Authority in this regard<sup>4</sup>. It is worth noting that the Inspector at the Rufford ERF Inquiry decided it appropriate to consider both boundaries to inform his recommendations.

We also advise that LPAs should seek to satisfy themselves that planning applications contain sufficient objective information to ensure that all potential impacts on the breeding nightjar and woodlark populations have been adequately avoided or minimised as far as is possible using appropriate measures and safeguards. It may be necessary to obtain ecological advice in relation to the potential impacts of a proposal and any possible avoidance or mitigation measures.

Natural England would encourage those LPAs in the Sherwood Forest area to work together, in compliance with the duty to cooperate, to consider the combined effect of their plans and proposals in order to gain a strategic overview and develop a collaborative approach. We are of the view that taking the approach outlined above represents good planning practice which will assist your Authority should the site be classified as SPA in limiting the number of plans and projects which would need to be re-considered as part of the review of consents process required by the 2010 Regulations.

**Existing biodiversity and wild bird duties**

In addition to advising that a risk based approach will assist LPAs in future-proofing plans and decisions, Natural England advises that there are other relevant duties in legislation and policy that direct you to consider the protection and enhancement of nightjar and woodlark populations in the Sherwood area.

Your Authority must discharge its statutory duty given under Section 40 of the Natural Environment and Rural Communities Act 2006 to have regard to the purpose of conserving biodiversity. It follows that your authority should have regard to conserving nightjar and woodlark, owing to their inclusion as Species of Principal [conservation] Importance in England<sup>5</sup>.

Your Authority should also have regard to new duties given under regulation 9A of the Habitats Regulations, which requires LPAs to apply all reasonable endeavours to avoid the deterioration of wild bird habitat (including that of nightjar and woodlark) when exercising their statutory functions. The presence of either or both species and any effects on them is a material consideration when considering planning applications, regardless of whether the Sherwood area is put forward for classification as an SPA in due course.

**Further information**

Information on the legislation, policy and classification process affecting Special Protection Areas (SPAs) is available from the following websites:

- ☒ JNCC <http://jncc.defra.gov.uk/page-162>
- ☒ Natural England  
<http://www.naturalengland.org.uk/ourwork/conservation/designations/spa/default.aspx>
- ☒ Defra <https://www.gov.uk/protected-or-designated-areas>

<sup>4</sup> <http://www.nottinghamshire.gov.uk/planningsearch/plandisp.aspx?AppNo=ES/1144%20>

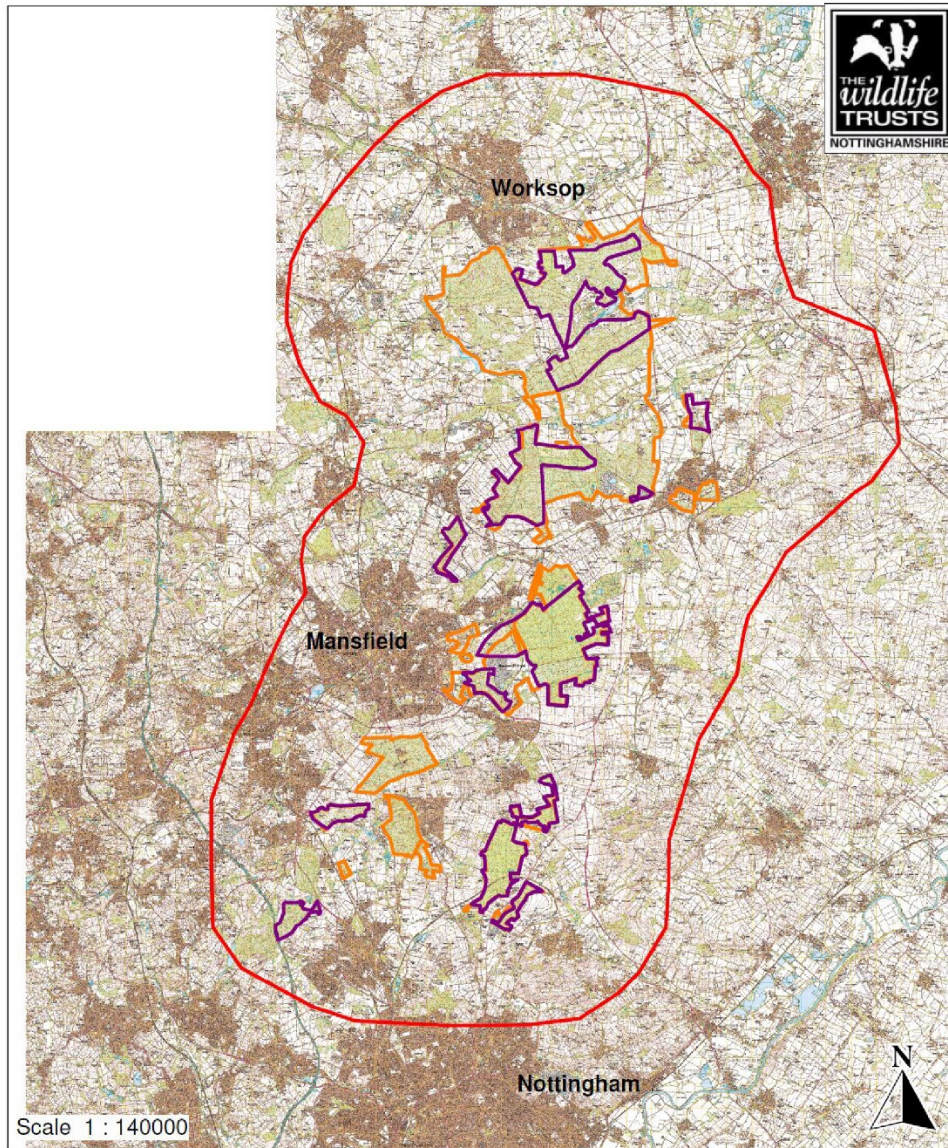
<sup>5</sup> As listed in section 41 of the Natural Environment and Rural Communities Act 2006 to guide decision-makers such as public bodies, including local and regional authorities, in implementing their duty under section 40 of that Act

We hope this advice is helpful and provides further assistance. Should Natural England be in a position to update these views and advice, we will do so and notify you accordingly.

If you have any queries about this advice, please contact either Liz Newman  
[elizabeth.newman@naturalengland.org.uk](mailto:elizabeth.newman@naturalengland.org.uk) or Ryan Hildred  
[ryan.hildred@naturalengland.org.uk](mailto:ryan.hildred@naturalengland.org.uk)

Natural England  
Land Use Operations  
March 2014

**Map highlighting the areas of greatest ornithological interest for breeding nightjar and woodlark, submitted as evidence to the Rufford ERF Public Inquiry 2010**



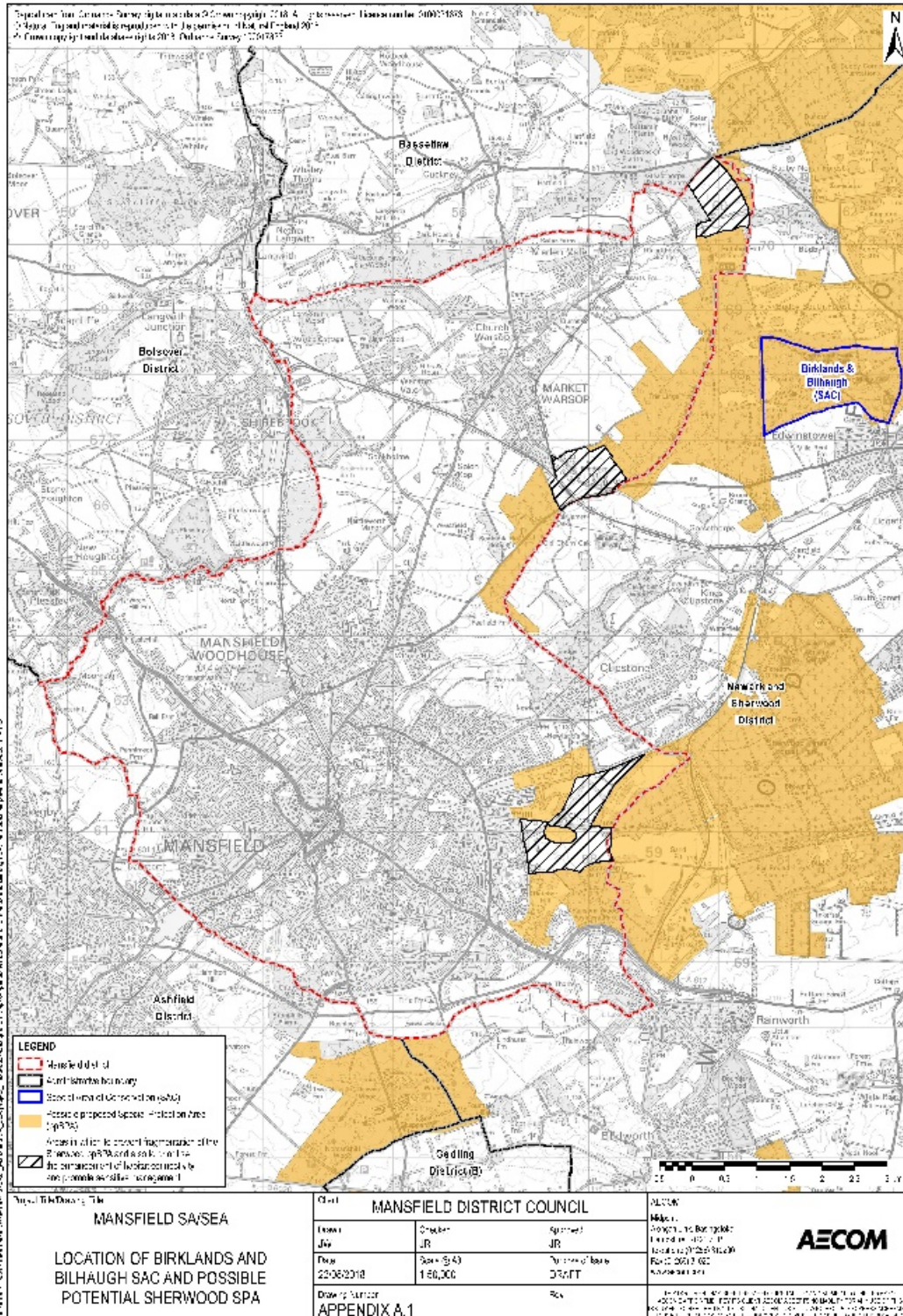
- Key**
- RSPB IBA Boundary with 5Km buffer
  - NE Indicative Core Area
  - RSPB IBA Boundary

Plan 1

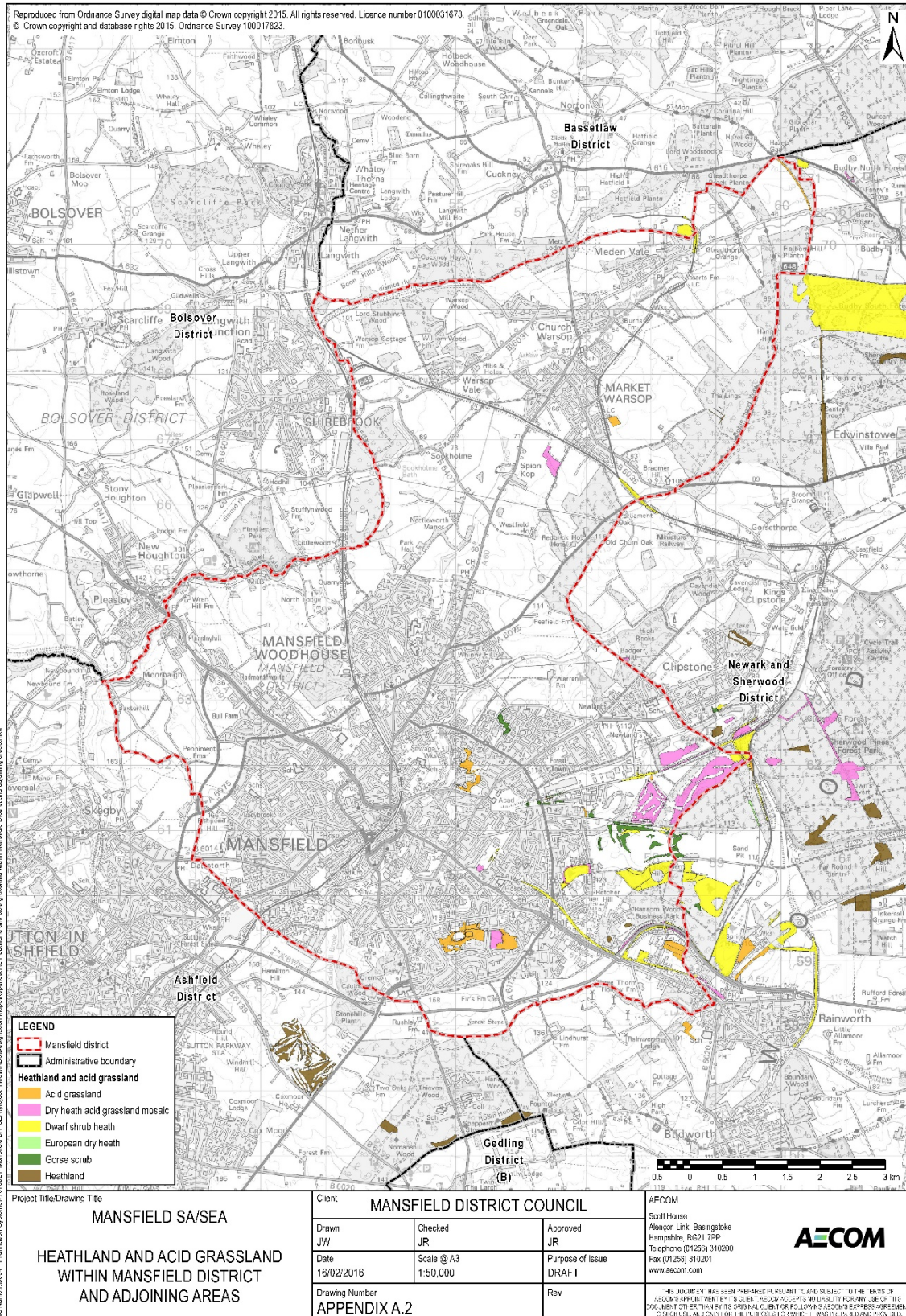
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## Appendix B: Supporting Maps

### B.1 Location of Birklands and Bilhaugh SAC and possible potential Sherwood SPA (ppSPA)

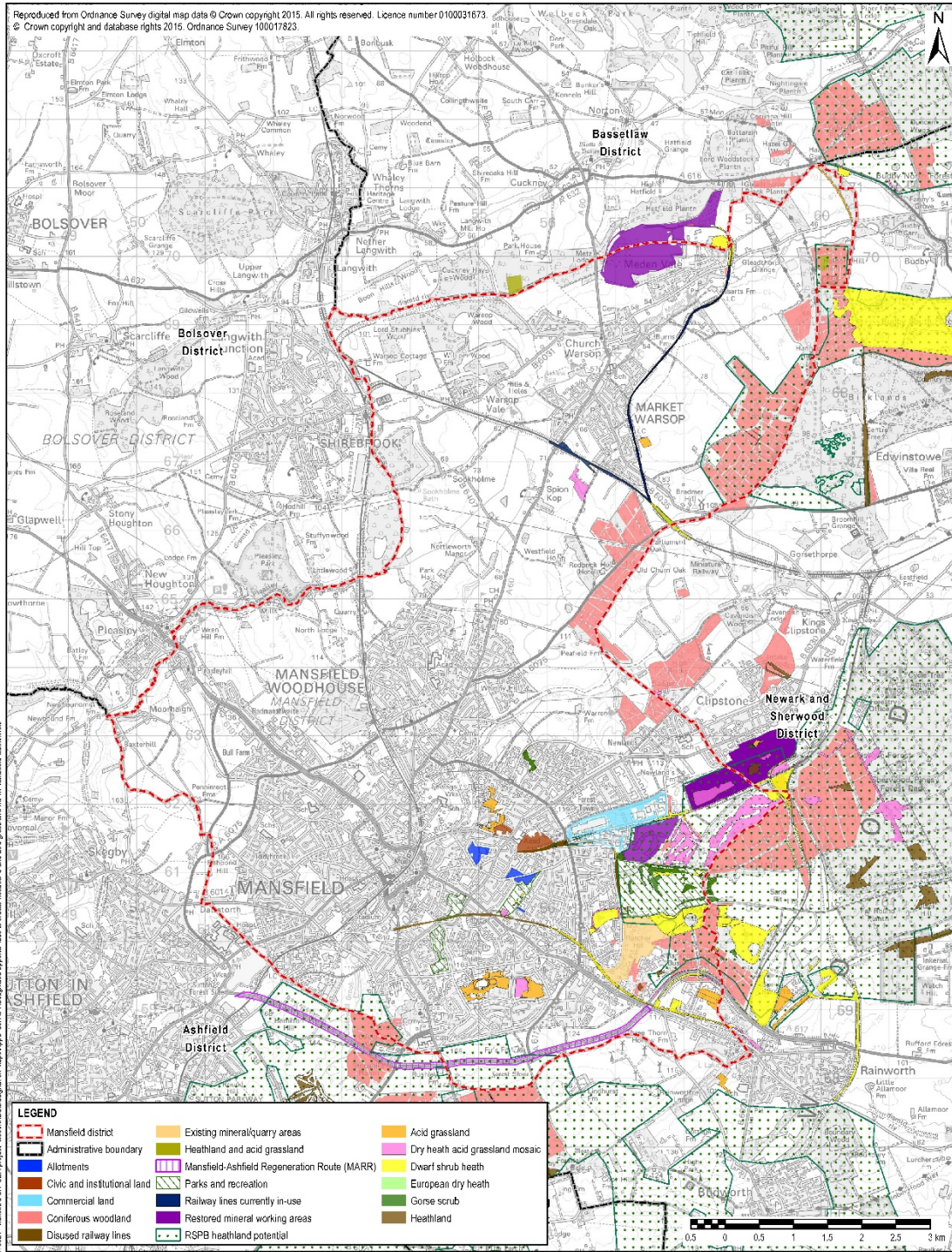


**B.2 Heathland and acid grassland within Mansfield District and adjoining areas**



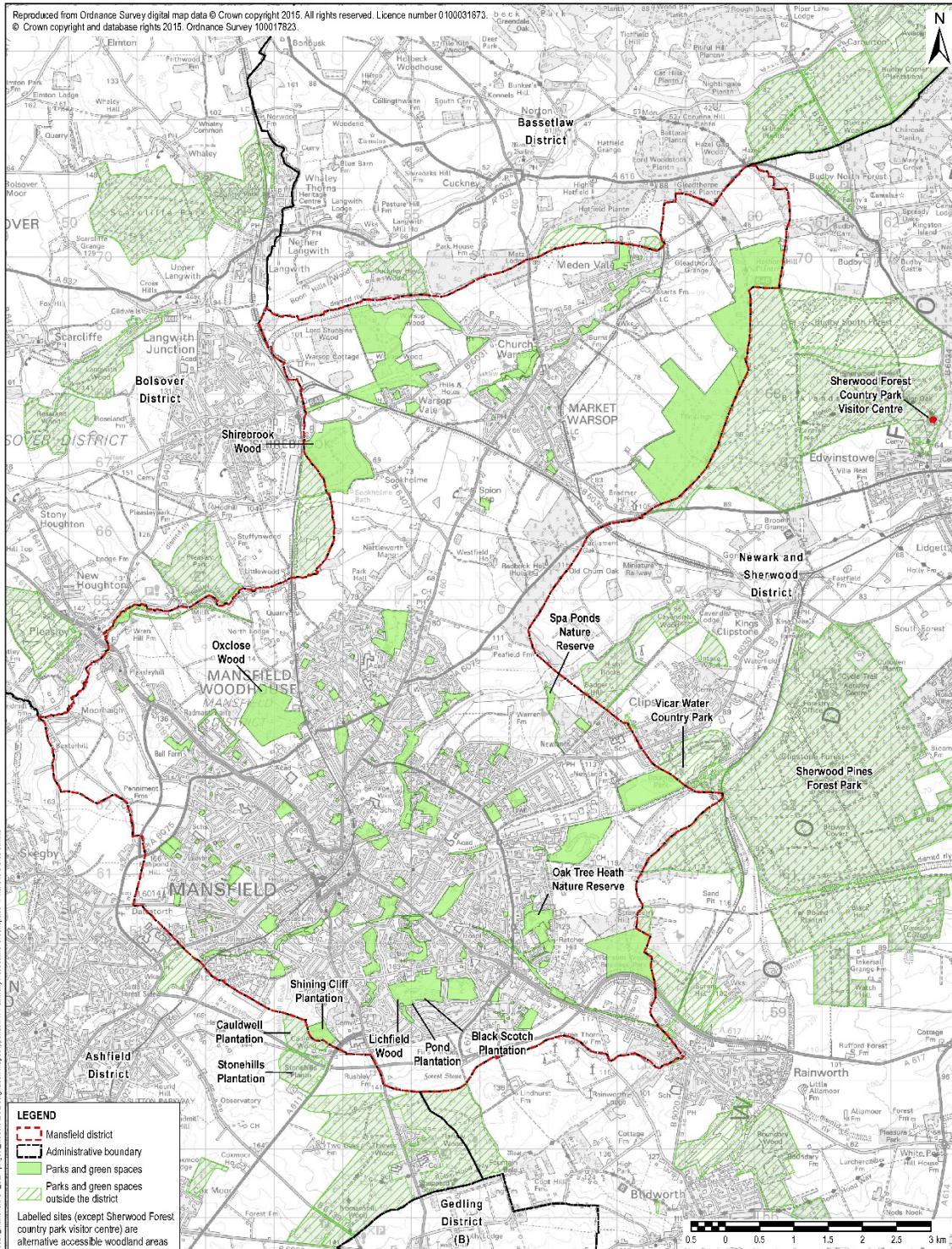


**B.3. Recognised Opportunities for heathland and acid grassland creation in Mansfield district**



Project Title/Drawing Title <b>MANSFIELD SA/SEA RECOGNISED INDICATIVE OPPORTUNITIES TO CREATE AND RESTORE HEATHLAND AND ACID GRASSLAND WITHIN MANSFIELD DISTRICT</b>		Client <b>MANSFIELD DISTRICT COUNCIL</b>		AECOM South House Alegon Link Basingstoke Hampshire, RG21 7PP Telephone (01256) 310000 Fax (01256) 310201 www.aecom.com	
Drawn JW	Checked JR	Date 16/02/2016	Scale @ A3 1:50,000	Approved JR	Purpose of Issue DRAFT
Drawing Number <b>APPENDIX A.3</b>			Rev		
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**B.4 Publicly Accessible Greenspace in Mansfield District**



File Name: 15/004 - Information Systems/01/3821\_Mansfield\_SA\_SEA/Project\_15/004/Appendix A4 Publicly Accessible Greenspace in Mansfield District.mxd

Project Title/Drawing Title  <b>MANSFIELD SA/SEA</b>  <b>PUBLICLY ACCESSIBLE GREENSPACE IN MANSFIELD DISTRICT</b>	Client <b>MANSFIELD DISTRICT COUNCIL</b>			AECOM Scott House Monoplane Lane, Bessingdale Mansfield, NG21 7PP Telephone (01256) 310200 Fax (01256) 310201 www.aecom.com
	Drawn JW	Checked JR	Approved JR	
	Date 16/02/2016	Scale @ A3 1:50,000	Purpose of Issue DRAFT	
	Drawing Number APPENDIX A.4			Rev

## Appendix C. Likely Significant Effects and a summary of the Appropriate Assessment results

The first two columns of this table summarise the policies, as assessed at the time. Please note: there may be slight differences in wording when compared to the final version of the Publication Draft Local Plan (2013-2033), but if so, these were identified as being *not significant* as to warrant reassessment.

Columns three and four then provide the conclusions of the Likely Significant Effects stage for each policy as it relates to each site. These columns dictate whether the implications of the policy are discussed in appropriate assessment that constitutes the main body of the report. Finally, columns five and six summarise the results of the appropriate assessment contained in the main body of the report.

Policy	Summary	Likely Significant Effects (LSE) and categorisation		Action following Appropriate Assessment	Final conclusion
		Birklands & Bilhaugh SAC	Sherwood ppSPA		
Policy S2 Spatial Strategy	<p>Most new housing, employment and district wide service development proposals are concentrated within the Mansfield urban area (including Rainworth, Pleasley and Clipstone) on brownfield sites, other under-utilised land and, in a few instances, sustainable greenfield sites on the edge of the town.</p> <p>Development opportunities in the Mansfield urban area are focused, as far as possible, on locations which have good access to the MARR to improve connections with Greater Nottingham and the M1. Particular regeneration opportunities within and adjacent to Mansfield town centre will be a priority for delivery.</p> <p>The local development needs arising in Warsop Parish are much smaller. The majority of this growth is directed to the main town of Market Warsop with a lesser scale of development accommodated at Meden Vale. Limited growth is directed to the settlements of Church Warsop, Warsop Vale and Spion Kop.</p> <p>Housing, commercial and retail developments during the period 2013 to 2033 aim to include:</p> <ul style="list-style-type: none"> <li>• Residential: 6500 (minimum) new dwellings <ul style="list-style-type: none"> <li>○ 90% or 5850 (minimum) of these new homes will be within the Mansfield Area; and</li> <li>○ 10% or 650 (minimum) of these new homes will be within the Warsop Parish.</li> </ul> </li> <li>• Employment: safeguard important existing areas and to identify sites that will meet future development needs.</li> <li>• Retail: up to 17, 240 sqm of retail and leisure floorspace is to be developed between 2017 and 2033.</li> </ul>	<p>C</p> <p>LSE requires investigation.</p> <p>The delivery of new development within the catchment of the SAC could result in likely significant effects through the pathways of air quality, recreational pressure, water abstraction and urbanisation. These are therefore investigated in the main report.</p>	<p>C</p> <p>LSE requires investigation.</p> <p>The delivery of new development within the catchment of the ppSPA could result in likely significant effects through the pathways of air quality, recreational pressure, water abstraction, urbanisation and fragmentation. These are therefore investigated in the main report.</p>	<p>The potential for likely significant effects is subject to appropriate assessment in the main body of the report.</p> <p><b>Actions with regard to the SAC:</b> None identified. All issues dismissed either due to no actual impact pathway or due to the recent relocation of the Sherwood Country Park visitor centre thus resulting in no adverse effect on integrity. No further actions required.</p> <p>The following recommendations are made with regard to the ppSPA:</p> <ul style="list-style-type: none"> <li>• With regard to urbanisation and development within 400m of the ppSPA, the following housing and employment sites should be subject to application-specific assessment in line with the proposed additional wording for Policy NE2: <ul style="list-style-type: none"> <li>• H1a (Clipstone Road East)</li> <li>• SUE2 (Land off Jubilee Way)</li> <li>• H1j (Cauldwell Road)</li> <li>• E2a (Ratcher Hill Employment Area)</li> <li>• RT6b (Frontage to Ransom Wood Business Park)</li> </ul> </li> </ul> <p>The necessary information to enable the assessment could be provided to the local authority through response to development briefs.</p> <p>With these recommendations included a conclusion of 'No Likely Significant Effect on adverse effect</p>	<p>No adverse effect on integrity of either the SAC or ppSPA</p>

Policy	Summary	Likely Significant Effects (LSE) and categorisation		Action following Appropriate Assessment	Final conclusion												
		Birklands & Bilhaugh SAC	Sherwood ppSPA														
				on the integrity of the ppSPA' can be made.													
Policy S1 Presumption in Favour of Sustainable Development	<p>The council will work pro-actively to seek solutions which mean proposals can be approved wherever possible, and to secure improvements to the economic, social and environmental conditions in Mansfield district.</p> <p>Planning applications that accord with the policies in this Local Plan will be approved without delay, unless material considerations indicate otherwise.</p> <p>Where there are no policies relevant to the application or relevant policies are out of date at the time of making the decision, then planning permission will be granted unless material considerations indicate otherwise – taking into account whether:</p> <ul style="list-style-type: none"> <li>Any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework taken as a whole; or</li> <li>Specific policies in the National Planning Policy Framework indicate that development should be restricted.</li> </ul>	A1  No LSE; the National Planning Policy Framework makes it clear that the presumption in favour of sustainable development does not apply where impacts on Natura 2000 site may arise.	A1  No LSE; the National Planning Policy Framework makes it clear that the presumption in favour of sustainable development does not apply where impacts on Natura 2000 site may arise.	None	No LSE on either the SAC or ppSPA.												
Policy S3 Urban Regeneration	<p>Development proposals which help reuse previously developed land within the Mansfield and Market Warsop urban areas will be supported, particularly where they:</p> <ol style="list-style-type: none"> <li>bring forward high quality housing and mixed use development; or</li> <li>facilitate the upgrading of older/ less popular areas of housing through selective refurbishment, demolition and replacement of properties; or</li> <li>provide economic development that diversifies the local economy; or</li> <li>enhance townscape, civic spaces and heritage assets*; or</li> <li>improve the appearance of key gateways by providing well designed landmark buildings which help create a positive image of the district and give it a sense of identity; or</li> <li>improve resilience to flooding and climate change, taking opportunities to restore the river ecology of the River Maun; or</li> <li>improve traffic arrangements, including the reduction of vehicle / pedestrian conflict and the barrier effect of the Mansfield town centre ring road; or</li> <li>create stronger walking and cycling links including within the central residential and commercial areas of the town centres and where relevant to the green infrastructure, footpath and cycle networks; or</li> <li>create green infrastructure, including open space and wildlife corridors.</li> </ol> <p>a) <i>*Enhancements to heritage assets include bringing them back into use, repairing or restoring them, particularly if they are at risk.</i></p>	A1  No LSE. This policy does not seek to deliver development but rather sets out some of the restrictions that would need to be followed.	A1  No LSE. This policy does not seek to deliver development but rather sets out some of the restrictions that would need to be followed.	None	No LSE on either the SAC or ppSPA.												
Policy S4: Delivering Key Regeneration Sites	<p>The following sites are key regeneration opportunities. Development proposals for the appropriate re-use of these sites will be supported.</p> <table border="1"> <thead> <tr> <th>Site Ref</th> <th>Location</th> <th>Hectares</th> </tr> </thead> <tbody> <tr> <td>S4a</td> <td>White Hart Street</td> <td>3.5</td> </tr> <tr> <td>S4b</td> <td>Portland Gateway</td> <td>28.9</td> </tr> <tr> <td>S4c</td> <td>Riverside</td> <td>3.9</td> </tr> </tbody> </table>	Site Ref	Location	Hectares	S4a	White Hart Street	3.5	S4b	Portland Gateway	28.9	S4c	Riverside	3.9	C  LSE requires investigation.  The delivery of new development within the catchment of the SAC could result in likely significant effects through the pathways of air quality, recreational pressure, water abstraction and urbanisation. These are therefore investigated in the main report.	C  LSE requires investigation.  The delivery of new development within the catchment of the ppSPA could result in likely significant effects through the pathways of air quality, recreational pressure, water abstraction, urbanisation and fragmentation. These are therefore investigated in the main report.	None. Given location of sites in the Mansfield Urban Area, all issues dismissed either due to no actual impact pathway or due to the recent relocation of the Sherwood Country Park visitor centre thus resulting in no adverse effect on integrity. No further actions required. No further actions required.	No adverse effect on integrity of either the SAC or ppSPA.
Site Ref	Location	Hectares															
S4a	White Hart Street	3.5															
S4b	Portland Gateway	28.9															
S4c	Riverside	3.9															
Policy S5 Development in the Countryside	Land outside the Mansfield urban area and other settlement boundary is identified as countryside. Uses within the countryside where listed within this policy will be supported, subject to conditions set out in the below criteria.	C  LSE requires investigation.	C  LSE requires investigation.	The potential for likely significant effects is investigated further in the appropriate assessment	No adverse effect on integrity												

Policy	Summary	Likely Significant Effects (LSE) and categorisation		Action following Appropriate Assessment	Final conclusion
		Birklands & Bilhaugh SAC	Sherwood ppSPA		
	<p>a) agricultural, including agricultural workers' dwellings;</p> <p>b) the re-use and adaptation of buildings for appropriate uses;</p> <p>c) the redevelopment of previously developed land;</p> <p>d) flood protection;</p> <p>e) the limited extension and replacement of dwellings;</p> <p>f) expansion of all types of business and enterprise in rural areas, through conversion and extension of existing buildings and well-designed new buildings;</p> <p>g) sites for Gypsies and Travellers and Travelling Showpeople in accordance with Policy H8;</p> <p>h) small-scale employment generating development or farm diversification;</p> <p>i) development by statutory undertakers or public utility providers;</p> <p>j) recreation and tourism;</p> <p>k) small scale residential development of self-build or innovative/exceptional design;</p> <p>l) community services and facilities meeting a proven local need;</p> <p>m) renewable energy;</p> <p>n) transport infrastructure; and</p> <p>o) employment land in accordance with the provisions of Policy E4.</p> <p>Development in accordance with (a) to (o) above will be supported where:</p> <p>i. The appearance and character of the landscape is safeguarded and where practical enhanced;</p> <p>ii. It does not undermine the physical and perceived separation between nearby settlements;</p> <p>iii. It does not create or exacerbate ribbon development;</p> <p>iv. It is well integrated with existing and the reuse of existing buildings has been explored where appropriate;</p> <p>v. It is accessible or will be made accessible;</p> <p>vi. Takes account of agricultural land classifications, avoiding the best and most versatile land where possible.</p>	<p>The delivery of new tourist accommodation within the catchment of the SAC could result in likely significant effects through the pathways of air quality, recreational pressure, water abstraction and urbanisation. These are therefore investigated in the main report.</p>	<p>The delivery of new tourist accommodation within the catchment of the ppSPA could result in likely significant effects through the pathways of air quality, recreational pressure, water abstraction, urbanisation and fragmentation. These are therefore investigated in the main report.</p>	<p>presented in the main body of the report.</p> <p><b>Actions with regard to the SAC:</b> None identified. All issues dismissed either due to no actual impact pathway or due to the recent relocation of the Sherwood Country Park visitor centre thus resulting in no adverse effect on integrity. No further actions required.</p> <p><b>Actions with regard to the ppSPA:</b> None identified. The provisions of Policy NE2 provides the policy hook for impacts on the ppSPA from development within 400m to be taken into account in planning decisions and along with the aforementioned policy on green and blue infrastructure (IN2), implementation of the Mansfield District Council Green Infrastructure Study (2018) and publication of the Green Infrastructure &amp; Biodiversity SPD, will ensure that no adverse effect on the integrity of the ppSPA arises through recreational pressure whatever the source.</p>	<p>of either the SAC or ppSPA.</p>
Policy CC1 Renewable and Low Carbon Energy Generation	<p>Development proposals will be supported for renewable or low carbon energy development where it is demonstrated that there will be no significant adverse impact in terms of:</p> <p>a) the local landscape character and visual effects;</p> <p>b) ecology, biodiversity and geodiversity;</p> <p>c) pollution and emissions;</p> <p>d) amenity of nearby residential and non-residential uses;</p> <p>e) the built and natural environment;</p> <p>f) loss of best and most versatile agricultural land;</p> <p>g) flooding;</p> <p>h) operations of telecommunication systems;</p> <p>i) aircraft safety;</p> <p>j) highway safety and traffic, and</p>	<p>A2</p> <p>No LSE. This policy will not present a pathway for an LSE on European sites. It is a positive environmental policy.</p> <p>This policy seeks to tackle the causes of climate change by fostering</p>	<p>As for the SAC.</p>	<p>None</p>	<p>No LSE on either the SAC or ppSPA.</p>

Policy	Summary	Likely Significant Effects (LSE) and categorisation		Action following Appropriate Assessment	Final conclusion
		Birklands & Bilhaugh SAC	Sherwood ppSPA		
	<p>k) heritage assets and their setting.</p> <p>Proposals for wind turbine schemes (small scale and large scale) will be supported on sites within the areas shown as suitable for these on the Policies Map, subject to meeting criteria (a) to (k) above.</p> <p>Conditions will be applied to ensure scheme decommissioning and reinstatement of land at the end of the operational life of the development.</p>	renewable and low carbon energy generation.			
Policy CC2 Flood Risk	<p>Planning permission will only be granted in areas at risk of flooding where it is satisfactorily demonstrated, through a site specific flood risk assessment or similar that:</p> <p>a) the sequential test and, if required, the exception test have been met;</p> <p>b) the development will remain flood resistant, resilient and safe throughout its lifetime, taking account of climate change;</p> <p>c) it will not increase flood risk on site or elsewhere and where possible reduce it;</p> <p>d) water management measures are incorporated, on and/or off-site to reduce and manage flood risk in accordance with Policy CC3;</p> <p>e) open access to flood defences are retained; and</p> <p>f) where applicable, the functioning and integrity of natural systems or areas that benefit from flooding are not prejudiced.</p>	<p>A2</p> <p>No LSE. This policy will not present a pathway for an LSE on European sites. It is a positive environmental policy</p>	As for the SAC.	None	No LSE on either the SAC or ppSPA.
Policy CC3 Sustainable Drainage Systems	<p>Development proposals should, wherever possible, include measures to manage surface water through appropriate sustainable drainage systems (SuDS) to minimise and manage flooding, improve water quality, complement water efficiency and enhance biodiversity and amenity. To be supported, proposals are required to satisfactorily demonstrate all of the following:</p> <p>a) that sustainable drainage systems have been incorporated in the development design unless:</p> <p>i. for major a development a SuDS is inappropriate and surface water runoff can be alternatively accommodated in an appropriate manner ; or</p> <p>ii. ifor minor development a SuDS is not viable or technically feasible and surface water runoff can be alternatively accommodated in an appropriate manner; and</p> <p>b) that adequate arrangements have been made for the adoption, management and maintenance of any SuDS provided over the lifetime of the development; and</p> <p>c) that it has been satisfactorily demonstrated that the discharge of surface run-off is as high up the SuDS hierarchy of drainage as possible.</p> <p>Proposals for retrofitting of sustainable drainage systems will be supported.</p>	<p>A2</p> <p>No LSE. This policy will not present a pathway for an LSE on European sites. It is a positive environmental policy</p>	As for the SAC.	None	No LSE on either the SAC or ppSPA.
Policy CC4 River and waterbody corridors	<p>Development proposals will be supported where the following are addressed through development design and management measures, and/or planning contributions:</p> <p>a) that leads to the de-culverting and naturalising of watercourses and improves the overall connectivity for wildlife,</p> <p>b) avoiding the culverting of watercourses and not prejudicing future opportunities for de-culverting,</p> <p>c) retains a minimum 8m natural or semi-natural habitat buffer to a watercourse and includes a long-term landscape and ecological management plan for this buffer,</p> <p>d) development that would impacts on green SuDS priority areas and low water flow areas should contribute to the creation and/or enhancement of these areas.</p> <p>Development proposals which would have a significantly adverse impact on the water quality, functions and setting of any watercourse and its associated corridor will not be supported.</p>	<p>A2</p> <p>No LSE. This policy will not present a pathway for an LSE on European sites. It is a positive environmental policy</p>	As for the SAC.	None	No LSE on either the SAC or ppSPA.
Policy NE1 Protection and Enhancement	<p>Development proposals will be supported where they are informed by and are sympathetic to the area's landscape character as defined in the Mansfield District Council Landscape Character Assessment 2010 and Addendum 2015, including relevant addendums (Sherwood and Southern Magnesian Limestone).</p>	<p>A2</p> <p>No LSE. This policy will not present a pathway for an</p>	As for the SAC.	None	No LSE on either the SAC or ppSPA.

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of Landscape Character	<p>Planning permission will only be granted where it can be demonstrated that proposed developments:</p> <ol style="list-style-type: none"> <li>positively contribute towards meeting the defined landscape policy actions for the relevant LPZ(s) and national character profile(s);</li> <li>are designed to conserve and enhance important landscape features;</li> <li>identifies and mitigates any likely individual and cumulative impacts on the sensitivity and condition of the appropriate LPZ(s);</li> <li>identifies and mitigates visual impacts on character and amenity; and</li> <li>restores the landscape or removes any detracting features.</li> </ol> <p>Development proposed outside but adjoining a landscape policy zone will be required to demonstrate that it will:</p> <ol style="list-style-type: none"> <li>create no significant adverse visual impact on the character and appearance of the LPZ(s); and</li> <li>where feasible, contribute to the enhancement of landscape character.</li> </ol>	LSE on European sites. It is a positive environmental policy.			
Policy NE2 Biodiversity and Geodiversity	<p><b>Biodiversity and Geodiversity</b> All development proposals, commensurate with their scale, location and type, will be expected to:</p> <ol style="list-style-type: none"> <li>protect, enhance and contribute to the management of the ecological network of habitats and ecological sites of European, national and local importance (statutory and non-statutory);</li> <li>avoid and/or minimise adverse individual and or in combination impacts, on biodiversity, geodiversity and ecosystem services;</li> <li>seek to deliver a net gain in biodiversity across local and landscape scales and</li> <li>prioritise the de-fragmentation, restoration, retention and sensitive management of habitats and landscape features, to allow for the movement of wildlife.</li> </ol> <p><b>Designated European sites</b></p> <p>Development proposals will not be permitted where they would have an adverse impact on the integrity of a designated, possible, listed or potential site of European significance unless it has been demonstrated that there:</p> <ol style="list-style-type: none"> <li>are no alternative solutions, or</li> <li>are imperative reasons of overriding public interest and</li> <li>that compensatory measures will be provided to ensure the overall coherence of the network of the sites is protected.</li> </ol> <p><b>Designated national sites</b></p> <p>Development proposals will not be permitted where they would have an adverse impact on a designated national site. Exceptions will only be made where the benefits of the development, clearly outweigh both the adverse impact on the designated national site and the national network of such sites.</p> <p><b>Designated local sites</b></p> <p>Development proposals will not be permitted where they are likely, to have a significant adverse impact on a designated Local Wildlife Site, Local Nature Reserve, or Local Geological Site. Exception will only be made where the reasons for and benefits of the proposed development clearly outweigh the adverse impact on the loss or deterioration of the designated site.</p> <p><b>Sherwood Forest possible potential special protection area (ppSPA)</b> Where development is proposed within 400 meters of the non-designated Sherwood Forest ppSPA, a risk based approach, as set out in Natural England's Advice Note to Local Planning Authorities, will be adopted to all planning applications in relation to the possible potential Special Protection Area for the Sherwood Forest region.</p>	<p>A2</p> <p>No LSE. This policy will not present a pathway for an LSE on European sites. It is a positive environmental policy.</p> <p>This has positive mitigating effects to address effects that may otherwise occur from the Local Plan.</p>	As for the SAC.	None.	No LSE on either the SAC or ppSPA

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		Birklands & Bilhaugh SAC	Sherwood ppSPA		
	<p>Irreplaceable habitats</p> <p>Planning permission will be refused for development resulting in the loss, deterioration and/or fragmentation of irreplaceable habitats, including ancient woodland and veteran trees, unless the need for, and benefits of, the development clearly outweigh the loss or harm.</p> <p>Avoidance, mitigation and compensation of adverse impacts on nature conservation</p> <p>In exceptional circumstances where adverse impacts on designated sites and irreplaceable habitats are demonstrated to be unavoidable or the benefits outweigh the harm, development proposals will only be permitted where:</p> <ul style="list-style-type: none"> <li>a) impacts are appropriately mitigated, with compensation measures towards loss used as a last resort, where mitigation is not possible;</li> <li>b) appropriate provision for management is made.</li> </ul> <p>Species, habitats, landscape features</p> <p>On sites supporting protected species, important landscape features, and priority habitats and species (as defined by legislation), development proposals will only be supported where:</p> <ul style="list-style-type: none"> <li>a) it can be demonstrated that the benefits of the development outweighs the impact on species, habitats, important landscape features and</li> <li>b) that appropriate avoidance, mitigation, enhancement and management measures can be satisfactorily secured through planning obligations.</li> </ul>				
Policy NE3 Pollution and Land Instability	<ol style="list-style-type: none"> <li>1. Development proposals will be supported where it is sited and designed so as to avoid adversely impacting on human health and wellbeing, amenity and the natural environment through contributing to unacceptable levels of soil, air, light, water or noise pollution or land instability.</li> <li>2. Development proposed to be located where such unacceptable levels of pollution or land instability already exist will only be supported in exceptional circumstance.</li> <li>3. Development proposals for remediating and mitigating existing occurrences of despoiled, degraded, derelict, potentially contaminated and unstable land or for reducing air, water, light or noise pollution will be supported.</li> </ol>	<p>A2</p> <p>No LSE. This policy will not present a pathway for an LSE on European sites. It is a positive environmental policy</p> <p>Improving and tackling poor air quality can also combat the causes of climate change.</p>	As for the SAC.	None. It is however recommended that further guidance could be provided to prospective applicants in the supporting text for Policy NE3 in explaining that detailed consideration of air quality impacts may be required for projects that would significantly increase traffic flows within 200m of the Sherwood ppSPA.	No LSE on either the SAC or ppSPA
Policy NE4: Mineral Safeguarding Areas	<ol style="list-style-type: none"> <li>1. In Minerals Safeguarding Areas, the Minerals Planning Authority will be consulted on non-exempt development proposals.</li> <li>2. Planning permission in Minerals Safeguarding Areas will not be granted for non-exempt development unless the requirements set out in the minerals safeguarding policies of the Minerals Local Plan have been met.</li> </ol>	<p>A1</p> <p>No LSE. Safeguarding minerals sites is simply intended to ensure their minerals potential is not sterilised by inappropriate development. The safeguarding process does not actively promote or deliver development.</p>	As for the SAC.	None	No LSE on either the SAC or ppSPA.
Policy P1 Achieving a High Quality Design	<p>All major development proposals (including new build, conversions and extensions) will be required to contribute to achieving good design. Developers will need to provide the following evidence:</p> <ul style="list-style-type: none"> <li>a. undertaken a thorough and robust site and contextual analysis, identifying and responding to opportunities and constraints;</li> <li>b. involved local communities and key stakeholders, including the local planning authority, at an early stage in the development of design solutions;</li> </ul>	<p>A2</p> <p>No LSE. This policy will not present a pathway for an LSE on European sites.</p>	As for the SAC.	None	No LSE on either the SAC or ppSPA.



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	<p>c. responded positively to Mansfield's place making principles and Building for Life 12; and</p> <p>d. where appropriate, engaged with and responded to the recommendations of design review.</p> <p>Where schemes are assessed as having performed well against Buildings for Life 12 or successor scheme they will be deemed also to have accorded with Policies P2* and P3.</p> <p>* apart from requirement for health impact assessment checklist for major schemes (Policy P2 (2) refers)</p>				
Policy P2 Safe, Healthy and Attractive Development	<p>Development will be supported provided it creates a strong sense of place and is appropriate to its context in terms of layout, scale, density, detailing and materials through:</p> <ul style="list-style-type: none"> <li>a) respecting, where appropriate, existing patterns of development which contribute to the character of the area;</li> <li>b) retaining and integrating existing built and natural features which contribute to creating a distinctive identity;</li> <li>c) taking opportunities to create new public open spaces, landmark buildings, landscape features (including street trees), views and public art as an integral part of the design;</li> <li>d) taking opportunities to promote physical activity;</li> <li>e) providing variety on larger developments with different character areas and a hierarchy of street types;</li> <li>f) creating attractive streetscapes and spaces which are defined and brought to life by the layout, scale and appearance of the buildings;</li> <li>g) minimising the opportunities for crime including through the use of natural surveillance and ensuring public spaces are clearly distinguished from private spaces and well lit;</li> <li>h) providing adequate external storage space for waste, recycling and bicycles;</li> <li>i) avoiding obtrusive skyline views; and</li> <li>j) ensuring that any tall buildings are appropriate to their location, are of high quality design and do not detract from key views or heritage assets, nor create unacceptable local environmental conditions.</li> </ul> <p>Development applications will required a health impact assessment checklist when:</p> <ul style="list-style-type: none"> <li>a) Residential development of 50 dwellings or more;</li> <li>b) non-residential developments of 5,000 square metres or more; and</li> <li>c) other developments which are likely to have a significant impact on health and well-being.</li> </ul> <p>Where a significant adverse impact is identified through a health impact assessment measures to substantially mitigate the impact will be required.</p>	A2  No LSE. This policy will not present a pathway for an LSE on European sites.	As for the SAC.	None	No LSE on either the SAC or ppSPA.
Policy P3 Connected Developments	<p>Development will be supported provided it takes opportunities to encourage people to walk, cycle and use public transport through:</p> <ul style="list-style-type: none"> <li>a) creating a network of routes which are safe, convenient and easy for all people to understand and use;</li> <li>b) connecting to existing street and path networks, public transport and places where people want to go in obvious and direct ways, and where necessary improving existing routes and public transport facilities;</li> <li>c) highway design which respects the overall character of the place and which encourages people to use streets as social spaces rather than just as routes for traffic movement; and,</li> <li>d) providing sufficient off-street car parking in accordance with Policy IN10 that complements the street scene and pedestrian environment whilst also being convenient and secure.</li> </ul>	A2  No LSE. This policy will not present a pathway for an LSE on European sites.	As for the SAC.	None	No LSE on either the SAC or ppSPA.

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Policy P4 Comprehensive Development	Development proposals will be supported provided they do not jeopardise the comprehensive delivery of allocated sites and associated infrastructure, and in all cases must not: a) prejudice the development of adjoining land with longer term potential; or b) lead to piecemeal forms of development.  On large sites (of five or more hectares or 150 dwellings) a masterplan for the whole site will be required to be submitted as part of any planning application.	A2  No LSE. This policy will not present a pathway for an LSE on European sites.	As for the SAC	None	No LSE on either the SAC or ppSPA
Policy P5 Climate Change and New Development	Development proposals will be supported where it can be satisfactorily demonstrated that it incorporates high standards of design and construction to reduce, mitigate and adapt to the impacts of climate change by incorporating the following measures, where practical and viable, having regard to the to the type, location and size of the proposal.  a) Sustainable design and layout that maximises energy efficiency; b) green infrastructure and landscaping; c) sustainable drainage and water management measures; d) appropriate flexibility to allow for future adaptation; e) sustainable waste management facilities; f) renewable and/or low carbon energy technologies or scope for their future provision; and g) sustainable transport and travel facilities.	A2  No LSE. This policy will not present a pathway for an LSE on European sites. It is a positive environmental policy. This is the key policy aiming to tackle climate change by facilitating adaptation.	As for the SAC.	None	No LSE on either the SAC or ppSPA.
Policy P6 Home Extensions and Alterations	Proposals to extend and/or alter an existing dwelling, including the provision of separate buildings within the curtilage for habitable or other purposes related to the domestic use of the property will be supported, provided that there is:  a) no significant adverse impact on the character and appearance of the dwelling or street scene, or the wider surrounding area; b) no significantly reduced residential amenity of nearby existing occupiers or future occupiers of the property itself; and c) sufficient parking and outdoor amenity space.	A2  No LSE. This policy will not present a pathway for an LSE on European sites.	As for the SAC.	None	No LSE on either the SAC or ppSPA.
Policy P7 Amenity	Proposals for development will be designed to minimise their impact on the amenity and quiet enjoyment of both existing and future residents within the development and close to it. As such, development proposals will be supported where: a) They do not have a significant adverse effect on the living conditions of existing and new residents through loss of privacy, excessive overshadowing or overbearing impact; and b) They do not generate a level of activity, noise, light, odour, vibration or other pollution which cannot be mitigated to an appropriate standard.  Development will not be permitted where future occupants would be subjected to unacceptable levels of amenity.	A2  No LSE. This policy will not present a pathway for an LSE on European sites. It is a positive environmental policy.	As for the SAC.	None	No LSE on either the SAC or ppSPA.
Policy P8 Shop Front Design and Signage	New and/ or alteration to existing shop fronts will be supported where they: a) Respect the character of adjoining building and the wider street scene; b) retain any existing independent access to upper floors and take opportunities to provide access from the street where none currently exists; c) provide accessible entrances where appropriate; d) respect the design of individual units when combining two or more units; and e) avoid the provision of external shutters and the use of external roller shutter boxes unless this can be fully justified in appropriate circumstances.  In conservation areas changes to shop fronts will not be permitted if they fail to contribute preservation and enhancement of the area's character, appearance and setting.  The following apply to advertisement proposals: a) they should be appropriate in size and scale to the building on which they are to be attached; b) any illuminated advertisements are required to be fully justified and not be over dominant in the street scene; and	A1  No LSE. There is no mechanism for this policy to affect European sites.	As for the SAC.	None	No LSE on either the SAC or ppSPA.

Policy	Summary	Likely Significant Effects (LSE) and categorisation		Action following Appropriate Assessment	Final conclusion
		Birklands & Bilhaugh SAC	Sherwood ppSPA		
	c) internally lit box signs will not be appropriate on listed buildings or within conservation areas.				
Policy SUE1: Pleasley Hill Farm	<p>Pleasley Hill Farm is located to the north-west of the Mansfield urban area; close to the settlement of Pleasley. This site is allocated as a 'strategic sustainable urban extension', with the aim of delivering:</p> <ul style="list-style-type: none"> <li>a) 925 new homes (including retirement accommodation);</li> <li>b) A care home;</li> <li>c) A new local centre including: <ul style="list-style-type: none"> <li>i. Up to 1600sqm of A1 retail; and</li> <li>ii. Up to 3,000sqm of A3/A4.</li> </ul> </li> <li>d) A hotel;</li> <li>e) A minimum of 1.7 ha of mixed employment uses; and</li> <li>f) There is also land available for a petrol filling station, nursery and gym.</li> </ul>	A2  No LSE. This policy will not present a pathway for an LSE on European sites as the SAC is located over 10km to the north east of the development area.	As for the SAC,	None	No LSE on either the SAC or ppSPA.
Policy SUE2: Land off Jubilee Way	<p>Land off Jubilee Way is located to the east of Mansfield and was previously part of Mansfield Colliery. This site is allocated as a 'strategic sustainable urban extension', with the aim of delivering:</p> <ul style="list-style-type: none"> <li>a) 800 new homes;</li> <li>b) a new neighbourhood paraded;</li> <li>c) provision of a new primary school on site; and</li> <li>d) 1.6ha extension to Crown Farm Way Industrial Estate.</li> </ul> <p>2. This new neighbourhood will be developed comprehensively in accordance with an agreed masterplan, including delivery and phasing arrangements and informed by key design principles, an independent design review and community/stakeholder consultation. This masterplan will be incorporated into a Supplementary Planning Document and / or an outline planning application and supporting section 106 agreement.</p> <p>3. An application specific assessment will be required to identify and address impacts on nightjar and woodlark and their habitats.</p> <p>4. A Written Scheme of Investigation is required to be submitted as part of any future planning obligation.</p> <p>5. The masterplan will create a sustainable and high quality living environment, including the provision of:</p> <ul style="list-style-type: none"> <li>a. cycle and walking links to the adjoining housing development and to the wider area including Timberland Trail, Oak Tree LNR, the restored Mansfield colliery and Vicar Water (strategic GI area #10) and the wider Sherwood Forest (strategic GI area #6);</li> <li>b. a network of green infrastructure including new habitats adjacent to the SSSIs/LWSs, mitigation of any loss of value on the LWS, the appropriate protection of adjacent heathland and SSSIs with appropriate account taken of the ppSPA;</li> <li>c. adequate SuDS and improving the flows and water quality of Vicar Water;</li> <li>d. contributions to junction improvements including at A6117 Oak Tree Lane/Eakring Road, A6191 Southwell Road/Oak Tree Lane/Adamsway and A6117 Old Mill Lane/B6030 Clipstone Road West;</li> <li>e. the identification and appropriate protection of areas of potential archaeological importance; and</li> <li>f. enhancement and integration of the former mineral railway line along Jubilee Way North, as a wooded landscaped buffer, where feasible.</li> </ul>	A2  No LSE. This policy will not present a pathway for an LSE on European sites as the SAC is located over 10km to the north east of the development area.	C  LSE requires investigation.  The delivery of new development within the catchment of the ppSPA could result in likely significant effects through the pathways of air quality, recreational pressure, water abstraction, urbanisation and fragmentation. These are therefore investigated in the main report.	<p>The potential for likely significant effects is investigated further in appropriate assessment in the main body of the report.</p> <p><b>Actions with regard to the SAC:</b> None identified. The SAC is located 7km to the north east and is therefore outside of the 'likely influence' catchment area of the SAC. No further actions required.</p> <p><b>Actions with regard to the ppSPA:</b> Since the site is located within 400m of the ppSPA, development with regards to urbanisation should be subject to: application-specific assessment.</p> <p>Policy SUE2 states: '<i>An application specific assessment will be required to identify and address impacts on nightjar and woodlark and their habitats.</i>'</p> <p>In addition to this statement within the policy, the necessary information to enable the assessment could be provided to the local authority through response to development briefs.</p> <p>Moreover, the aforementioned policy on green and blue infrastructure (IN2), implementation of the Mansfield District Council Green Infrastructure Study (2018) and publication of the Green Infrastructure &amp; Biodiversity SPD, will ensure that no adverse effect on the integrity of the ppSPA</p>	No adverse effect on integrity of either the SAC or ppSPA.

Policy	Summary	Likely Significant Effects (LSE) and categorisation		Action following Appropriate Assessment	Final conclusion
		Birklands & Bilhaugh SAC	Sherwood ppSPA		
				arises through recreational pressure whatever the source.	
Policy SUE3: Land at Berry Hill - Committed strategic urban extension	The principle of development on this site has already been established and it is not possible for the council to reverse the decision unless the permissions were to lapse. The development has permission to deliver: <ul style="list-style-type: none"> <li>a) 1,700 new homes;</li> <li>b) 18.8ha of employment; land</li> <li>c) 1,000ha of retail/ leisure floorspace</li> </ul>	A2  No LSE. This policy will not present a pathway for an LSE on European sites as the SAC is located over 10km to the north east of the development area.	A2  This is a permitted site and therefore is not part of this HRA except for reference	None	No LSE on either the SAC or ppSPA as this is a permitted site and mitigation for the ppSPA is already included
Policy IN1 Infrastructure Delivery	All development proposals will be expected to: <ul style="list-style-type: none"> <li>a) meet all reasonable costs associated with new infrastructure required as a consequence of the proposal;</li> <li>b) where appropriate, contribute to the delivery of necessary related infrastructure to enable the cumulative infrastructure impacts of developments to be managed, including identified transport infrastructure requirements;</li> <li>c) provide for the future maintenance of facilities delivered as a result of the development; and</li> <li>d) where appropriate and necessary, enter into clawback agreements.</li> </ul> <p>When determining the nature and scale of any planning obligations sought, account will be taken of any evidence of viability, specific site conditions, priorities in the Infrastructure Delivery Plan and other material considerations.</p> <p>Where appropriate, developer contributions will be pooled to allow the provision of strategic infrastructure that will serve more than one scheme.</p>	A1  No LSE. This policy will not present a pathway for an LSE on European sites as it simply sets out how infrastructure delivery will be achieved.	As for the SAC.	None	No LSE on either the SAC or ppSPA.
Policy IN2 Green Infrastructure	Development proposals within or adjoining areas of strategic green infrastructure (as shown on the Policies Map) will be supported provided it can be satisfactorily demonstrated that: <ul style="list-style-type: none"> <li>a) the functions and key assets of the green infrastructure network are protected and reasonable opportunities for enhancement of these are taken to help deliver multiple benefits for people and wildlife;</li> <li>b) good quality connections are maintained to and within the green infrastructure network for people and wildlife and, where practical, improve accessibility to ensure new links are created and/or gaps restored;</li> <li>c) significant adverse impacts on sensitive landscape, ecological and heritage assets are avoided where possible or at least minimised, including through the use of buffer strips;</li> <li>d) opportunities are taken where feasible to improve resilience to the impacts of climate change;</li> <li>e) the quality of the green infrastructure network is improved such that it supports improved ecosystem networks and services and healthy neighbourhoods; and</li> <li>f) future management of any features created is financially secured through an agreed management plan.</li> <li>g) The proposal accords within Policy S5.</li> </ul> <p>On and off site contributions for new and where appropriate enhancements to existing, provision will be secured through developer contributions or conditions.</p> <p>Development outside and not adjoining the strategic green infrastructure network should, where appropriate, create local green infrastructure or provide links thereto.</p>	A3  No LSE. This policy will not present a pathway for an LSE on European sites. It is a positive environmental policy. This has positive mitigating effects to address effects that may otherwise occur from the Local Plan.	As for the SAC.	None	No LSE on either the SAC or ppSPA.
Policy IN3 Protection of Community Open Space and Outdoor Sports Provision	All areas of community open space, protected outdoor sports provisions and any additional future provision made as part of new development will be safeguarded, unless it is satisfactorily demonstrated that: <ul style="list-style-type: none"> <li>a) the proposed development is ancillary to the existing recreational use of the site;</li> <li>b) that the open space or outdoor sports provision is surplus to requirements, as set out in Part 2 of this policy;</li> <li>c) alternative provision of an equivalent or greater standard will be provided in an</li> </ul>	A2  No LSE. This policy will not present a pathway for an LSE on European sites. It is a positive environmental policy	As for the SAC.	None	No LSE on either the SAC or ppSPA.

Policy	Summary	Likely Significant Effects (LSE) and categorisation		Action following Appropriate Assessment	Final conclusion
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	<p>accessible location nearby, or accessibility is improved to existing provision such that the Mansfield Green Space Standard and sports provision needs are met; or</p> <p>d) the development proposals involve the loss of a small area of a protected community open space or outdoor sports provision, and would lead to an improvement to the remaining area whilst maintaining its overall function and contribution to meeting the Mansfield Green Space Standard or appropriate sports provision standards.</p> <p>e) it avoids the fragmentation of open space into smaller parcels.</p> <p>Development proposals involving the loss of open space are required to provide an assessment of need, identifying proposed enhancements and/or replacement facilities, as relevant. This should:</p> <p>a) incorporate relevant findings from the council's open space assessment and playing pitch assessment/strategy, including application of the Mansfield Green Space Standard; and</p> <p>b) satisfactorily demonstrate that the development will not prejudice community use for existing or future outdoor sport, in terms of quality, quantity or access as set out in the council's playing pitch assessments and strategy.</p> <p>Any new green spaces developed after the local plan is adopted will be protected under this policy.</p>				
Policy IN4 New Community Open Space and Outdoor Sports Provision in new development	<p>New residential development of 10 or more dwellings (net) will be required to contribute towards:</p> <p>a) the creation of new community open space and outdoor sports provision; and/or</p> <p>b) improving the quality of and/or accessibility to existing community open space, natural green space, play and outdoor sports provision.</p> <p>New on-site provision and/or contributions towards enhancements to existing provision should:</p> <p>a) be informed by the Council's community open space assessment and playing pitch assessment and strategy;</p> <p>b) be proportionate to the size of the development;</p> <p>c) be multi-functional, accessible, of good quality and fit for purpose; and</p> <p>d) have appropriate mechanisms to ensure their future satisfactory maintenance, management and sustained community use.</p>	A2  No LSE. This policy will not present a pathway for an LSE on European sites. It is a positive environmental policy promoting and protecting open spaces.	As for the SAC.	None	No LSE on either the SAC or ppSPA.
Policy IN5 Protection and Creation of Allotments	<p>All allotments as shown on the Policies Map will be protected from development unless it can be satisfactorily demonstrated that:</p> <p>a) the whole of the allotment, or the proportion proposed to be developed, is surplus to requirements based on existing and known future demand; or</p> <p>b) alternative equivalent replacement provision is being provided.</p> <p>The creation of new allotments will be supported provided the management and maintenance conditions are secured.</p>	A1  No LSE. This policy will not present a pathway for an LSE on European sites.	As for the SAC.	None	No LSE on either the SAC or ppSPA.
Policy IN6 Designated Local Green Space	<p>1. Other than in very special circumstances, proposals will only be supported for development on a site designated as local green space, as shown on the Policies Map, where the development would clearly enhance or be ancillary to the local green space for which it was designated.</p> <p>2. Development proposed within close proximity to a local green space will only be supported where it can be clearly satisfactorily demonstrated that the development would not significantly harm the purpose(s) for which the local green space was designated.</p>	A2  No LSE. This policy will not present a pathway for an LSE on European sites.	As for the SAC.	None	No LSE on either the SAC or ppSPA.
Policy IN7 Local Shops, Community and Cultural Facilities	<p>Development proposals which involve the loss of local facilities will only be supported where it is satisfactorily demonstrated that:</p> <p>a) appropriate replacement facilities will be provided in a suitable alternative location*; or</p> <p>b) the facility is no longer viable and this can be justified through adequate marketing of the premises for its current or former use for at least six months **; or</p>	A1  No LSE. It is considered that there is no mechanism whereby local shops and	As for the SAC.	None	No LSE on either the SAC or ppSPA.

Policy	Summary	Likely Significant Effects (LSE) and categorisation		Action following Appropriate Assessment	Final conclusion
		Birklands & Bilhaugh SAC	Sherwood ppSPA		
	<p>c) the facility will be reinstated and enhanced as part of any redevelopment of the building or site.</p> <p>Proposals will be supported for small scale local shops that meet convenience needs of the immediate area***, or for other community and cultural facilities, provided:</p> <p>a) they are within settlement boundaries****;</p> <p>b) the proposed facilities are of a type and scale appropriate to the character of the area and settlement size;</p> <p>c) the proposal would not result in significantly adverse impact on public amenity; and</p> <p>d) where appropriate, the new building is capable of accommodating multiple uses without the necessity of structural conversion.</p>	community facilities would influence effects on European sites.			
Policy IN8 Protecting and improving the sustainable transport network	<p>Proposals which encourage sustainable travel across the district by enhancing the existing sustainable transport network will be supported, particularly where they:</p> <p>a) protect and improve access to the multi-user trails network across the district especially the Maun Valley Trail, Mansfield Way, Timberland Trail, Meden Trail, Dukeries Trail, Clipstone to Warsop, the National Cycle Route 6 and the Mansfield Strategic Cycle Route;</p> <p>b) b. provide new sustainable transport measures such as new pedestrian and cycle routes, public transport facilities , and provision for community transport and taxis;</p> <p>c) assist the potential re-opening of the Dukeries railway line including the former Market Warsop railway station;</p> <p>d) facilitate the shift towards the use of ultra-low emission vehicles;</p> <p>e) facilitate the delivery of highway improvement schemes /sustainable transport solutions along the district's main arterial routes and public transport corridors, including:</p> <p>i. A60 corridor including Nottingham Road / Woodhouse Road / Leeming Lane / Mansfield Road</p> <p>ii. A38 Sutton Road</p> <p>iii. A617 Chesterfield Road</p> <p>iv. A6191 Southwell Road West / Ratcliffe Gate</p> <p>v. A6075 Debdale Lane / Abbott Road, and</p> <p>vi. within and around Mansfield town centre including its ring roads.</p> <p>Proposals for development which do not adequately safeguard the following routes identified within Local Transport Plan 3 schemes will not be approved:</p> <p>a) A6191 Ratcliffe Gate Improvement (bus priority);</p> <p>b) A60 Nottingham Road (bus priority);</p> <p>c) A60 Woodhouse Road Improvements (bus priority);</p> <p>d) A6075 Abbott Road (Carriageway widening and realignment); and</p> <p>e) Dukeries Line Improvement (Rail).</p>	A2.  No LSE. Preservation and enhancement of sustainable travel is a positive environmental measure.	As for the SAC.	None	No LSE on either the SAC or ppSPA.
Policy IN9 Impact of development on the transport network	<p>Development will be supported provided:</p> <p>a) it does not endanger highway safety, and allows for satisfactory access and egress from the highway, and internal movements within the site;</p> <p>b) any significant impacts on the highway network, can be suitably mitigated; and</p> <p>c) it does not impact on the safe operation of the rail network.</p> <p>Proposals that generate significant levels of movement use are required to:</p> <p>a) be supported by a transport assessment or statement, together with a travel plan which demonstrate how sustainable transport measures set out in IN8 have been addressed; and</p> <p>b) be situated within urban boundaries, as shown on the Policies Map, in locations that are, or can be, well served by the full range of transport modes including public transport.</p>	A2.  No LSE. Preservation and enhancement of sustainable travel is a positive environmental measure and will aid in combating the causes of climate change.	As for the SAC.	None	No LSE on either the SAC or ppSPA.

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		Birklands & Bilhaugh SAC	Sherwood ppSPA																																																								
Policy IN10 Car and Cycle Parking	<p>Development proposals will be supported where there is appropriate provision for vehicle and cycle parking, including meeting the needs of the disabled. Provision should be designed so that it is an integral part of the development, does not dominate the public realm and:</p> <ol style="list-style-type: none"> <li>meets the minimum standards and design requirements set out in further guidance to be set out by the council;</li> <li>includes appropriate electric car charging provision to meet current and future demand; and</li> <li>incorporates sustainable urban drainage paving systems where appropriate.</li> </ol>	A1  No LSE. This policy will not present a pathway for an LSE on European sites.	As for the SAC.	None	No LSE on either the SAC or ppSPA.																																																						
Policy IN11 Telecommunications and Broadband	<p>Major development proposals will be supported where adequate broadband services are to be made available to all residents and / or users of the development.</p> <p>Major development proposals should incorporate a bespoke duct network, designed and implemented in cooperation with a recognised network provider, and where viable, a fibre to the premises (FTTP) solution.</p> <p>Other forms of infrastructure, such as facilities supporting mobile broadband and Wi-Fi, should be included in major development proposals and designed in a sympathetic and appropriate way in order to reflect the character of the surrounding area.</p> <p>Telecommunications development proposals will be permitted where:</p> <ol style="list-style-type: none"> <li>there is no significant impact on the character or appearance of the building on which the equipment is located, including not contributing to street clutter;</li> <li>the significance, appearance, character and setting of heritage assets are conserved;</li> <li>there is no significant adverse impact upon biodiversity, ecology, geodiversity or best and most versatile agricultural land;</li> <li>all options for sharing of existing equipment, and erecting masts on existing tall buildings or other structures have been fully explored;</li> <li>they are appropriately designed, minimising size and scale and camouflaging appearance wherever possible;</li> <li>all masts and additions to existing masts are self-certified to meet International Commission on Non-Ionizing Radiation Protection (ICNIRP) standards; and</li> <li>provision is made to ensure that equipment that has become obsolete or that is no longer in use is removed as soon as practicable and the site restored to its former condition.</li> </ol>	A2  No LSE. This policy will not present a pathway for an LSE on European sites.	As for the SAC.	None	No LSE on either the SAC or ppSPA.																																																						
Policy H1 – Housing Allocations	<p>The following sites, as shown on the policies map, are allocated for residential development.</p> <table border="1"> <thead> <tr> <th>Site Reference</th> <th>Location</th> <th>Homes</th> </tr> </thead> <tbody> <tr><td>H1a</td><td>Clipstone Road East</td><td>511</td></tr> <tr><td>H1b</td><td>Land off Skegby Lane</td><td>215</td></tr> <tr><td>H1c</td><td>Fields Farm, Abbott Road</td><td>200</td></tr> <tr><td>H1d</td><td>Three Thorn Hollow Farm</td><td>188</td></tr> <tr><td>H1e</td><td>Land at Redruth Drive</td><td>178</td></tr> <tr><td>H1f</td><td>Former Rosebrook Primary School</td><td>134</td></tr> <tr><td>H1g</td><td>Abbott Road</td><td>102</td></tr> <tr><td>H1h</td><td>Centenary Road</td><td>95</td></tr> <tr><td>H1i</td><td>Former Mansfield Brewery (part a)</td><td>70</td></tr> <tr><td>H1j</td><td>Cauldwell Road</td><td>42</td></tr> <tr><td>H1k</td><td>Bellamy Road</td><td>40</td></tr> <tr><td>H1l</td><td>High Oakham Farm (east)</td><td>40</td></tr> <tr><td>H1m</td><td>Land off Balmoral Drive</td><td>35</td></tr> <tr><td>H1n</td><td>Sherwood Close</td><td>33</td></tr> <tr><td>H1o</td><td>Ladybrook Lane / Tuckers Lane</td><td>33</td></tr> <tr><td>H1p</td><td>Hermitage Mill</td><td>32</td></tr> <tr><td>H1q</td><td>South of Debdale Lane</td><td>32</td></tr> </tbody> </table>	Site Reference	Location	Homes	H1a	Clipstone Road East	511	H1b	Land off Skegby Lane	215	H1c	Fields Farm, Abbott Road	200	H1d	Three Thorn Hollow Farm	188	H1e	Land at Redruth Drive	178	H1f	Former Rosebrook Primary School	134	H1g	Abbott Road	102	H1h	Centenary Road	95	H1i	Former Mansfield Brewery (part a)	70	H1j	Cauldwell Road	42	H1k	Bellamy Road	40	H1l	High Oakham Farm (east)	40	H1m	Land off Balmoral Drive	35	H1n	Sherwood Close	33	H1o	Ladybrook Lane / Tuckers Lane	33	H1p	Hermitage Mill	32	H1q	South of Debdale Lane	32	A4  No LSE from specific allocations as opposed to the total quantum of development in Mansfield  The location of specific allocated sites within Mansfield district will not influence effects on the SAC. This is because the data indicate that visitors to the SAC arise from across Mansfield.	D  LSE requires investigation  In part the location of specific allocated sites within Mansfield district will not influence effects on the ppSPA. This is because the data indicate that visitors to some parts of the ppSPA such as Sherwood Forest Country Park arise from across Mansfield.  However, there is the potential for some individual sites to result in likely significant effects if they were located particularly	<p>The potential for likely significant effects is investigated further in the appropriate assessment in the main body of the report.</p> <p><b>Actions with regard to the SAC:</b> None identified. No further actions required.</p> <p>The following recommendations are made with regard to the ppSPA:</p> <ul style="list-style-type: none"> <li>With regard to urbanisation and development within 400m of the ppSPA, the following housing sites should be subject to application-specific assessment in line with the proposed additional wording for Policy NE2:</li> <li>H1a (Clipstone Road East)</li> </ul>	No adverse effect on integrity of either the SAC or ppSPA
Site Reference	Location	Homes																																																									
H1a	Clipstone Road East	511																																																									
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			Birklands & Bilhaugh SAC	Sherwood ppSPA		
	H1r	Land off Holly Road	16		<ul style="list-style-type: none"> <li>SUE2 (Land off Jubilee Way)</li> <li>H1j (Cauldwell Road)</li> </ul> <p>The necessary information to enable the assessment could be provided to the local authority through response to development briefs. These requirements were captured in the specific policy wording for these developments as well as in Policy SUE2. Moreover, the aforementioned policy on green and blue infrastructure (IN2), implementation of the Mansfield District Council Green Infrastructure Study (2018) and publication of the Green Infrastructure &amp; Biodiversity SPD, will ensure that no adverse effect on the integrity of the ppSPA arises through recreational pressure whatever the source.</p>	
	H1s	Land at Cox's Lane	14			
	H1t	Land off Ley Lane	14			
	H1u	Land off Rosemary Street	10			
	H1v	Stonebridge Lane / Sookholme Lane, Market Warsop	400			
	H1w	Sherwood Street / Oakfield Lane, Market Warsop	36			
	H1x	Former Warsop Vale School, Warsop Vale	10			
Policy H2 Committed Housing Sites	The following sites have planning permission and are allocated for new homes: Mansfield urban area			A1	None	No LSE on either the SAC or ppSPA.
	<b>Site</b>	<b>Number of Homes</b>		<p>No LSE. All sites with planning permission will have already been subject to assessment and cannot be influenced by the Local Plan.</p>		
	Former Mansfield Brewery (part B)	23				
	Former Mansfield General Hospital 2 Hospital	54				
	Allotment site at Pump Hollow Road	64				
	Sandy Lane	63				
	Land at Windmill Lane (former nursery)	23				
	Land off Sherwood Oaks Close	46				
	Former Evans Halshaw site	66				
	Land to the rear of 28 High Oakham House	39				
	Kirkland Avenue Industrial Park	49				
	Land at High Oakham House	28				
	Former Mansfield Hosiery Mill Car Park	29				
	Land North of Skegby Lane	150				
	Penniment Farm	430				
	Land at the corner of Quarry Lane	21				
	Pleasley Hill Regeneration Area	152				
	Bath Mill	21				
	Land at Hermitage Lane	25				
	Land to the rear of 183 Clipstone Road West	12				
	Land to the rear of 66-70 Clipstone Road West	14				
	18 Burns Street	21				
	Park Hall Farm (site A)	140				
	Park Hall Farm (site B)	10				
	Land at 7 Oxclose Lane	17				
	Former Mansfield Sand Co	107				
	20 Abbott Road	8				
	284 Berry Hill Lane	5				
	Former Miners Offices	18				
	The Ridge	43				
	Birchlands/Old Mill Lane	9				



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Policy H3 Housing Density and Mix	<p>Housing developments of 10 dwellings or more will be expected to:</p> <ol style="list-style-type: none"> <li>be built at a density that makes efficient use of the site with layouts that respect the character and appearance of the local area; and</li> <li>provide a range of dwelling sizes and types reflective of housing needs and the achievement of mixed and balanced communities.</li> </ol>	A1  No LSE. This policy will not present a pathway for an LSE on European sites.	A1  As for the SAC.	None	No LSE on either the SAC or ppSPA.																														
Policy H4 Affordable Housing	<p>The minimum proportions of affordable housing required on market housing sites are:</p> <ul style="list-style-type: none"> <li>• within Zone 1: <ul style="list-style-type: none"> <li>○ 10% on greenfield land</li> <li>○ 5% on brownfield land</li> </ul> </li> <li>• Within Zone 2: <ul style="list-style-type: none"> <li>○ 20% on greenfield land</li> <li>○ 10% on brownfield land</li> </ul> </li> </ul> <p>These proportions apply to sites of:</p> <ol style="list-style-type: none"> <li>more than 10 dwellings; or,</li> <li>with a combined gross floorspace of more than 1,000 square metres; or</li> <li>more than 0.5ha in site area.</li> </ol> <p>The council will consider the type of property and tenure in relation to identified needs.</p> <p>Off-site commuted sums of an equivalent value may be made in lieu of on-site provision where on-site provision is satisfactorily demonstrated to be robustly justified or where such off site contribution can be shown to contribute to the successful development of other affordable housing and or regeneration schemes within the district.</p> <p>Proposals which do not meet the above policy requirements will only be acceptable where it is satisfactorily demonstrated that a different level or mix of affordable housing is required to make the development viable and the approach contributes towards creating mixed and balanced communities.</p>	A1  No LSE. The mix of affordable housing is not relevant to impacts on European sites.	A1  As for the SAC.	None	No LSE on either the SAC or ppSPA.																														
Policy H5: Custom and Self-build Homes	<p>On housing development sites of more than 100 homes, at least 5% of the dwelling plots should be serviced as reasonably sized plots for self-build or custom build homes. On commencement of the overall development the availability of the serviced land for self-build or custom build housing shall be advertised for sale on an individual plot basis at a fair market price. Any of this land which is not sold on that basis after a period of 12 months advertising may be used for general market housing.</p> <p>In all cases, a proposal for self-build and/or custom housing will be supported provided the following criteria are met:</p>	A1  No LSE. Whether dwellings are self-build or otherwise is not relevant to impacts on European sites.	A1  As for the SAC.	None	No LSE on either the SAC or ppSPA.																														

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	<ul style="list-style-type: none"> <li>a) it is within the boundary of a settlement or accords with Policy S5 (Development in the Countryside);</li> <li>b) it is of a high standard of design and does not adversely affect the area by reason of its scale, bulk, form, layout or materials;</li> <li>c) it would not cause a significant adverse impact on the amenity of nearby residents or occupiers; and</li> <li>d) there is no significant adverse impact on highway safety and appropriate provision for parking is made.</li> </ul>				
Policy H6: Specialist Housing	<p>Development proposals for specialist housing which falls within Use Class C2, such as sheltered and extra care accommodation, will be supported on sites within existing or proposed residential areas provided they are:</p> <ul style="list-style-type: none"> <li>a) conveniently situated in relation to local retail, community services and public transport facilities; and</li> <li>b) are of a design, layout and accessibility suitable for occupation by people with disabilities and the elderly.</li> </ul>	<p>A1</p> <p>No LSE. The proportion of housing suitable for the elderly or vulnerable is not relevant to impacts on European sites.</p>	<p>A1</p> <p>As for the SAC.</p>	None	No LSE on either the SAC or ppSPA.
Policy H7: Houses in multiple occupation and Bedsit Accommodation	<p>Development relating to the multiple residential occupation of buildings, including apartments and/or bedsit accommodation, will be supported where it would:</p> <ul style="list-style-type: none"> <li>a) be appropriate in respect of the characteristics of the site, including whether the proposal would result in the re-use of a vacant building or disused land in accordance with wider regeneration benefits;</li> <li>b) contribute to the achievement of mixed and balanced communities; and</li> <li>c) provide adequate internal accommodation and external private amenity space without causing any significantly adverse impact on the amenity enjoyed by the occupiers of adjacent properties.</li> </ul>	<p>A1</p> <p>No LSE. This policy will not present a pathway for an LSE on European sites.</p>	<p>A1</p> <p>As for the SAC.</p>	None	No LSE on either the SAC or ppSPA.
Policy H8 Accommodation for Gypsies, Travellers and Travelling Showpeople	<p>Provision to meet the accommodation needs of Gypsies and Travellers between 2013 and 2033 will comprise a minimum of:</p> <ul style="list-style-type: none"> <li>• 2017 – 2022: 2 pitches and 1 transit/stopping place;</li> <li>• 2022 – 2033: 1 pitch and 0 transit/stopping places; and</li> <li>• Any arising need for Travelling Show People plots.</li> </ul> <p>The council will prepare a Gypsy and Travellers Site Allocation Development Plan Document (DPD) to allocate suitable site/s to meet the identified need set out in 1 a - c above.</p> <p>Proposals for new sites, and extensions/improvements to existing permitted or lawful sites, will be supported where they meet the following criteria:</p> <ul style="list-style-type: none"> <li>a) they are required to meet a shortfall in provision of identified need as set out in the Gypsy and Traveller Accommodation Needs Assessment 2017 pending the adoption of the Mansfield District Gypsy and Travellers Site Allocation DPD;</li> <li>b) be located with reasonable access to a range of services, such as shops, schools, welfare facilities or public transport;</li> <li>c) be proportionate to the scale of the nearest settlement; its local services and infrastructure;</li> <li>d) have suitable highway access, and is not detrimental to public highway safety;</li> <li>e) provides for adequate on-site parking and turning of vehicles as well as appropriate facilities for servicing and storage, and in the case of a show people site sufficient space for fairground equipment maintenance;</li> <li>f) be capable of being provided with adequate services including water supply, power, drainage, sewage disposal and waste disposal facilities; and</li> <li>g) be compatible with landscape, environment, heritage and biodiversity as well as the physical and visual character of the area;</li> <li>h) not significantly impact the amenities of neighbouring properties and land uses; and</li> <li>i) be appropriately located in terms of flood risk.</li> </ul>	<p>B</p> <p>No LSE. This policy does not seek to deliver Gypsy and Traveller sites but rather sets out criteria against which proposed sites will be judged. Applications for such sites would also need to comply with other Local Plan policies such as Policy NE2 which sets out protection of European sites and nightjar/woodlark habitat (and therefore the ppSPA by extension).</p>	<p>B</p> <p>No LSE. This policy does not seek to deliver Gypsy and Traveller sites but rather sets out criteria against which proposed sites will be judged. Applications for such sites would also need to comply with other Local Plan policies such as Policy NE2 regarding nightjar/woodlark habitat (and therefore the ppSPA by extension).</p>	None	No LSE on either the SAC or ppSPA.

Policy	Summary	Likely Significant Effects (LSE) and categorisation		Action following Appropriate Assessment	Final conclusion												
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	Authorised, existing and new sites, will be safeguarded for Gypsy, Travellers and travelling showpeople groups unless they are no longer required to meet identified need.																
Policy E1 Enabling Economic Development	<p>Proposals for economic development will be supported, especially when they involve:</p> <ul style="list-style-type: none"> <li>a) major inward investment into the district;</li> <li>b) the creation of significant new employment, particularly with skilled jobs; and</li> <li>c) a contribution to the achievement of wider regeneration initiatives.</li> </ul> <p>Major proposals are expected to locate on sites allocated as new employment areas or on undeveloped land or vacant buildings within existing Key Employment Areas but may also be appropriate on other sites subject to the provisions of Policy E4.</p> <p>Smaller proposals, including premises designed for business start-ups, will be supported in closer proximity to residential areas and as part of mixed use schemes, subject to meeting policies P7 (amenity) and NE3.</p>	A1  No LSE. This policy will not present a pathway for an LSE on European sites..	A1  As for the SAC.	None	No LSE on either the SAC or ppSPA.												
Policy E2 Sites Allocated as New Employment Areas	<p>The following sites are allocated and shown on the Policies Map for employment development (B1, B2 and B8).</p> <table border="1" data-bbox="468 842 1397 1108"> <thead> <tr> <th>Site reference</th> <th>Location</th> <th>Employment units</th> </tr> </thead> <tbody> <tr> <td>E2a</td> <td>Ratcher Hill Quarry employment area</td> <td>5.37ha allocated for employment uses.</td> </tr> <tr> <td>E2b</td> <td>Oakfield Lane, Market Warsop</td> <td>2.2ha site total - the extension of employment uses only suitable within the open countryside.</td> </tr> <tr> <td>E2c</td> <td>Penniment Farm</td> <td>9ha allocated for employment uses.</td> </tr> </tbody> </table>	Site reference	Location	Employment units	E2a	Ratcher Hill Quarry employment area	5.37ha allocated for employment uses.	E2b	Oakfield Lane, Market Warsop	2.2ha site total - the extension of employment uses only suitable within the open countryside.	E2c	Penniment Farm	9ha allocated for employment uses.	A4  No LSE from specific allocations as opposed to the total quantum of development in Mansfield.	D  LSE requires investigation. There is the potential for some individual sites to result in adverse effects if they were located particularly close to the ppSPA (i.e. within 400m)  Sites are therefore investigated in the main report.	<p>The potential for likely significant effects is investigated further in the appropriate assessment in the main body of the report.</p> <p><b>Actions with regard to the SAC:</b> None identified. No further actions required.</p> <p>The following recommendations are made with regard to the ppSPA:</p> <ul style="list-style-type: none"> <li>• It was recommended that the following wording is added to Policy E2: <i>'Where development within 400m of the ppSPA is proposed, it must be subject to an application-specific assessment to determine whether any adverse effect on the nightjar and woodlark population would arise. If so, then the assessment should also consider whether it was possible to avoid or offset the effect through creating alternative habitat, alternative recreational/public natural greenspace, introducing initiatives to avoid or minimise risk of impact (e.g. reducing fly-tipping incidence) and/or introducing changes in land management elsewhere in the ppSPA.'</i></li> <li>• With regard to urbanisation and development within 400m</li> </ul>	No adverse effect on integrity of either the SAC or ppSPA.
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				<p>of the ppSPA, the following employment sites should be subject to application-specific assessment in line with the proposed additional wording for Policy NE2:</p> <ul style="list-style-type: none"> <li>Policy E2a – Ratcher Hill Quarry Employment Area</li> </ul> <p>The necessary information to enable the assessment could be provided to the local authority through response to development briefs. These requirements were captured in the specific policy wording for these developments as well as in Policy SUE2. Moreover, the aforementioned policy on green and blue infrastructure (IN2), implementation of the Mansfield District Council Green Infrastructure Study (2018) and publication of the Green Infrastructure &amp; Biodiversity SPD, will ensure that no adverse effect on the integrity of the ppSPA arises through recreational pressure whatever the source.</p>																																																	
<p>Policy E3 Retaining Land for Employment Uses: Key and General Employment Areas</p>	<p>Within the existing key employment areas and allocated employment areas (as shown on the Policies Map and listed in the Policy Document) development proposals will be supported provided that the proposal is for employment generating uses in use Class B1,B2 or B8.</p> <table border="1"> <thead> <tr> <th>Site reference</th> <th>Key/ General employment areas</th> </tr> </thead> <tbody> <tr><td>E3a</td><td>Old Mill Lane Industrial Estate, Old Mill Lane, Mansfield Woodhouse</td></tr> <tr><td>E3b</td><td>Sherwood Oaks Business Park, Southwell Road West, Mansfield</td></tr> <tr><td>E3c</td><td>Millennium Business Park, Chesterfield Road North, Mansfield</td></tr> <tr><td>E3d</td><td>Oakfield Business Park, Hamilton Way, Mansfield</td></tr> <tr><td>E3e</td><td>Oak Tree Business Park, Oak Tree Lane, Mansfield</td></tr> <tr><td>E3f</td><td>Botany Commercial Park, Botany Avenue, Mansfield</td></tr> <tr><td>E3g</td><td>Broadway Industrial Estate, The Broadway, Mansfield</td></tr> <tr><td>E3h</td><td>Brunts Business Centre, Brunts Way, Mansfield</td></tr> <tr><td>E3i</td><td>Commercial Gate, Mansfield</td></tr> <tr><td>E3j</td><td>Crown Farm Industrial Estate, Crown Farm Way, Mansfield</td></tr> <tr><td>E3k</td><td>Mansfield Woodhouse Gateway, Off Grove Way, Mansfield Woodhouse</td></tr> <tr><td>E3l</td><td>Ransom Wood Business Park, Southwell Road West, Mansfield</td></tr> <tr><td>E3m</td><td>Bellamy Road Industrial Estate, Bellamy Road, Mansfield</td></tr> <tr><td>E3n</td><td>Intake Business Centre, Kirkland Avenue, Mansfield</td></tr> <tr><td>E3o</td><td>Hermitage Lane Industrial Estate, Hermitage Lane, Mansfield</td></tr> <tr><td>E3p</td><td>Maunside, Hermitage Lane, Mansfield</td></tr> <tr><td>E3q</td><td>Warsop Enterprise Centre, Burns Lane, Market Warsop</td></tr> <tr><td>E3r</td><td>The Hub, Sherwood Street, Market Warsop</td></tr> <tr><td>E3s</td><td>Ransom Wood Business Park, Southwell Road, Mansfield</td></tr> <tr><td>E3t</td><td>Ratcher Hill</td></tr> <tr><td>E3u</td><td>Bleak Hills</td></tr> <tr><td>E3v</td><td>Quarry Lane, Mansfield</td></tr> <tr><td>E3w</td><td>Victoria Street</td></tr> </tbody> </table>	Site reference	Key/ General employment areas	E3a	Old Mill Lane Industrial Estate, Old Mill Lane, Mansfield Woodhouse	E3b	Sherwood Oaks Business Park, Southwell Road West, Mansfield	E3c	Millennium Business Park, Chesterfield Road North, Mansfield	E3d	Oakfield Business Park, Hamilton Way, Mansfield	E3e	Oak Tree Business Park, Oak Tree Lane, Mansfield	E3f	Botany Commercial Park, Botany Avenue, Mansfield	E3g	Broadway Industrial Estate, The Broadway, Mansfield	E3h	Brunts Business Centre, Brunts Way, Mansfield	E3i	Commercial Gate, Mansfield	E3j	Crown Farm Industrial Estate, Crown Farm Way, Mansfield	E3k	Mansfield Woodhouse Gateway, Off Grove Way, Mansfield Woodhouse	E3l	Ransom Wood Business Park, Southwell Road West, Mansfield	E3m	Bellamy Road Industrial Estate, Bellamy Road, Mansfield	E3n	Intake Business Centre, Kirkland Avenue, Mansfield	E3o	Hermitage Lane Industrial Estate, Hermitage Lane, Mansfield	E3p	Maunside, Hermitage Lane, Mansfield	E3q	Warsop Enterprise Centre, Burns Lane, Market Warsop	E3r	The Hub, Sherwood Street, Market Warsop	E3s	Ransom Wood Business Park, Southwell Road, Mansfield	E3t	Ratcher Hill	E3u	Bleak Hills	E3v	Quarry Lane, Mansfield	E3w	Victoria Street	<p>A1</p> <p>No LSE. This policy does not seek to deliver new employment development but rather sets out what sites will continue to be retained for employment</p>	<p>A1</p> <p>As for the SAC.</p>	<p>None</p>	<p>No LSE on either the SAC or ppSPA.</p>
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	<p>E3x Pelham Street</p> <p>Within existing key and general employment areas alternative uses (outside the B1, B2 or B8 Use Classes) will be supported provided that they are:</p> <ol style="list-style-type: none"> <li>complementary to B1, B2 or B8 Use Classes; or small scale; or</li> <li>they would accommodate a significant number of jobs and be compatible with the character and function of the area; and</li> <li>in the case of 2 (b) and (c) the site has been vacant for at least 12 months and has been satisfactorily demonstrated that: <ol style="list-style-type: none"> <li>it has been subject to genuine marketing for commercial (B class) uses for at least that period of time, at reasonable market values, and which has proved unsuccessful; or,</li> <li>where the existing use is economically unviable; or</li> <li>the site is no longer capable of meeting the needs of modern businesses; or</li> <li>continuation in employment use would be inappropriate in terms of adjoining uses or the amenity of the wider area; and</li> <li>it would not prejudice the wider redevelopment or regeneration of the area.</li> </ol> </li> </ol> <p>On sites allocated for employment development under Policies E2, SUE 1, SUE 2 and SUE 3 non-B class use development will only be allowed provided the land has been marketed for at least 5 years for B class uses and following which it has been satisfactorily demonstrated that there is no realistic prospect of the site being developed for those uses within the remainder of the plan period.</p>				
Policy E4 Other Industrial and Business Development	<p>Development proposals within Use Classes B1(b), B1(c), B2 and B8 that are outside Policies E2 and E3 will be supported where:</p> <ol style="list-style-type: none"> <li>the site lies within or on the edge of the Mansfield or Market Warsop urban areas or the village boundaries; or</li> <li>the proposal is for the expansion of an existing business; or</li> <li>it would provide high quality employment floor space for an identified end user; or</li> <li>it is for the redevelopment of established industrial or business land or premises; and</li> <li>it is well related to the strategic road network and appropriately accessible for HGV's and is capable of being provided without severe highway impacts; and</li> <li>it is accessible to public transport services and connected by convenient walking and cycling routes to residential areas;</li> <li>it is in scale with the local area; and</li> <li>it will have no significant adverse effects on the amenity of adjoining uses.</li> </ol> <p>Small scale employment development or farm diversification in rural areas will be supported subject to meeting the requirements of Policy S5.</p>	A1  No LSE. This policy does not seek to deliver employment development but rather sets out some of the restrictions that would need to be complied with.	A1  As for the SAC.	None	No LSE on either the SAC or ppSPA.
Policy E5 Improving Skills and Economic Inclusion	<p>The council will seek to negotiate planning agreements to secure local labour agreements for developments:</p> <ol style="list-style-type: none"> <li>of 10 or more dwellings; or</li> <li>on 0.5 or more hectares of land; or</li> <li>that will create more than 15 jobs.</li> </ol>	A1  No LSE. This policy does not seek to deliver employment development but rather sets out some of the restrictions that would need to be complied with.	A1  As for the SAC	None	No LSE on either the SAC or ppSPA.
Policy RT1: Main Town Centre Uses	<p>Main town centre uses (such as retail, office, entertainment and leisure) will be supported within the town centres set out below and shown on the Policies Map provided that they:</p> <ol style="list-style-type: none"> <li>are of a scale and character which reflects the role, function and distinctive qualities of the town centre; and</li> </ol>	A1  No LSE. It is considered that there is no pathway for impact through	A1 as doe the SAC.	None.	No LSE on either the SAC or ppSPA.

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	<p>b. would not harm the vitality and viability of a town centre or result in a reduction in A1 uses below the thresholds set out in Policies RT3 and RT8.</p> <table border="1"> <thead> <tr> <th>Types of town centre</th> <th>Policy reference</th> <th>Location/ name if town centre</th> </tr> </thead> <tbody> <tr> <td>Town centre</td> <td>RT2a</td> <td>Mansfield</td> </tr> <tr> <td>District centre</td> <td>RTb RTc</td> <td>Mansfield Woodhouse Market Warsop</td> </tr> <tr> <td>Local centre</td> <td>RT2d RT2e RT2f RT2g RT2h RT2i</td> <td>Clipstone Road East Fulmar Close Ladybrook Lane Nwgate Lane / Redcliffe Road Nottingham Road Ratcliffe Gate</td> </tr> </tbody> </table> <p>New local centres will be supported as part of comprehensive development of the Berry Hill commitment (Policy SUE 3), and land allocated as Pleasley Hill (Policy SUE1).</p> <p>Development proposals for main town centre uses outside of these town centres, including extensions to existing facilities, will be supported if it will meet the day to day convenience needs of the immediate area, is an office use proposed within a key or allocated employment site*, or, following a sequential test, it can be satisfactorily demonstrated that:</p> <ol style="list-style-type: none"> <li>the development could not be accommodated within a nearby centre or then on an edge of centre site having shown appropriate flexibility in the format and scale of development proposed; and</li> <li>the development is accessible and well connected location.</li> </ol>	Types of town centre	Policy reference	Location/ name if town centre	Town centre	RT2a	Mansfield	District centre	RTb RTc	Mansfield Woodhouse Market Warsop	Local centre	RT2d RT2e RT2f RT2g RT2h RT2i	Clipstone Road East Fulmar Close Ladybrook Lane Nwgate Lane / Redcliffe Road Nottingham Road Ratcliffe Gate	redevelopment of the town centre.			
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Local centre	RT2d RT2e RT2f RT2g RT2h RT2i	Clipstone Road East Fulmar Close Ladybrook Lane Nwgate Lane / Redcliffe Road Nottingham Road Ratcliffe Gate															
Policy RT2 Mansfield Town Centre Strategy	<p>The council will work in partnership with developers and town centre stakeholders to help meet the town centre vision by:</p> <ol style="list-style-type: none"> <li>focusing the development of main town centre uses which serve the wider area within Mansfield town centre, through allocating suitable sites to help meet the district's retail floorspace requirements, and applying a town centre first approach when considering planning applications;</li> <li>enabling a range of main town centre uses to operate within the primary shopping area to maximise the vitality and viability of the centre;</li> <li>securing developer contributions towards public realm improvements and public art;</li> <li>encouraging residential use of upper floors, and on appropriate sites outside of the primary shopping area;</li> <li>improving accessibility by seeking improvements to pedestrian and cycle routes, and locating any new car parks on the edge of the town centre; and</li> <li>developing a comprehensive planning and investment framework in consultation with the local community and key stakeholders.</li> </ol>	A1	A1	None	No LSE on either the SAC or ppSPA.												
Policy RT3 Mansfield Town Centre Primary Shopping Area	<p>Development proposals for town centre uses which help to diversify the primary shopping area and increase its attractiveness as a place to visit, socialise, live and work will be supported, particularly where the development proposed is a Use Class A1 retail use. The primary shopping area, as defined on the Policies Map, is made up of primary and secondary frontages.</p> <p>Primary Frontages To help ensure the vitality and viability of the wider town centre, development proposals for Class A uses at ground floor level within primary frontages should:</p> <ol style="list-style-type: none"> <li>not result in more than 25 per cent of ground floor units in any defined primary frontage of the centre being in non-A1 use;</li> <li>not result in the loss of units over 500 sqm sales area from A1 use, unless clear advantages can be satisfactorily demonstrated;</li> <li>maintain an active frontage(s) to the unit, such as a display of visual interest, or views into the unit;</li> <li>not create a continuous frontage of three or more units in non-A1 uses; and</li> </ol>	A1	A1	None	No LSE on either the SAC or ppSPA.												

Policy	Summary	Likely Significant Effects (LSE) and categorisation		Action following Appropriate Assessment	Final conclusion
		Birklands & Bilhaugh SAC	Sherwood ppSPA		
	<p>e) not include drinking establishments or hot-food takeaways (Classes A4 or A5), unless it can be satisfactorily demonstrated that there would be a positive impact upon both the town centre's daytime and evening economies.</p> <p>Secondary Frontages To ensure the vitality and viability of the wider town centre, development proposals for Class A uses at ground floor level within secondary frontages should:</p> <p>a) not result in more than 50 per cent of ground floor units in any defined secondary frontage of the centre being in non-A1 use; b) not result in the loss of units over 500 sqm sales area from A1 use, unless clear advantages can be satisfactorily demonstrated; c) maintain an active frontage(s) to the unit, such as a display of visual interest, or views into the unit; and d) not create a continuous frontage of four or more units in non-A1 uses.</p> <p>Development proposals within secondary frontages for other town centre uses that positively contribute to the broadening of the town centre's daytime and evening economies, particularly uses which are family orientated, will be supported. Where units have both primary and secondary frontages, the impact upon both frontages will be considered.</p>				
Policy RT4 Mansfield Town Centre Improvements	<p>Development proposals which help improve the vitality and environment of Mansfield town centre, will be supported, particularly where they involve:</p> <p>a) appropriate development of the site identified by Policy RT6a; b) enhancement of townscape, civic and open spaces and heritage assets and their setting; c) improvement of the appearance of key gateways by providing well designed landmark buildings, which help create a positive image of the town and give it a sense of identity d) improvements to Mansfield's market e) enhancements to the Old Town Hall which support its reuse and ensure its conservation; f) improvements to energy efficiency and resilience to flooding and climate change, and adoption of low carbon technologies, where applicable; g) improvements to traffic arrangements, including the reduction of vehicle / pedestrian conflict and the barrier effect of the Mansfield town centre ring road; h) provision of cycle parking and facilities as set out in Policy RT5; i) creation of stronger walking and cycling links within and to the town centre including opening up of the River Maun to create an attractive riverside walk; j) refurbishment of key premises in particular Four Seasons Shopping Centre, Rosemary Centre and Beales Department Store; k) shopfront refurbishments (in accordance with Policy P8) and remodelling of floor plans, where appropriate, to create more attractive and usable retail units l) conversion of upper floors of properties within the primary shopping area for office or residential use m) provision of new accessible car parking spaces, including replacement for any lost through redevelopment; or n) appropriate security and crime prevention measures.</p> <p>All major development proposals within Mansfield town centre should demonstrate how the proposal helps to achieve relevant aims of this policy.</p>	<p>A1</p> <p>No LSE. There is no mechanism for these town centre improvements to affect European sites.</p> <p>Improving the pedestrian environment and provision of cycle parking and facilities will help to address climate change by aiding in encouraging use of sustainable transport.</p>	<p>A1</p> <p>As for the SAC.</p>	None	No LSE on either the SAC or ppSPA.
Policy RT5 Accessing Mansfield Town Centre	<p>Major development proposals in or on the edge of Mansfield town centre will be supported where they make relevant improvements to the accessibility of the town centre, prioritising:</p> <p>a) pedestrians and cyclists, then b) users of public transport and taxis, and blue badge holders, then c) private car users.</p>	<p>A1</p> <p>No LSE. There is no mechanism for this policy to affect European sites.</p> <p>Improving the pedestrian environment and provision of cycle parking and facilities will help to</p>	<p>A1</p> <p>As for the SAC.</p>	None	No LSE on either the SAC or ppSPA.

Policy	Summary	Likely Significant Effects (LSE) and categorisation		Action following Appropriate Assessment	Final conclusion
		Birklands & Bilhaugh SAC	Sherwood ppSPA		
			address climate change by aiding in encouraging use of sustainable transport.		
Policy RT6 Retail and Leisure Allocations	The following sites are allocated for retail and leisure development:	A4	D	<p>The potential for likely significant effects is investigated further in the appropriate assessment in the main body of the report.</p> <p><b>Actions with regard to the SAC:</b> None identified. No further actions required.</p> <p>The following recommendations are made with regard to the ppSPA:</p> <ul style="list-style-type: none"> <li>It was recommended that the following wording is added to Policy RT6b: <i>'Where development within 400m of the ppSPA is proposed, it must be subject to an application-specific assessment to determine whether any adverse effect on the nightjar and woodlark population would arise. If so, then the assessment should also consider whether it was possible to avoid or offset the effect through creating alternative habitat, alternative recreational/public natural greenspace, introducing initiatives to avoid or minimise risk of impact (e.g. reducing fly-tipping incidence) and/or introducing changes in land management elsewhere in the ppSPA.'</i></li> <li>With regard to urbanisation and development within 400m of the ppSPA, the following employment sites should be subject to application-specific assessment in line with the proposed additional wording for Policy NE2:</li> <li>Policy E2a – Ratcher Hill Quarry Employment Area</li> </ul> <p>The necessary information to enable the assessment could be provided to the local authority through response to development briefs. These requirements were</p>	No adverse effect on integrity of either the SAC or ppSPA.
	<b>Development site</b>	<b>Retail and leisure allocations</b>	No LSE from specific allocations as opposed to the total quantum of development in Mansfield.		
	Former bus station, Stockwell Gate North (0.6ha)	3,500 sqm			
	Frontage to Ransom Wood Business Park (1.4ha)	1,750 sqm	Sites are therefore investigated in the main report.		



Policy	Summary	Likely Significant Effects (LSE) and categorisation		Action following Appropriate Assessment	Final conclusion																																																							
		Birklands & Bilhaugh SAC	Sherwood ppSPA																																																									
				captured in the specific policy wording for site RT6b as well as in Policy SUE2.																																																								
Policy RT7 Retail and Leisure Commitments	<p>The following sites with extant planning permission, as shown on the Policies Map, shall be retained for retail and leisure use within the A1 and C1 Uses Classes in the proportions of original consents should the relevant permission lapse:</p> <p><b>Mansfield Urban Area</b></p> <table border="1"> <thead> <tr> <th>Ref</th> <th>Site Name</th> <th>Convenience (A1)</th> <th>Comparison (A2)</th> <th>Leisure (A3, A4, A5)</th> </tr> </thead> <tbody> <tr> <td>RT7a</td> <td>Former Peggs DIY Store, Leeming Lane South</td> <td>1003sqm</td> <td>251sqm</td> <td>-</td> </tr> <tr> <td>SUE3</td> <td>Berry Hill</td> <td>1, 000 sqm</td> <td>-</td> <td>-</td> </tr> <tr> <td>RT7b</td> <td>Belvedere Street, Stockwell Gate South</td> <td>-</td> <td>1,588sqm</td> <td>-</td> </tr> <tr> <td>RT7c</td> <td>Adj. Unit 3, St. Peters Retail Park</td> <td>-</td> <td>101sqm</td> <td>-</td> </tr> <tr> <td>RT7d</td> <td>Vape HQ, Woodhouse Road</td> <td>-</td> <td>182sqm</td> <td>-</td> </tr> <tr> <td>RT7e</td> <td>Old Town Hall</td> <td>-</td> <td>127 sqm</td> <td>-</td> </tr> <tr> <td>RT2f</td> <td>116 – 120 Chesterfield Road North</td> <td>160 sqm</td> <td>-</td> <td></td> </tr> <tr> <td>RT7g</td> <td>Former Kings Mill Garage, Sutton Road</td> <td>-</td> <td>-</td> <td>167 sqm</td> </tr> </tbody> </table> <p><b>Warsop Parish</b></p> <table border="1"> <thead> <tr> <th>Ref</th> <th>Site Name</th> <th>Convenience (A1)</th> <th>Comparison (A2)</th> <th>Leisure (A3, A4, A5)</th> </tr> </thead> <tbody> <tr> <td>RT7h</td> <td>Former Strand Cinema, Church Street</td> <td>715sqm</td> <td>80sqm</td> <td>-</td> </tr> </tbody> </table>	Ref	Site Name	Convenience (A1)	Comparison (A2)	Leisure (A3, A4, A5)	RT7a	Former Peggs DIY Store, Leeming Lane South	1003sqm	251sqm	-	SUE3	Berry Hill	1, 000 sqm	-	-	RT7b	Belvedere Street, Stockwell Gate South	-	1,588sqm	-	RT7c	Adj. Unit 3, St. Peters Retail Park	-	101sqm	-	RT7d	Vape HQ, Woodhouse Road	-	182sqm	-	RT7e	Old Town Hall	-	127 sqm	-	RT2f	116 – 120 Chesterfield Road North	160 sqm	-		RT7g	Former Kings Mill Garage, Sutton Road	-	-	167 sqm	Ref	Site Name	Convenience (A1)	Comparison (A2)	Leisure (A3, A4, A5)	RT7h	Former Strand Cinema, Church Street	715sqm	80sqm	-	A1  No LSE. All sites with planning permission will have already been subject to assessment and cannot be influenced by the Local Plan.	A1  As for the SAC.	None	No LSE on either the SAC or ppSPA.
Ref	Site Name	Convenience (A1)	Comparison (A2)	Leisure (A3, A4, A5)																																																								
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Policy RT8 District and Local Centres	<p>Development proposals within district and local centres, as shown on the Policies Map, which help to sustain and enhance the range of retail and community provision, will be supported where:</p> <p>a) retail (Use Class A1) remains the predominant use within the centre; and b) they contribute to the quality of the physical environment and vitality of the centres through one or more of the following measures:</p> <ol style="list-style-type: none"> <li>i. public realm improvements;</li> <li>ii. reinstatement and enhancement of historic architectural detail;</li> <li>iii. reuse of vacant units;</li> <li>iv. shop front refurbishments and appropriate signag;</li> <li>v. conversions that enable the use of upper floors of premise;</li> <li>vi. improving the pedestrian environment / reducing the impact of vehicular traffic;</li> <li>vii. creation of a key focal point;</li> <li>viii. reduction of visual clutter through the rationalisation of street furniture, lighting columns, traffic signage, road markings and pedestrian guard rail; and</li> <li>ix. improvements to car parking and cycle parking provision.</li> </ol>	A1  No LSE. There is no mechanism for these town centre improvements to affect European sites.	A1  As for the SAC.	None	No LSE on either the SAC or ppSPA.																																																							
Policy RT9 Neighbourhood Parades	Neighbourhood parades, as shown on the Policies Map, will be protected as areas of local convenience retailing with a presumption against their loss. Proposals will be supported for the change of use of units and suitable extensions if they enhance the vitality and viability of the parade.	A1  No LSE. It is considered that there is no mechanism	A1  As for the SAC.	None	No LSE on either the SAC or ppSPA.																																																							

Policy	Summary	Likely Significant Effects (LSE) and categorisation		Action following Appropriate Assessment	Final conclusion
		Birklands & Bilhaugh SAC	Sherwood ppSPA		
	The development of new neighbourhood parades of an appropriate design and type will be supported where they meet the immediate local needs of new residential development but do not undermine existing town centres.	whereby neighbourhood parades would influence effects on European sites.			
Policy RT10 Retail Parks	Development proposals will be supported for development of new floorspace within or on the edge of the retail parks (as shown on the Policies Map) without the need for a sequential or impact assessment provided that: <ul style="list-style-type: none"> <li>a) the total cumulative increase in floorspace at each park does not exceed 1,000 sqm (since adoption of the local plan);</li> <li>b) safe vehicular access and egress can be made and sufficient car parking is provided;</li> <li>c) the design and layout reflects the rest of the retail park and makes provision for pedestrians; and</li> <li>d) the floorspace is used for the sale of bulky goods only.</li> </ul>	A1  No LSE. There is no mechanism for this policy to affect European sites.	A1  As for the SAC.	None	No LSE on either the SAC or ppSPA.
Policy RT11 Hot Food Takeaways	Proposals for hot food takeaways (Use Class A5) will be supported provided that they are not: <ul style="list-style-type: none"> <li>a) within 400m of an access point to any secondary school or college,</li> <li>b) likely to cause significant harm to residential amenity in terms of: noise, vibration, odour, traffic disturbance, litter or hours of operation</li> </ul>	A1  No LSE. It is considered that there is no mechanism whereby hot food takeaways would influence effects on European sites.	A1  As for the SAC.	None	No LSE on either the SAC or ppSPA.
Policy RT12 Visitor Economy	Development proposals for visitor facilities*, accommodation and sporting attractions, including proposals for temporary permission in support of the promotion of events, will be supported provided that they: <ul style="list-style-type: none"> <li>a) benefit both local communities and visitors; and</li> <li>b) respect the natural and built environmental qualities of the area and are appropriate in scale and nature.</li> </ul> <p>Development should be located within existing Mansfield urban, Market Warsop urban Boundary or settlement boundaries, or as part of strategic sites unless it can be demonstrated that:</p> <ul style="list-style-type: none"> <li>a) such locations are unsuitable for the nature of the proposal, and</li> <li>b) there is an overriding benefit to the local economy and/or community and/or environment for locating away from the urban areas, and</li> <li>c) the criteria within Policy S5 can be met, or</li> <li>d) it relates to a suitably located existing visitor facility which is appropriate for redevelopment or expansion.</li> </ul> <p>Development of town centre uses shall also be in accordance with Policy RT2.</p>	A1  No LSE. There is no mechanism for this policy to affect European sites.	A1  As for the SAC.	None	No LSE on either the SAC or ppSPA.
Policy HE1 Historic Environment	(As part of ensuring the conservation and enhancement of Mansfield District's historic environment proposals for development, including those designed to improve the environmental performance of a heritage asset and saving buildings at risk must: <ul style="list-style-type: none"> <li>a) demonstrate a clear understanding of the significance of the heritage asset(s) and of the setting in which the heritage asset(s) is situated; and</li> <li>b) take opportunities to positively respond to local character and distinctiveness, built form and scale of heritage asset(s) through the use of appropriate design and layout, materials and workmanship.</li> </ul> <p>Development proposals affecting conservation areas will be permitted where they make a positive contribution to the character, distinctiveness and appearance of the conservation area and its setting and preserve or enhance its significance, including settlement pattern, important buildings, important spaces, landscapes, walls, trees and significant views within, into and out of the conservation area.</p>	A1  No LSE. There is no mechanism for this policy to affect European sites.	A1  As for the SAC.	None	No LSE on either the SAC or ppSPA.

Policy	Summary	Likely Significant Effects (LSE) and categorisation		Action following Appropriate Assessment	Final conclusion
		Birklands & Bilhaugh SAC	Sherwood ppSPA		
	<p>Development proposals affecting listed buildings, scheduled monuments or registered parks and gardens will be permitted where they conserve the heritage asset(s) and their settings.</p> <p>Development affecting non-designated heritage assets will be considered according to the significance of the asset; development involving loss will be resisted unless public benefits have been satisfactorily demonstrated that would outweigh the loss.</p> <p>Where development is likely to affect non-designated archaeological sites the developer should provide evidence of the potential development impacts. Appropriate measures should be undertaken to protect archaeological sites.</p>				
Policy HE2 Pleasley Vale Area Regeneration	<p>The council will support development proposals for the Pleasley Vale area which preserve and / or enhance the special appearance and character of the area, and provide a long term future for the existing buildings, preferably featuring employment, commercial, and tourism uses. Provided:</p> <ul style="list-style-type: none"> <li>a) access, highways and public transport improvements;</li> <li>b) the environmental impact of any proposals on the nature conservation site and the wider area in particular the Pleasley Vale Railway SSSI;</li> <li>c) listed Buildings, conservation area and archaeological issues; and</li> <li>d) flooding alongside the watercourse.</li> </ul>				
Policy IM1 Monitoring and review of the Local Plan	<p>The council will monitor the delivery and effectiveness of policies of this Local Plan against specific performance indicators and targets set out in the Local Plan monitoring framework.</p> <p>The Council will commence a review of the Local Plan no later than 5 years from the date of adoption. The Council will also consider a partial review of the Local Plan, or other actions considered necessary in the following circumstances:</p> <ul style="list-style-type: none"> <li>a) the number of homes built falls below 65% of the annual requirement on a three year rolling average;</li> <li>b) the supply of deliverable housing sites is below 3 years for 3 years in a row;</li> <li>c) significant new evidence becomes available; or</li> <li>d) significant implementation delays or issues are identified as part of the Authority Monitoring Report.</li> </ul>	<p>A1</p> <p>No LSE. There is no mechanism for this policy to affect European sites.</p>	<p>A1</p> <p>As for the SAC.</p>	<p>None</p>	<p>No LSE on either the SAC or ppSPA.</p>

## Appendix D: Issues of relevance for maintaining site integrity

The questions below are asked of the identified key issues

- What issues might affect site integrity? (explained in detail in Section 5)
- Which areas of the district does this relate to?
- What are the types of policies to consider?
- Might there be any in-combination considerations?

Implications for the Publication Draft Local Plan are addressed in Section 6

<b>Birklands and Bilhaugh SAC &amp; possible potential Sherwood SPA (ppSPA)</b>			
<b>Issues that could affect site integrity</b>	<b>Types of policies to consider</b>	<b>Relevant areas of the district to consider</b>	<b>Other plans, projects or documents to consider (in-combination)</b>
Air Quality (& Climate Change)	<p>Consider policies that may increase both nitrogen and acid deposition as critical loads in this area are already exceeded. For example:</p> <ul style="list-style-type: none"> <li>- Location and design of residential and urban extensions (considering mitigation of climate change - related policies).</li> <li>- Policies relating to the scale of new development.</li> <li>- Location and provision of new roads</li> <li>- Location and provision of heavy industry, waste or power facilities</li> <li>- Transport policies</li> <li>-Maintaining a Clean and Pleasant Environment (air/noise/light pollution) policy</li> </ul>	<p>Roads within 200m distance from the SAC and ppSPA (as associated use and nearby development).</p> <p>Industrial development within 10km of the SAC and ppSPA.</p> <p>Existing or planned incinerators, mineral extraction and waste facilities (e.g. Significant power stations, refineries, steelworks) within 15km of the SAC and ppSPA.</p> <p>All employment areas. To include the consideration of sustainable transport plans and sustainable location options.</p> <p>Urban extensions in relation to transport infrastructure</p>	<p>Nottinghamshire Air Quality Strategy</p> <p>Mansfield District Council Air Quality Action Plan</p> <p>Air Quality Updating and Screening Assessment for Mansfield District Council (2012)</p> <p>North Nottinghamshire Transport Plan</p> <p>Mansfield District Council Transport Study</p> <p>Mansfield District Council Infrastructure Study</p> <p>Nottinghamshire and Nottingham Minerals and Waste Development Framework (docs)</p>

<p>Pressures from Recreation</p>	<p>Policies relating to the location of new development including, for example: residential, settlement patterns, and urban extensions.</p> <p>Public openspace &amp; Green Infrastructure policies (impact and opportunities for mitigation)</p> <p>Policies relating to tourism or tourist provision e.g. hotels, caravan sites</p> <p>Development in the Countryside policy</p> <p>Policies relating to the scale and distribution of new residential development.</p>	<p>All locations for new residential development, including urban extensions.</p> <p>Look in combination with existing and planned areas of publicly accessible green space / green infrastructure.</p> <p>All residential development within 400m of informal SPA boundary.</p> <p>Recreational access networks</p> <p>Location of key tourist attractions and planned development areas (Mansfield and adjoining districts).</p>	<p>Mansfield District Council Green Infrastructure study</p> <p>Open space assessment</p> <p>Paper on Setting Long-term Housing Requirements (MDC and neighbouring authorities)</p> <p>Urban Extension studies</p> <p>Forestry Commission management plans</p>
<p><b>Issues that could affect site integrity</b></p>	<p><b>Types of policies to consider</b></p>	<p><b>Relevant areas of the district to consider</b></p>	<p><b>Other plans, projects or documents to consider</b></p>
<p>Habitat Fragmentation (including loss of foraging and nesting habitats)</p>	<p>Policies relating to the location of new development including, for example: residential, settlement patterns, and urban extensions.</p> <p>Green Infrastructure and Nature Conservation policies (impacts and opportunities for mitigation)</p>	<p>Development within 500m of ppSPA boundary.</p> <p>Consider location of development that may impact connectivity of nesting and foraging areas and opportunities for positive impacts.</p>	<p>Mansfield District Council Green Infrastructure study</p> <p>MDC habitat mapping</p> <p>LBAP Habitat Action Plans</p> <p>Forestry Commission management plans</p> <p>Natural England Study on Sherwood Landscape Character and impacts from Climate Change</p>
<p>Water Abstraction (&amp; Climate Change)</p>	<p>Policies relating to the location of new development including, for example:</p>	<p>Development located on the Sherwood Sandstone aquifer with specific attention to development</p>	<p>Mansfield District Council Infrastructure Study</p>

	<p>residential, settlement patterns, and urban extensions.</p> <p>Sustainable design policies including those referencing water conservation.</p> <p>Climate Change related policies.</p> <p>Policies relating to the scale and pace of development.</p>	<p>located within Ground Water Protection Zones 1 &amp; 2 and areas of low flow.</p> <p>Includes Mansfield urban area (excluding south western section).</p>	<p>Mansfield District Council Strategic Flood Risk Assessment (SFRA) 2008 &amp; Water Cycle Study (Scoping Report 2009) and SFRA Addendum document</p> <p>Severn Trent Water Resource Management Plan (2010)</p> <p>East Midlands Regional Drought Plan (Environment Agency 2009)</p>
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## Appendix E: Visitor Survey/Consultation Summary

Excerpts from the September 2010 Citizen's Panel Survey

Q14 How do you usually travel to the spaces that you use?

	P&R	Pitches	0-3	3+	Teenage	Golf	Small green	Open Country	Natural green	Country park	Allotment
<b>On Foot</b>	270	59	98	109	27	12	218	65	94	27	35
<b>Bicycle</b>	14	5	0	5	5	0	9	28	28	11	2
<b>Pub. Trans</b>	10	9	3	3	2	1	4	16	13	17	0
<b>Car</b>	129	72	43	61	13	86	36	318	279	378	21
<b>Mob Scoot</b>	2	2	5	4	6	5	5	1	2	4	15

The most interesting comparisons in the results to this question arise when looking at the number of users accessing spaces on foot and by car. Parks and recreation grounds, and children's play areas are fairly readily accessed on foot but, about half as many people choose for some reason to use a car.

Access to open country and Country parks is, as could be expected predominantly by car although 20% as many as access open country by car, are able to do so on foot but this drops to 7% for access to country parks on foot.

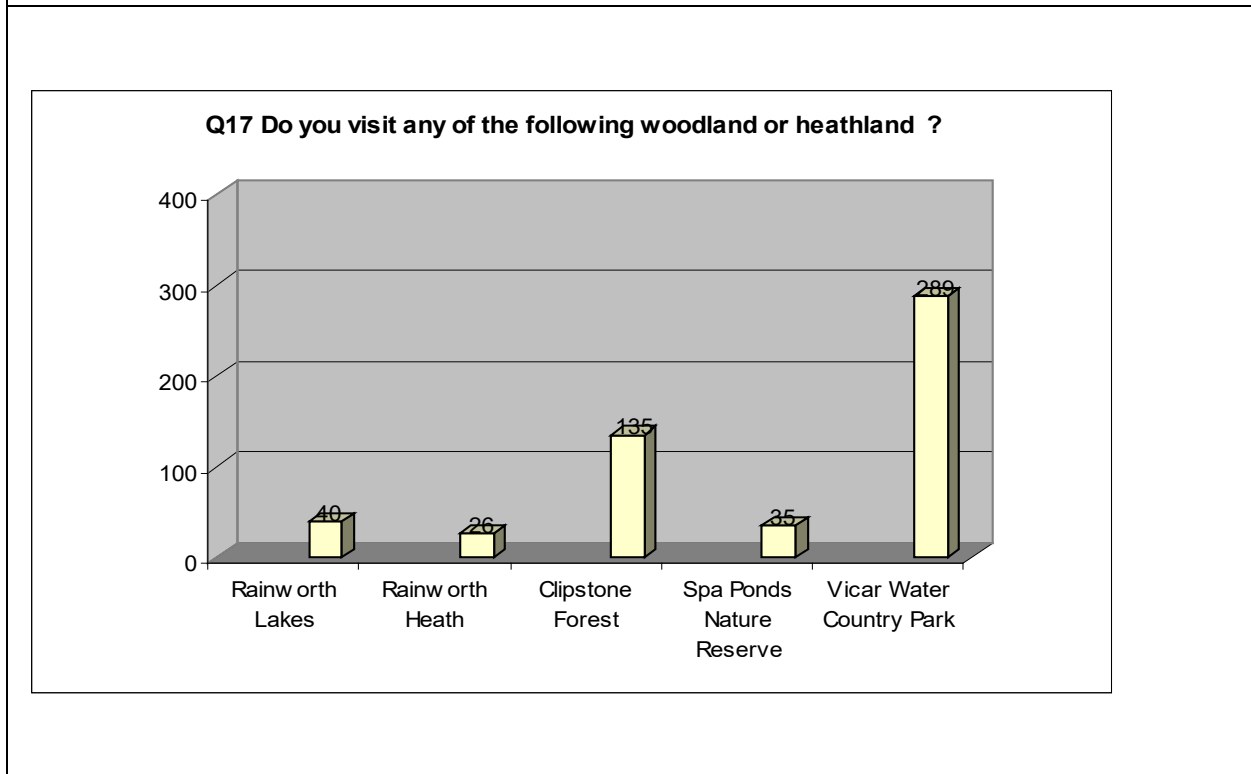
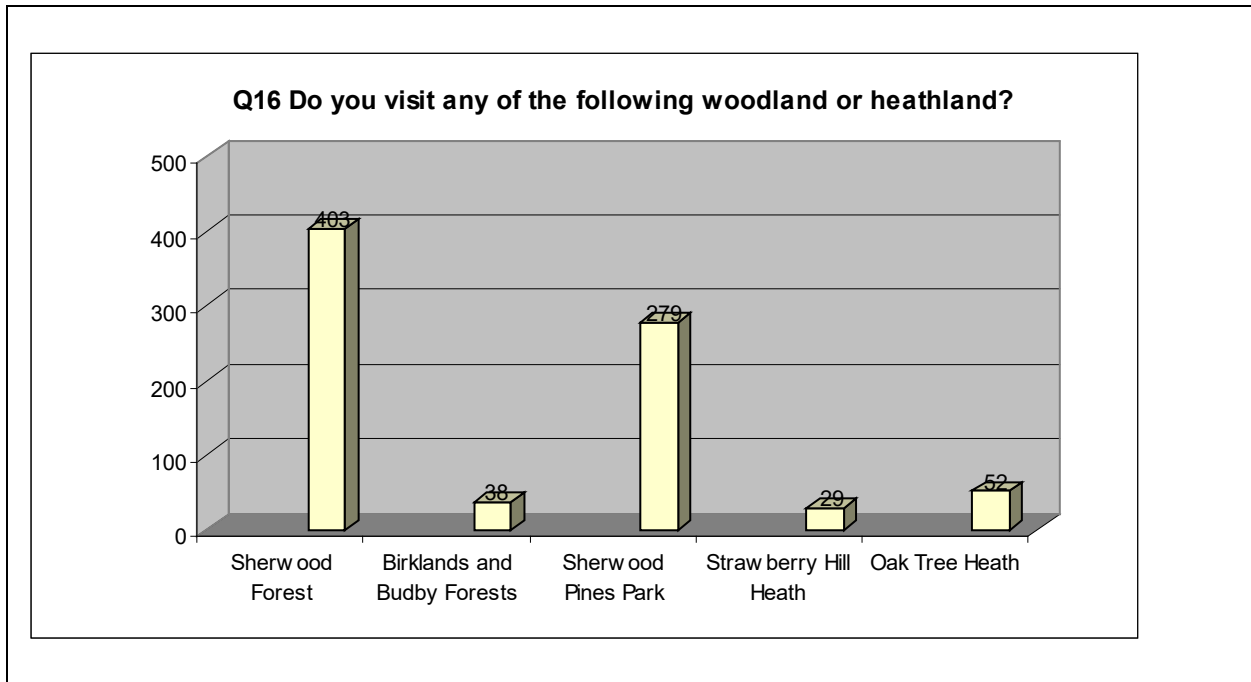
Less people access open spaces by bicycle than on foot. And public transport clearly does not serve country parks too well as only 3% of people say that they use it.

**Q15. Do you think that it is important for you and/or your family to have access to natural green space for outdoor activity?**

Clearly, following a healthy lifestyle ethos the vast majority of the Panel agreed that access to natural greenspace is important with a resounding vote of: **'Yes', 473 respondents and 'No', only 13 respondents.**

### Q16 &17

#### Do you visit any of the following woodlands or heathland?



From a list of ten local woodland and heathland areas, respondents were asked to mark all of those which they visited. The question implies that they would visit now, rather than



have visited at just any time in the past. Respondents recognise “Sherwood Forest” as a general area to visit and the majority (405) say that they do visit this.

Of the more specifically named areas Sherwood Pines and Vicar Water were the most popular. This may be because of the organised nature of these facilities, within the Sherwood Forest, offering parking, toilets and refreshments.

Other smaller spaces still attracted users but to a significantly lesser extent and it may be that these are just local places to members of the panel.

**Q18. If you do visit any of these woodlands or heathlands, do you also walk dogs at the same time?**

By a margin of approximately 3:1 the greater number of people do not walk dogs with **Yes 114** walking and **No, 333** not walking

Below is an assessment of how public open/green space is used and accessed by residents based on the 2010 Citizen Panel results.

## **Appendix F: References Used (but not cited in document text)**

- Planning for the Protection of European Sites: Appropriate Assessment – Draft Guidance For Regional Spatial Strategies and Local Development Documents (DCLG, August 2006);
- European Union “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 (November 2001);
- Habitats Regulations Assessment of the East Midlands Regional Plan (RSS) (March 2009)
- East Midlands Regional Plan Partial Review: Habitats Regulations Assessment Screening Report of Options Consultation Paper (June 2009).
- Unpublished (revised draft guidance) from Natural England: The Habitats Regulations Assessment of Local Development Documents produced for Natural England by David Tyldesley and Associates (January 2009).
- The Appropriate Assessment of Spatial Plans in England: a guide to why. When and how to do it (RSPB 2007).