



# Recreational Impact Briefing Paper

November 2022

Bassetlaw Local Plan 2020-2038: Examination Library Reference: [BDC-04]

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## 1. Introduction

- 1.1 This briefing paper [BDC-04] explores the implementation of Policy ST40 (Biodiversity and Geodiversity) in the emerging Bassetlaw Local Plan 2020-2038: Publication Version Composite [SUB-010], and how it specifically relates to and addresses recreational impact on the Clumber Park Site of Specific Scientific Interest (SSSI).
- 1.2 This briefing paper provides evidence to justify the inclusion of criteria relating to National Designations as suggested in the Schedule of Suggested Changes to the Local Plan Publication Version [SUB-009a]. The exercise undertaken focuses solely on Clumber Park SSSI as the Birkland and Bilhaugh SAC was screened out of the HRA [PUB-026] concluding<sup>1</sup> that the Local Plan will not result in adverse effects on the integrity of the Birklands and Bilhaugh SAC as a result of recreational pressures.
- 1.3 The briefing paper supersedes the Recreational Impact Technical Note - July 2022 [CD-024], which was submitted as part of the Local Plan evidence base in July 2022. The Bassetlaw Local Plan [SUB-010] is currently at examination, with hearing sessions scheduled to start on 29<sup>th</sup> November 2022.

## 2. Context

- 2.1 At a Garden Village Stakeholder meeting (on 7<sup>th</sup> February 2020) and during consultation on the Draft Bassetlaw Local Plan (January 2020) [BG-006], Natural England identified that the Sherwood Forest Visitor Centre and surrounding forest

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<sup>1</sup> Paragraph 6.3 of the HRA [PUB-026] conclusion states “The screening assessment also identified potential effects as a result of increased recreational pressure at Birklands and Bilhaugh SAC, particularly in proximity to the Sherwood Forest Visitor Centre. The Appropriate Assessment concluded that, given the protections provided by Policy ST40 – Biodiversity and Geodiversity and individual site allocations, adverse effects on integrity of the SAC can be ruled out, both as a result of the plan alone and in-combination with other plans and programmes”.

(including the Clumber Park SSSI), Birklands and Bilhaugh Special Area of Conservation (SAC)/Sherwood Forest National Nature Reserve (NNR) are regional recreational resources, drawing visitors from a wide area. Natural England highlighted that residential development (including the Garden Village) proposed within the District, had the potential to increase the recreational disturbance on existing sensitive habitats at these protected sites.

- 2.2 As such, in October 2020, the Clumber Park SSSI and Birklands Baseline Report, March 2022 [DC-021] was commissioned by Bassetlaw District Council (BDC) in partnership with Newark and Sherwood District Council, which was followed by the Clumber Park SSSI Recreational Impact Assessment, March 2022 [CD-022] and the Birklands and Bilhaugh SAC Recreational Impact Assessment, March 2022 [CD-020]. These covered the Clumber Park SSSI and the Birklands and Bilhaugh SAC to inform the production of the emerging Bassetlaw Local Plan [PUB-023], the associated Bassetlaw Habitat Regulation Assessment, May 2022 [PUB-026], and the on-going Local Plan work for Newark and Sherwood.
- 2.3 The Recreational Impact Assessments (RIAs) [CD-022 and CD-020] were required to evaluate the potential impact of recreational pressure on Clumber Park SSSI, Birklands & Bilhaugh SAC and Sherwood Forest NNR from the housing allocations within Bassetlaw and Newark and Sherwood (alone and in-combination). The final RIAs [CD-022 and CD-020] also make recommendations for mitigation and monitoring (see Section 7 of both reports) which were considered to be proportionate to potential impacts and were expected to inform planning policy development in both the Bassetlaw Local Plan and the Newark and Sherwood Local Plan, and any other Local Plans which were considered to potentially impact the SSSIs with future residential development.
- 2.4 The RIA commissions [CD-022 and CD-020] undertaken by [Footprint Ecology](#), were developed in partnership over the last 2 years as part of a Project Group (which included BDC, Newark and Sherwood District Council, Nottinghamshire County Council, Rotherham Metropolitan Borough Council, Bolsover District Council, Gedling Borough Council, Ashfield District Council and Mansfield District Council as well as Natural England, National Trust, and the RSPB).
- 2.5 Visitor survey work, breeding bird surveys and habitat/recreation impact walkover were undertaken which identified potential recreational impacts, and a draft 'Zone of Influence' (ZOI). The RIAs were completed in March 2022.
- 2.6 The RIAs [CD-022 and CD-020] concluded (see Section 8 of both reports) that for Birklands and Bilhaugh there would be a very marked increase in visitor use of Birklands & Bilhaugh SAC/Sherwood Forest NNR of 250% compared to the current level, as a result of the increase in dwellings from the allocations in the Bassetlaw Local Plan [PUB-015] and Newark and Sherwood Local Plan. For Clumber Park, there would be an increase in visitor use of Clumber Park SSSI of 55% compared to the current level, as a result of the increase in dwellings from the allocations detailed in the Bassetlaw Local Plan (PUB-015) and Newark and Sherwood Local Plan.

- 2.7 This increase was further broken down between Bassetlaw Local Plan allocations [PUB-015], (35% increase, with 9% from the Garden Village alone) and Newark and Sherwood Plan allocations (20%). A recreation ZOI of 8.9km radius was calculated for the Birklands & Bilhaugh SAC/Sherwood Forest NNR study area, however this did not cover the proposed Bassetlaw Garden Village Local Plan allocation. A recreation ZOI of 24.7km radius was calculated for the Clumber Park SSSI. Mitigation measures (see Section 7 of both reports) were proposed for both areas comprising of Strategic Access Management and Monitoring (SAMM) and Suitable Alternative Natural Greenspace (SANG) / infrastructure projects away from the SSSI and the SAC.
- 2.8 In March 2022, just before the Local Plan was due to be submitted for examination, one of the two landowners unexpectedly withdrew their site from the proposed Garden Village development. As such, the Garden Village was removed from the Local Plan as a formal site allocation. The validity of the RIAs was questioned by BDC officers, as they were primarily commissioned due to the Garden Village allocation.
- 2.9 As such, following with withdrawal of the Garden Village, BDC's Planning Policy team met with Natural England on 23rd March 2022, to agree a way forward in terms of recreational impact. Natural England subsequently advised that as Clumber Park is a SSSI (rather than a European site) a strategic solution would be hard to justify as recommended within the Clumber Park SSSI RIA (noting that the Garden Village was the main driver for both the commissioning of the RIAs and the proposed Recreational Disturbance Avoidance and Mitigation Strategy (RAMs)). This was confirmed in an email from Natural England to BDC dated 25<sup>th</sup> March 2022, and also covered in-depth in the Natural England and Bassetlaw District Council Statement of Common Ground, May 2022 [SCG-012] (paragraph 3.23).
- 2.10 The RIA commissions [CD-022 and CD-020] were still considered to be useful evidence, and so have been published as background evidence to support the Local Plan [SUB-010]. They demonstrate the recreational impact on both the Clumber Park SSSI and Birklands & Bilhaugh SAC. They set out a technical understanding of how these areas are used and the potential impacts of recreational use. Upon the adoption of the Local Plan, there may still be the potential to seek funding towards a Strategic Access Management and Monitoring (SAMM) for one or both sites as suggested in both assessments.
- 2.11 To establish and mitigate against any potential recreation impact from residential development proposed as part of the draft Bassetlaw Local Plan going forward, it was suggested at the meeting with Natural England on 23<sup>rd</sup> March 2022 and agreed within the Natural England Statement of Common Ground, May 2022 [SCG-012] that allocated sites of 50 units or more, that fall within an 'Impact Risk Zone' (IRZ) of a SSSI will now be required to provide bespoke mitigation on a site by site basis which is to be agreed at the planning application stage. Natural England agreed that this was a suitable approach to address the recreational impacts on SSSI's associated with the Local Plan's residential site allocations [SUB-010], and this approach has been used successfully in Cambridgeshire. This proposed modification was included

as part of the Schedule of Proposed Changes to the Published Plan, July 2022 [SUB-009]. In turn this also addresses concerns raised by National Trust's representations received through the Bassetlaw Local Plan 2020 – 2038: Publication Version Second Addendum, May 2022 [PUB—023] consultation set out in the 'Copies of representations made under Regulation 20, May 2022 – Number Order, July 2022' [SUB-005] (see National Trust representations referenced SA-REF012).

- 2.12 As such, BDC propose that ST40 will now have an additional criteria (1d), which specifically states that... *"proposals of 50 dwellings or more (which includes piecemeal planning applications for less than 50 dwellings for a wider site) that fall within an 'Impact Risk Zone' of a SSSI will be required to give appropriate consideration to the impact from the development upon the integrity of the SSSI, including recreational impact. Where impacts are identified, appropriate mitigation measures will be sought, and/or financial contribution to help mitigate identified impacts at the affected SSSI<sup>2</sup>.*
- 2.13 In the interest of working together to resolve outstanding issues ahead of Examination, BDC's Planning Policy team met with Natural England and National Trust on 24<sup>th</sup> August 2022 to discuss Recreational Impact and the application of Policy ST40 as proposed in the proposed modifications to the submission Local Plan [SUB-010]. It was agreed at that meeting that a briefing paper would be produced that explores which Local Plan site allocations (of 50 or more units), fall within the IRZ of Clumber Park (noting also that the policy would apply to Neighbourhood Plan allocations that do not yet have planning permission, and also windfall sites).
- 2.14 This briefing paper will also set out how sites of more than 50 units that don't fall within the IRZ could potentially address recreational impact. It was suggested at the meeting on 24<sup>th</sup> August 2022 that this briefing paper could front-load the forthcoming "Greening Bassetlaw" SPD which is planned for production post adoption of the Local Plan.

### 3. Exercise:

- 3.1 Policy ST40's proposed new criteria (1d) would apply to all site allocations of 50 or more residential units within the Local Plan [SUB-010], as well as any relevant site allocations in adopted Neighbourhood Plans, and also windfall sites. The policy does not apply to sites that already have planning permission. As such, the following list of site allocations have been considered as part of this exercise:

#### Local Plan Allocations (SUB-010):

- HS1 – Peaks Hill Farm 1120 houses
- HS3 – Retford Street, Worksop – 120 houses
- HS4 – Former Manton Primary School, Worksop – 100 houses
- HS7 – Trinity Farm, Retford – 305 houses

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<sup>2</sup> The wording for this proposed modification may be subject to further revisions prior to or during the examination hearing sessions of the Bassetlaw Local Plan.

- HS9 – Former Elizabethan School, Retford – 46 houses
- HS11 – Fairy Grove, Retford – 61 houses
- HS13 – Ordsall South – Retford – 1250 houses
- HS14 – Land south of Ollerton Road – Tuxford – 75 houses

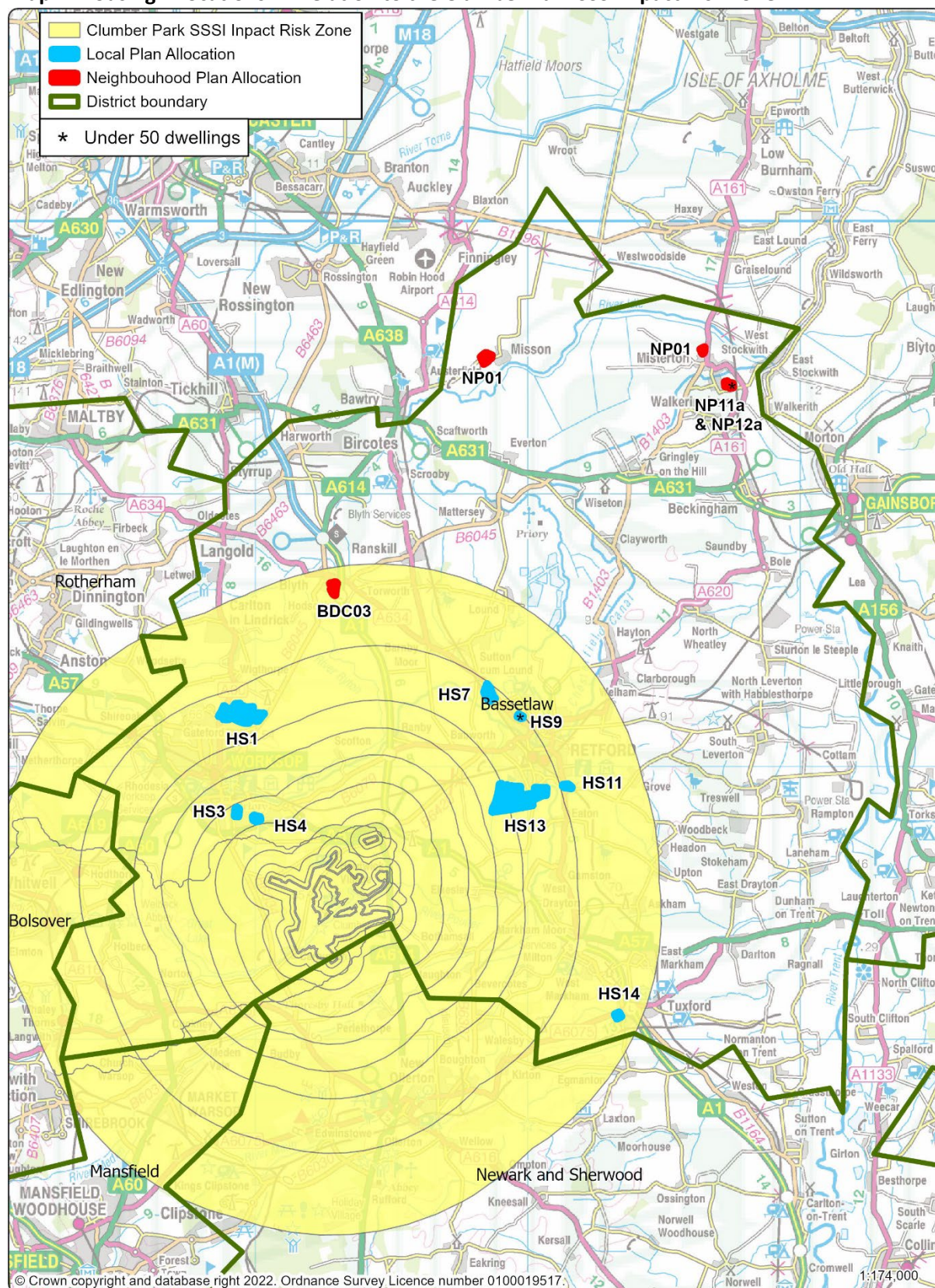
Neighbourhood Plan allocations:

- BDC03 – Blyth NP – Land to the east of Spital Road – 55 houses
- NP01 – Misson NP – Misson Mill – 50 houses
- NP01 – Misterton NP – Land at White House Farm – 50 houses
- NP11a – Misterton NP – Land east of Grange Walk – 60 houses
- NP12a – Misterton NP – Land north of Fox Covert Lane – 48 houses

- 3.2 It should be noted that some of the allocations listed above are for slightly less than 50 units however they have been included as planning applications above the 50 unit threshold could be submitted, and therefore the new criteria 1d would then apply.
- 3.3 These site allocations have been overlaid onto GIS mapping with the Clumber Park SSSI IRZ layer. Map 1 below illustrates which sites fall within the IRZ. Note that there are two NP01 references. The NP01 allocation to the West is Misson (Misson Hill) and the NP01 allocation to the East is Misterton (White House Farm).



### Map 1: Housing Allocations<sup>3</sup> in relation to the Clumber Park SSS Impact Risk Zone



## 4. Findings

- 4.1 The exercise shows that the new policy criteria (1d) would capture all of the Local Plan site allocations [SUB-010] with 50 or more residential units (and HS9 which is for just less than 50 units) as they are all located within the Clumber Park IRZ. As such, these allocations will be required to give appropriate consideration to the impact from the development upon the integrity of the SSSI, including recreational impact, as part of the planning application process. Where relevant, appropriate mitigation measures will be sought, and/or financial contribution to help mitigate impacts at the affected SSSI.
- 4.2 Neighbourhood Plan allocation BDC03 in Blyth will also be required to meet the requirements of criteria 1d, as this too is located within the IRZ. Neighbourhood Plan allocations NP01 (Misson), NP01 (Misterton), NP11a (Misterton) and NP12a (Misterton) currently fall outside of the IRZ and so would not be subject to the requirements of criteria 1d. The Neighbourhood Plan areas of Mission and Misterton do not fall within the IRZ, however if the IRZs is amended (expanded) by Natural England in the future (see paragraph 6.3 below for more information) there is a possibility that they may be covered. As such, this exercise explores the implications for Mission and Misterton further for completeness (as per paragraphs 4.3 – 4.5 below).
- 4.3 The Misson Neighbourhood Plan (2016 – 2031), adopted in September 2017, makes no reference to the Clumber Park SSSI, however notes that there are 3 other SSSIs within the Neighbourhood Plan area. Policy 7 (2J) of the Neighbourhood Plan specifically states that mixed-use development schemes should demonstrate that *‘consideration has been taken of the impact of the proposal on SSSI Impact Risk Zones’*. This policy could require the development to consider recreational impact at Clumber Park due to the way the policy is worded.
- 4.4 The Misterton Neighbourhood Plan (2018 – 2035) adopted in September 2019, recognises that the village has easy access to the regional attraction that is Clumber Park. However there is no mention of how the neighbourhood plan allocations would demonstrate that the impact of residential site allocations would be considered within the SSSI.
- 4.5 It should be noted that the Misterton Neighbourhood Plan is currently being reviewed with a Regulation 14 (pre-Submission) consultation expected prior to the Bassetlaw Local Plan hearing sessions. As such, there will be opportunity for the Council to provide formal comments as part of that consultation where this issue can be addressed going forward.
- 4.6 In terms of windfall sites, those inside of the IRZ that meet the threshold would also be required to meet the requirements of the new policy criteria. Any windfall

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<sup>3</sup> Local Plan Housing Allocations as set out in examination document SUB-010 and adopted Neighbourhood Plans.

allocations outside of the IRZ would not be required to consider recreational impact unless this was specifically picked up at the planning applications stage.

## **5. Conclusions**

- 5.1 The exercise undertaken, demonstrates that the modifications proposed to Policy ST40 [set out in SUB-009a] will be effective in ensuring that the recreational impact on the Clumber Park SSSI as a result of housing allocations within the Local Plan [SUB-010] will be adequately addressed.
- 5.2 In addition, relevant Neighbourhood Plans either currently are, or have the potential to address recreational impact as a result of proposed housing allocations within their (adopted or emerging) Neighbourhood Plans, should they be required to do so.
- 5.3 With the proposed modification, Policy ST40 is considered to be justified, effective and clear in its implementation.

## **6. Next Steps**

- 6.1 This briefing paper will provide evidence of the implementation ST40 in practice and can be used to aid discussion at the forthcoming Bassetlaw examination hearing sessions.
- 6.2 The briefing paper will front-load the forthcoming “Greening Bassetlaw” SPD which is planned for production post adoption of the Local Plan.
- 6.3 Bassetlaw District Council will continue to engage with Natural England. Natural England are investigating internally the approach of potentially amending the IRZ, noting that this would need to be agreed internally and justified. This will involve consultation with all authorities within the IRZ (i.e. Newark & Sherwood and Mansfield). Natural England have confirmed that work could be started but not concluded by the point of the hearing sessions in November, however a ‘letter of intent’ has been prepared by Natural England ahead of the hearing sessions, and it is understood that this has been submitted to the Inspector by Natural England.
- 6.4 Bassetlaw District Council will continue to engage with the National Trust to better understand National Trust’s approach to the management of Clumber Park in the medium-long term in light of the concerns on recreational pressure.