



Nottinghamshire Wildlife Trust (NWT) April 2019 Hearing Statement for the Mansfield Local Plan Examination to supplement NWT's original representations (Representor ID 451585).

Main Matter 3 – Whether or not the plan will secure high quality sustainable design and safeguard and enhance the District's landscape character, natural and historic environment.

MM3 Q10 – How would any net gain in biodiversity sought through Policy NE2 be secured, measured and monitored?

1. NWT are concerned that Policy NE2 is not worded appropriately to protect and enhance biodiversity and designated sites.
2. Section 8 (a) – We are of the opinion that the wording in this section should be consistent with that in Section (6). That is, planning permission should be refused for development resulting in the loss, deterioration and/or fragmentation of priority habitats and species included under Section 41 of the NERC Act, unless the need for, and benefits of, the development clearly outweigh the loss or harm.
3. NE2 Section 8 (b) we are of the opinion that the wording of this section should be amended to *read “that appropriate avoidance, mitigation, enhancement and management measures can be satisfactorily secured, measured and monitored”*
4. We are of the opinion that monitoring is crucial, not just helpful, to achieve the stated aims of Policy NE2. Policy NE2 is in the local plan to ensure the protection of existing habitats and species and to ensure that biodiversity gains are achieved during the life of the plan in line with NPPF. The Sustainability Appraisal states: *‘Minor negative effects are identified, but it is possible that the effects on biodiversity could be significant if mitigation and enhancement is not appropriate. It will therefore be important to monitor the effects of development on biodiversity, including the ppSPA and the SSSI in particular. Biodiversity enhancement measures are predicted to have broadly positive effects in the long term. It may be possible for significant effects to be generated, but this depends upon implementation (and the extent to which these offset negative impacts). Monitoring is therefore helpful to ascertain whether the minor effects predicted are bettered.’* Potential monitoring measures are included in the Sustainability Appraisal (Table 8.1 Summary of Significant Effects and Potential Monitoring Measures). These have been replicated below:



'Net change in ha of LWS, LGS and LNR; details of habitat areas created by new development; % of major applications with management plans (where relevant) for habitats; species and designated sites; condition and trends for affected SSSIs and new connections created between habitats'

Our concern is that these are 'potential' mechanisms for measuring and monitoring progress towards achieving the aims of Policy NE2. We are unable to see where there is a firm commitment by MDC to measure and monitor outcomes of the implementation of Policy NE2.

MM3 Q11 – Should Policy NE2 paragraph 2 include reference to the Sherwood Forest potential Special Protection Area? Does Policy NE2 afford sufficient protection for 'irreplaceable habitats'?

1. We fully support the inclusion of reference to Sherwood Forest ppSPA in Policy NE2. 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.

*APPLICATION BY VEOLIA ES NOTTINGHAMSHIRE LIMITED LAND AT FORMER RUFFORD COLLIERY, RAINWORTH, NOTTINGHAMSHIRE NG21 0ET. APPLICATION REF: 3/07/01793/CMW

2. NWT consider that further clarity is required on NE2 6) , both to define irreplaceable habitats and also to provide criteria by which the benefits of any development can be rigorously quantified, so as to show whether they outweigh any loss or harm. As the policy is currently written, it could be open to misinterpretation.