



www.landuse.co.uk

Bassetlaw Local Plan

Habitats Regulations Assessment

Screening Report
Prepared by LUC
January 2019

Project Title: Bassetlaw Local Plan Habitats Regulations Assessment

Client: Bassetlaw District Council

Version	Date	Version Details	Prepared by	Checked by	Approved by
1.0	14/12/2018	First Draft Issue	Sarah Temple David Green Amy Coleman	David Green	Taran Livingston
2.0	10/01/2019	Final for consultation	Sarah Smith Amy Coleman	David Green	Taran Livingston



www.landuse.co.uk

Bassetlaw Local Plan

Habitats Regulations Assessment

Screening Report
Prepared by LUC
January 2019

Planning & EIA
Design
Landscape Planning
Landscape Management
Ecology
GIS & Visualisation

LUC LONDON
43 Chalton Street
London
NW1 1JD
T +44 (0)20 7383 5784
london@landuse.co.uk

Offices also in:
Bristol
Edinburgh
Glasgow
Lancaster
Manchester



Land Use Consultants Ltd
Registered in England
Registered number: 2549296
Registered Office:
43 Chalton Street
London NW1 1JD
LUC uses 100% recycled paper

Contents

1	Introduction	1
	Stages of Habitats Regulations Assessment	2
	Recent Case Law Changes	3
	Structure of the HRA report	4
2	Bassetlaw Local Plan	5
	Local Plan	5
	Potential impacts of the Local Plan on European sites	5
3	HRA Screening Methodology	7
	Identification of European sites which may be affected by the Local Plan	7
	Mitigation at the screening stage	11
4	HRA Screening Assessment	12
	Screening Conclusion	17
5	Conclusions	18
	Next Steps	19
Appendix 1		20
	European sites within 15km of Bassetlaw District	20
Appendix 2		27
	Screening matrix	27
Appendix 3		36
	Plans with the Potential for In-Combination Effects with Bassetlaw District	36

Tables

Table 1.1: Stages in HRA	2
Table 2.1: Potential impacts and activities arising from implementation of the Local Plan that could adversely affect European sites	5
Table 4.1: Summary of screening outcomes for the Bassetlaw Local Plan	17

1 Introduction

- 1.1 LUC was commissioned by Bassetlaw District Council to carry out a Habitats Regulations Assessment (HRA) of its Local Plan. This report presents the methodology and findings of the HRA screening for Part 1 of the Draft Bassetlaw Plan (Local Plan). Note that the draft Plan consultation document includes only the strategic elements of the emerging Local Plan. Consultation on the more detailed elements, including site allocations, is expected to take place later in 2019. Once these more detailed elements are available, this HRA will be updated to consider the emerging plan as a whole.

Background

- 1.2 Bassetlaw District Council began work on its new Local Plan in 2015. The new Local Plan will provide the long term approach to development in the District up to the year 2034 and once adopted will replace the Core Strategy and Development Management Policies Development Plan Document (DPD) which was adopted in December 2011.
- 1.3 The Initial Draft Bassetlaw Plan was published for consultation in October 2016 and set out a Vision and 11 Strategic Objectives for the Local Plan as well as six Strategic Proposals which detailed the spatial hierarchy for the District and a proposed planning approach and development principles for each tier of the hierarchy. The Initial Draft Bassetlaw Plan also set out proposed thematic policy approaches relating to housing growth; economic development; town and service centres; the historic environment; the natural environment; design; affordable and specialist housing; rural buildings and residential development in wider rural Bassetlaw; responding to a changing climate; infrastructure delivery and planning obligations; and Gypsies, Travellers and Travelling Showpeople. These proposed policy approaches were high level indications of the likely direction of the Local Plan policy and did not comprise detailed draft policy wording.
- 1.4 Bassetlaw District Council has now prepared the next iteration of the Local Plan, the Draft Plan Consultation Part 1: Strategic Plan. The Part 2 Draft Plan Consultation will take place in summer 2019 and will include site allocations and more detailed policies.
- 1.5 The HRA of the Bassetlaw Plan considers whether the plan could have a significant effect on the integrity of internationally important wildlife sites, either alone or in combination with other plans.

The requirements to undertake HRA of development plans

- 1.6 The requirement to undertake HRA of development plans was confirmed by the amendments to the Habitats Regulations published for England and Wales in July 2007 and updated in 2010 and again in 2012. These updates were consolidated into the Conservation of Habitats and Species Regulations 2017¹.
- 1.7 The HRA refers to the assessment of the potential effects of a development plan on one or more European Sites, including Special Protection Areas (SPAs) and Special Areas of Conservation (SACs):
- SPAs are classified under the European Council Directive “on the conservation of wild birds” (79/409/EEC; ‘Birds Directive’) for the protection of wild birds and their habitats (including particularly rare and vulnerable species listed in Annex 1 of the Birds Directive, and migratory species);

¹ The Conservation of Habitats and Species Regulations 2017 (Statutory Instrument 2017 No. 1012) consolidate the Conservation of Habitats and Species Regulations 2010 with subsequent amendments.

- SACs are designated under the Habitats Directive and target particular habitats (Annex 1) and/or species (Annex II) identified as being of European importance.
- 1.8 Currently, the Government also expects potential SPAs (pSPAs), possible SACs (pSACs) and Ramsar sites to be included within the assessment².
- Ramsar sites support internationally important wetland habitats and are listed under the Convention on Wetlands of International Importance especially as Waterfowl Habitat (Ramsar Convention, 1971).
- 1.9 Candidate SACs (cSACs) and Sites of Community Importance (SCIs), which are sites that have been adopted by the European Commission but not yet formally designated by the government, must also be considered.
- 1.10 For ease of reference during HRA, these designations are collectively referred to as European sites, despite Ramsar designations being at the wider international level.
- 1.11 The overall purpose of the HRA is to conclude whether or not a proposal or policy, or whole development plan would adversely affect the integrity of the site in question. This is judged in terms of the implications of the plan for a site's 'qualifying features' (i.e. those Annex I habitats, Annex II species, and Annex I bird populations for which it has been designated). Significantly, HRA is based on the precautionary principle. Where uncertainty or doubt remains, an adverse effect should be assumed.

Stages of Habitats Regulations Assessment

- 1.12 **Table 1.1** below summarises the stages involved in carrying out a full HRA, based on various guidance documents^{3,4}. This HRA presents the methodology and findings of Stage 1: Screening.

Table 1.1: Stages in HRA

Stage	Task	Outcome
Stage 1: Screening (the 'Significance Test')	Description of the plan. Identification of potential effects on European Sites. Assessing the effects on European Sites.	Where effects are unlikely, prepare a 'finding of no significant effect report'. Where effects judged likely, or lack of information to prove otherwise, proceed to Stage 2.
Stage 2: Appropriate Assessment (the 'Integrity Test')	Gather information (plan and European Sites). Impact prediction. Evaluation of impacts in view of conservation objectives. Where impacts considered to affect qualifying features, identify alternative options. Assess alternative options. If no alternatives exist, define and evaluate mitigation measures where necessary.	Appropriate Assessment report describing the plan, European site baseline conditions, the adverse effects of the plan on the European site, how these effects will be avoided through, firstly, avoidance, and secondly, mitigation including the mechanisms and timescale for these mitigation measures. If effects remain after all alternatives and mitigation measures have been considered proceed to Stage 3.
Stage 3: Assessment where no alternatives exist and adverse impacts remain taking into account mitigation	Identify and demonstrate 'imperative reasons of overriding public interest' (IROPI). Demonstrate no alternatives exist. Identify potential compensatory measures.	This stage should be avoided if at all possible. The test of IROPI and the requirements for compensation are extremely onerous.

² Department of Communities and Local Government (July 2018) National Planning Policy Framework (para 176).

³ *Planning for the Protection of European Sites. Guidance for Regional Spatial Strategies and Local Development Documents.* Department for Communities and Local Government (DCLG), August 2006.

⁴ *The HRA Handbook.* David Tyldesley & Associates, a subscription based online guidance document: <https://www.dtapublications.co.uk/handbook/>

- 1.13 In assessing the effects of the Local Plan in accordance with Regulation 105 of the Conservation of Habitats and Species Regulations 2017⁵, there are potentially two tests to be applied by the competent authority: a 'Significance Test', followed if necessary by an Appropriate Assessment which will inform the 'Integrity Test'. The relevant sequence of questions is as follows:
- Step 1: Under Reg. 105(1)(b), consider whether the plan is directly connected with or necessary to the management of the sites. If not –
 - Step 2: Under Reg. 105(1)(a) consider whether the plan is likely to have a significant effect on the site, either alone or in combination with other plans or projects (the 'Significance Test'). [These two steps are undertaken as part of Stage 1: Screening shown in Table 1.1 above.] If Yes –
 - Step 3: Under Reg. 105(1), make an Appropriate Assessment of the implications for the site in view of its current conservation objectives (the 'Integrity Test'). In so doing, it is mandatory under Reg. 105(2) to consult Natural England, and optional under Reg. 105(3) to take the opinion of the general public. [This step is undertaken during Stage 2: Appropriate Assessment shown in **Table 1.1** above.]
 - Step 4: In accordance with Reg.105(4), but subject to Reg.107, give effect to the land use plan only after having ascertained that the plan will not adversely affect the integrity of the European site.
- 1.14 It is normally anticipated that an emphasis on Stages 1 and 2 of this process will, through a series of iterations, help ensure that potential adverse effects are identified and eliminated through the avoidance of likely significant effects (LSEs) at Stage 1, and through Appropriate Assessment at Stage 2 by the inclusion of mitigation measures designed to avoid, reduce or abate effects. The need to consider alternatives could imply more onerous changes to a plan document. It is generally understood that so called 'imperative reasons of overriding public interest' (IROPI) are likely to be justified only very occasionally and would involve engagement with both the Government and European Commission.
- 1.15 The HRA should be undertaken by the 'competent authority' - in this case Bassetlaw District Council (BDC) and LUC has been commissioned to do this on its behalf. The HRA also requires close working with Natural England as the statutory nature conservation body⁶ in order to obtain the necessary information and agree the process, outcomes and any mitigation proposals. The Environment Agency, while not a statutory consultee for the HRA, is also in a strong position to provide advice and information throughout the process.

Recent Case Law Changes

- 1.16 This HRA has been prepared in accordance with recent case law findings, including most notably the recent 'People over Wind' and 'Holohan' rulings from the Court of Justice for the European Union (CJEU).
- 1.17 The recent 'People over Wind, Peter Sweetman v Coillte Teoranta' judgement ruled that Article 6(3) of the Habitats Directive should be interpreted as meaning that mitigation measures should be assessed as part of an Appropriate Assessment, and should not be taken into account at the screening stage. The precise wording of the ruling is as follows:
- "Article 6(3)must be interpreted as meaning that, in order to determine whether it is necessary to carry out, subsequently, an appropriate assessment of the implications, for a site concerned, of a plan or project, it is not appropriate, at the screening stage, to take account of measures intended to avoid or reduce the harmful effects of the plan or project on that site."*
- 1.18 In light of the above, the HRA screening stage has not relied upon avoidance or mitigation measures to draw conclusions as to whether the Local Plan would result in likely significant effects

⁵ SI No. 2017/2012

⁶ Regulation 5 of *The Conservation of Habitats and Species Regulations 2017* (Statutory Instrument 2017 No. 1012).

on European sites, with any such measures requiring consideration at the Appropriate Assessment stage as appropriate.

- 1.19 This HRA also fully considers the recent *Holohan v An Bord Pleanála* (9 Nov 2018) CJEU judgement which stated that:

Article 6(3) of Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora must be interpreted as meaning that an 'appropriate assessment' must, on the one hand, catalogue the entirety of habitat types and species for which a site is protected, and, on the other, identify and examine both the implications of the proposed project for the species present on that site, and for which that site has not been listed, and the implications for habitat types and species to be found outside the boundaries of that site, provided that those implications are liable to affect the conservation objectives of the site.

Article 6(3) of Directive 92/43 must be interpreted as meaning that the competent authority is permitted to grant to a plan or project consent which leaves the developer free to determine subsequently certain parameters relating to the construction phase, such as the location of the construction compound and haul routes, only if that authority is certain that the development consent granted establishes conditions that are strict enough to guarantee that those parameters will not adversely affect the integrity of the site.

Article 6(3) of Directive 92/43 must be interpreted as meaning that, where the competent authority rejects the findings in a scientific expert opinion recommending that additional information be obtained, the 'appropriate assessment' must include an explicit and detailed statement of reasons capable of dispelling all reasonable scientific doubt concerning the effects of the work envisaged on the site concerned.

- 1.20 In undertaking this HRA, LUC has fully considered the potential for effects on species and habitats, including those not listed as qualifying features, to result in secondary effects upon the qualifying features of European sites, including the potential for complex interactions and dependencies. In addition, the potential for off-site impacts, such as through impacts to functionally linked land, and or species and habitats located beyond the boundaries of European site, but which may be important in supporting the ecological processes of the qualifying features, has also been fully considered in this assessment.

Structure of the HRA report

- 1.21 This chapter (**Chapter 1**) has introduced the requirement to undertake HRA of the Local Plan. The remainder of the report is structured as follows:

- **Chapter 2: The Local Plan** summarises the content of the Local Plan, which is the subject of this report.
- **Chapter 3: HRA Screening Methodology** sets out the approach used and the specific tasks undertaken during the screening stage of the HRA.
- **Chapter 4: HRA Screening Assessment** describes the findings of the screening stage of the HRA.
- **Chapter 5: Conclusions** summarises the HRA screening conclusions and describes the next steps to be undertaken.

2 Bassetlaw Local Plan

Local Plan

- 2.1 This document relates to part 1 of the Draft Bassetlaw Plan (Local Plan). It sets out proposed strategic policies (including a policy to allocate new garden villages) and thematic policies, which are focused on various topics for development management purposes. These policies set out the requirements that development within the District should meet.

Potential impacts of the Local Plan on European sites

- 2.2 **Table 2.1** below sets out the range of potential impacts that development in general and related activities may have on European sites. This table has been prepared by LUC for use in informing HRA judgements, drawing on our experience of HRA and comments previously provided by Natural England relating to the potential impacts and activities that could affect European sites.

Table 2.1: Potential impacts and activities arising from implementation of the Local Plan that could adversely affect European sites

Broad categories and examples of potential impacts on Natura 2000 sites	Examples of activities responsible for impacts
Physical loss Removal (including off-site effects, e.g. foraging habitat) Mine collapse Smothering Habitat degradation	Development (e.g. housing, employment, infrastructure, tourism) Infilling (e.g. of mines, water bodies) Alterations or works to disused quarries Structural alterations to buildings (bat roosts) Afforestation Tipping Cessation of or inappropriate management for nature conservation
Physical damage Sedimentation / silting Prevention of natural processes Habitat degradation Erosion Trampling Fragmentation Severance / barrier effect Edge effects Fire	Flood defences Dredging Mineral extraction Recreation (e.g. motor cycling, cycling, walking, horse riding, water sports, caving) Development (e.g. infrastructure, tourism, adjacent housing etc.) Vandalism Arson Cessation of or inappropriate management for nature conservation

Broad categories and examples of potential impacts on Natura 2000 sites	Examples of activities responsible for impacts
Non-physical disturbance Noise Vibration Visual presence Human presence Light pollution	Development (e.g. housing, industrial) Recreation (e.g. dog walking, water sports) Industrial activity Mineral extraction Navigation Vehicular traffic Artificial lighting (e.g. street lighting)
Water table/availability Drying Flooding / stormwater Water level and stability Water flow (e.g. reduction in velocity of surface water) Barrier effect (on migratory species)	Water abstraction Drainage interception (e.g. reservoir, dam, infrastructure and other development) Increased discharge (e.g. drainage, runoff)
Toxic contamination Water pollution Soil contamination Air pollution	Agrochemical application and runoff Navigation Oil / chemical spills Tipping Landfill Vehicular traffic Industrial waste / emissions
Non-toxic contamination Nutrient enrichment (e.g. of soils and water) Algal blooms Changes in salinity Changes in thermal regime Changes in turbidity Air pollution (dust)	Agricultural runoff Sewage discharge Water abstraction Industrial activity Flood defences Navigation Construction
Biological disturbance Direct mortality Out-competition by non-native species Selective extraction of species Introduction of disease Rapid population fluctuations Natural succession	Development (e.g. housing areas with domestic and public gardens) Predation by domestic pets Introduction of non-native species (e.g. from gardens) Fishing Hunting Agriculture Changes in management practices (e.g. grazing regimes, access controls, cutting/clearing)

3 HRA Screening Methodology

- 3.1 HRA screening of part 1 of the Draft Bassetlaw Plan (Local Plan) has been undertaken in line with current available guidance and seeks to meet the requirements of the Habitats Regulations, and takes into account the recent 'People over Wind' judgment and Holohan CJEU rulings. The tasks that have been undertaken during the screening stage of the HRA are described in detail below.

Identification of European sites which may be affected by the Local Plan

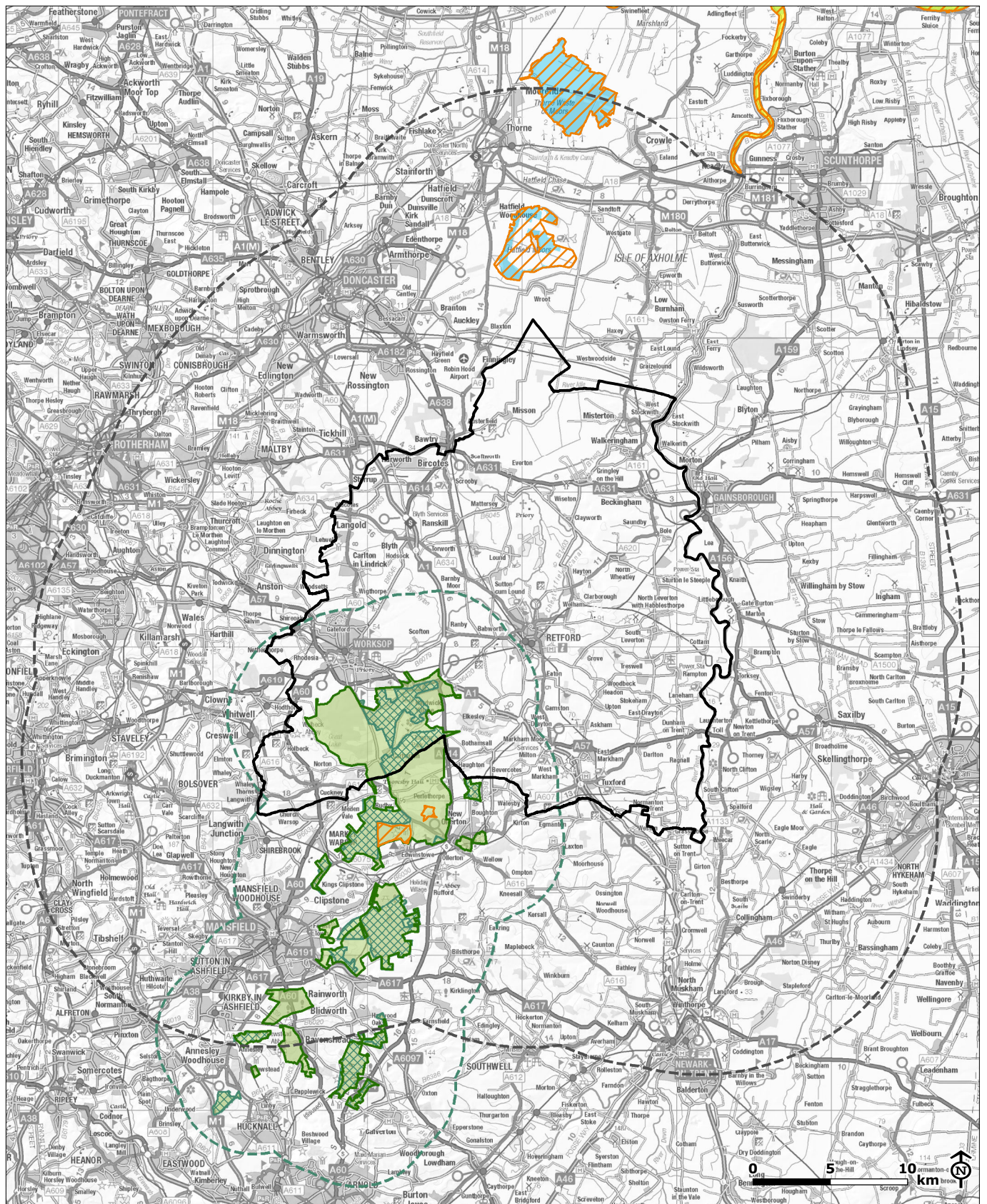
- 3.2 In order to initiate the search of European sites that could potentially be affected by a Local Plan, it is established practice in HRAs to consider European sites within the local planning authority area covered by the Local Plan, and other sites that may be affected beyond this area.
- 3.3 The neighbouring Borough of Doncaster Metropolitan Council was appointed to prepare a methodology that future development plans and documents can use to undertake the HRA process. This methodology⁷ used a 15km area of search to identify European sites that may be affected by plans and projects within Bassetlaw, therefore this distance has been applied in this HRA.
- 3.4 Although there are no European Sites within Bassetlaw District, four sites have been identified that lie within 15km of the boundary:
- Birklands and Bilhaugh SAC.
 - Hatfield Moor SAC.
 - Thorne Moor SAC.
 - Thorne and Hatfield Moors SPA.
- 3.5 The methodology also recognises that European sites outside this 15km zone may need to be considered in exceptional circumstances and therefore each plan subject to HRA should consider whether there are any pathways by which effects could occur on more distant European sites. The Humber Estuary SAC, SPA and Ramsar lies north of Bassetlaw District and has hydrological connectivity via the River Trent which forms the eastern boundary of the District. However, the SAC and Ramsar are over the 15km buffer in which effects are considered likely, and the SPA is over 25km north. In addition, the River Trent is a main river with several large settlements along it. Therefore it is not considered the Local Plan could result in likely significant effects upon these European sites and they have not been considered further in this HRA.
- 3.6 As mentioned in the previous chapter, it is necessary for potential SPAs (pSPAs) to be included in the HRA. Although not formally a pSPA, Natural England has advised that there is a possibility of a Sherwood Forest pSPA being designated in the future on account of supporting populations of breeding nightjar and woodlark. In a note to Local Planning Authorities dated March 2014⁸, Natural England advocates a precautionary approach to any plans or projects which could affect such a site, and identifies Core Breeding Areas and Important Bird Areas (IBAs), which together would be likely to constitute component sites of any Sherwood Forest ppSPA. Natural England has clarified that, while the most up to date Sherwood Forest IBA boundaries differ from those in the 2014 advice note, the older boundaries, as shown in the advice note, should be used when considering the potential extent of the ppSPA⁹.

⁷ <http://www.bassetlaw.gov.uk/everything-else/planning-building/planning-policy/core-strategy-development-management-policies/background-studies/habitat-regulations-assessment.aspx>

⁸ <http://www.mansfield.gov.uk/CHttpHandler.ashx?id=7529&p=0>

⁹ Personal communication between LUC and Natural England (December 2018)

- 3.7 Natural England advises Local Planning Authorities in the vicinity of affected by parts of Sherwood Forest, 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. This note indicates that, with regards to planning, a risk-based approach should be taken by considering Sherwood Forest in the HRA process as a prospective potential SPA (ppSPA).
- 3.8 While no conclusion has been reached, or progress published about the possible future classification of a Sherwood Forest pSPA, Natural England recommend that the ppSPA be considered as part of any relevant HRA, in line with the precautionary principle and to ensure that any planning proposals are adequately future proofed. The site has therefore been treated as a pSPA in this assessment but is referred to as the Sherwood Forest ppSPA.
- 3.9 Detailed information about the location, qualifying features and vulnerabilities of the European sites included in the assessment is presented in **Appendix 1**. The locations of the European sites are mapped in **Figure 3.1**. As the status of Sherwood Forest is still uncertain, there are no boundaries for the ppSPA, a possible boundary for the purposes of this assessment has been based upon the information provided within the Natural England advice note, as described above. This indicative area is provided in **Figure 3.1**.



- Bassetlaw District Council
- 15km from Council boundary
- Special Area of Conservation
- Ramsar
- Special Protection Area
- Sherwood Forest Important Bird Area*
- Indicative core area of breeding of Nightjar and Woodlark

Indicative prospective potential Special Protection Area (ppSPA)

Sherwood Forest Important Bird Area 5km buffer

Source: Natural England, NWT
 * IBA boundary from 2010 is shown. IBAs outside of Sherwood Forest are not shown on this map as they have not been considered in the Habitats Regulation Assessment (HRA) Screening

Map Scale @ A4: 1:350,000

BASSETLAW Habitats Regulation Assessment Screening

Figure 3.1: European Sites within 15km of Bassetlaw District



BASSETLAW
DISTRICT COUNCIL

Ecological attributes of the European sites

- 3.10 The attributes that contribute to and define the integrity of the European sites considered in this HRA have been described in **Appendix 1**. Such attributes were identified using the Conservation Objectives for each site, Standard Data Forms for SACs and SPAs¹⁰ and Information Sheets for Ramsar Wetlands¹¹, as well as Natural England's Site Improvement Plans¹² (SIPs). This analysis enabled European site interest features to be identified, along with the features of each site that determine site integrity and the specific sensitivities and threats facing the site. This information was then used to inform an assessment of how the potential impacts of the Local Plan may affect the integrity of each site.
- 3.11 As the Sherwood Forest ppSPA is not currently designated as a European site, there is no Standard Data form or SIP for it. However, other comparable SPAs within the UK, such as the Thames Basin Heaths SPA which is designated for nesting nightjar and woodlark (and Dartford Warbler), have been used to understand likely pressures and threats, and factors contributing to the coherence and function of the sites qualifying features.

Assessment of 'likely significant effects' on the Local Plan

- 3.12 As required under Regulation 105 of the Conservation of Habitats and Species Regulations 2017¹³ (the 'Habitats Regulations'), an assessment has been undertaken of the 'likely significant effects' of the Local Plan. A risk-based approach involving the application of the precautionary principle has been adopted in the assessment, such that a conclusion of 'no significant effect' has only been reached where it is considered very unlikely, based on current knowledge and the information available, that a proposal in the Local Plan would have a significant effect on the integrity of a European site.
- 3.13 A screening matrix has been prepared (**Appendix 2**), which considers the potential for likely significant effects resulting from each policy in the Draft Bassetlaw Plan. A 'traffic light' approach has been used in the screening matrix to record the likely effects of the policies and site allocations on European sites and their qualifying habitats and species, using the colour categories shown below.

Red	There are likely to be significant effects (Appropriate Assessment required).
Amber	There may be significant effects, but this is currently uncertain (Appropriate Assessment required).
Green	There are unlikely to be significant effects (Appropriate Assessment not required).

Interpretation of 'likely significant effect'

- 3.14 Relevant case law helps to interpret when effects should be considered as a likely significant effect, when carrying out HRA of a land use plan.
- 3.15 In the Waddenzee case¹⁴, the European Court of Justice ruled on the interpretation of Article 6(3) of the Habitats Directive (translated into Reg. 105 in the Habitats Regulations), including that:

¹⁰ These were obtained from the Joint Nature Conservation Committee and Natural England websites (www.jncc.gov.uk and www.naturalengland.org.uk)

¹¹ These were obtained from the Joint Nature Conservation Committee website (www.jncc.defra.gov.uk)

¹² Natural England is in the process of compiling Site Improvement Plans for all Natura 2000 sites in England as part of the Improvement Programme for England's Natura 2000 sites (IPENS).

¹³ SI No. 2017/2012

¹⁴ ECJ Case C-127/02 "Waddenzee" Jan 2004.

- An effect should be considered 'likely', "*if it cannot be excluded, on the basis of objective information, that it will have a significant effect on the site*" (para 44);
- An effect should be considered 'significant', "*if it undermines the conservation objectives*" (para 48); and
- Where a plan or project has an effect on a site "*but is not likely to undermine its conservation objectives, it cannot be considered likely to have a significant effect on the site concerned*" (para 47).

3.16 A relevant opinion delivered to the Court of Justice of the European Union¹⁵ commented that:

"The requirement that an effect in question be 'significant' exists in order to lay down a de minimis threshold. Plans or projects that have no appreciable effect on the site are thereby excluded. If all plans or projects capable of having any effect whatsoever on the site were to be caught by Article 6(3), activities on or near the site would risk being impossible by reason of legislative overkill."

3.17 This opinion (the 'Sweetman' case) therefore allows for the authorisation of plans and projects whose possible effects, alone or in combination, can be considered 'trivial' or *de minimis*; referring to such cases as those "*that have no appreciable effect on the site*". In practice such effects could be screened out as having no likely significant effect; they would be 'insignificant'.

Mitigation at the screening stage

3.18 A recent judgment from the Court of Justice of the European Union 'People over Wind, Peter Sweetman v Coillte Teoranta' ruled that Article 6(3) of the Habitats Directive should be interpreted as meaning that mitigation measures should be assessed as part of an Appropriate Assessment, and should not be taken into account at the screening stage. The precise wording of the ruling is as follows:

"Article 6(3)must be interpreted as meaning that, in order to determine whether it is necessary to carry out, subsequently, an appropriate assessment of the implications, for a site concerned, of a plan or project, it is not appropriate, at the screening stage, to take account of measures intended to avoid or reduce the harmful effects of the plan or project on that site."

3.19 Potential effects identified could be mitigated through the implementation of policies within the Local Plan itself. These may include policies such as those relating to the provision of improved sustainable transport links which could help to mitigate potential increases in air pollution associated with increased vehicle traffic, and the provision of green infrastructure within new developments which may help to relieve increases in visitor pressure at European sites.

3.20 Potential avoidance and mitigation included in the plan itself has not therefore been considered at the screening stage, but would, if required, be considered at the Appropriate Assessment, thereby ensuring full compliance with the 'People over Wind' judgment. Nevertheless, in order to inform the preparation of the plan any recommended mitigation and avoidance measures would, where feasible, be identified at the screening stage.

¹⁵ Advocate General's Opinion to CJEU in Case C-258/11 Sweetman and others v An Bord Pleanála 22nd Nov 2012.

4 HRA Screening Assessment

- 4.1 For some types of impacts, screening for likely significant effects has been determined on a proximity basis, using GIS data to determine the proximity of potential development locations to the European sites that are the subject of the assessment. Where an impact pathway from the Local Plan to a European site cannot be identified, such impacts can be screened out of further assessment. The detailed Screening matrix is presented in **Appendix 2**, and the findings are described below in relation to each type of potential impact that the Local Plan could give rise to.

Physical damage/loss of habitat

- 4.2 Any development resulting from the Local Plan will be located within Bassetlaw District. Therefore loss of habitat from within the boundaries of a European site can be ruled out in relation to those sites that lie entirely outside of Bassetlaw. With the exception of Sherwood Forest ppSPA, all European sites lie outside of the district boundary. None of the policies result in development within the likely Sherwood Forest ppSPA itself, therefore impacts from physical damage or loss of onsite habitat can be screened out.
- 4.3 Loss of habitat from outside the boundaries of a European site could still result in likely significant effects if that habitat supports qualifying species from within the European sites, for example habitat that is used for foraging by birds.
- 4.4 All European sites lying entirely beyond the boundary of Bassetlaw have no notable ecological connectivity to the District and are of a distance that loss or damage to habitat within the district is unlikely to impact upon them. In particular, Hatfield and Thorne SPA is sensitive to impacts of damage or loss of off-site habitat due to its qualifying feature being nightjar, a mobile bird species which will forage within off-site habitat. However given the distance of the European site being 26.5km from development allocations and the presence of intervening infrastructure, it would not be expected for birds to be dependent on the habitat within the allocations. Therefore likely significant effects on all European sites can be screened out in relation to physical damage or loss of off-site habitat, with the exception of Sherwood Forest ppSPA. Sherwood Forest ppSPA lies within the District. Policy 12: New Garden Villages will result in the development of two garden villages at Gamston Airport and the Former Bevercotes Colliery allocated sites as well as associated economic development.
- 4.5 Sherwood Forest ppSPA has been identified as being important for woodlark and nightjar, both of these species will use arable and disturbed land for foraging. Habitat present within the Gamston Airport allocation is suitable for foraging woodlark, however given the presence of sufficient and optimal foraging habitat in the wider landscape it is considered unlikely these species would rely upon this site. However, taking a precautionary approach, impacts resulting from the loss of off-site foraging habitat at Gamston Airport should be considered at the Appropriate Assessment stage.
- 4.6 A review of aerial imagery indicated that habitat within the Bevercotes allocation comprises a mosaic of heathland, grassland, scrub and early successional woodland which appeared to be conifer plantation, adjacent to established plantation woodland which is a favoured habitat for woodlark in 1- 3 years and nightjar within c. 2-15 years. The habitats present within the site provide extensive areas of optimal breeding opportunities for both woodlark and nightjar, and have the potential to support several pairs of each species. As a result, there is potential for the Bevercotes site to support populations of both woodlark and nightjar which may be important in maintaining the favourable conservation status of the wider Sherwood Forest ppSPA population. The loss of habitat as a result of proposed development at the Bevercotes site through Policy 12 therefore has the potential to result in likely significant effects on the Sherwood Forest ppSPA.
- 4.7 **Policy 12: New Garden Villages has the potential to result in likely significant effects on the Sherwood Forest ppSPA as a result of physical damage/loss of off-site habitat, particularly in respect of the Bevercotes site, which is considered suitable for**

supporting several breeding pairs of both nightjar and woodlark, but also at the Gamston Airport site which has potential to support wintering woodlark. As a result, this issue requires further consideration at the Appropriate Assessment stage to determine whether the Local Plan would result in adverse effects on site integrity, either alone or in-combination. Further information relating to likely further survey requirements and possible options for the inclusion of avoidance and mitigation measures within the Local Plan are provided in **Section 5**.

Non-physical disturbance (noise, vibration and light)

- 4.8 Noise and vibration effects, e.g. during the construction of new housing or employment development, are most likely to disturb bird species and are thus a key consideration with respect to European sites where birds are the qualifying features, although such effects may also impact upon some mammals and fish species. Artificial lighting at night (e.g. from street lamps, flood lighting and security lights) is most likely to affect bat populations and other nocturnal animals, and therefore have an adverse effect on the integrity of European sites where bats or nocturnal animals are a qualifying feature.
- 4.9 It has been assumed that the effects of noise, vibration and light are most likely to be significant within a distance of 500m from the European site. There is also evidence of 300m being used as a distance up to which certain bird species can be disturbed by the effects of noise¹⁶; however, it has been assumed (on a precautionary basis) that the effects of noise, vibration and light pollution are most likely to cause an adverse effect if development takes place within 500m of a European site with qualifying features sensitive to these disturbances, or known off-site breeding, foraging or roosting areas.
- 4.10 The Local Plan Policy 12: New Garden Villages includes provisions for housing allocations and associated economic development. Although the housing allocation sites lie more than 500m from Sherwood Forest ppSPA, as detailed above, the habitats within the Bevercotes site supports suitable breeding habitat for nightjar and woodlark. Therefore development at the site has the potential, through non-physical disturbance to displace, disturb and reduce the survival or productivity of breeding birds. Development at the Gamston Airport site is not considered likely to considerably increase non-physical disturbance, given the current baseline of the site as an active airport with a high level of noise, vibration and light disturbance. As Gamston Airport is just over 1km from the Bevercotes site, overhead aircraft may contribute to an elevated baseline level of disturbance at the Bevercotes site as well, although the extent of this is uncertain. Therefore, due to the Bevercotes site only, disturbance as a result of development from Policy 12 could impact upon the Sherwood Forest ppSPA.
- 4.11 The remaining European sites lie outside of the District boundary and are all well over 500m from new development allocations, therefore likely significant effects as a result of non-physical disturbance are not expected to occur.
- 4.12 **Likely significant effects upon Sherwood Forest ppSPA associated with non-physical disturbance as a result of Policy 12: New Garden Villages, in particular the Bevercotes allocation site, cannot be ruled out and will therefore need to be considered further at the Appropriate Assessment stage.**

Air pollution

- 4.13 Air pollution is most likely to affect European sites where plant, soil and water habitats are the qualifying features, but some qualifying animal species may also be affected, either directly or indirectly, by any deterioration in habitat as a result of air pollution. Deposition of pollutants to the ground and vegetation can alter the characteristics of the soil, affecting the pH and nitrogen availability that can then affect plant health, productivity and species composition.
- 4.14 In terms of vehicle traffic, nitrogen oxides (NO_x, i.e. NO and NO₂) are considered to be the key pollutants. Subsequent deposition of nitrogen compounds may lead to both soil and freshwater acidification, and eutrophication of soils and water.

¹⁶ *British Wildlife Magazine*. October 2007.

- 4.15 Based on the Highways Agency Design Manual for Road and Bridges (DMRB) Volume 11, Section 3, Part 1¹⁷ (which was produced to provide advice regarding the design, assessment and operation of trunk roads (including motorways)), it is assumed that air pollution from roads is unlikely to be significant beyond 200m from the road itself. Where increases in traffic volumes are forecast, this 200m buffer needs to be applied to the relevant roads in order to make a judgement about the likely geographical extent of air pollution impacts.
- 4.16 The DMRB Guidance for the assessment of local air quality in relation to highways developments provides criteria that should be applied at the screening stage of an assessment of a plan or project, to ascertain whether there are likely to be significant impacts associated with routes or corridors. Based on the DMRB guidance, affected roads which should be assessed are those where:
- Daily traffic flows will change by 1,000 AADT (Annual Average Daily Traffic) or more; or
 - Heavy duty vehicle (HDV) flows will change by 200 AADT or more; or
 - Daily average speed will change by 10 km/hr or more; or
 - Peak hour speed will change by 20 km/hr or more; or
 - Road alignment will change by 5 m or more.
- 4.17 It has been assumed that only those roads forming part of the primary road network (motorways and primary 'A' roads) are likely to experience any significant increases in vehicle traffic as a result of development (i.e. greater than 1,000 AADT). As such, where a site is within 200m of only minor roads, no significant effect from traffic-related air pollution is considered to be the likely outcome.
- 4.18 A small section of the A1(M) motorway lies within Bassetlaw, from the Blyth North junction, northwards towards Doncaster. Five A roads pass through the District, they are the A631 from Bawtree to Gainsborough, the A57 from Shireoaks to Newton on Trent, the A1 from Tuxford to Harworth, the A60 from Medan Vale to Oldcotes, A614 from Harwick to Bawtry. The A60, A1, A57 and A614 all pass through and/or within 200m of the Sherwood Forest ppSPA. Therefore, an increase in population and traffic on the road network associated with Policies 8: Rural Bassetlaw; 9: Worksop; 10: Retford; 11: Harworth and Bircotes and 12: New Garden Villages has the potential to lead to increased air pollution on roads within 200m of the Sherwood Forest ppSPA. Given the habitats within Sherwood Forest ppSPA are communities which thrive in nutrient poor conditions, the site is particularly sensitive to nutrient enrichment, increased competition by grasses and scrub and changes in habitat composition. These habitat changes lead to faster succession of habitat and reduce the availability of early stage successional phases favoured by the bird species the site is designated for (i.e. reducing the extent of nesting habitat). This likely significant effect could also lead to a potential change in prey abundance and diversity.
- 4.19 All other European sites lie outside of the District boundary and are located over 200m from major roads. They have therefore been screened out in relation to air pollution.
- 4.20 Recent case law, known as the Wealden judgement¹⁸, has revised the method by which Natural England expects to see in-combination air pollution effects assessed. The implication of the judgment is that, where the road traffic effects of other plans or projects are known or can be reasonably estimated (including those of adopted plans or consented projects), then these should be included in road traffic modelling by the local authority whose local plan or project is being assessed. The screening criteria of 1,000 AADT should then be applied to the traffic flows of the plans in combination.
- 4.21 Policies 2: Strategic Growth; 8: Rural Bassetlaw; 9: Worksop; 10: Retford; 11: Harworth and Bircotes and 12: New Garden Villages are likely to relate to an increase in population and therefore result in an increase in traffic flows on roads throughout the District as a whole. These policies could have an air pollution effect in combination. Therefore this should be considered further at the Appropriate Assessment stage.

¹⁷ Design Manual for Road and Bridges. Highways Agency. <http://dft.gov.uk/ha/standards/dmr/index.htm>

¹⁸ Wealden District Council v. (1) Secretary of State for Communities and Local Government; (2) Lewes District Council; (3) South Downs National Park Authority and Natural England

- 4.22 **The potential for the Local Plan to result in likely significant effects on the Sherwood Forest ppSPA as a result of air pollution cannot be ruled out, either alone or in combination, and therefore this will require further consideration at the Appropriate Assessment stage to determine assessment of likely impacts either alone or in combination.**

Impacts of recreation

- 4.23 Recreational activities can result in likely significant effects on European sites as a result of erosion, trampling and nutrient enrichment of habitats, and disturbance of species resulting in a compromised ability to breed or survive. Where Local Plan policies are likely to result in an increase in the local population, or where an increase in visitor numbers to the European site is considered likely, there may be potential for associated recreational impacts.
- 4.24 A well-established approach to avoiding recreational pressures has been developed as part of planning decisions which involve the Thames Basin Heaths SPA (TBH SPA). The TBH SPA, located in southern England, is designated for ground nesting heathland birds including nightjar and woodlark, and like the Sherwood Forest ppSPA it comprises a mosaic of plantation coniferous and broadleaved woodlands, open heathland and grassland habitats. The TBH SPA is particularly susceptible to recreational pressures because the qualifying bird species nest on the ground and are therefore vulnerable to disturbance, displacement and predation, for example associated with dog walking. The habitats are also susceptible to nutrient enrichment and direct disturbance resulting in degradation through erosion and trampling.
- 4.25 To ensure adverse effects on the TBH SPA are avoided, a Joint Strategic Partnership involving Natural England (NE) and relevant planning authorities was established. The Partnership produced a Delivery Framework which uses a 'zone' system based on distance from the SPA to identify the likely significance of effects resulting from recreational pressures and also to inform development and mitigation requirements within each zone. Given the likely similar recreational appeal and nature of the sites, it is therefore reasonable to make comparisons between the TBH SPA and Sherwood Forest ppSPA in using a distance based approach in determining the likelihood of recreational pressures resulting in significant effects.
- 4.26 The TBH Delivery Framework – which is endorsed by Natural England, and which was scrutinised for robustness and appropriateness by the Technical Assessor of the South East Plan – suggests that at distances between 400m and 5 km, residential housing is likely to result in significant effects associated with recreation and other urban edge effects such as cat predation. Beyond this distance, the Assessor recommended that larger developments (above 50 dwellings) between 5 and 7 km from the SPA be assessed and may be required to provide appropriate mitigation. These distances have been based on various research commissioned by Natural England which investigated people's recreational movements, behaviour and distance travelled to woodland and heathland sites. Importantly, the research indicates that beyond 7km the effect of recreational pressures on a heathland and woodland site are likely to be minimal. And this distance is reduced to 5km for smaller developments of below 50 dwellings. This provides useful context in assessing whether proposed housing locations specified within the Local Plan will result in likely significant effects on the Sherwood Forest ppSPA as a result of recreation. For the purposes of the screening assessment, only those allocation sites within 7 km of Sherwood Forest ppSPA were assessed.
- 4.27 As specified above, it has been assumed that housing increases within 7km of the Sherwood Forest ppSPA could contribute, either alone or in combination, to likely significant effects associated with increases in recreational pressures.
- 4.28 Policy 2: Strategic Growth and Policies 9: Worksop; 10: Retford and 12: New Garden Villages result in housing development and associated economic development within 7km of Sherwood Forest ppSPA. Gamston Airport and the Former Bevercotes Colliery in Policy 12 lie within 2km of the European site, this policy could therefore result in an increase in recreation impacts upon Sherwood Forest ppSPA and the sites may require a reconsideration of location and further assessment at the Appropriate Assessment stage. General housing and economic growth in Retford and Worksop, c.5km east and adjacent to the north of the ppSPA respectively, will need to be considered as specific site allocations are proposed during Part 2 of the Local Plan preparation and may require mitigation and further consideration at Appropriate Assessment.

- 4.29 The other European sites assessed in this screening are all well over 7km from Sherwood Forest ppSPA and therefore do not need further consideration.
- 4.30 **Policies 9: Worksop; 10: Retford and 12: New Garden Villages have the potential to result in likely significant effects on the Sherwood Forest ppSPA as a result of increases in recreational pressure, both alone and in-combination with other plans and projects and will therefore require further consideration at the Appropriate Assessment stage.**

Cat predation

- 4.31 Cat predation due to an increase in residential populations and cat ownership can result in likely significant effects on European sites where ground nesting bird species are the qualifying features. Nightjar and woodlark are ground nesting species, and therefore these birds and their nests are vulnerable to predation by domestic cats.
- 4.32 As described above, the increased risk of cat predation associated with residential schemes in relation to the TBH SPA resulted in the adoption of a 400m development exclusion zone, together with pressure associated with recreational access. NE specifies that at distances of less than 400m avoidance measures are likely to be ineffective at reducing the risks associated with predation. As described above, it is considered reasonable to apply a similar approach to the Sherwood Forest ppSPA. Only the Bevercotes Colliery allocation is within 400m of the Sherwood Forest ppSPA. Therefore where there is retained breeding habitat adjacent to residential dwellings at the Bevercotes Colliery allocation within Policy 12: New Garden Villages likely significant effects on Sherwood Forest ppSPA could occur.
- 4.33 **Policy 12: New Garden Villages has the potential for likely significant effects on the Sherwood Forest ppSPA as a result of increased residential dwelling and cat predation at the Bevercotes Colliery allocation and will therefore require further consideration at the Appropriate Assessment stage.**

Water quantity and quality

- 4.34 An increase in demand for water abstraction and treatment resulting from the growth proposed in the Local Plan could result in changes in hydrology at European sites, specifically a decrease in water quality or changes to water levels. Depending on the qualifying features and particular vulnerabilities of the European sites, this could lead to likely significant effects on the sites qualifying features.
- 4.35 All of the European sites included within this HRA with the exception of Sherwood Forest ppSPA are not within the District or connected via waterways and can therefore be screened out given the lack of impact pathways. Although Sherwood Forest ppSPA lies within the District and in proximity to waterways, the habitats within the ppSPA which the birds rely upon are not vulnerable to changes in hydrology. Therefore the qualifying bird species would nest and continue to breed, hence this would not be expected to affect the European site or its qualifying features.
- 4.36 **Likely significant effects associated with changes in water quality and quantity can be screened out in relation to all European sites included in this HRA.**

Identification of other plans and projects which may have 'in-combination' effects

- 4.37 Regulation 105 of the Amended Habitats Regulations 2017 requires an Appropriate Assessment where "*a land use plan is likely to have a significant effect on a European site (either alone or in combination with other plans or projects) and is not directly connected with or necessary to the management of the site*". Therefore, it is necessary to consider whether there may be significant effects from the Local Plan in combination with other plans or projects.
- 4.38 The first stage in identifying 'in-combination' effects involves identifying which other plans and projects in addition to the Bassetlaw Local Plan may affect the European sites that were the focus of this assessment. There are a large number of potentially relevant plans and projects which could be considered; therefore the review focused on planned spatial growth within the authorities

adjacent to the District, as these are the ones most likely to give rise to in-combination effects on the European sites within 15km of the District boundary. **Appendix 3** lists the plans that were considered, outlining the components of each that could have an impact on nearby European sites or the ppSPA and considering the findings of the accompanying HRA work (where available). There is some uncertainty with regards to new plans which are in the early stages of development. Any updates to these emerging plans will be considered in future iterations of the HRA.

- 4.39 The Bassetlaw Local Plan does not result in likely significant effects upon Birklands and Bilhaugh SAC, Hatfield Moor SAC, Thorne Moor SAC and Thorne and Hatfield Moors SPA either alone or in combination.
- 4.40 In combination effects upon Sherwood Forest ppSPA have been assessed for Policy 2: Strategic Growth which combines Policy 12: New Garden Villages (allocating land at Gamston Airport and the Bevercotes site) along with Policy 8: Rural Bassetlaw; 9: Worksop; 10: Retford and 11: Harworth and Bircotes. These policies set out the vision for housing and economic growth in each of those areas. In combination impacts require further assessment at the Appropriate Assessment stage.
- 4.41 The in-combination effects of the Local Plan with other Local Plans has been assessed, and given no other Local Plans are predicted to have a likely significant effect upon Sherwood Forest ppSPA, no in-combination impacts are predicted in relation to this and other Local Plans.

Screening Conclusion

Summary of screening outcomes

- 4.42 **Table 4.1** summarises the outcomes of the HRA screening of the Local Plan.
- 4.43 The screening assessment concluded that all of the European sites outside of the District would not result in likely significant effects from the Local Plan either alone or in combination with other Local Plans. It was concluded that the Sherwood Forest ppSPA would not be affected by changes in water quantity or quality as a result of the Local Plan. However, likely significant effects as a result of physical damage or loss of off-site habitat, disturbance from noise, vibration and light, air pollution, recreation impacts and cat predation were concluded to be uncertain and would therefore require further assessment at the Appropriate Assessment stage.

Table 4.1: Summary of screening outcomes for the Bassetlaw Local Plan

European site	Physical damage/loss of habitat	Noise, vibration and light pollution	Air pollution	Impacts of recreation	Cat predation	Water quantity and quality
Birklands and Bilhaugh SAC	No LSE	No LSE	No LSE	No LSE	No LSE	No LSE
Hatfield Moor SAC	No LSE	No LSE	No LSE	No LSE	No LSE	No LSE
Thorne Moor SAC	No LSE	No LSE	No LSE	No LSE	No LSE	No LSE
Thorne and Hatfield Moors SPA	No LSE	No LSE	No LSE	No LSE	No LSE	No LSE
Sherwood Forest ppSPA	LSE uncertain (off-site)	LSE uncertain (off-site)	LSE uncertain	LSE uncertain	LSE uncertain	No LSE

5 Conclusions

- 5.1 The HRA Screening of the Bassetlaw Local Plan has been undertaken in accordance with currently available guidance and is based on a precautionary approach, as required under the Habitats Regulations.
- 5.2 The screening stage has concluded that policies and site allocations in the Bassetlaw Local Plan either alone or in combination, will not result in likely significant effects on the integrity of the following European sites on account of distance (all of which lie outside of the Bassetlaw district boundary) and a lack of pathways by which impacts could travel between source and receptor:
- Birklands and Bilhaugh SAC;
 - Hatfield Moor SAC;
 - Thorne Moor SAC; and
 - Thorne and Hatfield Moors SPA.
- 5.3 The potential for likely significant effects is limited to the Sherwood Forest ppSPA as a result of:
- Physical loss or damage to off-site habitat;
 - Noise/vibration and light pollution to off-site habitat;
 - Air pollution;
 - Impacts of recreation; and
 - Cat predation.
- 5.4 Therefore these impacts will require further assessment at the Appropriate Assessment stage to determine whether they would result in adverse effects on the integrity of the site either alone or in-combination. A summary of the predicted impacts identified as part of this HRA screening, and the next steps required as part of the appropriate assessment, are outlined below.

Physical loss or damage (off-site only)

- 5.5 Policy 12: New Garden Villages could result in physical damage and loss of off-site breeding habitat (Bevercotes) and foraging habitat (Bevercotes and Gamston Airport). Therefore, further consideration will be required at the appropriate assessment stage, including breeding bird surveys of the Bevercotes site, understand whether AADT threshold increases will be exceeded in-combination, and if so, undertake a detailed air quality assessment to understand the likely effect on the habitats within the ppSPA (and subsequent impact on the nightjar and woodlark) understand use of the site by nightjar and woodlark and inform the potential for adverse effects on integrity. In addition, consultation with Natural England regarding foraging and breeding nightjar and woodlark at both of the potential development sites is required.

Noise/vibration and light pollution (offsite only)

- 5.6 Policy 12: New Garden Villages could result in noise/vibration and light pollution to offsite habitat upon which the qualifying species depend. Therefore breeding bird surveys of the Bevercotes site will be required along with consultation with Natural England to understand use of the sites by nightjar and woodlark and inform the potential for adverse effects on integrity.

Air pollution

- 5.7 Policies 9: Worksop; 10: Retford and 12: New Garden Villages could result in air pollution impacts upon Sherwood Forest ppSPA as a result of increased traffic in the local areas. In addition these policies, in combination with Policy 2: Strategic Growth, Policy 8: Rural Bassetlaw and 11: Harworth and Bircotes could result in air pollution impacts. Therefore in-combination traffic modelling data will be required in relation to daily traffic changes on roads which pass within

200m of the ppSPA to understand whether Average Annual Daily Traffic (AADT) thresholds will be exceeded in-combination, and if so, undertake a detailed air quality assessment to understand the likely effect on the habitats within the ppSPA (and subsequent impact on the nightjar and woodlark) and to determine whether the Local Plan would result in adverse effects on the integrity of the ppSPA.

Impacts of recreation

- 5.8 Policies 2: Strategic Growth, 9: Worksop; 10: Retford and 12: New Garden Villages all refer to potential development locations that lie within 7km of Sherwood Forest ppSPA and therefore could result in likely significant effects as a result of recreation which can lead to bird disturbance, predation, and displacement, which can reduce breeding success or the ability of birds to breed and survive. The Bevercotes allocations within Policy 12: New Garden Villages, will require specific bird survey to determine the presence, number and distribution of breeding nightjar and woodlark within and adjacent to the site to inform the Appropriate Assessment. This would help to inform potential avoidance and mitigation requirements and this is something which will required close consultation with Natural England as part of the Appropriate Assessment.
- 5.9 The Thames Basin Heaths (TBH) Delivery Framework describe above sets out an approach where development that provides, or makes the necessary contributions towards avoidance measures set out within framework will avoid the need for a full Habitat Regulations Assessment. This includes measures in the form of Suitable Alternative Natural Greenspace (SANG), and Strategic Access Management and Monitoring (SAMM) for the ppSPA itself, funded by development. As such, in-built mitigation should be devised in consultation with Natural England and would be likely to include the following avoidance measures in accordance with relevant guidance as detailed in the TBH case study:
- SAMM - contributions to be made by the applicant in accordance with suitable requirements.
 - SANGs – provision of a proportionate area of high quality SANGs should meet any requirements specified by NE. A SANG should be ready for use prior to occupation and will be managed, monitored and funded to meet requirements specified in perpetuity.

Cat predation (offsite only)

- 5.10 Policy 12: New Garden Villages could result in likely significant effects on Sherwood Forest ppSPA as a result of offsite cat predation. This could result in the predation of adult birds or their nestlings within suitable habitat outside of the ppSPA boundary. Bird surveys will be required to establish whether nightjar and/or woodlark are breeding at the Bevercotes site and if so, their abundance and distribution. This information, together with detailed consultation with Natural England will be required to determine whether this policy would result in adverse effects on the ppSPA either alone or in-combination.

Next Steps

- 5.11 Following surveys and consultation recommended there will be a second round of consultation on part 2 of the Bassetlaw Draft Plan (Local Plan) in 2019 which will be accompanied by an updated HRA Report including the Appropriate Assessment stage.
- 5.12 The likely significant effects identified relate to the impacts specified above on the Sherwood Forest ppSPA. It is important to emphasise further that Sherwood Forest is not currently either a pSPA or SPA and therefore does not receive the same legal protection afforded to designated sites. It is therefore recommended that consultation with Natural England is commenced as part of the appropriate assessment stage to gain a clearer understanding of the progress in formalising the designation. It is also recommended that the Council seek legal advice to clarify their legal duty in respect of this issue.

Appendix 1

European sites within 15km of Bassetlaw District

1. Birklands and Bilhaugh Special Area of Conservation	
Site description	
<p>Covering an approximate area of 271.84 hectares, Birklands and Bilhaugh SAC is a landscape-remnant of the historic Sherwood Forest, which is of World renowned cultural significance due to the high concentration of ancient oak trees and associated folklore. The trees and open woodland- pasture habitat have been utilised over the centuries as a medieval Royal hunting forest, as a source of timber for the construction of cathedrals and English naval fleets, and more recently for public amenity, recreation and tourism. There is high public usage across the SAC supported by a network of Public Rights of Way and permissive paths. Part of the SAC forms part of the Sherwood Forest National Nature Reserve.</p> <p>The site lies on freely-draining, acidic, sandy soils and 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>. The oak population consists of approximately equal numbers of the pedunculate oak <i>Quercus robur</i> and the sessile oak <i>Q. petraea</i> covering a wide range of size and age, including an exceptional population of ancient standing oaks. Although birch (mainly <i>Betula verrucosa</i>) forms groves between the oaks the canopy is, over large areas, still rather open allowing a dense bracken field layer to develop. A wide variety of fungi are present. Within the woodland occur glades of acid grassland dominated by the tussock-forming wavy-hair grass <i>Deschampsia flexuosa</i> and which contain such characteristic herbs as heath bedstraw <i>Galium saxatile</i> and tormentil <i>Potentilla erecta</i>.</p>	
Qualifying Features	
H9190	Old acidophilous oak woods with <i>Quercus robur</i> on sandy plains
Site status*	<ul style="list-style-type: none"> 96.87% in unfavourable (recovering) condition 3.13% in unfavourable (no change) condition
Special Area of Conservation objectives	
<p>Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the Favourable Conservation Status of its Qualifying Features, by maintaining or restoring;</p> <ul style="list-style-type: none"> The extent and distribution of qualifying natural habitats The structure and function (including typical species) of qualifying natural habitats, and, The supporting processes on which qualifying natural habitats rely. 	
Site Improvement Plan¹⁹: pressures, threats and related development	
<p>The main pressures and threats to this site include public access and disturbance in that the current visitor's centre complex that is located within the SAC, is preventing the necessary restoration of the full extent of the oak woodland. The visitor centre complex needs to be physically removed and the area restored, but planning permission is proving problematic. Other issues include change in land management which has created a large age gap between the ancient trees, physical modification, impact of atmospheric nitrogen deposition, disease and invasive species.</p>	
*Site status is an assessment by Natural England of the status of the SSSIs within the SAC	

¹⁹ Natural England - Site Improvement Plan: Birklands & Bilhaugh (SIP016)
<http://publications.naturalengland.org.uk/publication/6727956374224896?category=4526209115357184>

2. Hatfield Moor Special Area of Conservation	
Site description	
<p>Hatfield Moors, which covers an area of 1363.55 hectares, is a remnant of an extensive lowland raised bog which once occupied the Humberhead levels. Hatfield is unique in having developed directly upon nutrient deficient gravels without an initial reed-swamp phase. Much of the bog has been cut for peat yet a restricted representative flora and fauna persists within a mosaic of mire and dry heath habitats beneath birch scrub. The mire communities are dominated by cottongrasses <i>Eriophorum vaginatum</i> and <i>E. angustifolium</i>, cross-leaved heath <i>Erica tetralix</i> and bogmosses <i>Sphagnum</i> spp., but include locally rare species such as cranberry <i>Vaccinium oxycoccus</i>, bog myrtle <i>Myrica gale</i> and bog rosemary <i>Andromeda polifolia</i>.</p>	
Qualifying Features	
H7120	Degraded raised bogs still capable of natural regeneration
Site status*	<ul style="list-style-type: none"> 92.23% in unfavourable (recovering) condition 6.50% in unfavourable (no change) condition 1.27% in favourable condition
Special Area of Conservation objectives	
<p>Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the Favourable Conservation Status of its Qualifying Features, by maintaining or restoring;</p> <ul style="list-style-type: none"> The extent and distribution of qualifying natural habitats The structure and function (including typical species) of the qualifying natural habitat, and, The supporting processes on which the qualifying natural habitat rely. 	
Site Improvement Plan ²⁰ : pressures, threats and related development	
<p>The main pressures and threats to this site include drainage, inappropriate scrub control, impacts of atmospheric nitrogen deposition, public access/disturbance, peat extraction and invasive species. Additionally, planning permission is a problem in that wind farms have been erected or are planned in the wider area surrounding the SAC, yet investigation is needed to better understand the cumulative impact of existing and planned wind farm and other local developments on the nightjar population.</p>	
*Site status is an assessment by Natural England of the status of the SSSIs within the SAC	

²⁰ Natural England - Site Improvement Plan: Thorne and Hatfield Moors (SIP246)
<http://publications.naturalengland.org.uk/publication/6489780632158208?category=5171232873906176>

3. Thorne Moor Special Area of Conservation	
Site description	
<p>Covering an approximate area of 1909.38 hectares, Thorne Moor is England's largest area of raised bog, lying a few kilometres from the smaller Hatfield Moors, both within the former floodplain of the rivers feeding the Humber estuary (Humberhead Levels), and includes the sub-components Goole Moors and Crowle Moors. Although management has increased the proportion of active raised bog at Thorne Moors, the inclusion of Goole Moors, where peat-extraction has now ceased, means that the site is still predominantly degraded raised bog. The restored secondary surface is rich in species of bogmosses <i>Sphagnum</i> spp., common and hare's-tail cottongrasses <i>Eriophorum angustifolium</i> and <i>E. vaginatum</i>, heather <i>Calluna vulgaris</i>, cross-leaved heath <i>Erica tetralix</i>, round-leaved sundew <i>Drosera rotundifolia</i>, cranberry <i>Vaccinium oxycoccos</i> and bog-rosemary <i>Andromeda polifolia</i>.</p>	
Qualifying Features	
H7120	Degraded raised bogs still capable of natural regeneration
Special Area of Conservation objectives	
<p>Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the Favourable Conservation Status of its Qualifying Features, by maintaining or restoring;</p> <ul style="list-style-type: none"> • The extent and distribution of qualifying natural habitats • The structure and function (including typical species) of qualifying natural habitats, and, • The supporting processes on which qualifying natural habitats rely. 	
Site Improvement Plan²¹: pressures, threats and related development	
<p>The main pressures and threats to this site include drainage, inappropriate scrub control, impacts of atmospheric nitrogen deposition, public access/disturbance, peat extraction and invasive species. Additionally, planning permission is a problem in that wind farms have been erected or are planned in the wider area surrounding the SAC, yet investigation is needed to better understand the cumulative impact of existing and planned wind farm and other local developments on the nightjar population.</p>	

²¹ Natural England - Site Improvement Plan: Thorne and Hatfield Moors (SIP246)
<http://publications.naturalengland.org.uk/publication/6489780632158208?category=5171232873906176>

4. Thorne and Hatfield Moors Special Protection Area	
Site description	
<p>Covering an approximate area of 2449.2 hectares, Thorne and Hatfield Moors SPA is an extensive lowland raised mire system adjacent to the Humber estuary on the north-east coast of England and is the largest remaining lowland peatland in England. Despite a long history of extensive peat extraction since the late nineteenth century, the site retains substantial areas of <i>Sphagnum</i> bog, which has been changed by succession to wet scrub woodland dominated by Birch <i>Betula</i> sp., sallows and Alder <i>Alnus glutinosa</i>. Where the peat surface has been removed, subsequent restoration of active bog has depended upon shallow flooding to allow <i>Sphagnum</i> and other bog plants to re-colonise. The mire communities are dominated by Hare's-tail <i>Eriophorum vaginatum</i> and Common Cottongrass <i>E. augustifolium</i>, Cross-leaved Heath <i>Erica tetralix</i>, Soft-rush <i>Juncus effuses</i> and <i>Sphagnum</i> mosses, and include a variety of scarcer bog plants such as Bog-rosemary <i>Andromeda polifolia</i> and Cranberry <i>Vaccinium oxycoccos</i>. Drier heath is dominated by Heather <i>Calluna vulgaris</i>, Bracken <i>Pteridium aquilinum</i> and Purple Moor-grass <i>Molinia caerulea</i>. Birch <i>Betula</i> sp. scrub, some of it dense, occurs throughout both moors. The diverse mosaic of habitats contribute greatly to the ornithological interest, which comprises breeding species, notably <i>Caprimulgus europaeus</i>.</p>	
Qualifying Features	
A224	<i>Caprimulgus europaeus</i> ; European nightjar (Breeding)
Site status*	<p>Hatfield Moor:</p> <ul style="list-style-type: none"> • 92.23% in unfavourable (recovering) condition • 6.50% in unfavourable (no change) condition • 1.27% in favourable condition
Special Protection Area objectives	
<p>Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the aims of the Wild Birds Directive, by maintaining or restoring:</p> <ul style="list-style-type: none"> • The extent and distribution of the habitats of the qualifying features • The structure and function of the habitats of the qualifying features • The supporting processes on which the habitats of the qualifying features rely • The population of each of the qualifying features, and, • The distribution of the qualifying features within the site. 	
Site Improvement Plan²²: pressures, threats and related development	
<p>The main pressures and threats to this site include drainage, inappropriate scrub control, impacts of atmospheric nitrogen deposition, public access/disturbance, peat extraction and invasive species. Additionally, planning permission is a problem in that wind farms have been erected or are planned in the wider area surrounding the SAC, yet investigation is needed to better understand the cumulative impact of existing and planned wind farm and other local developments on the nightjar population.</p>	
*Site status is an assessment by Natural England of the status of the SSSIs within the SAC	

²² Natural England - Site Improvement Plan: Aston Rowant (SIP007)
<http://publications.naturalengland.org.uk/publication/4960794580090880?category=6149691318206464>

Sherwood Forest prospective potential Special Protection Area	
Site description	
<p>As the Sherwood Forest prospective potential SPA (ppSPA) is not currently designated as a European Site, there is no Standard Data form or SIP for it. However, the Sherwood Forest Important Bird Area is being used as a proxy for the purposes of this assessment, and the indicative core areas for breeding for nightjar and woodlark as identified by Natural England, are likely to be the most sensitive areas.</p> <p>The Sherwood Forest IBA covers 7,320 ha and consists of several geographic sites stretching from south of Worksop to north of Nottingham. Once part of the 10,000 acre Royal Forest of Sherwood, the woodland is dominated by native oaks and other native trees such as silver birch, rowan, holly and hawthorn. It has been continuously forested since the end of the Ice Age.²³</p> <p>Approximately 424.75ha of the Sherwood Forest ppSPA is also a designated National Nature Reserve (NNR). The reserve contains more than a thousand ancient oaks most of which are known to be more than 500 years old. Sherwood Forest has the highest concentration of ancient trees in Europe and provides habitat for very rare invertebrates, particularly beetles, flies and spiders, many of which rely on the decaying and ageing timber of the veteran trees. Budby South Sores, in the northern half of the site, is dominated by link heather and supports a diverse range of insects and ground nesting birds such as woodlark, nightjar and tree pipit.</p> <p>In 2004, it was estimated that there were approximately 63 male European Nightjar (females unknown) within in the IBA and approximately 25 breeding pairs of Woodlark.</p>	
Qualifying Features	
<p>The primary reasons for potential designation of this site are that the population of <i>Caprimulgus europaeus</i>; European nightjar represents 1.88% of the total UK breeding population and the population of <i>Lullula arborea</i>; Woodlark, is 2.51% of the total UK breeding population.</p>	
Site status*	<ul style="list-style-type: none"> The condition of the site was not assessed in the most recent IBA monitoring assessment. However, the IBA factsheet²⁴ states that the mixed woodland habitat is in 'very unfavourable' condition, but the conditions of the nightjar and woodlark populations are favourable.
Prospective potential Special Protection Area objectives	
<p>As this area does not relate to an existing designated site, no conservation objectives have been established for it. However, it is anticipated that, were the site to be designated, any conservation objectives would reflect those for other SPAs, as follows:</p> <p>Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the aims of the Wild Birds Directive, by maintaining or restoring:</p> <ul style="list-style-type: none"> The extent and distribution of the habitats of the qualifying features The structure and function of the habitats of the qualifying features The supporting processes on which the habitats of the qualifying features rely The population of each of the qualifying features, and, <p>The distribution of the qualifying features within the site.</p>	
*Site status is an assessment by Natural England of the status of the SSSIs within the SAC	
IBA Factsheet ²⁵ : pressures, threats and related development	
<p>The main current threats to the site include logging and wood harvesting, climate change, changes in land use for energy production, housing and economic development, tourism and recreation and air pollution. War, civil unrest and military exercises are identified as a past threat, which is unlikely to return.</p> <p>These threats have been rated low to very high, depending on the proportion of the area and/or population they are likely to affect and the severity of the threat. Recreational activities are identified as being the highest level of threat, followed by logging and wood harvesting and residential and commercial development. The IBA factsheet</p>	

²³ BirdLife International (2018) Important Bird Areas factsheet: Sherwood Forest. Downloaded from <http://www.birdlife.org> on 05/10/2018.

²⁴ BirdLife International (2018) Important Bird Areas factsheet: Sherwood Forest. Downloaded from <http://www.birdlife.org> on 05/10/2018.

²⁵ BirdLife International (2018) Important Bird Areas factsheet: Sherwood Forest. Downloaded from <http://www.birdlife.org> on 05/10/2018.

Sherwood Forest prospective potential Special Protection Area

also identifies 'other threat' as being a high threat, but no details are given.

Appendix 2
Screening matrix

The screening matrix below shows which types of impacts on European sites could potentially result from each of the policies and sites allocated in the Local Plan. Where a site is not expected to have a particular type of impact, the relevant cell is shaded **green**. Where a site could potentially have a certain type of impact, this is shown in **orange**. The final column sets out the screening conclusions.

	Likely activities (operation) to result as a consequence of the proposal	Likely effects if proposal implemented	European site(s) potentially affected	Could the proposal have likely significant effects on European sites?
Policies				
Policy 1: Spatial Strategy Overview	None – this policy describes the overall vision and objectives of the Bassetlaw Plan and is the overarching strategy which sets the tone for policies 8, 9, 10, 11 and 12. It will not itself result in new development.	n/a	n/a	No
Policy 2: Strategic Growth (6,630 homes and 136 hectares of economic development. The housing requirement is proposed to be 390 dpa based on the results of the EDNA (2018).)	Residential development Economic development Increase in vehicle traffic Increase in recreation pressure	Air pollution Disturbance from recreation	Sherwood Forest ppSPA	Uncertain: air pollution and recreation The screening of this policy considers the overall number of new homes and economic development in the District. The effect of those homes and economic development in specific locations is assessed in relation to specific policies below, namely 8, 9, 10, 11 and 12. This policy will result in 6,630 new homes and 36 hectares of economic development. The provision of new homes and economic development in the District is likely to relate to an increase in population and therefore result in an increase in traffic flows on roads throughout the district. This policy could have an air pollution effect, therefore this should be considered further at the Appropriate Assessment stage. Development within c.7km of Sherwood Forest ppSPA has the potential to increase visitor numbers at the site and cause disturbance from recreation. Appropriate Assessment is required to consider the impacts further.
Policy 3: Affordable Housing	None – this policy sets out the definition of and the need to provide for c. 2814 affordable homes within the life of the	n/a	n/a	No

	Likely activities (operation) to result as a consequence of the proposal	Likely effects if proposal implemented	European site(s) potentially affected	Could the proposal have likely significant effects on European sites?
	plan. It will not itself result in new development.			
Policy 4: Housing Mix	None – this policy sets out the requirement to consider an appropriate mix of housing for local peoples needs. It will not itself result in new development.	n/a	n/a	No
Policy 5: Self and Custom Build	None – this policy sets out provisions to allow for self-build and custom homes, including up to 14 in Retford, 9 in Worksop, 4 in Tuxford and 2 in Carlton in Lindrick. It will not itself result in new development.	n/a	n/a	No
Policy 6: Specialist Housing	None – this policy sets out the requirement to allow for specialist housing within the district. It will not itself result in new development.	n/a	n/a	No
Policy 7: Residential Care Homes (c.668)	None – this policy sets out the need to consider the requirement for residential provision within major development. It will not itself result in new development.	n/a	n/a	No
Policy 8: Rural Bassetlaw (c. 1777 homes across 73 rural settlements with potential to support the growth, and 18 hectares of Economic Growth)	Residential development Economic development Increase in vehicle traffic	Air pollution	Sherwood Forest ppSPA	Uncertain: air pollution Given the small number of houses dispersed amongst various rural settlements it is considered unlikely this policy would impact upon Sherwood Forest ppSPA as a result of increased population and recreation. This policy alone would not be expected to cause a significant increase in traffic in the district and therefore air pollution. However the overall provision of new homes and associated economic development in the District is likely to relate to an increase in population and therefore result in an increase in traffic flows on roads throughout the District. This policy could have an air pollution

	Likely activities (operation) to result as a consequence of the proposal	Likely effects if proposal implemented	European site(s) potentially affected	Could the proposal have likely significant effects on European sites?
				effect in combination with other policies (9: Worksop, 10 Retford, 11 Harworth and Bircotes and 12: New Garden Villages) or plans. Therefore this should be considered further at the Appropriate Assessment stage.
Policy 9: Worksop (c. 1600 homes and 45 hectares of Economic Development)	Residential development Economic development Increase in vehicle traffic Increase in recreation pressure	Air pollution Disturbance from recreation	Sherwood Forest ppSPA	<p>Uncertain: recreation and air pollution</p> <p>The screening of this policy considers the overall number of new homes and economic development in Worksop as well as in combination effects with other policies resulting in housing, economic development and population growth in the District.</p> <p>Sherwood Forest ppSPA lies adjacent to the Worksop area, south of the A57. This policy will result in a minimum of 1600 new homes in the area and 45 hectares of economic development therefore could result in an increase in visitor numbers and therefore recreation pressure on the ppSPA.</p> <p>The increase in population and traffic in this area could lead to increased air pollution which Sherwood Forest ppSPA is particularly sensitive to given the habitats present and air pollution being a current threat.</p> <p>The provision of new homes and associated economic development in the District is likely to relate to an increase in population and therefore result in an increase in traffic flows on roads throughout the District. This policy could have an air pollution effect in combination with other policies (8: Rural Bassetlaw, 10 Retford, 11 Harworth and Bircotes and 12: New Garden Villages) or plans. Therefore this should be considered further at the Appropriate</p>

	Likely activities (operation) to result as a consequence of the proposal	Likely effects if proposal implemented	European site(s) potentially affected	Could the proposal have likely significant effects on European sites?
				Assessment stage.
Policy 10: Retford (c. 853 homes and 20 hectares of Economic development)	Residential development Economic development Increase in vehicle traffic Increase in recreation pressure	Air pollution Disturbance from recreation	Sherwood Forest ppSPA	<p>Uncertain: recreation and air pollution</p> <p>The screening of this policy considers the overall number of new homes and economic development in Retford as well as in combination effects with other policies resulting in housing and population growth in the District.</p> <p>Retford lies c.5km north east of Sherwood Forest ppSPA. This policy will result in a minimum of 853 new homes and 20 hectares of economic development in the area and could result in an increase in visitor numbers and therefore recreation pressure on the ppSPA.</p> <p>The increase in population and traffic in this area could lead to increased air pollution which Sherwood Forest ppSPA is particularly sensitive to given the habitats present and air pollution being a current threat.</p> <p>The provision of new homes in the District is likely to relate to an increase in population and therefore result in an increase in traffic flows on roads throughout the District. This policy could have an air pollution effect in combination with other policies (8: Rural Bassetlaw, 9: Worksop, 11 Harworth and Bircotes and 12: New Garden Villages) or plans. Therefore this should be considered further at the Appropriate Assessment stage.</p>
Policy 11: Harworth & Bircotes (c. 1400 homes and 38 hectares of Economic Growth)	Residential development Economic development Increase in vehicle traffic	Air pollution	Sherwood Forest ppSPA	<p>Uncertain: air pollution</p> <p>The screening of this policy considers the overall number of new homes and economic development in Harworth and Bircotes, as well as in combination effects with other policies resulting in</p>

	Likely activities (operation) to result as a consequence of the proposal	Likely effects if proposal implemented	European site(s) potentially affected	Could the proposal have likely significant effects on European sites?
				<p>housing, associated economic development and population growth in the District.</p> <p>Harworth and Bircotes lies c.13km north of Sherwood Forest ppSPA. Given the distance of this site, and on the basis of the Thames Basin Heath study which set out a 7km zone of impact, it is considered unlikely for an increase in visitor numbers and hence recreation on the European site as a result of this policy.</p> <p>This policy will result in up to 1400 new homes and 38 hectares of associated economic development in the Harworth Bircotes area. The provision of new homes in the district is likely to relate to an increase in population and therefore result in an increase in traffic flows on roads throughout the district. This policy could have an air pollution effect in combination with other policies (8: Rural Bassetlaw, 9: Worksop, 10 Retford and 12: New Garden Villages) or plans. Therefore this should be considered further at the Appropriate Assessment stage.</p>
<p>Policy 12: New Garden Villages</p> <p>Gamston Airport and Former Bevercotes Coliery</p> <p>(c. 1000 homes, with potential for further c. 3000 post 2034. 15 hectares of employment – primarily associated with Gamston Airport)</p>	<p>Residential development</p> <p>Employment development</p> <p>Increase in vehicle traffic</p> <p>Increase in recreation pressure</p>	<p>Disturbance from recreation</p> <p>Air pollution</p> <p>Physical loss and damage</p>	<p>Sherwood Forest ppSPA</p>	<p>Uncertain: recreation, air pollution and physical loss and damage</p> <p>This policy makes provision for c.1000 homes across the two garden villages, with a further potential future provision of c.3000 homes following the lifetime of the Local Plan. In addition, this policy makes provision for 15 hectares of economic development. Both garden villages lie less than 2km east of an Important Bird Area and within 5km east of indicative core area of breeding for woodlark and nightjar.</p> <p>Gamston Airport supports suitable winter</p>

	Likely activities (operation) to result as a consequence of the proposal	Likely effects if proposal implemented	European site(s) potentially affected	Could the proposal have likely significant effects on European sites?
				<p>foraging habitat for both qualifying species. Whilst it is considered unlikely that these species depend upon this habitat given ample suitable habitat in the surrounding landscape, this should be considered further at the Appropriate Assessment stage.</p> <p>The Former Bevercotes Colliery supports habitat suitable for nightjar and woodlark including open heath, scrub and grassland adjacent to woodland. Therefore provision for a garden village at the Former Bevercotes Colliery as a result of this policy may result in physical loss or damage of habitat within the ppSPA. In addition, provision of a garden village in this location could result in an increase of cat ownership in the area. Where suitable off site habitat is retained within the Bevercotes site, effects arising from cat predation upon nightjar and woodlark could result upon the ppSPA and its qualifying features. There may be the need to consider alternative sites and/or mitigation, which would need to be informed by surveys.</p> <p>The increase in population at this location as a result of the garden villages could potentially contribute to an increase in visitors to the ppSPA. Therefore this policy could result in effects arising from increased recreation on the European site.</p> <p>The provision of new homes and economic development in the District is likely to relate to an increase in population and therefore result in an increase in traffic flows on roads throughout the District. This policy could have an air pollution effect in combination with other policies (8: Rural Bassetlaw, 9: Worksop, 10 Retford and</p>

	Likely activities (operation) to result as a consequence of the proposal	Likely effects if proposal implemented	European site(s) potentially affected	Could the proposal have likely significant effects on European sites?
				11 Harworth and Bircotes) or plans. Therefore this should be considered further at the Appropriate Assessment stage.
Policy 13: Energy Efficiency	None – this policy relates to encouraging the design of development to account and mitigate for climate change in regards to energy efficiency, it will not result in new development.	n/a	n/a	No
Policy 14: Renewable and Low Carbon Energy	None – this policy supports schemes and development for renewable and low carbon energy, it will not result in new development.	n/a	n/a	No
Policy 15: Flood Risk	None - this policy requires development to consider flood risk and principles for the sustainable design of new development to minimise flood risk, but will not result in new development.	n/a	n/a	No
Policy 16: Water Quality and Efficiency	None – this policy relates to encouraging the design of development to account and mitigate for climate change in regards to water efficiency, it will not result in new development.	n/a	n/a	No
Policy 17: Landscape Character	None – this policy sets out principles to protect the landscape and countryside from inappropriate development, it will not result in new development.	n/a	n/a	No
Policy 18: Green Infrastructure	None – this policy requires new development contributes to green infrastructure; it will not itself result in development or an increase traffic or visitor numbers.	n/a	n/a	No
Policy 19: Biodiversity and Geodiversity	None – this policy requires new development to protect biodiversity and geodiversity, it will not itself result in development or an increase traffic or visitor numbers.	n/a	n/a	No

	Likely activities (operation) to result as a consequence of the proposal	Likely effects if proposal implemented	European site(s) potentially affected	Could the proposal have likely significant effects on European sites?
Policy 20: Open Space	None – this policy requires new development to protect and make provision for open space, it will not itself result in development or an increase traffic or visitor numbers.	n/a	n/a	No
Policy 21: Heritage	None – this policy protects the Historic Environment, it will not result in new development.	n/a	n/a	No
Policy 23: Community Services and Facilities	None – this policy relates to the protection of Community Services and Facilities, it will not result in new development.	n/a	n/a	No
Policy 22: Design	None – this policy sets principles for the design of new development, it will not result in new development.	n/a	n/a	No
Policy 24: Strategic Infrastructure	None – this policy requires new development to assess the need and be served by appropriate infrastructure and services, but will not itself result in an increase of infrastructure.	n/a	n/a	No

Appendix 3

Plans with the Potential for In-Combination Effects with Bassetlaw District

Local Plans and Strategies

North Lincolnshire Saved Policies Direction and List of Saved Policies (September 2007)

North Lincolnshire Core Strategy (Adopted June 2011)

North Lincolnshire Housing and Employment Land Allocations DPD (Adopted March 2016)

North Lincolnshire New Local Plan: Issues & Options (2018)

North Lincolnshire lies to the north of Bassetlaw District.

North Lincolnshire Council is in the early stages of preparing a new Local Plan. However, this is at a relatively early stage in development, with the spatial vision and spatial objectives recently being consulted on.

Housing Provision:

Core Strategy policy CS7: Overall Housing Provision states that between 2010 and 2026, North Lincolnshire's housing requirement is for 12,063 new dwellings to be provided (754 new dwellings per year). Of these new dwellings around 3,482 will be provided from sites that already have planning permission or are under construction. Dependent upon the location of a development site at least the following net density ranges should be achieved within a residential development site, or the residential element of a mixed use site:

- Scunthorpe town centre: 45-70 dwellings per hectare
- Within Scunthorpe and Market Towns development limits: 40-45 dwellings per hectare
- Within rural settlements and the countryside: 30-35 dwellings per hectare.

According to Core Strategy policy CS8: Spatial Distribution of Housing Sites:

- 82% of all new dwellings will be located in and adjacent to the urban area, equating 9,892 new dwellings. A total of 6,000 new dwellings will be provided within the Lincolnshire Lakes area during the plan period, with 1,250 being provided elsewhere within the urban area. Of these new dwellings 2,642 will be provided from sites that already have planning permission or are under construction.
- 18% of all new dwellings will be located within the Market Towns of Barton upon Humber, Brigg, Crowle, Kirton in Lindsey and Winterton, equating to 2,171 new dwellings.

Employment Land Provision:

Core Strategy policy CS11: Provision and Distribution of Employment Land states that an additional 40 hectares of employment land will be identified and allocated in the Housing and Employment Land Allocations DPD between 2006 and 2021. Strategic employment sites will be identified in the following broad locations:

- Scunthorpe – 71 hectares
- Market Towns – 10 hectares
- Humberside Airport – 20 hectares
- Sandtoft Business Park – 58.5 hectares

New Local Plan Issues & Options (2018):

The new Local Plan is at a very early stage in its development, therefore the contents of the plan are currently unknown. As such, it has not been considered here in terms of in-combination effects. However, the progress of the new Local Plan will be monitored and consideration of in-combination effects updated as necessary in future iterations of the HRA.

HRA Findings:

The HRA Report that accompanies the Core Strategy is the 2010 Habitats Regulations Appropriate Assessment (Stage 2) report. It concludes that, taking account of the effects of the implementation of appropriate mitigation measures, the Core Strategy either alone or in combination with other plans, is unlikely to lead to adverse effects on the integrity of the Humber Estuary SAC, SPA or Ramsar site or the Thorne Moor SAC, the Hatfield Moor SAC or the Thorne and Hatfield Moors SPA.

The HRA Report that accompanies the Housing and Employment Land Allocations DPD is the December 2014 Habitats Regulations Assessment. This document identified potential for likely significant effects, therefore Appropriate Assessment was undertaken (presented in the same document). The HRA concluded that, when taking mitigation measures into account, the DPD would not have an adverse effect on any European site either alone or in-combination with other plans or projects. **Significant in-combination effects with the Bassetlaw Local Plan are not considered likely.**

Central Lincolnshire Local Plan (Adopted April 2017)

The Central Lincolnshire Local Plan covers the combined areas of the City of Lincoln, North Kesteven and West Lindsey. West Lindsey is located to the north east of Bassetlaw District.

The Central Lincolnshire Local Plan replaces the West Lindsey Local Plan (First Review).

Housing and Employment Land Provision:

Policy LP3: Level and Distribution of Growth states that the Local Plan's strategic aim is to facilitate the delivery of 36,960 new dwellings and the creation of 11,894 FTE net new jobs over the plan period 2012-2036, distributed as follows::

- Lincoln Strategy Area – around 64% (23,654) of the total homes and employment land needed.
- Gainsborough – around 12% (4,435) of the total homes and employment land needed.
- Sleaford – around 12% (4,435) of the total homes and employment land needed.
- Elsewhere – around 12% (4,435) of the total homes and employment land needed.

HRA Findings:

The HRA Report accompanying the Proposed Submission Local Plan is the 2016 Habitats Regulations Screening Assessment Methodology and Screening Report. It concludes that the Central Lincolnshire Local Plan policies, in combination with other Local Plan policies and other relevant plans, policies and projects, would not have likely significant effects on European sites either alone or in combination with other plans.

Significant in-combination effects with the Bassetlaw Local Plan are not considered likely.

Newark & Sherwood Core Strategy (Adopted March 2011)

Newark & Sherwood Allocations & Development Management DPD (Adopted July 2013)

Newark & Sherwood is located to the south of Bassetlaw District.

In adopting the Allocations & Development Management DPD the Council has committed to an early review of the already adopted DPDs.

Housing Provision:

Core Strategy Spatial Policy 2: Spatial Distribution of Growth states that the housing requirements for Newark & Sherwood District between 2006 and 2026 are 14,800 dwellings. When discounting dwelling completions and commitments in settlements which are not central to the delivery of the Spatial Strategy, the total number of dwellings to be allocated by the District Council between 2006 and 2026 in the Sub-Regional Centre, Service Centres and Principal Villages is in the region of 14,162 dwellings. In allocating sites for housing development, the following percentages will be met:

- Sub-Regional Centre – 70% of overall growth
- Service Centres – 20% of overall growth
- Principal Villages – 10% of overall growth

Employment Land Provision:

According to Spatial Policy 2, the employment land requirement for Newark & Sherwood District between

2006 and 2026 is in the range of 210-220 hectares. This figure is distributed amongst the five Areas of the District (Newark Area, Southwell Area, Nottingham Fringe Area, Sherwood Area and Mansfield Fringe Area).

HRA Findings:

The HRA Report accompanying the Allocations & Development Management Publication DPD also includes consideration of the Core Strategy. It concludes that if the proposed modifications outlined in the HRA are incorporated into the Core Strategy and Allocations & Development Management DPD, following designation of the potential prospective SPA at Sherwood Forest, there will be no likely significant effects on European sites either alone or in combination with other plans. **Significant in-combination effects with the Bassetlaw Local Plan are not considered likely.**

Mansfield District Local Plan – Publication Draft (September 2018)

Mansfield is located to the south of Bassetlaw District.

The Council recently published the Mansfield District Local Plan – Publication Draft for six weeks public consultation ahead of its submission to the Secretary of State for an Examination in Public.

Housing Provision:

Policy S2: The spatial strategy states that at least 6,500 new homes will be provided between 2013 and 2033. This will be distributed as follows:

- Mansfield urban area – 90% or at least 5,850 new homes; and
- Warsop Parish – 10% or at least 650 new homes.

Employment Land Provision:

Policy S2: The spatial strategy states that existing employment areas will be safeguarded, and 41ha of employment land for development will be identified between 2013 and 2033.

HRA Findings:

The HRA Report accompanying the Local Plan Publication Draft concludes that no likely significant effects on the SAC will arise from the Mansfield Local Plan either alone or in combination with other plans and projects. Furthermore, no adverse effects will arise from the Mansfield Local Plan in relation to Sherwood ppSPA, either alone or in combination with other plans or projects. **Significant in-combination effects with the Bassetlaw Local Plan are not considered likely.**

Local Plan for Bolsover District (submitted to the Secretary of State on 31st August 2018)

Bolsover is located south west of Bassetlaw District.

Following on from the Publication Local Plan consultation, the Council formally submitted the Local Plan for Bolsover District to the Secretary of State on 31st August 2018 and this has started the Examination process.

Housing Provision:

Policy SS2: Scale of Development states that the Local Plan will accommodate new growth and investment in Bolsover District by making provision for:

- Sufficient land to accommodate the delivery of 5,168 dwellings (272 new homes per year) to meet the Council's Housing Objectively Assessed Need across the period 2014 to 2033.
- An additional housing land supply buffer of 10% for site flexibility applied across the period 2014 to 2033 (up to a planned scale of housing provision of 5,700 dwellings).

Employment Land Provision:

Core Strategy Policy SS2: Scale of Development states that the Local Plan will accommodate growth and investment in Bolsover District by making provision for:

- Sufficient land to accommodate 92 hectares of employment land across the period 2015 to 2033.

HRA Findings:

The Publication Draft HRA concludes that most aspects of the plan will have no significant effects on any

European sites, alone or in combination. Where residual effect pathways remain, appropriate policy-based mitigation measures have been incorporated into the plan policies to ensure that proposals coming forward under the Local Plan either avoid affecting European sites entirely (no significant effect) or will have no adverse effects on site integrity. **Significant in-combination effects with the Bassetlaw Local Plan are not considered likely.**

Rotherham Core Strategy (Adopted September 2014)

Rotherham Sites and Policies (Adopted June 2018)

Rotherham is located north east of Bassetlaw District.

The Sites and Policies document identifies development sites to meet targets set out in the adopted Core Strategy 2013-2028.

Housing Provision:

Land is allocated in the Sites and Policies document to meet Rotherham's housing requirement of 850 net additional dwellings per annum or 12,750 for the period 2013 to 2028, plus any shortfall in the delivery against that annual target from April 2008 to March 2013 (estimated to be 1,621 dwellings). According to Policy CS 1: Delivering Rotherham's Spatial Strategy, most new development will take place within Rotherham's urban area and at Principal Settlements for Growth. At Principal Settlements and Local Service Centres development will be appropriate to the size of the settlement, meet the identified needs of the settlement and its immediate area and help create a balanced sustainable community.

Employment Land Provision:

Some 230 hectares of land is allocated in the Sites and Policies document for business and industrial development, whilst 5 hectares of land is allocated in the Sites and Policies document for office floorspace over the plan period.

HRA Findings:

The HRA Screening, included in a letter to Natural England dated September 2015, concluded that the Pre-Submission Draft Rotherham Local Plan Sites and Policies Document is not likely to have any significant effects on Natura 2000 sites. Therefore an Appropriate Assessment was not required. **Significant in-combination effects with the Bassetlaw Local Plan are not considered likely.**

Doncaster Core Strategy (Adopted May 2012)

Doncaster Local Plan: Draft Policies & Proposed Sites consultation document (September 2018)

Doncaster is located to the north of the District of Bassetlaw.

Doncaster Council is preparing a new Local Plan that will have a big influence on the amount and location of new development across the Borough in the period up to 2032. The Council recently consulted on draft policies and proposed sites for the emerging Local Plan.

Housing Provision:

Policy CS10 (Housing Requirement, Land Supply and Phasing) of the adopted statutory development plan states that sufficient land will be provided to deliver a net addition of 1,230 new homes each year between 2011 and 2028 (20,910 in total), with allocated sites sufficient to deliver 15 years' supply (18,450 in total). New allocations will be distributed according to the Growth and Regeneration Strategy (Policy CS2). Within each town, allocation priority will be afforded to well located brownfield urban sites followed by other well located urban sites followed by sustainable urban extension sites.

Policy 3 (Level and Distribution of Growth) of the emerging Local Plan states that the Council aims to facilitate the delivery of at least 920 (net) new homes each year over the plan period 2015-2032 (15,640 homes in total) with sufficient land allocated to deliver at least 15 years' supply (13,800). New allocations will be distributed according to Policy 6 (Housing Allocations [Strategic Policy]).

Employment Land Provision:

Policy CS5: Employment Strategy states that sufficient employment land will be allocated to take into account the identified potential for the creation of 36,000 jobs, Doncaster's wider aspirations for economic

growth as set out in the Economic Strategy, historic take-up rates of employment land, and the need for a range of sites to provide flexibility. Employment opportunities will be located to support the Settlement Hierarchy, attract a range of businesses (including higher skilled jobs) and ensure good sustainable transport links to the settlement network.

Policy 3 (Level and Distribution of Growth) of the emerging local plan states that the Council aims to facilitate the delivery of at least 407 hectares of employment land over the plan period (2015-2032) to help grow and diversify the Sheffield City Region economy. This includes the provision of new retail, leisure, office, cultural and tourist developments in accordance with the defined Network of Centres.

HRA Findings:

The HRA of the Core Strategy Submission Version concluded that none of the policies were identified as having a negative impact on any European Site. The HRA of the emerging Local Plan is yet to be published, therefore **significant in-combination effects with the Bassetlaw Local Plan are unknown.** Progress of the emerging Local Plan will be monitored and consideration of in-combination effects updated as necessary in future iterations of the HRA.