

Ashfield District Council Local Plan 2023-2040

Habitats Regulations Assessment Addendum Report

February 2025



LEPUS CONSULTING
LANDSCAPE, ECOLOGY, PLANNING & URBAN SUSTAINABILITY

Ashfield District Council Local Plan 2023 – 2040

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Acronyms

AA	Appropriate Assessment
AADT	Annual Average Daily Traffic
APIS	Air Pollution Information System
BSIP	Bus Service Improvement Plan
CLes	Critical Levels
CLos	Critical Loads
DO	Dissolved Oxygen
DTA	David Tyldesley and Associates
EA	Environment Agency
EP	Environmental Permit
EU	European Union
FLL	Functionally Linked Land
GIS	Geographic Information System
HRA	Habitat Regulation Assessment
IBA	Important Bird Area
IRZ	Impact Risk Zone
LPA	Local Planning Authority
LSE	Likely Significant Effect
NE	Natural England
NNR	National Nature Reserve
NPPF	National Planning Policy Framework
P	Phosphorus
ppSPA	Possible Potential Special Protection Area
RBMP	River Basin Management Plan
RIA	Recreational Impact Assessment
RoW	Right of Way
RSPB	Royal Society for the Protection of Birds
SAC	Special Area of Conservation
SINC	Sites of Importance for Nature Conservation
SIP	Site Improvement Plan
SPA	Special Protection Area
SSSI	Site of Special Scientific Interest
SuDS	Sustainable Urban Drainage
UK	United Kingdom

WFD	Water Framework Directive
WRMP	Water Resource Management Plan
WwTW	Wastewater Treatment Works

1 Introduction

1.1 Background

- 1.1.1 Ashfield District Council (the Council) is in the process of reviewing its Local Plan. Once adopted, the Local Plan will provide the basis for delivering sustainable development within the district of Ashfield. The Local Plan sets out a vision for the future and a framework for meeting identified needs and priorities. The plan considers land use needs for specific types of development and identifies sites and areas of protection. It also provides the basis upon which planning applications will be determined, outlining the main criteria that the Council will employ in assessing planning proposals within the district.
- 1.1.2 The Local Plan will cover the period from 2023 to 2040 and extends across the whole of Ashfield District Council's administrative area (referred to hereafter as the 'Plan area' and illustrated in Figure 1.1).
- 1.1.3 Lepus Consulting prepared a Habitats Regulations Assessment (HRA) of the Regulation 19 Pre-Submission Draft version of the Ashfield Local Plan in October 2023 on behalf of the Council¹. The Regulation 19 HRA concluded that the Local Plan would have no adverse impact on site integrity at any European site, or upon the Sherwood Forest ppSPA, either alone or in-combination.
- 1.1.4 The Council submitted its Local Plan and supporting documents to the Secretary of State for independent examination on 29th April 2024 as the Findings of the Regulation 19 HRA. The first week of hearings took place in November 2024. A post hearing letter from the Inspectors outlining the way forward was received by the Council on 6th January 2025, which asked the Council to undertake further work before hearings may continue for Matters 4 to 12².
- 1.1.5 This letter asks:
- "I. Whether the Council can identify any further sites for allocation in accordance with the submitted plan's spatial strategy to meet housing needs? If not, could any sites of greater than 500 dwellings be identified for allocation whilst maintaining the dispersed approach?;
 - II. If further sites cannot be identified, then how could the Plan and its spatial strategy be modified to make it effective, justified and sound in seeking to meet housing needs in full over the plan period."
- 1.1.6 In response to these questions, the Council is undertaking work to identify further sites for allocation of 500 dwellings, in accordance with the submitted plan's spatial strategy to meet housing needs.

¹ Lepus Consulting (October 2023) Ashfield District Council Local Plan 2023 – 2040 Regulation 19 Pre-Submission Draft Habitats Regulations Assessment.

² For information relating to the Examination please refer to the Examination Website at:
<https://www.ashfield.gov.uk/local-plan-examination/local-plan-latest-news/>

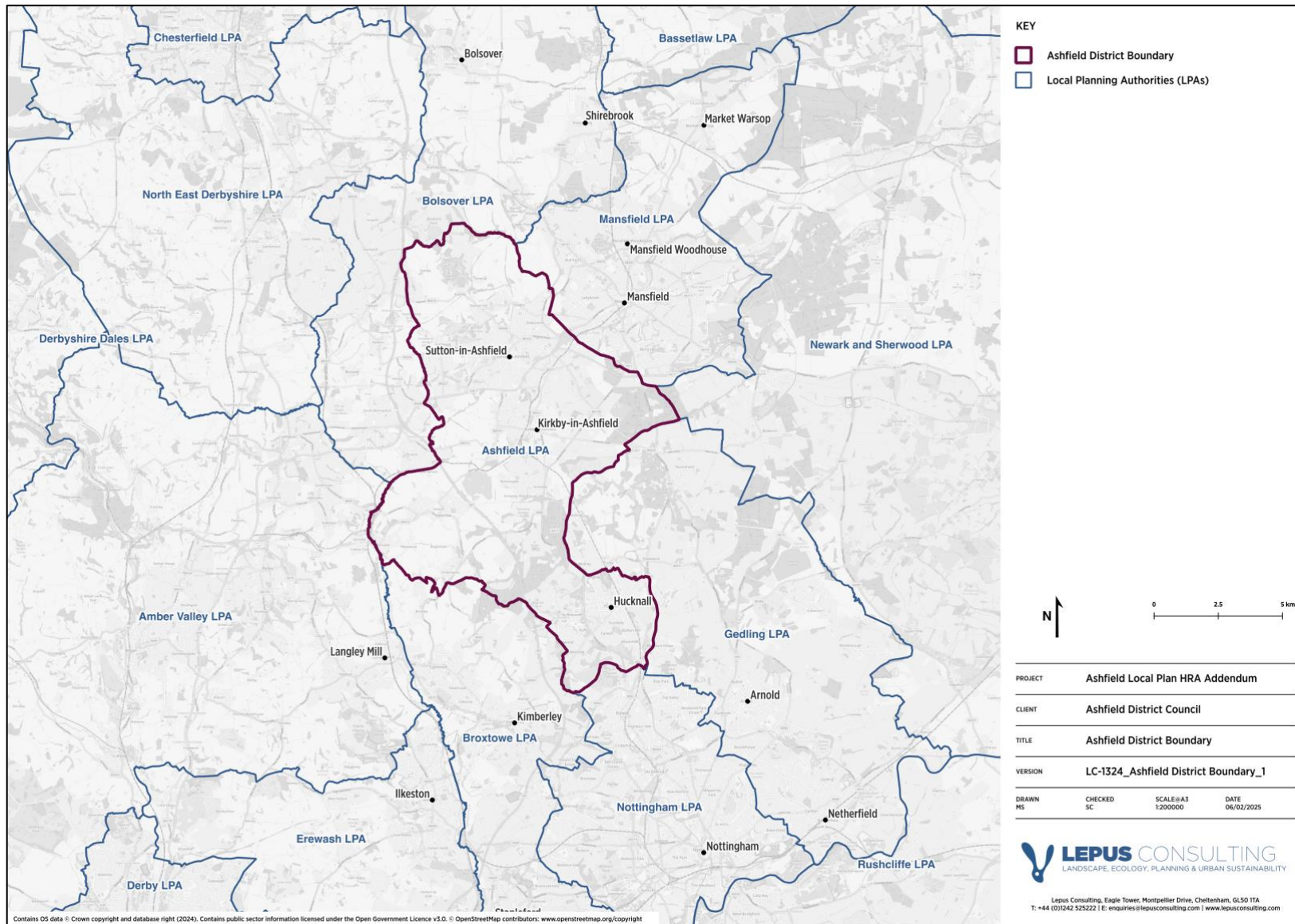


Figure 1.1: Local Plan area

1.2 Regulation 19 HRA conclusions

1.2.1 The Regulation 19 HRA concluded that the Local Plan is not directly connected with or necessary to the management of any European site. A screening assessment was therefore undertaken which identified a number of likely significant effects (LSEs) associated with the Local Plan. Taking no account of mitigation measures, these had the potential to affect the following European sites:

- South Pennine Moors SAC – recreational pressure (in-combination)
- Peak District (South Pennine Moors Phase 1) SPA – recreational pressure (in-combination)
- Humber Estuary SPA – water quality (in-combination)
- Humber Estuary SAC - water quality (in-combination)
- Humber Estuary Ramsar - water quality (in-combination)

1.2.2 In addition, to ensure a 'risk-based' approach was adopted in line with Natural England's standing advice³, consideration was also given to the Sherwood Forest possible potential SPA (ppSPA) for the following:

- Air pollution (in-combination);
- Habitat loss / fragmentation (alone); and,
- Public access and disturbance (recreation and urbanisation impacts).

1.2.3 The Regulation 19 HRA progressed to an Appropriate Assessment (AA) which looked at the impacts of a change in air quality, water quality, public access and disturbance effects (recreational pressure and urbanisation effects) and impacts upon functionally linked land (FLL) upon the qualifying features and conservation objectives of each European site and the Sherwood Forest ppSPA.

1.2.4 The AA drew on the Precautionary Principle to identify a number of potential threats and pressures that might be exacerbated by the Local Plan. Throughout the Regulation 19 HRA a series of recommendations were made during the plan making process aimed at strengthening the plan's wording to ensure adequate policy protection is provided. These recommendations were incorporated into the Plan.

1.2.5 The AA took into consideration the protective nature of these policies. It also looked at the hierarchical nature of plan making i.e. the requirement for HRA at lower tiered stages of the plan making process and project application stage. A number of existing protection measures, set out in high level strategic policy and existing planning policy frameworks that serve to protect European sites, were taken into consideration.

1.2.6 The HRA concluded that the Local Plan would have no adverse impact on site integrity at any European site, or upon the Sherwood Forest ppSPA, either alone or in-combination.

³ Natural England (2014) Advice Note to Local Planning Authorities regarding the consideration of likely effects on the breeding population of nightjar and woodlark in the Sherwood Forest region.

- 1.2.7 Natural England made a representation to the Regulation 19 Pre-Submitted Local Plan, which raised that allocation H1Ka is within 400m of the Sherwood Forest ppSPA. The representation at that time identified that the Local Plan was not sound in this respect, and recommended that a precautionary approach, as noted in paragraph 6.30 of the Regulation 19 HRA, and Policy EV4 (criteria 5) and paragraph 5.100, is complied with to ensure the allocation has appropriately considered the potential impacts to the ppSPA.
- 1.2.8 The Council fully supported this recommendation. However, this representation was since formally withdrawn by Natural England in light of an agreed Statement of Common Ground [SCG.06] which set out that both parties (the Council and Natural England) agree that:
- The Regulation 19 HRA sets out a comprehensive assessment of the Local Plan impacts (both alone and in-combination) on the identified European Sites, including the Sherwood Forest ppSPA.
 - The conclusions of the Regulation 19 HRA are accurate in identifying that the Local Plan will have no adverse impact on site integrity of the European sites, or upon the Sherwood Forest ppSPA, either alone or in-combination.

1.3 Purpose of report

- 1.3.1 The purpose of this report is to assess additional new site allocations that have been identified by the Council in the context of the Habitats Regulations and determine whether their inclusion will change the conclusions of the Regulation 19 HRA report. This Addendum Report is intended to sit alongside the Regulation 19 HRA report.

2 Additional Allocations

2.1 Overview of additional allocations

2.1.1 The additional site allocations put forward by the Council in response to the Inspectors post-hearing letter are illustrated in **Figure 2.1**. The additional allocations cover a total of 14 sites and comprise 961 new dwellings (see **Table 2.1**).

Table 2.1: Additional site allocations

Allocation Number	Site Name	Number of units
H1Kl	Central Ave Kirkby in Ashfield	16
H1Km	Abbey Road Kirkby	38
H1Kn	Southwell Lane	60
H1Ko	Former Kirklands Carehome, Fairhaven	20
H1Kp	Pond Hole Kirkby	54
H1Kq	Former Wyvern Club site, Lane End, Kirkby	12
H1Kr	Ellis Street Kirkby	24
H1Sai	Pendean Way Sutton in Ashfield	12
H1Saj	Land between Redcliffe Street & Leyton Ave	18
H1Sak	Rookery Lane	78
H1Sal	Newark Road / Coxmoor Road	300
H1Sam	Land north of Fackley Road, Teversal	133
H1San	Beck Lane South, Skegby	106
H1Sao	Land off Dawgates Lane	90
Total: 961 units		

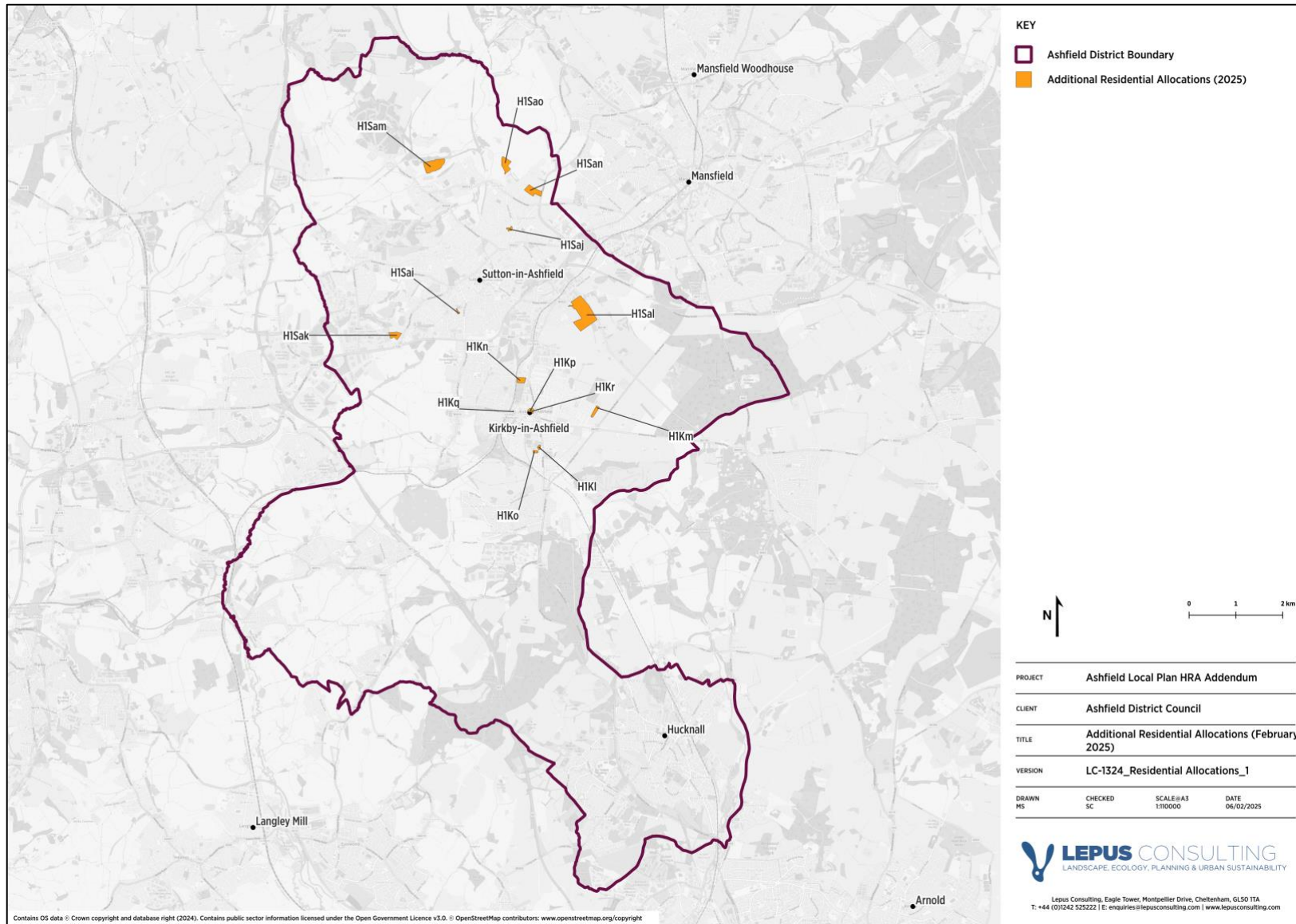


Figure 2.1: Location of additional site allocations

3 The HRA process

3.1 Overview

3.1.1 The purpose of the HRA process is to understand and evaluate the potential effects of a plan or project on the conservation objectives of sites designated under the Habitats⁴ and Birds⁵ Directives. These sites form a system of internationally important sites throughout Europe known collectively as the 'Natura 2000 Network'. In line with the Habitats Regulations, UK sites which were part of the Natura 2000 Network before leaving the EU, have become part of the National Site Network.

3.1.2 The Habitats Regulations⁶ provide a definition of a European site at Regulation 8. These sites include Special Areas of Conservation (SAC), Sites of Community Importance, Special Protection Areas (SPA) and sites proposed to the European Commission in accordance with Article 4(1) of the Habitats Directive.

3.1.3 In addition, policy in England and Wales notes that the following sites should also be given the same level of protection as a European site⁷.

- A possible potential SPA (ppSPA)
- A possible / proposed SAC (pSAC)
- Listed and proposed Ramsar Sites (wetland of international importance)
- In England, sites identified or required as compensation measures for adverse effects on statutory Habitats sites, ppSPA, pSAC and listed or proposed Ramsar sites.

3.1.4 HRA is a rigorous precautionary process centred around the conservation objectives of a European site's qualifying interests. It is intended to ensure that European sites are protected from impacts that could adversely affect their integrity. A step-by-step guide to the methodology followed for the HRA is illustrated in **Figure 3.1**. The Regulation 19 HRA (at Chapter 4) provides a full detailed explanation of the methodology that has been applied in the HRA to support the Local Plan. This methodology has not been repeated here.

⁴ Official Journal of the European Communities (1992). Council Directive 92 /43 /EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora.

⁵ Official Journal of the European Communities (2009). Directive 2009/147/EC of the European Parliament and of the Council of 30 November 2009 on the conservation of wild birds.

⁶ Conservation of Habitats and Species Regulations 2017 SI No. 2017/1012, TSO (The Stationery Office), London. Available at: <https://www.legislation.gov.uk/ukxi/2017/1012/contents> [Date Accessed: 28/09/23] as amended by The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019. Available at: <https://www.legislation.gov.uk/ukdsi/2019/9780111176573> [Date Accessed: 31/01/25].

⁷ Ministry of Housing, Communities & Local Government (2023). National Planning Policy Framework. Para 181. Available at: <https://www.gov.uk/government/publications/national-planning-policy-framework-2> [Date Accessed: 31/01/25].



Figure 3.1: Stages in the Habitats Regulations Assessment process⁸

3.2 European sites

3.2.1 This HRA Addendum Report focuses on the European sites which were assessed in the Regulation 19 HRA as listed below. Chapter 5 of the Regulation 19 HRA provides background detail on each of these European sites which is not repeated in this Addendum Report. The location of each of these sites is illustrated in **Figures 3.2** and **3.3**.

- Birklands and Bilhaugh SAC
- Humber Estuary Ramsar
- Humber Estuary SAC
- Humber Estuary SPA
- Peak District (South Pennine Moors Phase 1) SPA
- South Pennine Moors SAC

3.2.2 In addition, to ensure a 'risk-based' approach was adopted, consideration was also given to the Sherwood Forest potential proposed SPA (ppSPA) (see **Figure 3.4**).

⁸ Tyldesley, D., and Chapman, C. (2013) The Habitats Regulations Assessment Handbook (January) (2021) edition UK: DTA Publications Limited.

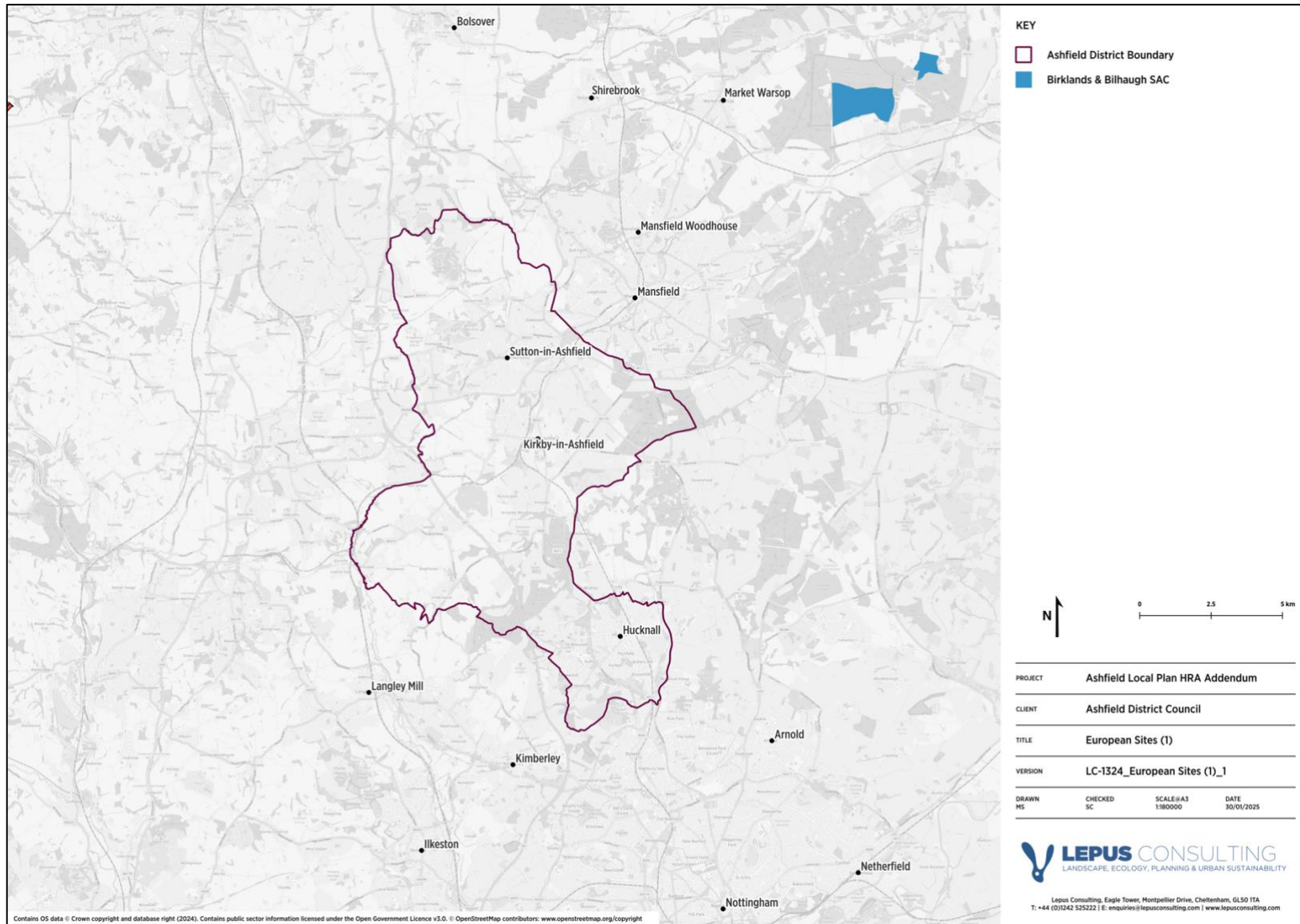


Figure 3.2: Location of European sites in relation to the Plan area (1)

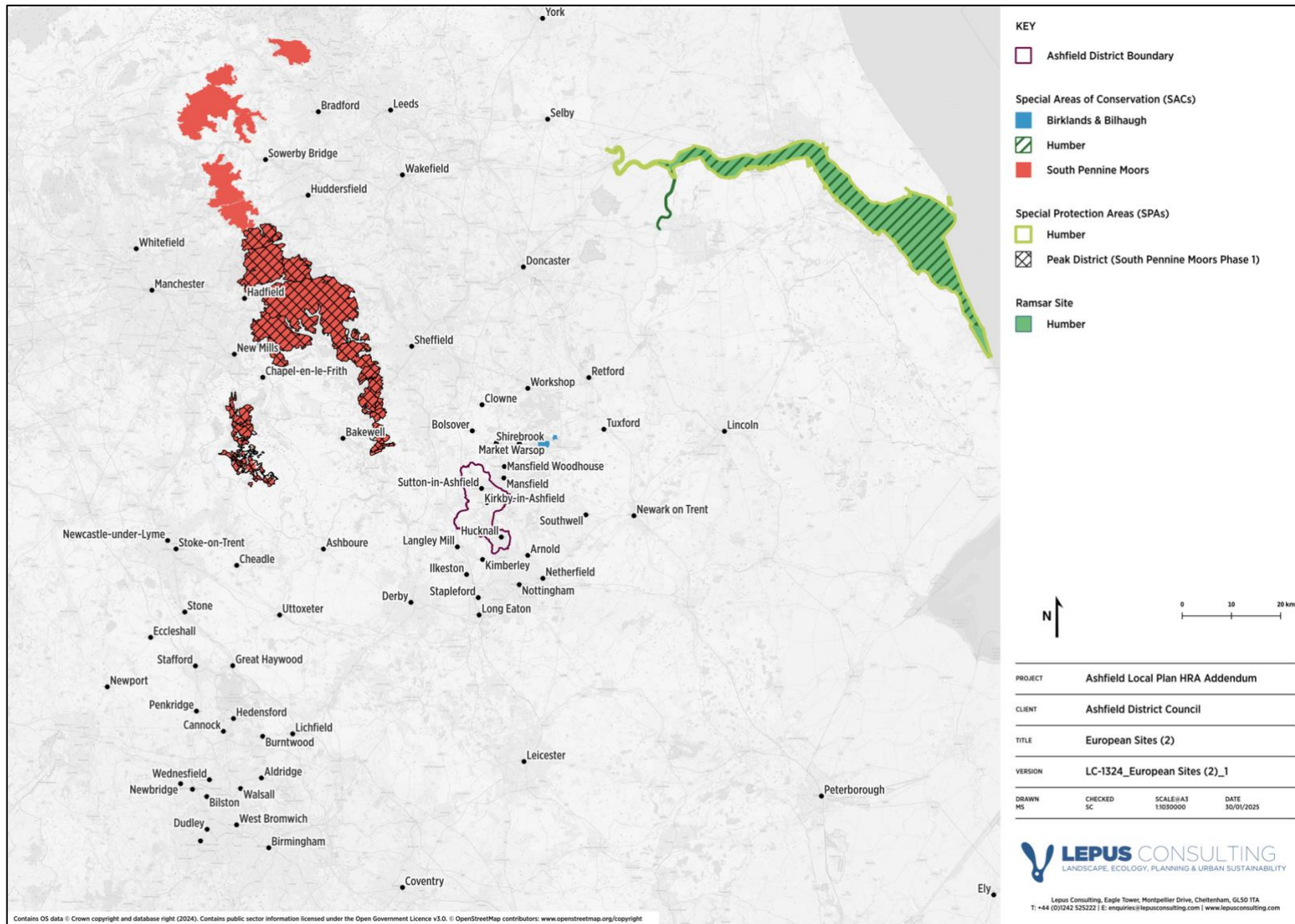


Figure 3.3: Location of European sites in relation to the Plan area (2)

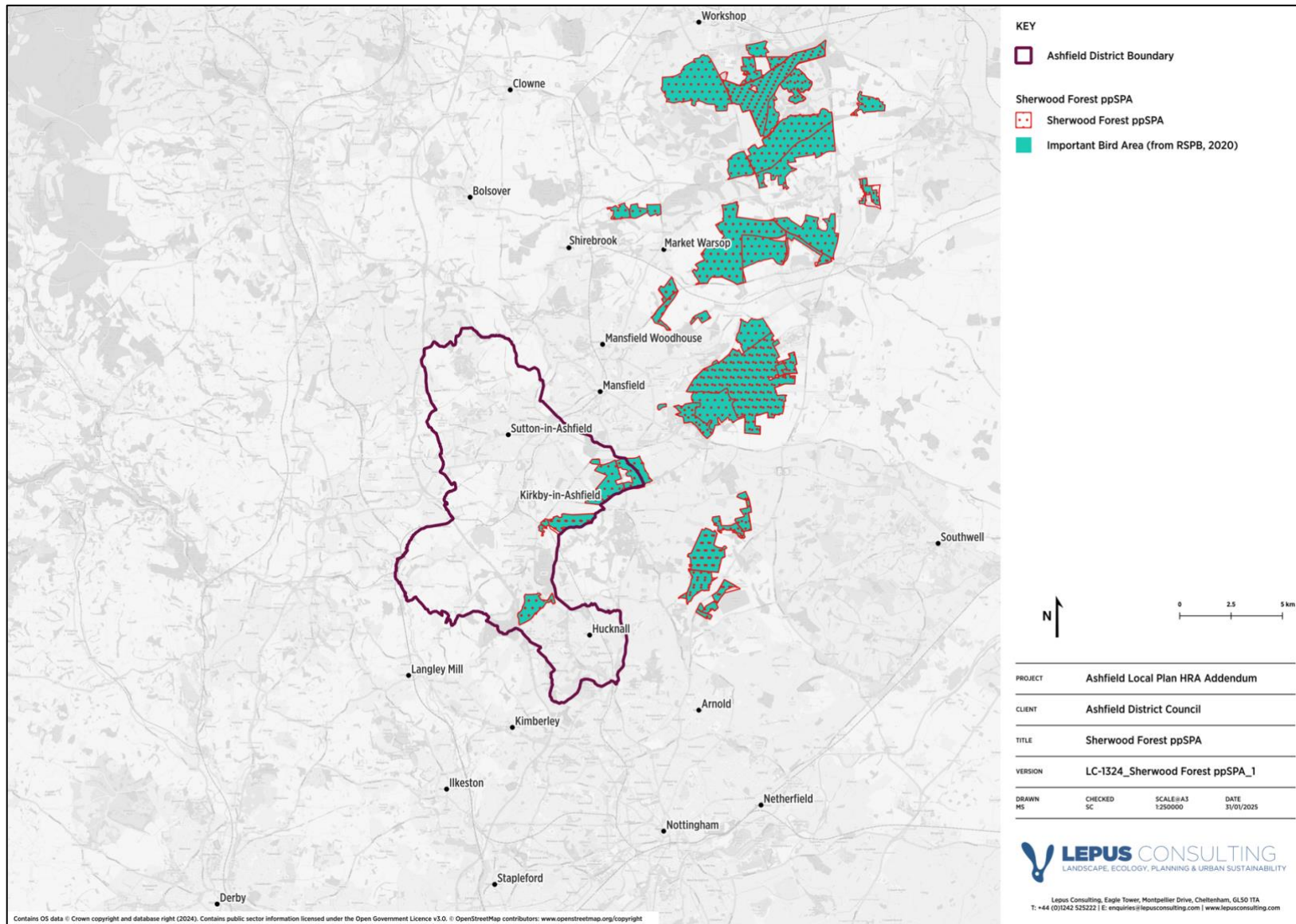


Figure 3.4: Location of the Sherwood Forest ppSPA in relation to the Plan area

3.3 Pathways of impact

3.3.1 The Regulation 19 HRA identified the following pathways of impact which are likely to have an effect upon the European sites outlined in **paragraph 3.2.1** and Sherwood Forest ppSPA:

- Air quality;
- Change in water quality;
- Habitat loss / fragmentation; and,
- Public access and disturbance (recreational pressure and urbanisation effects).

4 Screening

4.1 Regulation 19 screening outcomes

4.1.1 At Regulation 19, the HRA concluded that the Local Plan is not directly connected with or necessary to the management of any European site or the Sherwood Forest ppSPA. Each component of the Local Plan was therefore appraised against a set of screening criteria to determine whether they would have an LSE upon any European site or the ppSPA, taking into consideration case law and best practice and taking no account of mitigation measures. It concluded that a number of components of the Local Plan were likely to have an LSE on the basis of this assessment as they fell into the following categories:

- Policies or proposals with a likely significant effect on a site alone;
- Policies or proposals which might be likely to have a significant effect in-combination; or
- Bespoke area, site or case-specific policies or proposals intended to avoid or reduce harmful effects on a European site.

4.1.2 LSEs were identified at the following sites:

- Humber Estuary Ramsar - water quality (in-combination);
- Humber Estuary SAC - water quality (in-combination);
- Humber Estuary SPA – water quality (in-combination);
- Peak District (South Pennine Moors Phase 1) SPA – recreational pressure (in-combination);
- Sherwood Forest ppSPA - air pollution (in-combination), public access and disturbance (recreation and urbanisation impacts) and habitat loss / fragmentation (alone); and,
- South Pennine Moors SAC – recreational pressure (in-combination).

4.2 Screening of additional sites

4.2.1 Each of the new allocations has been appraised against the pathways of impact set out in **Section 3.3** to determine LSEs. This involved analysis of GIS data and the following criteria:

- **Air quality:** Will the allocation give rise to emissions which are likely to reach a European site which is vulnerable to air pollution?
- **Recreational pressure:** Is the allocation for residential units? If so, is the allocation located within an established recreational Zone of Influence (ZoI) for any European site, or within close proximity to an accessible area of a European site vulnerable to recreational pressure?
- **Urbanisation effects:** Is the allocation located within 400m of a European site vulnerable to urbanisation effects?
- **Habitat loss / fragmentation:** Is the allocation located within 400m of any European site, does it contain habitat which may be functionally linked to a European site, or does it contain suitable habitat for the qualifying features of that European site? A review has been undertaken of aerial photography to determine current

habitats on site, land use and connectivity to European sites / presence of barriers such as existing urban development and infrastructure.

- **Change in water quality:** Will the allocation result in additional discharge at Wastewater Treatment Works (WwTW) or potential surface water discharges?

4.2.2 The outputs from this screening exercise are provided in **Table 4.1**. It can be concluded that all additional allocations would trigger LSEs alone for at least one impact pathway.

Table 4.1: Screening of additional allocations

Allocation number	Site name	Number of residential units	Air quality LSEs	Recreational pressure LSEs	Urbanisation effects LSEs	Habitat loss / fragmentation LSEs	Water quality LSEs	Comments
H1Kl	Central Ave Kirkby in Ashfield	16	Yes	Yes	No	No	Yes	Site currently used as a car park, access road and garages. Habitats on site not suitable for features of European sites / ppSPA. Within built up area and therefore not connected to European sites / ppSPA.
H1Km	Abbey Road Kirkby	38	Yes	Yes	No	No	Yes	Arable fields. Whilst there is no development between the allocation and the Sherwood Forest ppSPA, on site habitats are unsuitable for features of the ppSPA and therefore habitat fragmentation LSEs unlikely. Road infrastructure is also located between ppSPA and the allocation.
H1Kn	Southwell Lane	60	Yes	Yes	No	No	Yes	Undeveloped wasteland uses and hard standing. Habitats on site not suitable for features of European sites / ppSPA. Woodland to the south of the site, however, within built up area and therefore not connected to European sites / ppSPA.
H1Ko	Former Kirklands Carehome, Fairhaven	20	Yes	Yes	No	No	Yes	Undeveloped wasteland uses and hard standing. Habitats on site not suitable for features of European sites / ppSPA. Within built up area and therefore not connected to European sites / ppSPA.
H1Kp	Pond Hole Kirkby	54	Yes	Yes	No	No	Yes	Industrial units and parking. Habitats on site not suitable for features of European sites / ppSPA. Within built up area and therefore not connected to European sites / ppSPA.
H1Kq	Former Wyvern Club site, Lane End, Kirkby	12	Yes	Yes	No	No	Yes	Site currently used as a commercial premises. Habitats on site not suitable for features of European sites / ppSPA. Within built up area and therefore not connected to European sites / ppSPA.

Allocation number	Site name	Number of residential units	Air quality LSEs	Recreational pressure LSEs	Urbanisation effects LSEs	Habitat loss / fragmentation LSEs	Water quality LSEs	Comments
H1Kr	Ellis Street Kirkby	24	Yes	Yes	No	No	Yes	Car park. Habitats on site not suitable for features of European sites / ppSPA. Within built up area and therefore not connected to European sites / ppSPA.
H1Sai	Pendean Way Sutton in Ashfield	12	Yes	Yes	No	No	Yes	Area of scrub / trees within built up residential area on all sides. Habitats on site not suitable for features of European sites / ppSPA. Within built up area and therefore not connected to European sites / ppSPA.
H1Saj	Land between Redcliffe Street & Leyton Ave	18	Yes	Yes	No	No	Yes	Industrial uses and hard standing. Habitats on site not suitable for features of European sites / ppSPA. Within built up area and therefore not connected to European sites / ppSPA.
H1Sak	Rookery Lane	78	Yes	Yes	No	No	Yes	Arable fields. Habitats on site not suitable for features of European sites / ppSPA. Surrounded on three sides by industry / residential development. Infrastructure between allocation and European sites / ppSPA and therefore connectivity unlikely.
H1Sal	Newark Road / Coxmoor Road	300	Yes	Yes	No	No	Yes	Arable fields. Whilst there is no development between the allocation and the Sherwood Forest ppSPA, on site habitats are unsuitable for features of the ppSPA and therefore habitat fragmentation LSEs unlikely. Road infrastructure is also located between ppSPA and the allocation.
H1Sam	Land north of Fackley Road, Teversal	133	Yes	Yes	No	No	Yes	Arable fields. Habitats on site not suitable for features of European sites / ppSPA. Built up areas between allocation and European sites / ppSPA and therefore not connected.

Allocation number	Site name	Number of residential units	Air quality LSEs	Recreational pressure LSEs	Urbanisation effects LSEs	Habitat loss / fragmentation LSEs	Water quality LSEs	Comments
H1San	Beck Lane South, Skegby	106	Yes	Yes	No	No	Yes	Undeveloped land. Habitats on site not suitable for features of European sites / ppSPA. Within built up area and therefore not connected to European sites / ppSPA.
H1Sao	Radford's Farm, Dawgates Lane, Skegby	90	Yes	Yes	No	No	Yes	Pastoral fields with farming development at the centre. Habitats on site not suitable for features of European sites / ppSPA. Built up areas between allocation and European sites / ppSPA and therefore not connected.

Air quality

4.2.3 As set out in Section 7.4 of the Regulation 19 HRA Report, there are no European sites within either 10km of the Plan area or the key commuting area. The Sherwood Forest ppSPA is however located within both 10km and the key commuting area. A review of mapping data indicates that a number of strategic routes and non-strategic road links pass within 200m of the ppSPA. Natural England's advice⁹ indicates that the Sherwood Forest ppSPA is sensitive to 'pollution and/or nutrient enrichment of breeding habitats' which may include nitrogen deposition and acidification due to air pollution triggered by new development within 200m of the ppSPA. The sensitive habitats which support breeding populations of Nightjar (*Caprimulgus europaeus*) and Woodlark (*Lullula arborea*), for which the ppSPA is designated, include heathlands and moorlands in open woodland with clearings and in recently felled conifer plantations. Data presented in the Regulation 19 HRA indicates that current maximum nitrogen deposition and acidity levels exceed critical loads for the majority of features within each of the SSSIs, and is above minimum critical loads for all features. Additional traffic modelling has not been undertaken to take into consideration the effect of the additional allocations on traffic movements within the Plan area. It is however considered likely that these allocations (which will deliver an additional 961 dwellings) will further increase traffic movements along road links within 200m of the ppSPA and therefore result in further exceedances of the in-combination screening threshold of 1,000 AADT which is applied in the Regulation 19 screening assessment for air quality. As such, air quality LSEs from each allocation in-combination are screened in for further consideration in this assessment.

Urbanisation effects

4.2.4 As detailed in **Table 4.1**, none of the additional allocations are located within 400m of any European site or the Sherwood Forest ppSPA. As such, urbanisation effects can be screened out. The conclusions set out in the Regulation 19 HRA report in respect of urbanisation effects will therefore not change as a result of the additional allocations considered in this Addendum HRA Report.

Recreational pressure

4.2.5 Each of the additional sites set out in **Table 4.1** allocates residential development. An increase in residential development has the potential to increase recreational pressures at European sites and the ppSPA where they are vulnerable to recreational impacts. There are three European sites with 15km of the Plan area which are sensitive to recreational impacts: Birklands and Bilhaugh SAC, South Pennine Moors SAC and Peak District (South Pennine Moors Phase 1) SPA. Neither the Plan area or any of the additional allocations are located within the established recreational ZoI for the Birklands and Bilhaugh SAC. There is no recreational strategy in place for the South Pennine Moors SAC and SPA designations. Recreational impacts upon these designations associated with the additional allocations will be considered in further detail through an AA. Whilst the Sherwood Forest ppSPA is sensitive to recreational impacts, there are different levels of accessibility across the designation, with some areas being inaccessible. Taking a precautionary approach, recreational LSEs from each allocation alone at the Sherwood Forest ppSPA and South Pennine Moors designations are therefore screened in for further consideration in this assessment.

⁹ Natural England (2014) Advice Note to Local Planning Authorities regarding the consideration of likely effects on the breeding population of nightjar and woodlark in the Sherwood Forest region.

Habitat loss and fragmentation

4.2.6 A review has been undertaken in **Table 4.1** of the potential of each additional allocation to provide supporting habitat for the features of European sites within the study area and the ppSPA. This review has indicated that none of the sites provide suitable habitat to support the features of any European site or the ppSPA. In addition, due to their location within existing built-up areas, no allocations are likely to be functionally linked to any European site or the ppSPA. The conclusions set out in the Regulation 19 HRA report in respect of habitat fragmentation and loss effects will therefore not change as a result of the additional allocations considered in this Addendum HRA Report.

Water quality

4.2.7 The Regulation 19 HRA report identifies the European sites which are likely to be vulnerable to changes in water quality as the Humber Estuary SPA, Humber Estuary SAC and Humber Estuary Ramsar designations. Given the location of these sites downstream of the Plan area, any increase in surface water run off or discharge from Wastewater Treatment Works (WwTWs) may lead to a deterioration of water quality at these designations. As such, water quality LSEs from each allocation in-combination are screened in for further consideration in this assessment.

4.3 Screening summary

4.3.1 In summary it is concluded that LSEs at the following European sites as a result of development at the additional allocation sites will be screened in for further consideration in an AA (Stage 2 of the HRA process):

- Humber Estuary Ramsar - water quality (in-combination);
- Humber Estuary SAC - water quality (in-combination);
- Humber Estuary SPA – water quality (in-combination);
- Peak District (South Pennine Moors Phase 1) SPA – recreational pressure (in-combination);
- Sherwood Forest ppSPA - air pollution (in-combination) and recreation pressure (alone); and,
- South Pennine Moors SAC – recreational pressure (in-combination).

5 Appropriate Assessment

5.1 Introduction

5.1.1 The screening process identified a number of LSEs as set out in **Section 4.3**. The next stage of the HRA process is Stage 2 - AA. The AA focuses on assessing more precisely the ecological impacts of air pollution on the following qualifying features of each European site and the Sherwood Forest ppSPA as a result of the additional allocations alone, cumulatively with other allocations set out in the Regulation 19 Pre-Submission Local Plan, and in-combination with other plans and projects.

5.2 South Pennine Moors SAC and Peak District (South Pennine Moors Phase 1) SPA

Background information

5.2.1 The South Pennine Moors SAC is located approximately 13.9km to the west of the Plan area and extends from Ilkley Moor in the north to the Peak District in the south. The SAC is characterised by extensive areas of blanket bog, with bog communities typically being botanically poor and impoverished by pollution, grazing and burning. Habitats across the SAC are characterised by upland dry heath, acid grassland, wet heath and blanket bog which reflect the underlying acidity and depth of soils across the SAC.

5.2.2 The Peak District Moors (South Pennine Moors Phase 1) SPA¹⁰ is also located approximately 13.9km to the west of the Plan area and includes the major moorland blocks of the South Pennines from Ilkley in the north to Leek and Matlock in the south. The moorland supports a number of national and internationally important breeding bird populations for which the SPA is designated, Golden Plover (*Pluvialis apricaria*), Merlin (*Falco columbarius*) and Short-eared Owl (*Asio flammeus*).

5.2.3 Natural England has prepared a SIP which covers the Peak District Moors (South Pennine Moors Phase 1), South Pennine Moors SAC and South Pennine Moors Phase 2 SPA¹¹. This SIP identifies that the SAC and SPA are vulnerable to a number of threats which may be exacerbated by the Local Plan. These include hydrological changes alongside threats from public access and disturbance, planning permission and air pollution¹².

5.2.4 The South Pennine Moors SAC and Peak District (South Pennine Moors Phase 1) SPA are largely coincident. These sites are therefore considered together in this section of the HRA (this is consistent with the SIP)¹³. Only 60ha of the South Pennine Moors designations are located within a 15km buffer of the Plan boundary (the total area covered within the SAC designation is 65,024.32ha, with 45,300.54ha covered by the SPA designation).

¹⁰ The South Pennine Moors (Phase 2) SPA is not within 15km of Ashfield's administrative boundary.

¹¹ The latter has not been considered in the HRA process due to its distance from the Plan area

¹² Natural England. 2014. Site Improvement Plan: South Pennine Moors. Available at: <http://publications.naturalengland.org.uk/publication/5412834661892096> [Date Accessed: 25/09/23]

¹³ Natural England. 2014. Site Improvement Plan: South Pennine Moors. Available at: <http://publications.naturalengland.org.uk/publication/5412834661892096> [Date Accessed: 31/01/25]

Recreational pressure

- 5.2.5 The SIP for the South Pennine Moors indicates that breeding bird populations (associated with the SPA) and habitats (associated with the SAC) are vulnerable to public access and disturbance threats depending on the location and timing of these activities¹⁴.
- 5.2.6 Natural England's supplementary advice for the SAC identifies the large urban settlements which sit to the east and west of the moors as a source of high levels of recreational pressure at the SAC. It also notes that land management is driven by water collection (via reservoirs), sheep grazing, grouse shooting and recreational activity (mountain biking, rambling, rock climbing and paragliding)¹⁵.
- 5.2.7 It is noted that no recreational impact surveys have however been undertaken across the SAC and SPA to determine the nature and extent of recreational impacts which may be associated with new housing development upon the qualifying features of these designated sites.
- 5.2.8 The South Pennine Moors designations are almost entirely located within the Peak District National Park administrative area. The Peak District National Park has 13.25 million visitors every year with an estimated 20 million people living within one hour's journey time¹⁶.
- 5.2.9 One local authority in the area has established a strategic mitigation approach to address impacts associated with new housing growth, whereby developer contributions from new housing are used to fund mitigation in relation to direct disturbance (400m) and impacts upon FLL¹⁷ (2.5km)¹⁸. Other authorities in the area have not taken similar approaches to date.
- 5.2.10 Ashfield does not sit within either a direct disturbance area (400m) or FLL (2.5km) zone. A review of Natural England's SSSI IRZ data indicates that Ashfield does not fall within an IRZ associated with either the SAC or SPA.

¹⁴ Natural England. 2014. Site Improvement Plan: South Pennine Moors. Available at: <http://publications.naturalengland.org.uk/publication/5412834661892096> [Date Accessed: 31/01/25]

¹⁵ Natural England. 2019. South Pennine Moors SAC Conservation Objectives Supplementary Advice. Available at: <http://publications.naturalengland.org.uk/publication/4973604919836672> [Date Accessed: 31/01/25].

¹⁶ Peak District National Park Authority. 2014. Peak District National Park Visitor Survey 2014. Available at: <http://www.peakdistrict.gov.uk/learning-about/news/mediacentrefacts> [Date Accessed: 31/01/25].

¹⁷ "The term 'functional linkage' refers to the role or 'function' that land or sea beyond the boundary of a European site might fulfil in terms of ecologically supporting the populations for which the site was designated or classified. Such land is therefore 'linked' to the European site in question because it provides an important role in maintaining or restoring the population of qualifying species at favourable conservation status". Source: Natural England (2016) Commissioned Report. NECR207. Functional linkage: How areas that are functionally linked to European sites have been considered when they may be affected by plans and projects - a review of authoritative decisions.

¹⁸ City of Bradford (January 2022). South Pennine Moors SPA/SAC Planning Framework SPD. <https://www.bradford.gov.uk/planning-and-building-control/planning-policy/south-pennine-moors-spa-sac-planning-framework-spd/> [Date Accessed: 31/01/25].

5.2.11 A visitor survey was undertaken in 2014 across the whole National Park (not just the areas designated as the SAC and SPA). This survey obtained visitor origin data (466 respondent postcodes) which was geocoded. The results indicated that less than 1% of visitors surveyed came from Ashfield, with the majority coming from within the National Park Authority area itself and neighbouring authorities¹⁹.

5.2.12 Previous HRA work undertaken in support of the plan making process identified other recreational resources within the Plan area as follows²⁰:

- Brierley Forest Park Country Park, Skegby Road Huthwaite: the Park provides recreation facilities, a sculpture trail, areas of local interest as well as a visitor centre;
- National Trust's Clumber Park: a National Trust location set in a 4,000 acre park, located to the north of Edwinstowe and Ollerton;
- Newstead Abbey - Ravenshead, Nottinghamshire: a former medieval priory, now a historic house set in gardens with parkland extending over 300 acres;
- Portland Country Park: a country park with sites of importance for nature conservation (SINC) and a local nature reserve it is significant for its ecological and educational value;
- Rufford Abbey and Country Park – Located south of Edwinstowe and Ollerton off the A614 near the B6034: comprises the Abbey remains and gardens surrounded in woodland;
- Sherwood Pines (Forestry Commission) - Edwinstowe Off B6034 just North of Edwinstowe: it is noted that this park is part of the Sherwood Forest ppSPA.
- Sherwood Pines Forest Park - Off the B6030 at Clipstone between Clipstone and Ollerton Sherwood Pines Forest Park: a large area of woodland with way marked walking and cycling trails and other outdoor activities;
- Sutton Lawn: the lawn pleasure grounds encompass the grounds of the former Sutton Hall; and,
- Vicker Water Country Park - located to the south of Clipstone Village, 5km: comprises 80ha of parkland predominantly located on the site of former colliery spoil tips.

5.2.13 A key purpose of the National Park is to give people the opportunity to understand and enjoy its special qualities. The Peak District National Park Management Plan²¹ provides a framework which aims to encourage everyone to work together to conserve and enhance the special qualities for the benefit of all users of the National Park. The Management Plan recognises that the features of the National Park are sensitive to recreational pressure and notes the importance of educating visitors and raising awareness to ensure its protection.

5.2.14 A key intention of the Management Plan is as follows:

¹⁹ https://www.peakdistrict.gov.uk/_data/assets/pdf_file/0030/63876/Vistor-and-Non-Visitor-Survey.pdf

²⁰ Ashfield District Council. September 2016. Habitats Regulations Assessment Screening.

²¹ Peak District National Park. Peak District National Park Management Plan 2018 – 2023. Available at: <https://www.peakdistrict.gov.uk/looking-after/strategies-and-policies/national-park-management-plan> [Date Accessed: 31/01/25].

- “To balance opportunities for enjoyment with conserving a fragile environment we will promote the #PeakDistrictProud²² initiative to refresh the Countryside Code underpinning a Peak District brand which all relevant partners promote equally and consistently”.
- 5.2.15 The Peak District Proud campaign sets out a code of conduct for visitors to ensure the environment is protected. The Management Plan, and initiatives which have come out of it, provide important mitigation measures which have been taken into consideration in this recreational AA.
- 5.2.16 A number of policies, which form part of the Local Plan, will also have a positive impact and contribute towards the mitigation of recreational impacts from population growth at the SAC and SPA by providing adequate green space to meet the recreational needs of future growth within the Plan area itself. These include:
- The Local Plan’s Strategic Objectives which aim to incorporate green and blue spaces to deliver multifunctional benefits and protect natural sites;
 - Local Plan Strategic Policy S12 Tackling Health Inequalities and Facilitating Healthier Lifestyles which sets out requirements for recreation;
 - Local Plan Strategic Policy S13 Protecting and Enhancing Our Green Infrastructure and the Natural Environment which requires new development to protect the natural environment, blue and green corridors and associated assets. It is recommended that this policy be updated to reflect Natural England’s GI Framework – Principles and Standards for England²³;
 - Local Plan Policy EV5 Protection of Green Spaces and Recreation Facilities which sets out provisions to protect green spaces and recreational facilities; and,
 - Local Plan Policy H5 Public Open Space in New Residential Developments which requires development of two hectares or more to provide a minimum of 10% public open space. Development sites of less than two hectares are required to consider the extent of open space required in the context of the nature of development and the locality.
- 5.2.17 Taking into consideration the distance of the Plan area from the designations, visitor access management measures delivered through the National Park Management Plan, low levels of visitors from Ashfield obtained from the 2014 survey, existing alternative recreational resources in the Plan area, requirements in the Local Plan to ensure adequate green space is provided to accommodate future growth set out in the Local Plan, and the small amount of visitors likely to stem from the Plan area (less than 1%), it can be concluded that there will be no adverse impact on the integrity of the SAC or SPA either alone or in-combination as a result of recreational pressure.
- 5.2.18 The inclusion of additional allocations and a total of 961 additional dwellings will have no implication for the findings of the Regulation 19 HRA report.

²² <https://peakdistrictproud.co.uk/>

²³ Natural England (October 2024) Introduction to the Green Infrastructure Framework – Principles and Standards for England. Available at: <https://designatedsites.naturalengland.org.uk/GreenInfrastructure/Home.aspx> [Date Accessed: 31/01/25]

5.3 Humber Estuary SAC, SPA and Ramsar

Background information

5.3.1 The Humber Estuary is located on the Lincolnshire coast and is fed by the Rivers Ouse, Trent and Hull, Ancholme and Graveney. It supports a mosaic of estuarine habitats including tidal rivers, estuaries, mud flats, sand flats, lagoons and saltmarshes among others. It is designated as a SPA, SAC and Ramsar site due to these estuarine habitats and the species which they support.

5.3.2 These designated sites are located approximately 58.5km to the north east of the Plan area's administrative boundary. The Plan area is located predominantly within the Humber River Basin Management Plan (RBMP) and straddles the 'Idle and Torne', the 'Lower Trent and Erewash', the 'Ron and Rother' and the 'Derwent Derbyshire' Humber management catchments and is therefore hydrologically connected to these downstream designations. The Plan area is drained by the River Doe Lea to the north, the River Maun in the east, the Alfreton Brook and River Erewash to the west and the Nethergreen Brook and River Leen to the south.

Water quality

5.3.3 The Humber Estuary designations are noted to be sensitive to any changes in water quality²⁴. Data for the SSSIs which underpin these designations indicate that a number of these are in an unfavourable – declining condition due to water pollution including agricultural run-off. Water supply is not identified as a threat to the Humber Estuary.

5.3.4 Water pollution at the Humber Estuary is predominantly related to an annual Dissolved Oxygen (DO) sag in the tidal River Ouse with potential implications for the migration of Sea Lamprey (*Petromyzon marinus*). It also relates to pollutants leaching from Capper Pass, a former aluminium smelting plant and that several of the Barton and Barrow clay pits on the south bank of the estuary fail the total Phosphorus (P) target and need lake management plans and nutrient budgets²⁵.

5.3.5 Given the hydrological connectivity between the Plan area and the Humber Estuary, all allocations set out within the Local Plan, including the additional allocations being considered by the Council in this Addendum Report, have the potential to cumulatively, and in-combination with other plans and projects, impact water quality at these downstream designations.

5.3.6 The Water Framework Directive (WFD) provides an indication of the health of the water environment and whether a water body is at good status or potential. This is determined through an assessment of a range of elements relating to the biology and chemical quality of surface waters and quantitative and chemical quality of groundwater. To achieve good ecological status, potential good chemical status or good groundwater status, every single element assessed must be at good status or better. If one element is below its threshold for good status, then the whole water body's status is classed below good. Surface water bodies can be classed as high, good, moderate, poor or bad status.

²⁴ Natural England. 2015. Site Improvement Plan: Humber Estuary. Available at: <http://publications.naturalengland.org.uk/publication/5427891407945728> [Date Accessed: 31/01/25]

²⁵ Natural England. 2015. Site Improvement Plan: Humber Estuary. Available at: <http://publications.naturalengland.org.uk/publication/5427891407945728> [Date Accessed: 31/01/25]

- 5.3.7 The WFD sets out areas which require special protection. These include areas designated for “the protection of habitats or species where the maintenance or improvement of the status of water is an important factor in their protection including relevant Natura 2000 sites designated under Directive 92/43/EEC (the Habitats Directive) and Directive 79/409/EEC (the Birds Directive)”²⁶.
- 5.3.8 Ashfield lies within the Humber River Basin. The Humber River Basin Management Plan (RBMP)²⁷ provides a framework for protecting and enhancing the benefits provided by the water environment. To achieve this, and because water and land resources are closely linked, they also inform decisions on land-use planning. RBMPs provide strategic level policy guidance in relation to baseline classification of water bodies, statutory objectives for protected areas and water bodies, and a summary of measures to achieve statutory protection.
- 5.3.9 Discharges of pollution can come from point and diffuse sources associated with new development. Increased domestic and / or employment discharge can lead to increased discharges at WwTWs (point source pollution). Diffuse sources of pollution can include contaminated runoff from new roads, drainage from residential areas and accidental spillages (for instance during construction of development or from commercial and employment sites).
- 5.3.10 The Environment Agency (EA) as the environmental regulator, among other roles, has responsibility for water quality and resources in England. It manages discharges to the water environment through the issue of Environmental Permits (EPs). These control the release of sewage discharges from WwTWs. Issue of these EPs considers flow conditions and provides consent for maximum pollutant concentrations for each discharge. The objective of this system is to ensure that the receiving watercourse is not prevented from meeting its environmental objectives, with specific regard to the physico-chemical status element of the WFD. Discharges from employment and commercial premises and WwTWs associated with Local Plan development will require an EP to be issued from the EA.
- 5.3.11 Policy CC2 – Water Resource Management of the Local Plan requires development to demonstrate that there is an adequate supply of water, appropriate sewerage and surface water infrastructure and there is sufficient sewage treatment capacity to ensure that there is no deterioration of water quality. In addition, it notes that development must have regard to the actions and objectives of the Humber RBMPs and the WFD in protecting and improving water quality. It also sets standards for water efficiency which will decrease the volume of water for treatment at WwTWs.
- 5.3.12 Policy CC3 – Flood Risk and SuDS of the Local Plan requires development to incorporate Sustainable Urban Drainage Systems (SuDS) into design. This will have a beneficial effect on water quality.

²⁶ Official Journal of the European Communities (2000) Directive 2000/60/EC of the European Parliament and of the Council of 23 October 2000 establishing a framework for Community action in the field of water policy. Available at: https://eur-lex.europa.eu/resource.html?uri=cellar:5c835afb-2ec6-4577-bdf8-756d3d694eeb.0004.02/DOC_1&format=PDF [Date Accessed: 31/01/25].

²⁷ Environment Agency (2022) Humber River Basin Management Plan. Available at: <https://www.gov.uk/guidance/humber-river-basin-district-river-management-plan-updated-2022> [Accessed: 31/01/25].

5.3.13 These policies will ensure appropriate sewerage treatment capacity is in place to protect water quality to WFD standards (CC2 Water Resource Management). Runoff from roads, roofs and areas of hard standing may not require an EP. These sources of runoff can be managed through implementation of SuDS as required through Local Plan policy (CC3 – Flood Risk and SuDS).

5.3.14 Taking the regulatory framework and policy requirements into consideration, it can be concluded that there will be no adverse impacts on site integrity at the Humber Estuary SPA, Humber Estuary SAC and Humber Estuary Ramsar due to a change in water quality as a result of the Local Plan, including the additional allocations proposed either alone or in-combination. The additional allocations will therefore have no implication for the findings of the Regulation 19 HRA report.

5.4 Sherwood Forest ppSPA

Background Information

5.4.1 The Regulation 19 HRA sets out in detail the background behind the designation of the ppSPA boundaries (**Figure 3.4**). The native population of Nightjar and Woodlark²⁸ present at Sherwood Forest ppSPA is believed to be close to, or meets, the qualifying feature standards that are used to designate European sites (i.e. SPAs) for breeding birds; chiefly that the population represents more than 1% of the UK population, however other variables are also considered relevant to the creation of an SPA designation.

5.4.2 Natural England provided advice to all affected Local Planning Authorities in 2014 in relation to this designation in 2014²⁹. This advice recommends a precautionary approach be adopted which ensures reasonable and proportionate steps are taken to avoid or minimise, as far as possible, any potential adverse effects from development on the breeding populations of nightjar and woodlark in the Sherwood Forest area. Natural England recommend that plans and proposals be accompanied by an additional and robust assessment of the likely impacts arising from the proposals on breeding Nightjar and Woodlark in the Sherwood Forest area. This should ideally cover the potential direct, indirect and cumulative impacts which may include, but may not be limited to, the following;

- Disturbance to breeding birds from people, their pets and traffic;
- Loss, fragmentation and/or damage to breeding and/or feeding habitat;
- Bird mortality arising from domestic pets and/or predatory mammals and birds;
- Bird mortality arising from road traffic and/or wind turbines; and,
- Pollution and/or nutrient enrichment of breeding habitats.

5.4.3 As such, whilst not a formal European site designation, in order to ensure a 'risk-based' approach has been undertaken, impacts from the Local Plan upon the Sherwood Forest ppSPA, including the additional site allocations, have been considered in this HRA Addendum Report.

²⁸ Natural England (2014) Advice Note to Local Planning Authorities regarding the consideration of likely effects on the breeding population of nightjar and woodlark in the Sherwood Forest region.

²⁹ Natural England (2014) Advice Note to Local Planning Authorities regarding the consideration of likely effects on the breeding population of nightjar and woodlark in the Sherwood Forest region.

Air Quality

- 5.4.4 Air pollution can affect a designated site if it has an adverse effect on its features of qualifying interest. The main mechanisms through which air pollution can have an adverse effect is through eutrophication (nitrogen), acidification (nitrogen and sulphur) and direct toxicity (ozone, ammonia and nitrogen oxides)³⁰. Deposition of air pollutants can alter the soil and plant composition and species which depend upon these. More information upon the nature of individual pollutant impacts is provided at Section 7.4 of the Regulation 19 HRA report.
- 5.4.5 Woodlark and Nightjar rely on a mosaic of open habitats to meet all lifecycle stages with heathland, open woodland, clearings and recently felled coniferous woodland being favoured. The height, cover, variation and composition of vegetation and characteristics of habitat are important to support breeding and successful nesting, rearing of young, concealment from predators and movement along flight lines and roosting. Nightjars can be found on heathlands, moorlands, in open woodland with clearings and in recently felled conifer plantations and feed on insects (moths and beetles)³¹. Woodlark feed on seeds and insects and require sparse, short grassy or heathy turf, together with bare ground, as they forage for food on the ground. They also require tussocky vegetation for nesting and scattered trees to use as song posts³².
- 5.4.6 The SSSIs which underpin the Sherwood Forest ppSPA designation support many habitats which are sensitive to air pollution and upon which Nightjar and Woodlark populations depend. Given the diverse diet of these birds, it is unlikely that a change in air quality will affect food availability. However, given their specific nesting requirements, impacts from air pollution upon these habitats has the potential to occur. Local air pollution sources in the area range from large farms, biomass and waste gas plants and main road traffic³³.

³⁰ APIS (2016) Ecosystem Services and air pollution impacts. Available at: <http://www.apis.ac.uk/ecosystem-services-and-air-pollution-impacts>. [Date Accessed: 31/01/25].

³¹ RSPB. Bird A-Z. Available at: <https://www.rspb.org.uk/birds-and-wildlife/wildlife-guides/bird-a-z/woodlark/> [Date Accessed: 31/01/25].

³² RSPB. Land Management for Woodlarks. Available at: <https://www.rspb.org.uk/helping-nature/what-we-do/influence-government-and-business/farming/conservation-land-management> [Date Accessed: 31/01/25].

³³ Clean Air Strategy
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/770715/clean-air-strategy-2019.pdf

- 5.4.7 In an attempt to manage the negative consequences of atmospheric pollution at designated sites, Critical Loads (CLOs) and Critical Levels (CLEs) have been established for ecosystems across Europe. Each European site is host to a variety of habitats and species with different sensitivities to different levels of air pollution. The CLO of pollutants are defined as a "...quantitative estimate of exposure to one or more pollutants below which significant harmful effects on specified sensitive elements of the environment do not occur according to present knowledge"³⁴. CLE are defined as "concentrations of pollutants in the atmosphere above which direct adverse effects on receptors, such as human beings, plants, ecosystems or materials, may occur according to present knowledge"³⁵.
- 5.4.8 A review of APIS data for SSSIs which underpin the ppSPA contained within the Regulation 19 HRA report, and currently available on APIS, indicates that the current maximum nitrogen deposition and acidity levels exceed the CLOs for the majority of features within each of the SSSIs and is above minimum critical loads for all features. It is noted that not all sections of the ppSPA are underpinned by an SSSI designation, but this data gives a good indication of background air quality levels. Any increase in nitrogen deposition could exacerbate pollution levels at habitats which support Woodlark and Nightjar populations and thereby undermine the integrity of the ppSPA and its conservation objectives.
- 5.4.9 The Regulation 19 HRA, at Appendix G, provides an assessment of habitat types within 200m of the road links which may be affected by the Local Plan and how these may be used by Nightjar and Woodlark populations, focusing on road links for which Natural England's screening thresholds were exceeded for an in-combination scenario. This assessment of habitat types remains valid for the purposes of informing the AA in this HRA Addendum Report.
- 5.4.10 This review of habitat types concluded that a number of areas which are within 200m of the effected road links support potentially suitable habitat which would meet the lifecycle stage requirements for Woodlark and Nightjar - with heathland and woodland (some open in nature) being present. Other areas within 200m of the road network contain dense coniferous and deciduous woodland which is not likely to incorporate the open mosaic habitat required for the lifecycle of these bird species. A review of previous ecological work undertaken for the area³⁶ suggests these dense wooded areas comprise primarily plantation woodland managed on a rotational basis. By its nature, the rotational management of woodland will provide a more open and heterogeneous range of habitats favoured by these species of bird, which will reduce as trees mature and the canopy develops.

³⁴ Coordination Centre for Effects (CCE). Critical load and level definitions. Available at: https://www.umweltbundesamt.de/en/Coordination_Centre_for_Effects [Date Accessed: 10/01/25].

³⁵ Coordination Centre for Effects (CCE). Critical load and level definitions. Available at: https://www.umweltbundesamt.de/en/Coordination_Centre_for_Effects [Date Accessed: 10/01/25].

³⁶ LUC (August, 2021) Bassetlaw Local Plan Habitat Regulations Assessment – Screening Assessment and Appropriate Assessment. Available at: https://www.bassetlaw.gov.uk/media/6475/hra-report-for-reg-19_summer-2021.pdf [Date Accessed: 31/01/25].

- 5.4.11 Felling of the woodland crop will result in the removal of nutrient build up from the environment. The associated management practices of woodland cropping are much more likely to determine habitat suitability when compared to nitrogen deposition and acidification from traffic emissions. In addition, whilst it is noted that woodland is vulnerable to a change in air quality, taller vegetation such as woodland, restricts the dispersal of pollutants in the air from road sources, acting as a buffer and limiting the overall impact.
- 5.4.12 The Regulation 19 HRA indicates that there are a number of smaller areas of heathland habitat within 200m of road links at the ppSPA. These areas of habitat represent approximately 35.5ha of the RSPB mapped existing heathland. Overall, within the wider area of the ppSPA the RSPB has mapped 392.4ha of existing heathland.
- 5.4.13 Heathland is more sensitive to the impacts of increased traffic related emissions. The RSPB IBA factsheet for Sherwood Forest notes that Woodlark and Nightjar are highly sensitive to human intrusions and disturbance. These areas of heathland are located in close proximity to key road links, and in a number of cases at junctions / roundabouts. As such, the use of these areas by Woodlarks and Nightjars are likely to be unfavourable due to traffic related noise, vibration and lighting levels.
- 5.4.14 Review of RSPB HEaP mapping data indicates that there is a larger area of suitable existing heathland habitat outside the 200m road buffer which would provide a less disturbed environment for Woodlark and Nightjar. In addition, as part of the Sherwood Forest Futurescapes project³⁷, the RSPB has mapped areas for potential re-creation of heathland habitat which covers the majority of the ppSPA and also the wider area beyond this designation. This project aims to expand and link-up these vital areas of habitat to enable wildlife to move more freely across the landscape. Projects such as this, which promote landscape scale habitat management and enhancement, will have a large impact upon Woodlark and Nightjar populations making them more robust to localised impacts.
- 5.4.15 Local contributions to nitrogen deposition are provided on APIS for those SSSIs which underpin areas of the ppSPA³⁸. This data suggests that road traffic contributes a small proportion to overall nitrogen deposition at these SSSI when compared to fertiliser application and livestock. For example, at Clumber Park SSSI, road transport represents an 8.89% contribution, whilst fertiliser application and livestock together represent a 49.8% contribution.
- 5.4.16 Policies set out in the Local Plan (as listed below) incorporate measures for sustainable transport and a requirement to encourage modal shift and promote active transport options. These will have a positive impact upon air quality by discouraging the private car and encouraging use of electric cars. There are also number of national initiatives to reduce vehicle related emissions, such as the Government commitment to restore the phase out of new petrol and diesel vehicles by 2030³⁹.
- Local Plan – Strategic Objectives. These objectives aim to address issues of air quality and promote active travel options;

³⁷ <https://www.rspb.org.uk/globalassets/downloads/documents/futurescapes/futurescapes-sherwoodforest-booklet.pdf>

³⁸ <https://www.apis.ac.uk/src1>

³⁹ Labour (2024) Driving a Growing Economy Labour's Plan for the Automotive Sector. Available at: https://labour.org.uk/wp-content/uploads/2023/10/WR-797_23-Automotive-strategy-v8.pdf [Date Accessed: 31/01/25].

- Local Plan Strategic Policy S2: Achieving Sustainable Development. This policy looks at opportunities for development to protect the environment including air quality;
- Local Plan Strategic Policy S7: Meeting Future Needs - Strategic Employment Allocation Junction 27, M1 Motorway, Annesley. This policy promotes active and public transport options;
- Local Plan Strategic Policy S8: Delivering Economic Opportunities. This policy promotes and encourages rural businesses to provide local employment opportunities and minimise the need to travel for employment;
- Local Plan Strategic Policy S9: Aligning Growth and Infrastructure. This policy promotes more sustainable modes of transport, active travel and support for electric car use;
- Local Plan Strategic Policy S10: Improving Transport Infrastructure. This policy looks at opportunities to reduce reliance on the private car.
- Local Plan Policy EV4: Green Infrastructure, Biodiversity and Geodiversity requires a risk-based approach to be adopted to all planning applications in relation to the ppSPA in line with Natural England's Advice Note to LPAs;
- Local Plan Policy SD2: Good Design Considerations for Development. This policy looks at good design considerations which include opportunities for active and public transport links;
- Local Plan Policy SD9: Environmental Protection. This policy will ensure development proposals minimise harmful emissions to air;
- Local Plan Policy SD10: Transport Infrastructure. This policy promotes sustainable and active travel options; and
- Local Plan Policy SD11: Parking. This policy promotes the incorporation of electric car charging points at car park locations.

5.4.17 The Nottinghamshire Local Transport Plan covers the whole of the county and will run from 1 April 2011 to 31 March 2026⁴⁰. Chapter 5 looks at encouraging healthy and sustainable travel options. It has a focus on public transport provision, promoting and facilitative active and healthy travel linked to the Green Infrastructure network. Chapter 7 looks at improving the environment through improvements in transport related air quality.

⁴⁰ Nottingham City Council (2011) Nottinghamshire Local Transport Plan 2011-2026
<https://www.nottinghamshire.gov.uk/transport/public-transport/plans-strategies-policies/local-transport-plan> [Date Accessed: 31/01/25].

5.4.18 Nottinghamshire County Council has prepared a Bus Service Improvement Plan (BSIP) for Nottinghamshire and Nottingham, in collaboration with the local bus operators⁴¹. This has informed the development of the Enhanced Partnership Plan and Scheme⁴². Transport connectivity to existing train stations within Ashfield and to neighbouring districts is required along with enabling access to employment.

5.4.19 The following factors have been taken into consideration in this section of the HRA Addendum Report:

- Local Plan policy wording to encourage a modal shift, promote active forms of transport and encourage uptake of electric vehicles;
- National and county policy initiatives to encourage a modal shift, electric vehicles and active transport;
- Management of woodland habitat as a rotational crop;
- Extent and distribution of heathland habitat and location in close proximity to road network; and,
- Future projects to enhance heathland habitat across the wider area.

5.4.20 Taking these into consideration it can be concluded that there will be no adverse impacts on site integrity at the Sherwood Forest ppSPA due to a change in air quality as a result of the Local Plan. The additional allocations considered in this HRA Addendum Report will not result in any change to the conclusions made in the Regulation 19 HRA.

Recreational Pressure

5.4.21 Natural England's advice⁴³ indicates that the Sherwood Forest ppSPA is vulnerable to 'disturbance to breeding birds from people, their pets and traffic and also loss, fragmentation and/or damage to breeding and/or feeding habitat'. These direct and indirect impacts may be caused by a number of factors including increased recreational pressure and dog walking.

5.4.22 Given the size, extent and distribution of the ppSPA, recreational access varies across the designation. The Regulation 19 HRA provides a review of accessibility across each component of the ppSPA which is provided below for ease of reference.

5.4.23 The northern section of the ppSPA contains Clumber Park Country Park, which includes the whole of the smaller Clumber Park SSSI designation and the National Trust's Clumber Park site. The area contains walking, cycling and horse-riding trails promoted by the National Trust and long-distance routes such as the Robin Hood Way. There is also visitor facilities provided such as parking, toilets, a shop, cafés and cycle hub.

⁴¹ Nottingham City Council (2021) Bus Service Improvement Plan for Nottinghamshire.

<https://www.nottinghamshire.gov.uk/transport/public-transport/bus-service-improvement-plans-for-nottinghamshire>
[Date Accessed: 31/01/25].

⁴² Nottingham City Council, Nottinghamshire County Council, and the Bus Partnership Group (December, 2023) Greater Nottingham (Robin Hood Area) Enhanced Partnership Plan. <https://www.nottinghamcity.gov.uk/media/aq0irlyi/greater-nottingham-enhanced-partnership-plan-final-version-v17.pdf> [Date Accessed: 31/01/25].

⁴³ Natural England (2014) Advice note to Local Planning Authorities regarding the consideration of likely effects on the breeding population of nightjar and woodlark in the Sherwood Forest region. Available at: <https://www.mansfield.gov.uk/downloads/file/329/natural-england-s-advice-notes-on-the-sherwood-ppspa-2014> [Date Accessed: 31/01/25].

- 5.4.24 Moving in a southerly direction, areas of the ppSPA around Thoresby Park are not accessible to the general public. The RSPB Budby South Forest (open access) and the Sherwood Forest Country Park and Sherwood Forest NNR (which includes part of the larger Birklands & Bilhaugh SAC) are crossed by a number of Rights of Way (RoW), including the Robin Hood Way. Areas to the east and west of this Country Park contain less RoW.
- 5.4.25 A component of the ppSPA to the west of Walesby is crossed by forestry tracks and a RoW which follows the River Maun on its western boundary. A small component of the ppSPA is located to the north west of Ollerton at Sherwood Heath which is managed by the Sherwood Forest Trust and open daily to the public. Further to the west is an area around Peafield Lane which is accessible via the RoW network.
- 5.4.26 In the centre of the ppSPA are the Forestry Commission sites; the Sherwood Pines Forest Park and Birklands Sherwood Forest, both of which are open access. They provide visitor facilities, a Go Ape, a number of activity and walking trails, play areas, bike hire, wild running, mountain biking trails and camping options. The area to the south west of these sites contains a smaller number of RoW.
- 5.4.27 The southern sections of the ppSPA contain Blidworth Woods which is an open access Forestry Commission area of woodland with car parks and promoted routes for horse riding and walking and the Robin Hood Way. In addition, there are a number of RoW, and large parts of the site are open access.
- 5.4.28 Areas which are coincident with the Plan area at Ashfield include Harlow, Thieves and Little Normanshill Woods, Kirkby Forest and Park Forest.
- 5.4.29 Thieves Wood (and the adjoining Normanshill and Little Normanshill Woods) are part of a Forestry Commission site which provides opportunities for walking and is crossed by the long-distance Robin Hood Way. The site provides a refreshment cabin, parking, picnic areas and promoted walking routes. Harlow Wood is located immediately to its east and is connected by the Robin Hood Way and forestry tracks.
- 5.4.30 Access at the other southern components of the ppSPA, which are within Ashfield, is more limited than elsewhere across the ppSPA. Kirkby Forest contains Nottinghamshire Golf Course and features such as Robins Hoods Hills and Robin Hood's Chair. This area is not crossed by the RoW network but contains a number of forestry tracks. Similarly, Park Forest is not crossed by the RoW network but contains a number of forestry tracks. Neither area contains any formal parking provisions.
- 5.4.31 As noted in the Regulation 19 HRA, as part of the Bassetlaw Local Plan Review, Recreational Impact Assessments (RIA) were undertaken at two areas which form a small part of the overall ppSPA. These include the Birklands & Bilhaugh SAC/Sherwood Forest NNR⁴⁴ and Clumber Park SSSI⁴⁵. These surveys included recreational impact surveys, bird surveys and visitor surveys. Accessibility across the rest of the ppSPA area varies in nature and has not been subject to recreational impact assessments or visitor surveys.

⁴⁴ Saunders, P., Lake, S. & Liley, D. (2021). Birklands & Bilhaugh SAC Recreation Impact Assessment Report- a report prepared for Bassetlaw District Council in conjunction with Newark and Sherwood District Council. Available at: <https://www.bassetlaw.gov.uk/media/6691/cd-016-birklandsbilhaugh-sac-draft-recreation-impact-assessment-report.pdf> [Date Accessed: 31/01/25].

⁴⁵ Saunders, P., Lake, S. & Liley, D. (2021). Clumber Park SSSI Recreation Impact Assessment Report- a report prepared for Bassetlaw District Council in conjunction with Newark and Sherwood District Council. Available at:

- 5.4.32 The Birklands & Bilhaugh SAC/Sherwood Forest NNR and Clumber Park SSSI have a large visitor draw. Other sites, such as those managed by the Forestry Commission are also likely to draw visitors from a wider area. Public access is not possible or limited in other areas and likely to have a much smaller draw for visitors. The RIA work undertaken for both Birklands & Bilhaugh SAC/Sherwood Forest NNR and Clumber Park SSSI concluded that recreational impacts are taking place at both sites. The surveys also showed that Nightjar appear to favour less well used parts of the RSPB Reserve and the edges of the sites surveyed. The surveys indicated that Woodlark is more widely distributed, showing a preference for fenced enclosures.
- 5.4.33 The outputs from the RIA work identified recreational impact ZoI for both sites. The Plan area does not fall within the ZoI for Birklands & Bilhaugh SAC/Sherwood Forest NNR. To reflect the findings of the RIA at Clumber Park SSSI, Natural England updated its advice and IRZs in February 2023⁴⁶. This advice relates to additional recreational pressure resulting from proposed new residential development (of 50 dwellings or more) within 10km of the SSSI. Natural England require such development to consider recreational pressures through an AA and consider appropriate mitigation measures through provision of adequate alternative green space. Natural England's advice encompasses parts of the Sherwood Forest ppSPA. The Plan area does not lie within this 10km SSSI IRZ buffer zone.
- 5.4.34 The effect of the additional allocations, both cumulatively with other development in the Local Plan and also in-combination with neighbouring LPA growth, on other sections of the ppSPA (not including Clumber Park SSSI and the Birklands and Bilhaugh SAC) must therefore be assessed on the basis of their individual visitor draw, current management and recreational provisions both at each site and in the surrounding area. **Figure 5.1** shows the location of each additional allocation in relation to the ppSPA.

https://www.bassetlaw.gov.uk/media/6838/622_clumber_park_recreation_impact_assessment_report_080322_final.pdf [Date Accessed: 31/01/25].

⁴⁶ Natural England. February 2023. Letter to affected LPAs. Subject: Update to Natural England's advice to ensure appropriate consideration of recreational pressure impacts to Clumber Park Site of Special Scientific Interest (SSSI) from relevant residential development.

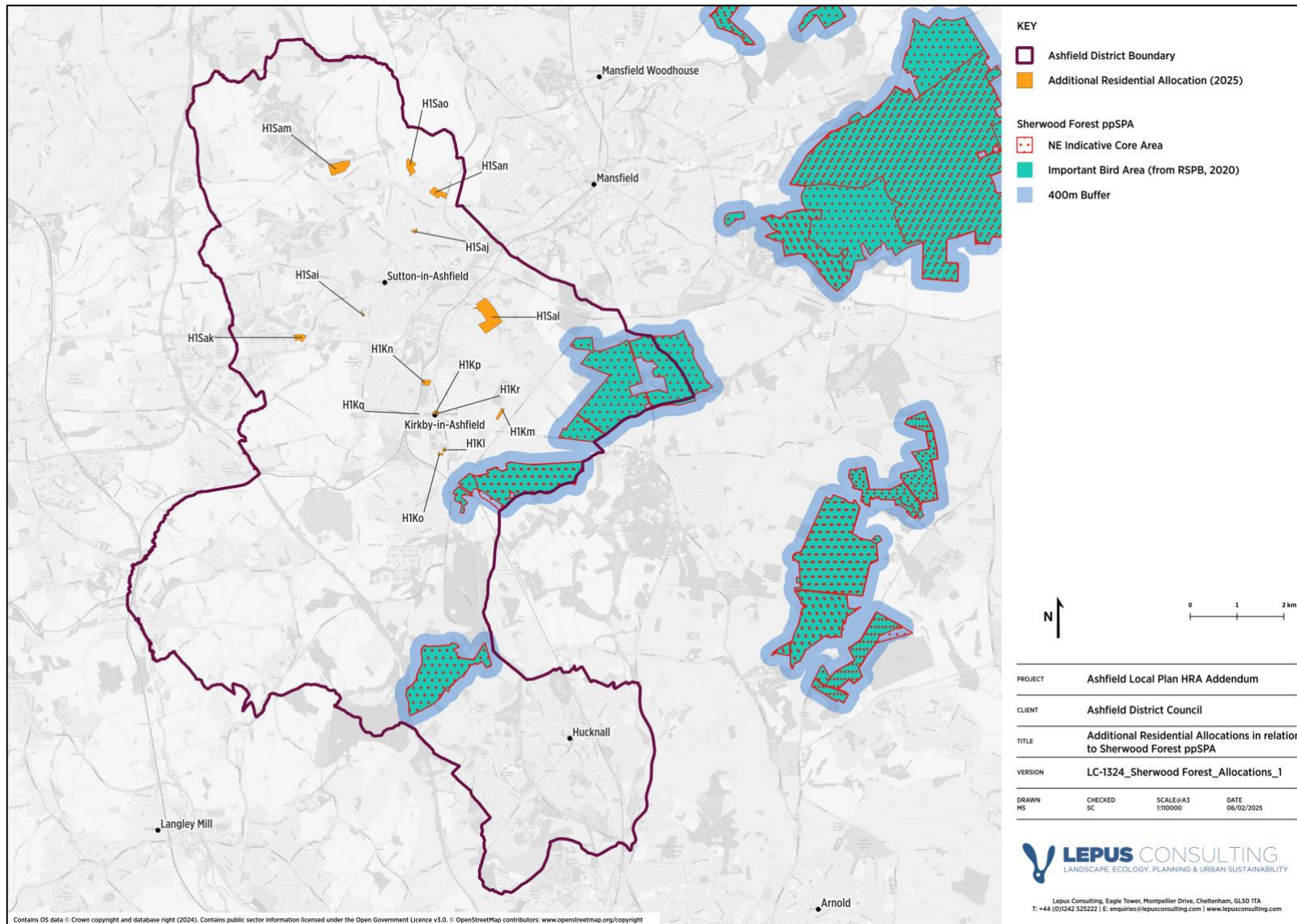


Figure 5.1: Location of additional allocations in relation to the Sherwood Forest ppSPA and a 400m buffer

- 5.4.35 Based on the work undertaken as part of the RIAs, recreational impacts across the ppSPA are likely to comprise damage to habitats with indirect impacts upon birds and also disturbance to the birds themselves. It is noted that no recreational impact assessments have been commissioned at other components of the ppSPA. Disturbance has the potential to adversely impact upon these bird species through a change in feeding or roosting behaviour, increases in energy expenditure due to increased flight, abandonment of nest sites, increased predation of eggs and chicks and desertion of supporting habitat. Effects may occur on habitat both within and outside of the ppSPA boundary. Such impacts may have a knock-on effect upon the successful nesting, rearing, feeding and/or roosting of these bird species. Sources of disturbance may also reduce the availability of suitable habitat through displacement and contraction of habitats
- 5.4.36 On the basis of visitor survey data, it can be assumed that there will be no recreational impacts upon the northern components of the ppSPA which coincide with Clumber Park SSSI and the Birklands & Bilhaugh SAC as none of the Plan area falls within these recreational impact ZoIs.
- 5.4.37 The other components of the ppSPA which are closer to, and within the Plan area, are predominantly managed by the Forestry Commission, with a smaller area to the north west of Ollerton, at Sherwood Heath, being managed by the Sherwood Forest Trust.
- 5.4.38 Within the Plan area specifically, Thieves Wood (and the adjoining Normanshill and Little Normanshill Woods) is likely to be the main component of the ppSPA where recreational effects may be exacerbated by new development coming forward as part of the Local Plan. Other areas of the ppSPA within the Plan area, including Kirkby Forest, Nottinghamshire Golf Course and Park Forest, are less accessible and offer limited recreational facilities and as a result additional housing growth is unlikely to result in recreational pressures upon Nightjar and Woodlark at these locations.
- 5.4.39 A review of all additional allocations indicates that the majority of these are located within the built-up areas of Kirkby-in-Ashfield and Sutton-in-Ashfield. A large majority of these allocations are for a small number of dwellings (less than 50). Seven sites however allocate development for more than 50 homes. Only one of these larger allocations (H1Sal, which allocates 300 homes) is located on the eastern side of Sutton-in-Ashfield and within approximately 1.5km of the ppSPA at Thieves Wood.
- 5.4.40 It is anticipated that the following policies, which form part of the Local Plan, will have a positive impact and contribute towards the mitigation of recreational impacts from population growth at the ppSPA.
- Local Plan Policy EV4 – Green Infrastructure, Biodiversity and Geodiversity which provides protection to the ppSPA;
 - The Local Plan’s Strategic Objectives aim to incorporate green and blue spaces to deliver multifunctional benefits and protect natural sites;
 - Local Plan Strategic Policy S12 Tackling Health Inequalities and Facilitating Healthier Lifestyles sets out requirements for recreation;
 - Local Plan Strategic Policy S13 Protecting and Enhancing Our Green Infrastructure and the Natural Environment requires new development to protect the natural environment, blue and green corridors and associated assets;
 - Local Plan Policy EV5: Protection of Green Spaces and Recreation Facilities protects green spaces and recreational facilities; and,

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- Local Plan Policy H5: Public Open Space in New Residential Developments requires development of two hectares of more to provide a minimum of 10% public open space. Development sites of less than two hectares are required to consider the extent of open space required in the context of the nature of development and the locality.
- 5.4.41 Policy EV4 will specifically ensure that a precautionary 'risk-based' approach is taken to development which may affect the ppSPA. This will reflect the nature, scale and proximity of development to the ppSPA and levels of accessibility at the ppSPA itself.
- 5.4.42 Policy H5 will ensure that all new development provides appropriate levels of green spaces with other policies listed above promoting and protecting both green spaces and blue and green infrastructure across the plan area. This will ensure that recreational impacts are directed away from the ppSPA and instead to an appropriate provision. GI also has the advantage of providing a range of other functions such as providing multiple benefits for wildlife, improving quality of life, water quality and flood risk, health and wellbeing, recreation, access to nature and adaptation to climate change.
- 5.4.43 As noted in **paragraph 5.4.38**, the components of the ppSPA close to both additional allocations, and other development set out in the Local Plan, are managed by the Forestry Commission. The Forestry Commission operates management plans (Forest Plans) for these sites which focuses on recreational access and management of promoted routes for walking trails and dog activities. The Forestry Commission also operates a 'Your Forest Dog Code' of conduct to manage dog behaviour at their sites.
- 5.4.44 Taking into consideration the current levels of management in place at the Forestry Commission sites, policy wording secured through the Local Plan and the scale and location of development, it can be concluded that there will be no adverse impact on site integrity from increased recreational pressure associated with the additional allocations alone, cumulatively with other allocations made in the Local Plan alone, or in-combination with other plans and projects. The additional allocations considered in this HRA Addendum Report will not result in any change to the conclusions made in the Regulation 19 HRA.

6 Conclusions

6.1 Summary

6.1.1 This HRA Addendum Report provides a screening of the additional site allocations currently being considered by the Council. The screening process takes into consideration their cumulative effect with other development proposed in the Regulation 19 Pre-Submission Local Plan and their in-combination effect with other plans and projects.

6.1.2 Taking no account of mitigation measures, the screening assessment concluded that the additional allocations had the potential to have LSEs at the following European sites:

- Humber Estuary Ramsar - water quality (in-combination);
- Humber Estuary SAC - water quality (in-combination);
- Humber Estuary SPA – water quality (in-combination);
- Peak District (South Pennine Moors Phase 1) SPA – recreational pressure (in-combination); and,
- South Pennine Moors SAC – recreational pressure (in-combination).

6.1.3 In addition, to ensure a 'risk-based' approach was adopted, consideration was also given to the following LSEs at the ppSPA:

- Sherwood Forest ppSPA - air pollution (in-combination) and recreation pressure (alone).

6.1.4 The HRA therefore progressed to an AA which looked at the impacts of a change in air quality, water quality and recreational pressure upon the qualifying features and conservation objectives of each European site and the ppSPA.

6.1.5 The AA drew on the Precautionary Principle to identify a number of potential threats and pressures that might be exacerbated by the additional allocations.

6.1.6 In terms of recreational impacts at the South Pennine Moors SAC and Peak District (South Pennine Moors Phase 1) SPA, the AA took into consideration the distance of the Plan area from the designations, visitor access management measures delivered through the National Park Management Plan, low levels of visitors from Ashfield obtained from the 2014 survey, existing alternative recreational resources in the Plan area, requirements in the Local Plan to ensure adequate green space is provided to accommodate future growth set out in the Local Plan, and the small amount of visitors likely to stem from the Plan area (less than 1%). On this basis it concluded that there will be no adverse impact on the integrity of the SAC or SPA as a result of the Local Plan, including the additional allocations proposed, either alone or in-combination.

6.1.7 In terms of water quality impacts at the Humber Estuary SAC, Humber Estuary SPA and the Humber Estuary Ramsar, and FLL watercourses, the AA took regulatory framework and policy requirements into consideration and concluded that there will be no adverse impacts on site integrity at these designations due to a change in water quality as a result of the Local Plan, including the additional allocations proposed, either alone or in-combination.

- 6.1.8 The AA looked at both air quality and recreational impacts at the Sherwood Forest ppSPA. In terms of recreational impacts, the AA took into consideration Local Plan policy wording alongside national and county policy, the management of woodland habitat as a rotational crop, the extent and distribution of heathland habitat and location in close proximity to road network, and future projects to enhance heathland habitat across the wider area. The AA concluded that there will be no adverse impacts on site integrity at the Sherwood Forest ppSPA due to a change in air quality as a result of the Local Plan, including the additional allocations proposed, either alone or in-combination.
- 6.1.9 In terms of recreational impacts at the Sherwood Forest ppSPA the AA took into consideration the current levels of management in place at the Forestry Commission sites, policy wording secured through the Local Plan and the scale and location of development. The AA concluded that there will be no adverse impact on site integrity from increased recreational pressure associated with the additional allocations alone, cumulatively with other allocations made in the Local Plan alone, or in-combination with other plans and projects.
- 6.1.10 The AA has considered the impact of each additional allocation alone, cumulatively with allocations proposed in the Pre-Submission version of the Local Plan, and in-combination with other plans and projects.
- 6.1.11 The AA has concluded that the additional allocations can be incorporated into the Local Plan without undermining the HRA work that was undertaken at Regulation 19.

6.2 Next steps

- 6.2.1 The purpose of this Addendum HRA report is to inform the HRA of the Local Plan using best available information.
- 6.2.2 The Council, as the Competent Authority, is responsible for preparing the Integrity Test, which can be undertaken in light of the conclusions set out in this report.
- 6.2.3 This report will be submitted to Natural England, the statutory nature conservation body, for formal consultation. The Council must 'have regard' to Natural England's representations under the provisions of the Habitats Regulations prior to making a final decision as to whether they will 'adopt' the conclusions set out within this report as their own.

Habitats Regulations Assessments

Sustainability Appraisals

Strategic Environmental Assessments

Landscape Character Assessments

Landscape and Visual Impact Assessments

Green Belt Reviews

Expert Witness

Ecological Impact Assessments

Habitat and Ecology Surveys

Biodiversity Net Gain



LEPUS CONSULTING
LANDSCAPE, ECOLOGY, PLANNING & URBAN SUSTAINABILITY

© Lepus Consulting Ltd

Eagle Tower, Montpellier Drive

Cheltenham GL50 1TA

T: 01242 525222

E: enquiries@lepusconsulting.com

W: www.lepusconsulting.com

CHELTENHAM



Lepus Consulting
Eagle Tower
Montpellier Drive
Cheltenham
Gloucestershire GL50 1TA

t: 01242 525222
w: www.lepusconsulting.com
e: enquiries@lepusconsulting.com