

# **Newark and Sherwood Allocations and Development Management Development Plan Document - Assessment under the Habitats Regulations**

**Newark and Sherwood District Council**

October 2011



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# QM

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# 1 Introduction

## 1.1 PURPOSE OF THIS REPORT

1.1.1 Newark and Sherwood District Council is in the process of producing an Allocations and 'Development Management Development Plan Document (A&DM DPD). It is consulting on options. As part of the work, consideration must be given to the potential effects on sites of European importance for nature conservation. WSP Environmental Ltd has been appointed by the Council to consider the potential for such effects and how the A&DM DPD could be amended to avoid or mitigate such effects. This report has been prepared to accompany the draft A&DM DPD. This work builds on and has regard to earlier work undertaken in relation to HRA and the Core Strategy for the District.

1.1.2 The purpose of this Report is to:

- Set out the overall methodology;
- Identify the issues considered;
- Provide a record of the results of an exercise that screened individual policies against these issues;
- Present key recommendations and conclusions; and
- Contribute to an audit trail for HRA related work.

1.1.3 This report only needs to consider potential effects on designated European sites (including any candidate sites). A prospective European site has also been identified in Sherwood Forest, . The potential for a new European site was highlighted during the inquiry into a proposed Energy Recovery Facility at Rufford (APP/L3055/V/09/2102006). There is no formal requirement to look at this site from the perspective of compliance with relevant legislation relating to undertaking this assessment; however Planning Policy Statement 12<sup>1</sup> (PPS12) highlights the need for DPDs to handle contingencies. It was therefore felt appropriate to look at the risks to the A&DM DPD of a new European site being identified in the District over the course of its lifetime. Appendix C of this report does that.

## 1.2 BACKGROUND

1.2.1 Natura 2000 is the European Union-wide network of protected areas, recognised as 'sites of Community importance' under the EC Habitats Directive (Council Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora). These sites, which are also referred to as European sites, consist of Special Areas of Conservation (SACs), Special Protection Areas (SPAs) and Offshore Marine Site (OMS).

1.2.2 In addition to the above, sites designated under the Ramsar Convention (known as Ramsar sites) also receive the same degree of protection under Planning Policy Statement 9 (PPS9) (ODPM, 2005) as a matter of planning policy. SPAs and SACs are known as European sites and are part of the Natura 2000 network and all three types of site are also referred to as International sites.

1.2.3 The purpose of Appropriate Assessment (AA) of land use plans is to ensure that protection of the integrity of European sites is a part of the planning process at a regional and local level.

1.2.4 AA of plans and projects is required by Articles 6(3) and 6(4) of the European Habitats Directive:

*"6(3) Any plan or project not directly connected with or necessary to the management of the site but likely to have a significant effect thereon, either individually or in combination with other plans or projects, shall be subject to appropriate assessment of its implications for the site in view of the site's conservation objectives. In the light of the conclusions of the assessment of the implications for the site and subject to the provisions of paragraph 4, the competent national authorities shall agree to the plan or project only after having ascertained that it will not adversely affect the integrity of the site concerned and, if appropriate, after having obtained the opinion of the general public"*

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<sup>1</sup> Planning Policy Statement 12: Creating Strong Safe and Prosperous Communities Through Local Spatial Planning, DCLG 2008

*“6(4) If, in spite of a negative assessment of the implications for the site and in the absence of alternative solutions, a plan or project must nevertheless be carried out for imperative reasons of overriding public interest, including those of social or economic nature, the Member State shall take all compensatory measures necessary to ensure that the overall coherence of Natura 2000 is protected. It shall inform the Commission of the compensatory measures adopted.*

*Where the site concerned hosts a priority natural habitat type and/or a priority species the only considerations which may be raised are those relating to human health or public safety, to beneficial consequences of primary importance for the environment or, further to an opinion from the Commission, to other imperative reasons of overriding public interest”.*

1.2.5 In the UK, the Habitats Directive is implemented through the Conservation (Natural Habitats &c) Regulations 1994 (the “Habitats Regulations”).

1.2.6 On 20 October 2005, the European Court of Justice (ECJ)<sup>2</sup> ruled that the UK had failed to fully transpose the provisions of Article 6(3) and (4) into the Habitats Regulations because the regulations did not clearly require land use plans to be subject to AA. Land use plans in this respect are Regional Spatial Strategies (RSSs), Development Plan Documents (DPDs) and Supplementary Planning Documents (SPDs)<sup>3</sup>. DPDS and SPDS are collectively referred to as Local Development Documents (LDDs).

1.2.7 A major amendment to the Habitats Regulations was made in 2007 (Statutory Instrument 2007 No. 1843) in response to the judgment. The 2007 amendment to the Regulations now specifically apply the provisions of the Habitats Regulations to land use plans such as the Core Strategy, and the relevant provisions are made in the main by Regulations 85A to 85E. The essential requirement is for the plan making authority to assess the potential effects of the LDD on European Sites in Great Britain. The site affected could be in or outside England.

1.2.8 The whole process of assessing the effects of a LDD on European sites is referred to in this report as the ‘**Habitats Regulations Assessment**’ (HRA), to clearly distinguish the whole process from the step within it commonly referred to as the ‘Appropriate Assessment’ (AA). The AA is a specific part of the entire assessment process and to use this term generally just adds confusion to the assessment. An AA is undertaken **when it has been determined that a plan or project (alone or in combination) is likely to have a significant effect, and where avoidance measures cannot easily be put in place to remove that likelihood**. In such instances, the next step in the process is to undertake an Appropriate Assessment of the plan or project, to determine in far greater detail the type and magnitude of impacts and to try to find suitable mitigation measures that may reduce the impact to a level at which it will no longer be significant.

1.2.9 This report has been prepared by WSP Environmental Ltd on behalf of Newark and Sherwood District Council to inform the preparation of their Core Strategy.

### **1.3 HABITATS REGULATIONS ASSESSMENT AND THE NEWARK AND SHERWOOD ALLOCATIONS AND DEVELOPMENT MANAGEMENT DPD**

1.3.1 The Adopted Core Strategy provides a clear strategy for what will happen spatially throughout Newark and Sherwood up to 2026.

1.3.2 The Newark and Sherwood Core Strategy sets out the basic principles and policy direction for planning and development in the district and will, over time, be complemented by more detailed documents, including the A&DM DPD. These detailed DPDs will set out site allocations and policies for determining planning applications and will, collectively, be the basis for decision making on new development and use of land.

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<sup>2</sup> Para. 51-56 in Case C-6/04, Commission of the European Communities v. United Kingdom of Great Britain and Northern Ireland, <http://curia.eu.int/jurisp/cgi-bin/form.pl?lang=en&Submit=Submit&alldocs=alldocs&docj=docj&docop=docop&docor=docor&docjo=docjo&numaff=C-6%2F04&datefs=&datefe=&nomusuel=&domaine=&mots=&resmax=100>

<sup>3</sup> Letter from Lisette Simcock (ODPM) to chief planning officers (28 February 2006) “The Application of Appropriate Assessment under Article 6(3) and (4) of the Habitats Directive 92/43/EEC to Development Plans in the Transitional period between now and when the Amending Regulations come into force.”



1.3.3 The A&DM DPD will allocate sites for new housing and employment, set out various locations for protective designations and set out a suite of Development Management policies.

1.3.4 The Core Strategy and the Allocations and Development Management DPD form part of the Local Development Framework (LDF). The majority of development associated with the LDF will require planning permission and project level AAs to be undertaken where relevant. HRA is also required for other related processes such as licensing arrangements for the abstraction of water (for which the Environment Agency has responsibility). The position of the A&DM DPD within the hierarchy of plans in the District is therefore important because it has a bearing on the level of risk associated with any potential effects that are identified. The Commission of the European Communities communication on the precautionary principle<sup>4</sup> recognises risk as a key factor in implementing the precautionary principle.

1.3.5 Notwithstanding the safeguards that exist at the project level, it will be important to demonstrate that the A&DM DPD, complemented by the Core Strategy, provides sufficient safeguards/measures to avoid potential issues down the line. This is considered essential to demonstrate that the A&DM DPD is sound.

## **1.4 STRUCTURE OF THIS REPORT**

1.4.1 The remainder of this report is structured as follows:

- Section 2 sets out the context, examining previous work undertaken in the context of the Core Strategy, the characteristics of the site considered and an outline of the A&DM DPD;
- Section 3 sets out the methodology for the work;
- Section 4 considers issues looking at the nature of the issue, the implications for the A&DM DPD recommendations and conclusions arising from the HRA;
- Recommendations and conclusions are set out in Section 5;
- Appendix A summarises data from a visitor survey that is relevant to the assessment of recreational pressure;
- Appendix B sets out the results of a screening exercise undertaken on the draft A&DM DPD; and
- Appendix C provides an analysis of the prospective European site at Sherwood Forest and any implications for the A&DM DPD.

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<sup>4</sup> Communication from the Commission on the Precautionary Principle (2000), Commission of the European Communities

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## 2 Context

### 2.1 INTRODUCTION

2.1.1 The Birklands and Bilhaugh SAC is the only European site within the District itself and 15km of the local authority boundary; it is the main focus for this report. It lies within Sherwood Forest, an important ecological and recreational resource.

2.1.2 This section provides an overview of the key issues considered as part of the HRA for the Core Strategy. It also identifies relevant policies in the Core Strategy. A brief description of the main elements of the A&DM DPD and key information for the SAC is then provided.

### 2.2 SHERWOOD FOREST

2.2.1 Emerging plans exist for promoting Sherwood Forest as a Regional Park, a concept acknowledged in the Core Strategy.

2.2.2 A Regional Park for Sherwood Forest was first proposed in 1969 when it was recognised that this was an attractive area that could benefit from a new rural planning approach. In more recent years there has been renewed interest in such a concept.

2.2.3 A feasibility study has been undertaken, with the findings published in May 2008 along with a commencement business plan. The feasibility study identified if a park based around Sherwood Forest and the surrounding area would bring about transformation changes and add value to what is already being done. Recommendations made within the report indicate that the inception year should start in April 2009. The Birklands and Bilhaugh SAC lies within the 'Heart of the Forest' and as such is within the proposed area for the Regional Park. The County Council intend to apply to the Government for Sherwood Forest to become a Regional Park.

### 2.3 SHERWOOD FOREST COUNTRY PARK AND VISITOR CENTRE

2.3.1 There are emerging plans for a new visitor centre serving the Sherwood Forest Country Park. The current visitors' centre attracts 400,000 visitors a year, but is now over 30 years old and needs to be rebuilt to help preserve the fragile ecology of the Forest. In 2002 an agreement was made between Natural England and Nottinghamshire County Council that designated Sherwood Forest as a National Nature Reserve. Part of the agreement was to divert mass tourism from the most ecologically sensitive areas, one of which is where the current visitor centre is situated.

2.3.2 An Environmental Impact Assessment (EIA) and an Appropriate Assessment (AA) of a proposal was already completed at the time that the HRA for the Core Strategy was undertaken. A scaled down project is now planned from that first envisaged. Land for the new visitors centre has been purchased by the County Council from Thoresby Estates. Known locally as "Naishs' Field the site is east of the B6034<sup>5</sup>. The timing of the application is uncertain as the County Council has put the project on short term hold due to wider budgetary constraints.

### 2.4 BIRKLANDS AND BILHAUGH SAC

2.4.1 The SAC is designated for '*Old acidophilous oak woods with Quercus robur on sandy plains, for which it is one of only four known outstanding localities in the UK*'. It is notable for its rich invertebrate fauna, particularly spiders, and also for a diverse fungal assemblage.

2.4.2 The site lies within Sherwood Forest and as such is subject to recreation pressure, which can damage the fragile habitat. Air pollution is a problem and has already caused a decrease in lichen diversity.

#### Conservation Objectives

2.4.3 Natural England has developed Draft Conservation Objectives for Birklands and Bilhaugh SAC, these are summarised below in Table 2.1:

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<sup>5</sup> <http://www.nottinghamshire.gov.uk/home/leisure/countryparks/sherwoodforestcp/sherwoodvisitorcentre.htm> (viewed on 23rd March 2010)

**Table 2.1 Natural England Draft Conservation Objectives for Birklands and Bilhaugh SAC**

<b>Ecological Feature</b>	<b>Attribute</b>	<b>Target</b>
Ancient semi-natural woodland, pasture mosaic/Old acidophilus oak wood on sandy plains W10 & W16a	Area	There is no decrease in the area of ancient semi-natural wood-pasture
		No loss of the semi-natural wood-pasture mosaic
	Structure and natural processes	At least three age classes present and spread across the average life expectancy of the commonest trees
		No reduction in the number of veteran trees other than through natural processes
		All standing veteran trees (>120cms dbh) are retained indefinitely and number ideally between 5-10 per hectare [Current distribution of veteran trees given in ENRR 361]
		All standing veterans have free crowns and are clear of competitive woody growth within at least a 5-10 metre radius of their canopy
		Mature native oak trees (>80cms dbh) average at least 5 trees per hectare
		Associated areas of permanent open (i.e.<25% tree cover) semi-natural habitat (e.g. acid grass-heath) covers between 10-30% of the wood-pasture mosaic
		Fallen decaying wood is visibly abundant from any one place (presence of one or more large fallen trunks/major boughs >50 cms in diameter, smaller pieces of timber numerous)
		Regeneration
	Any planting material is composed of locally native stock	
	Saplings of trees and shrubs such as rowan, hawthorn and birch present	
	Composition	Less than 1% of woodpasture, canopy and shrub layer occupied by non-native species. Beech and sweet chestnut are included as introductions, but retention of existing mature and veteran specimens of this species is acceptable.
		Canopy cover (>25% tree cover) is present across no less



		than 70-80% of the unit Area
		Less than 5% of mature trees > 80cms dbh show severe stress or death attributable to disease, subsurface activities or pollution
	Local distinctiveness	Less than 5% of semi-natural wood-pasture mosaic area is heavily poached (by grazing animals) or heavily trampled (by recreational pressure)
		Less than 5% of semi-natural wood-pasture mosaic is heavily modified, improved or composed of vegetation characteristic of high disturbance levels
		At least 80% of woodland vegetation referable to appropriate NVC type (mainly W10, W16a)
		At least 95% of permanent open space within woodpasture mosaic referable to an appropriate NVC vegetation type (mainly H9, U2, U4)
	Associated species	No evidence from periodic expert surveys (at least once every 6 years) of a loss of key saproxylic species or a significant decline in their habitat quality (as assessed by more frequent simple visual surveys)

(Taken from living legend AA)

## 2.5 THE POLICY CONTEXT PROVIDED BY THE CORE STRATEGY

2.5.1 The A&DM DPD is not being prepared in a policy vacuum. The Adopted Core Strategy includes policies that are relevant to the HRA for the A&DM DPD. These set the framework for the assessment and need to be taken account of to avoid the HRA making unnecessary suggestions. The Core Strategy is also consistent with the Regional Spatial Strategy for the East Midlands (March 2009).

2.5.2 The relevant objectives and policies from the Adopted Core Strategy are:

- Area Objective ShA O3 - To protect and enhance the Birklands & Bilhaugh Special Area of Conservation and ensure that the Regional Park initiative is consistent with this;
- Core Policy 12 identifies the need to provide for Suitable Alternative Natural Green Space (SANG) to reduce visitor pressure on the District's ecological, biological and geological assets, particularly in the Newark area and for 5kms around the Birklands and Bilhaugh SAC. The Core Strategy states that further detail on the location, amount and nature of SANGs will be provided within the Allocations & Development Management DPD;
- Policy ShAP1 seeks to maintain and enhance the ecological, heritage and landscape value of the Sherwood Area whilst promoting sustainable and appropriate leisure, tourism and economic regeneration. ShAP1 includes a commitment to Ensuring the continued delivery of the conservation aims and objectives of the Birklands & Bilhaugh SAC and preventing development which would have an adverse impact on this area.

## 2.6 THE NEWARK AND SHERWOOD A&DM DPD

2.6.1 The main elements of the A&DM DPD are outlined below, including the following matters:

- Role of the A&DM DPD;
- Housing, employment and other allocations; and

- Emerging Development Management policies

## **2.7 ROLE OF A&DM DPD**

2.7.1 The A&DM DPD is part of Newark and Sherwood's Local Development Framework sitting below the Core Strategy. The Core Strategy sets out the higher level strategic policies and proposals that will guide development and investment over the next 15 years. Whilst the Core Strategy allocated 3 Strategic Sites around the Newark Urban Area to deliver a large amount of the future housing and employment growth for the District the remainder of such planned growth needs to be allocated in another DPD. The A&DM DPD also contains a number of Development Management Policies for use in determining planning applications. When adopted, the A&DM DPD will fully update the Development Plan of the District and replace the Newark & Sherwood Local Plan.

## **2.8 ALLOCATING LAND FOR GROWTH**

2.8.1 Key locations for growth within the district have been established through the Core Strategy, based on the identification of settlements that have a range of services. This has been done to ensure the best use of existing facilities and the most efficient provision of new facilities can be achieved.

2.8.2 Spatial Policy 1 'Settlement Hierarchy' sets out which settlements fall under which category. Spatial Policy 2 'Spatial Distribution of Growth' sets out the strategy for growth and the wider objectives that development will help secure. Spatial Policy 2 also identifies the anticipated level of growth for each settlement. Specific land provision has been made for urban extensions to Newark in the Core Strategy.

2.8.3 The A&DM DPD will identify allocations for housing, employment and mixed use development within other settlements (Ollerton & Boughton, Southwell, Rainworth, Clipstone, Bildworth, Bilsthorpe, Collingham, Edwinstowe, Farnsfield, Lowdham and Sutton on Trent), confirm the extent of the urban extensions and also identify smaller allocations within Newark..

## **2.9 DEVELOPMENT MANAGEMENT POLICIES**

2.9.1 The Core Strategy contains policies relating to the following:

- Nature conservation and biodiversity, relating to the protection and enhancement of designated sites (for example Core Policy 12A 'Biodiversity and Green Infrastructure');
- Flood Issues - adopting a risk based approach to the allocation of land for development (for example Core Policy 10 'Climate Change');
- Water environment - acknowledging issues around the treatment, use and acquisition of water (for example Spatial Policy 6 'Infrastructure');
- Recreation, leisure, Green infrastructure and Open Space - concerned with the protection and creation of new green links (Core Policy 12A and the relevant Area Policies like NAP 2A-C); and
- Transport - infrastructure provision, reducing the need to travel and encouraging modal shift (for example Spatial Policy 7 'Transport' and other policies dealing with accessibility in rural areas like Core Policy 11).

2.9.2 Such policies will help to protect and enhance European sites and are relevant to the assessment of potential effects.

2.9.3 The A&DM DPD will include further policies relating to the management of development, see Appendix B and list of policies below.

<b>Policy Area: Agenda for Managing Growth</b>	
DM1	Development within settlements central to delivering the Spatial Strategy
DM2	Developer Contributions
<b>Policy Area: Sustainable Development &amp; Climate Change</b>	
DM3	Renewable Energy
DM4	Design
<b>Policy Area: Homes for All</b>	
DM5	Householder Development
DM6	Specialist Accommodation and Community Facilities
<b>Policy Area: Natural &amp; Built Environment</b>	
DM7	Development in the Open Countryside
DM8-11.	Protecting and Enhancing the Historic Environment
DM12	Shopfronts and Advertisements
DM13	Pollution & Hazardous Materials
<b>Policy Area: Economic Growth</b>	
DM14	Retail

## 3 Methodology

### 3.1 INTRODUCTION

3.1.1 HRA related work commenced whilst the Core Strategy was at its policy options stage. This enabled the HRA to truly influence the content of the Core Strategy and the HRA work relating to the A&DM DPD has also commenced at an early stage. The HRA process is an iterative one and the previous work has been referred to. HRA work will continue as the A&DM DPD progresses.

3.1.2 In devising the methodology for this work, regard has been had to relevant guidance and recent practice:

- Assessment of Plans and Projects Significantly Affecting Natura 2000 sites<sup>6</sup> (European Union November 2001);
- Unpublished Draft Guidance from Natural England on AA of Regional Spatial Strategies and Local Development Frameworks<sup>7</sup>; and
- Guidance from the Department for Communities and Local Government (DCLG)<sup>8</sup> on Appropriate Assessment of RSSs and LDDs.

3.1.3 The overall process is summarised in Figure 1 at the end of this section.

### 3.2 IDENTIFYING SITES FOR ASSESSMENT

3.2.1 As noted in Section 2 of this report, previous work focussed on the Birklands and Bilhaugh SAC. Consideration was given to the potential for recreational impacts on coastal sites but this was discounted. As with the HRA for the Core Strategy it is proposed to focus on the Birklands and Bilhaugh SAC in the case of the A&DM DPD because it is not anticipated that the DPD has potential to significantly impact on the integrity of other European sites and therefore inclusion of any additional sites is not necessary.

### 3.3 KEY ISSUES IDENTIFIED IN THE HRA OF THE CORE STRATEGY RELATING TO THE SAC.

3.3.1 The HRA for the Core Strategy identified the following issues:

- Air quality – impacts associated with both increased traffic and point source pollution;
- The potential for increased recreational pressure on the SAC associated with new development: and
- Water abstraction – and the potential for new development to lead to increased water abstraction that might harm the SAC.

3.3.2 It is proposed to focus on these issues again in order to ensure that the A&DM DPD does not exacerbate the issues and they are discussed in detail in Section 4 of this report.


3.3.3 In line with relevant guidance, the following tasks have been undertaken:

1. Brief description of the plan that is being considered;
2. Characteristics of the sites that might be affected;
3. Identification of policies that can be screened out. This included:

<sup>6</sup> Assessment of Plans and Projects Significantly Affecting Natura 2000 sites, Methodological guidance on the provisions of Article 6(3) and (4) of the Habitats Directive 92/43/EEC European Union, November 2001 [http://ec.europa.eu/environment/nature/nature\\_conservation/eu\\_nature\\_legislation/specific\\_articles/art6/pdf/natura\\_2000\\_assess\\_en.pdf](http://ec.europa.eu/environment/nature/nature_conservation/eu_nature_legislation/specific_articles/art6/pdf/natura_2000_assess_en.pdf)

<sup>7</sup> Draft Guidance, the Assessment of Regional Spatial Strategies and Sub-Regional Strategies under the Provisions of the Habitats Regulations, David Tyldesley and Associates for English Nature, March 2007.

<sup>8</sup> Planning for the Protection of European Sites: Appropriate Assessment Guidance For Regional Spatial Strategies and Local Development Documents, DCLG, August 2006 [http://www.communities.gov.uk/pub/353/PlanningfortheProtectionofEuropeanSitesAppropriateAssessmentGuidanceForRegionals\\_id1502353.pdf](http://www.communities.gov.uk/pub/353/PlanningfortheProtectionofEuropeanSitesAppropriateAssessmentGuidanceForRegionals_id1502353.pdf)

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- Identification of all European sites within 15km of the local authority boundary;
  - Screening out European sites using a set of criteria;
  - A more detailed consideration of selected policies to highlight potential effects and any opportunities for avoidance measures to be incorporated in policies within lower level plans and projects. This comprised:
    - Identification of potential effects and the ‘pathways’ that might give rise to these effects on a policy by policy and settlement by settlement basis;
    - An assessment of the significance of potential effects with respect to the features (either or both primary habitats and species) for which a European site has been designated;
    - Consideration of opportunities for avoidance/mitigation measures, e.g. in the A&DM DPD thematic policies or lower tier documents;
    - The assessment of potential effects also took account of the likelihood of such effects occurring. This is consistent with the precautionary approach;
    - Consideration of the potential for in-combination effects; and
    - Recommendations for the development of the A&DM DPD.

### **3.4 SCREENING ALLOCATIONS AND POLICIES**

3.4.1 Natural England has developed a series of categories that can be used as the basis for screening out proposals and policies. The categories are:

- Category A1: The policy will not itself lead to development e.g. because it relates to design or other qualitative criteria for development;
- Category A2: The policy is intended to protect the natural environment;
- Category A3: The policy is intended to conserve or enhance the natural, built or historic environment;
- Category A4: The policy would positively steer development away from European sites and associated sensitive areas; and
- Category A5: The policy would have no effect because no development could occur through the policy itself, the development being implemented through later policies in the same plan, which are more specific and therefore more appropriate to assess for their effects on European Sites and associated sensitive areas.

3.4.2 Proposals and policies that could not initially be screened out are considered further. The Natural England guidance identifies the following categories in which such policies can be placed:

- Category B – no significant effect;
- Category C – likely significant effect alone; and
- Category D – Likely significant effects in combination.

3.4.3 Appendix B presents the results of the screening exercise for the A&DM DPD. The first column identifies the relevant policy and the second column identifies the categories that arose from the initial screening exercise. The third column presents the categories that arose from the re-consideration of elements of the A&DM DPD that could not initially be screened out. It also includes recommendations for those policies that fell within Category C and D.

3.4.4 It is acknowledged that this exercise is subject to value judgements associated with all environmental assessments and although guided by criteria is still subjective.



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**Figure 1 – The HRA Process**



## 4 The Issues

### 4.1 INTRODUCTION

4.1.1 This section provides a more detailed consideration of the issues identified in Section 3 and Appendix B sets out the results of the screening exercise.

4.1.2 It examines the following topics in turn:

- Air quality;
- Recreational pressure on the SAC; and
- Water abstraction.

4.1.3 For each topic it asks the following questions:

- What is the issue?
- Which settlements does it relate to?
- What are the implications for the A&DM DPD, including consideration of whether or not any recommendations from the previous iteration of the HRA for the Core Strategy have been taken on board?
- What are the implications for the HRA?

### 4.2 AIR QUALITY

#### Air Quality: What is the Issue?

4.2.1 Ecological elements within Birklands and Bilhaugh SAC, such as the diversity of lichen present, are sensitive to changes in air quality. It is important to establish the baseline background concentrations and to evaluate any local sources, such as road traffic.

4.2.2 Previous air quality assessments have taken this into consideration. Background concentrations were obtained from the National Air Quality Information Archive. This information was in relevance to two, one kilometre grid squares. These grid squares were up to four kilometres away from significant sources of road traffic emissions to ensure that they were not included. This is in line with DMRB guidance (11.3.1, paragraph 3.27).

The selected grid squares were 460500,368500 and 462500, 364500.

#### Background concentrations

Pollutant	2005	2007	2010
NO <sub>x</sub> (µg.m <sup>3</sup> )	14.9 (15.7)	13.7	12.1 (12.6)
NO <sub>2</sub> (µg.m <sup>3</sup> )	11.7 (12.3)	11.1	9.4 (9.9)
PM <sub>10</sub> (µg.m <sup>3</sup> )	19.8 (19.9)	19.1	18.2 (18.4)

4.2.3 It must be noted that in addition to road traffic sources, background pollutant concentrations may also be influenced by local industrial, and other, activities. Sources within 5km of the SAC include a petrol station mainly emitting benzene, 1, 3-butadiene and VOCs.

4.2.4 Thoresby Colliery is the only point source within 1km of the SAC and was modelled to emit 8.5 tonnes of PM<sub>10</sub> in 2003.

4.2.5 Background nitrogen deposition rates were obtained from APIS for the 5km grid square in which the study area lies.

### Background nitrogen deposition rates.

Average N deposition rate (kg N/ha/yr)	2007	2010
	31.218	29.04

4.2.6 The critical load is the level over which significant harmful effects may occur; for forest habitats this is 10 -20 kg N ha<sup>-1</sup> y<sup>-1</sup>. The results of the air quality assessment indicate that the background nitrogen deposition rate is in excess of the critical load for the habitat. It must be noted that the B6034 contributes 0.04 kg N ha<sup>-1</sup> y<sup>-1</sup>, representing just 0.12% of the total nitrogen deposition rate. The B6034 had no detectable effect on the SAC at the time of assessment.

4.2.7 Exceeding critical loads is not uncommon in the UK and some context is provided in JNCC Report 387 (Hall *et al*, 2006) which states that exceedence statistics for nutrient nitrogen for designated sites in the UK indicate that 62.5% of SACS and 67.4% of A/SSSIs for which critical loads for terrestrial habitats are mapped, exceed their critical loads.

### Air Quality: What are the implications for the A&DM DPD?

4.2.8 The above analysis suggests that existing point source pollution is more important than pollution associated with traffic on the B6034. The A&DM DPD has no influence on existing point source pollution.

4.2.9 For industrial processes, the current guidance that is used when assessing point source emissions is the IPPC H1 Guidance for the Environmental Assessment and Appraisal of BAT (available to download from <http://www.environment-agency.gov.uk/business/topics/pollution/37231.aspx>). Not all industrial processes/emissions will require assessment. A simple screening tool is provided with the guidance to determine which pollutants emitted from a process are released in significant amounts and which are not. For those pollutants which are emitted in significant amounts, detailed modelling may be required if the process is located near to sensitive receptors/locations of relevant exposure. The H1 document indicates that designated sites (including European sites) which are located within 10 km of the pollutant source should be considered as a sensitive receptor within an assessment. For major emitters (large power stations, refineries, or iron and steelworks) this distance increases to 15km.

4.2.10 With regards to development associated with the A&DM DPD, there is the potential that further assessment will be required for new industrial processes located within 10km (or 15km for major scale emitters) of the SAC. This may take the form of the simple screening exercise or more detailed modelling. It is assumed that each of the proposed industrial processes will need to carry out an appropriate air quality assessment in order to obtain their operating permit from the local authority or Environment Agency. It is also assumed that each process will implement appropriate mitigation measures to minimise their impact on European sites.

4.2.11 **Based on the above it is recommended that potential effects associated with air quality from industrial processes are best considered at the project level.**

4.2.12 **The HRA for the Core Strategy recommended that the Development Management DPD could highlight the need for assessments relating to potentially polluting development to consider the potential for effects on European sites and the scope for avoiding or mitigating these. Policy DM13 could be drafted to accommodate this recommendation.** This provision should relate to point source polluters and other activities that have potential to lead to increased deposition of nitrogen, e.g. poultry farms. Developments in the vicinity of the SAC that will lead to potential effects associated with increased road transport should also be assessed for potential impacts on the SAC.

4.2.13 The proposals for a new Regional Park and relocation of the Sherwood Forest Visitor Centre could contribute to a further reduction in air quality by attracting more visitors and more car-borne journeys. Although the Core Strategy recognises and supports the Regional Park initiative, it is an initiative that is being promoted across a number of local authorities. From our understanding it also appears that the Regional Park concept is not contingent on the Core Strategy, e.g. it does not rely on any specific land allocations at this stage.

4.2.14 The previous iteration of the HRA concluded that it was not possible to say at that stage what impacts the Regional Park will have on the SAC. The previous iteration of the HRA suggested that the Core Strategy's support for this concept should be contingent on the promoters demonstrating that there will be no harm to the SAC.

4.2.15 Policy ShAP 1 of the Core Strategy recognises the need to integrate the Regional Park concept with the SAC and sets out a commitment to prevent development that would have an adverse impact on the SAC.

4.2.16 The previous report also suggested that the Core Strategy should acknowledge its role in encouraging transport choice for visitors to the Regional Park and Sherwood Forest by exploring the provision of Park and Ride facilities and walking and cycling. This will require co-operation with adjoining local authorities and the County Council. The Adopted Core Strategy highlights the need for the body tasked with implementing the Regional Park to ensure that such impacts are mitigated.

4.2.17 Spatial Policy 7 'Sustainable Transport' in the Core Strategy seeks to ensure that all development helps to contribute to the objectives of the Local Transport Plan and provide transport choice. Policy ShAP1 in the Core Strategy also identifies the need to promote access by a range of transport modes including public transport and, where appropriate, ensure integration between car parking and cycling facilities, the supporting text makes it clear that the policy applies to the whole of the Regional Park. It is therefore considered that the Core Strategy provides sufficient safeguards in relation to the potential Sherwood Forest Visitor Centre and Regional Park.

### **Air Quality: What are the Implications for the Habitats Regulations Assessment?**

4.2.18 It can reasonably be concluded that there will be no likely significant effect (either alone or in combination) as the result of the A&DM DPD being implemented.

4.2.19 The Core Strategy provides some policy safeguards **it is recommended that Policy DM13 of the A&DM DPD is drafted to include reference to the need for point source polluters that require planning permission to demonstrate that they will not significantly harm the SAC.**

## **4.3 PRESSURE FROM RECREATION**

### **Recreational Pressure - What is the Issue?**

4.3.1 The housing element of the A&DM DPD has the potential to introduce new residents to the area. A proportion of the total number of new residents will pursue recreational activities on nearby areas of green open space. New employment related activity can also give rise to recreational demand. Areas potentially affected could possibly include designated areas such as Birklands and Bilhaugh SAC, which contains habitats and species that may be sensitive to disturbance from increases in recreational pressure.

4.3.2 The distance that people are prepared to travel for recreational purposes is a key consideration. Research undertaken on behalf of Natural England (Liley et al 2005)<sup>9</sup> in respect of the Thames Basin Heaths has indicated that most recreational users, and in particular those who are likely to visit the site most often, will live within 5km of the site. This distance also encompasses most dog walkers (Natural England, 2006)<sup>10</sup>.

4.3.3 Sherwood Forest is an exception to this. Whilst there is a gap in visitor survey data, it can be reasonably assumed that the most frequent users of the site travel from settlements up to 20km from the SAC.

4.3.4 In June 2005 a visitor survey was undertaken by ACK Tourism and RJS Associates Ltd. The survey consisted of face-to-face interviews with 284 visitors to the Sherwood Forest Country Park.

4.3.5 This survey showed that 30% of visitors to the site were from within the Nottingham (NG) postcode area. Common NG postcodes included:

- NG19 - 3.9%

<sup>9</sup> Liley D, Jackson D, and Underhill-Day J (2005) *Visitor Access Patterns on the Thames Basin Heaths*. English Nature Research Report 682, Peterborough.

<sup>10</sup> Natural England (2006) *Thames Basin Heaths (TBH) Special Protection Area (SPA) position on sheltered accommodation*. A letter from Natural England to local planning authorities setting out their position in relation to different use classes for planning applications.

- NG21 - 3.5%
- NG22 - 2.8%
- NG18 - 1.7%
- NG17 - 1.7%
- NG1, NG2, NG3, NG4, NG5, NG6, NG7, NG8, NG9 - approximately 8%
- NG10, NG11, NG12, NG13, NG14, NG15, NG16, NG20, NG23, NG24, NG25 - approximately 8%

4.3.6 The table at Appendix A provides an approximate distance travelled from each post code:

- 65% of visitors had travelled from home, whilst 25% had travelled from holiday accommodation; and
- 63% of visitors had been before and 8% visited the site on a weekly or more frequent basis.

4.3.7 The lack of data relating to frequency of visit to distance travelled leads to the need for some assumptions. It can be reasonably assumed that the most frequent users of the site travel from settlements up to 20km from the SAC.

4.3.8 The current focus of interest is on the Sherwood Forest Visitor Centre; this due to be reconstructed on a site across the B6034 from its present location. A recent planning application which had been approved was predicted to increase visitor numbers to 1,000,000 in the first year of operation falling to a plateau of approximately 800,000 in year three. The scheme is subject to a revised planning application which is understood to be scaled back, although impacts on visitor numbers are not clear at this stage.

4.3.9 In order to help reduce visitor pressure on the SAC it is proposed that visitors will be encouraged away from its boundaries and into the wider area. This will reduce the risk of harm to SAC habitats, in particular veteran trees within the vicinity of the existing visitor centre.

4.3.10 Current risks to the SAC include intensive activities in the vicinity of the existing visitor centre. This is in the form of car parking. Vehicle and pedestrian movement has the potential to compact soil and root zones around veteran trees in the area. Direct impacts include disturbance of tree roots through compaction from this activity and also damage to trees through vandalism.

4.3.11 Indirect impacts may arise through compaction causing damage to soil mycorrhiza and their root associations, disturbance to soil fauna and changes in hydrological functioning.

4.3.12 The Habitat Regulations Assessment Report for the Sherwood Forest Living Legend concluded:

*'Whilst it is likely that existing local users of the wider SAC will continue to use minor paths, no significant adverse impacts to SAC habitats are anticipated to result from increased visitor numbers associated with the proposed campus development.'*

4.3.13 The new visitor centre scheme included the improvement of existing access to the SAC. Evidence suggests that the existing footpath network has generally coped with usage, even during times of peak usage during the early 1990s when visitor numbers reached 1 million per annum (following the release of 'Robin Hood – Prince of Thieves').

4.3.14 There have been areas where footpaths have not coped as well as expected and this has been due to several factors. Paths that exist on a gradient have experienced surface erosion due to water run off. Pooling and rutting has also occurred on paths that have been poorly constructed. In these cases visitors have avoided the obstacles and have therefore widened the path and caused soil compaction over a wider area. As a result of this water run off which would otherwise have percolated down through the soil to the benefit of the sites ecology has been lost, adding to the stresses placed on the ecology of the site.

4.3.15 The Appropriate Assessment Report suggests that visitor numbers are not expected to reach the peak visitor numbers experienced during the 1990s and should therefore generally cope. However, opportunities exist to improve the network by addressing its isolated failings. If paths are properly constructed and use a camber or crossfall then water will run to the sides of the path and reduce erosion, pooling and rutting. These measures will improve water retention closer to natural levels.

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4.3.16 These measures will help to focus visitor activity around the Major Oak and the associated existing controlled and surfaced areas. The Major Oak is recognised as a high profile cultural and heritage asset and high visitor demand already exists in this area, along with existing high levels of disturbance. Proposed access arrangements plan to alleviate this, especially to more remote and sensitive areas of the SAC. There are also plans to reopen access paths outside of the site, which will help to reduce footfall within the SAC.

4.3.17 All footpath improvements as part of the proposed scheme will be agreed with Natural England and fencing will be installed where Natural England and local site management feel it is appropriate.

#### *Other Recreational Sites in the Area*

4.3.18 There are other significant sites in the area that provide a recreational resource:

- Sherwood Pines Forest Park – large area of woodland with waymarked walking and cycling trails and other outdoor activities. Located to the south west of Edwinstowe Village;
- Rufford Abbey and Country Park – Picturesque Abbey remains and gardens surrounded in Woodland. Located south of Edwinstowe and Ollerton off the A614 near the B6034;
- Clumber Park – National Trust location set in a 4000 acre park. Located to the north of Edwinstowe and Ollerton; and
- Vicker Water Country Park, located just to the south of Clipstone village, 5 kilometres from Mansfield. The 80ha Park has been mainly formed on the site of former colliery spoil tips and lies in the shadow of the headstocks of Clipstone Colliery.

4.3.19 In addition the A&DM DPD makes provision for:

- Creation of a new footpath between Kelham Hall, Averham and the railway bridge at Averham Weir;
- The introduction of a circular route on land north of Farndon Harbour linking to Farndon Fields, the Sconce and Devon Park and the proposed Middle Beck Natural Corridor;
- Middle Beck / Shire Dyke Natural Corridor- the creation of a new multifunctional corridor stretching from Fernwood to the Sconce and Devon Park. In doing so the route should connect with the National Cycle Network Route and the Green Infrastructure being provided as part of the Land South of Newark strategic site. Provision should also be made for the introduction of a number of Local Nature Reserves along the route;
- Introduction of a new route linking the Country Park in the Land East of Newark strategic site to Stapleford Woods to the East and the Middle Beck / Shire Dyke Natural Corridor to the South East; and
- Creation of a Multi-User Route linking Newark and Southwell.

#### *Recreational Pressure - Potential for increased Pressure on Coastal Sites.*

4.3.20 The Steering Group asked for consideration of this issue at the time of the HRA for the Core Strategy. The discussion is repeated here in order to provide a transparent audit trail. The Habitats Regulations Assessment of the East Midlands Regional Plan, produced by Treweek Environmental Consultants and Environ, addresses the issue of potential impacts on coastal sites from recreational pressure.

4.3.21 The HRA states that a number of policies in the Regional Plan are likely to increase visitors to the coast, on which The Wash SAC, SPA and Ramsar is located. The HRA recommends that a Policy is added to the Plan, or a section is included under the Eastern Sub-area priorities, discussing the impacts of recreation on sensitive sites and discouraging local authorities from including policies in LDDs which encourage tourism and recreation on these sites. The HRA also recommends that other parts of the Lincolnshire Coast should be promoted to alleviate some of the pressure on the European Site.

4.3.22 Newark and Sherwood lies within the Northern Sub-area. Evidence suggests that regular users of sites (including coastal sites) travel around 5km, suggesting that development in Newark and Sherwood will not contribute significantly to the problem. The recommendations of the HRA for the RSS clearly focus on the Eastern Sub-area and the Newark and Sherwood Core Strategy does not have a role in promoting other locations on the Lincolnshire coast.

## Recreational Pressure - Implications for the A&DM DPD

4.3.23 For the purposes of this HRA, new residential development at all settlements within the District have been considered to have the potential for cumulative impact (Category D) on the Birklands and Bilhaugh SAC, as all major settlements are within or approximately 20km from the site. Development within 5km will put pressure on the SAC as a local recreational resource, for dog walking etc.

4.3.24 In terms of mitigation, the main type of measure recommended by Natural England is the provision of Suitable Alternative Natural Greenspace (SANGS) for residential developments and/or improvements to existing sites to increase their visitor capacity and manage/avoid potential negative effects.

4.3.25 Natural England advocates that local communities should have access to an appropriate mix of green-spaces providing for a range of recreational needs, of at least 2 hectares of accessible natural green-space per 1,000 population. This can be broken down by the following system:

- No person should live more than 300 metres from their nearest area of natural green-space;
- At least one hectare of Local Nature Reserve should be provided per 1,000 population;
- There should be at least one accessible 20 hectare site within 2 kilometres;
- There should be one accessible 100 hectare site within 5 kilometres; and
- There should be one accessible 500 hectare site within 10 kilometres.

4.3.26 Natural England has provided guidance towards the characteristics that Suitable Alternative Natural Green Space (SANGS) should have (it relates to the Thames Basin Heaths and we understand the guidance is currently under review). The Guidance provides some important pointers on the location of SANGS, the facilities that are needed and the type of visitor that should be catered for.


4.3.27 The Guidance states that 8ha of SANGS per thousand population is generally required, although this applies to the Thames Basin Heaths SPA which is known to be under far greater pressure in terms of recreational disturbance (to ground nesting birds) resulting from significant encroachment onto the boundaries of the Thames Basin Heaths SPA than other Natura 2000 sites in the UK (which are predominantly both less sensitive and less encroached by existing urban development pressures). It is not considered appropriate for this level of SANGS provision (8 ha / 1,000 population) to be provided within Newark and Sherwood. Therefore, it is recommended that the ANGST guidance of 2ha / 1,000 population should be adopted. It is understood that the Infrastructure Delivery Plan used the ANGST guidance of 2ha/1000.

4.3.28 The Guidance on SANGS provides some important pointers on the location of SANGS, the facilities that are needed and the type of visitor that should be catered for.

4.3.29 Key considerations include;

- ensure provision of adequate car parking and signpost it;
- Where large populations are close to a European site, the provision of SANGS should be attractive to visitors on foot;
- Sites should be capable of providing routes of 2.5 to 5 kilometres, people may require longer routes;
- Where long routes cannot be accommodated within individual SANGS it may be possible to provide them through a network of sites, provided the connecting areas are rural in nature;
- Paths do not have to be of any particular width, and both vehicular-sized tracks and narrow Public Rights of Way (PRoW) type paths are acceptable to visitors;
- Safety is one of the primary concerns of female visitors. Paths should be routed so that they are perceived as safe by the users, with some routes being through relatively open (visible) terrain (with no trees or scrub, or well spaced mature trees, or wide rides with vegetation back from the path), especially those routes which are 1-3 km long;



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- The routing of tracks along hill tops and ridges where there are views is valued by the majority of visitors;
  - A substantial number of visitors like to have surfaced but not tarmac paths, particularly where these blend in well with the landscape. This is not necessary for all paths but there should be some more visitor-friendly routes built into the structure of a SANGS, particularly those routes which are 1-3 km long;
  - People value the naturalness of sites and artificial infrastructure should be avoided where possible;
  - However, SANGS would be expected to have adequate car parking with good information about the site and the routes available. Some subtle waymarking would also be expected for those visitors not acquainted with the layout of the site;
  - Other infrastructure would not be expected and should generally be restricted to the vicinity of car parking areas where good information and signs of welcome should be the norm, though discretely placed benches or information boards along some routes would be acceptable;
  - Hills do not put people off visiting a site, particularly where these are associated with good views, but steep hills are not appreciated. An undulating landscape is preferred to a flat one;
  - Water features, particularly ponds and lakes, act as a focus for visitors for their visit, but are not essential; and
  - It is imperative that SANGS allows for pet owners to let dogs run freely over a significant part of the walk. Access on SANGS should be largely unrestricted, with both people and their pets being able to freely roam along the majority of routes. This means that sites where freely roaming dogs will cause a nuisance or where they might be in danger (from traffic or such like) should not be considered for SANGS.

4.3.30 The guidance also provides comments on the enhancement of existing sites, including ensuring that candidate sites do not have any competing uses that would make them unsuitable as SANGS.

4.3.31 The Green Flag Award is the national standard for parks and green spaces in England and Wales. The award scheme began in 1996 as a means of recognising and rewarding the best green spaces in the country. It was also seen as a way of encouraging others to achieve the same high environmental standards, creating a benchmark of excellence in recreational green areas. **The Green Flag Award could be another way of ensuring that high quality sites are provided** (see <http://www.greenflagaward.org.uk/award/>).

4.3.32 Many of the strategic allocations in the Core Strategy already include provision of open space.

4.3.33 The previous iteration of the HRA report recommended that the Core Strategy, informed by the Green Infrastructure Study included a policy relating to the amount, quality and location of SANGS to be provided in the District. It also recommended that this should take account of opportunities for co-operating with adjoining authorities in the provision of SANGS.

4.3.34 Core Policy 12A 'Biodiversity and Green Infrastructure' references the Green Infrastructure Strategy that was prepared after the previous iteration of the HRA was completed. It sets out the commitment to establishing a network and priority areas for action.

4.3.35 The Infrastructure Delivery Plan undertaken as part of the evidence base for the Core Strategy did not identify any shortfalls in Alternative Natural Greenspace provision in the District. The Green Infrastructure Strategy prepared as part of the evidence base for the Core Strategy identifies opportunities for the creation and enhancement of Green Infrastructure.

4.3.36 The re-location of the Visitor Centre at Sherwood Forest provides the opportunity to include an area of green space that will be attractive to local people. This will help relieve pressure on the SAC from local residents within 5km of the SA.

4.3.37 The settlements within 5km of the SAC associated housing and population are summarised below:

Settlement	Residual dwelling requirement	Population @ 2.5 persons / dwelling	SANGS @ 2 ha/000
Clipstone	104	260	0.52
Edwinstowe	121	302.5	0.605
Ollerton and Boughton	487	1217.5	2.435
<b>Total</b>			3.56

4.3.38 Vicker Water Country Park, located just to the south of Clipstone village is considered to provide sufficient SANGS to meet the needs of the settlement and associated growth, leaving a residual need for about 3ha.

4.3.39 **The A&DM DPD recognises the potential for the re-located visitor centre at Sherwood Forest and this provides an opportunity to provide SANGS, a site of 3ha (or two sites of 2ha) would be the minimum size threshold. This would help meet additional recreational pressure.**

4.3.40 The Core Strategy recognises the need for additional Green Infrastructure associated with Ollerton and Boughton which will also contribute to SANGS.

#### **Recreational Pressure - Implications for the HRA**

4.3.41 Promotion of the Sherwood Forest Regional Park will give rise to potential issues associated with recreational pressure. Additional housing and to a lesser extent employment growth in Newark and Sherwood District and adjoining districts will also be an issue.

4.3.42 The section on air quality suggested that Core Strategy support for the Regional Park concept should be contingent on the advocates of the Park demonstrating that there will be no significant harm to the SAC and it now does this.

4.3.43 The Core Strategy (supported by the Green Infrastructure Strategy and Infrastructure Delivery Plan) suggests that there is sufficient greenspace (from a combination of existing and planned sources). The Core Strategy stated that the A&DM DPD would provide more detail on the location, amount and nature of SANGs (paragraph 5.61 refers).

4.3.44 **In order for the HRA to be able to conclude that there will be no likely significant effect (either alone or in combination) as the result of the A&DM DPD being implemented it is recommended that the proposals for the Visitor Centre at Sherwood Forest includes the provision of SANGS of at least 3ha.** This will help mitigate potential effects associated with visitors and increased recreational pressure within 5km of the SAC. **It may be prudent to identify an alternative site(s) for SANGS in the event that the visitor centre re-location does not proceed, for example in Edwinstowe or in the event that development at Edwinstowe takes place in advance of the visitor centre.** The Core Strategy recognises the need for additional Green Infrastructure associated with Ollerton and Boughton which will also contribute to SANGS.

4.3.45 It can therefore be reasonably concluded that – **provided the proposed SANG is provided** - there will be no likely significant effect (either alone or in combination) as the result of the A&DM DPD being implemented.

4.3.46 The HRA of the RSS suggests that it can be reasonably concluded that there will be no likely significant effect on Coastal sites arising from development in Newark and Sherwood District. The recommendations relating to the promotion of alternative locations on the Lincolnshire coast are noted but are not within the zone of influence of the Core Strategy or A&DM DPD for Newark and Sherwood and can therefore be discounted as an issue.

4.3.47 The promotion of alternative sites on the Lincolnshire Coast could be considered alongside the promotion of alternative sites in Newark and Sherwood but this is not something the A&DM DPD can directly influence.

## 4.4 WATER ABSTRACTION

### Water Abstraction: What is the Issue?

4.4.1 Inundation is not required for the biological functioning of the SAC, however the site is vulnerable to stress if groundwater levels are significantly impacted.

4.4.2 The SAC is located within a Zone III (Total Catchment) Source Protection Zone (SPZ) for various public water supply boreholes. There are two water abstraction boreholes near the SAC. These are labelled as SK66/72A and SK66/72B on the British Geological Survey (BGS) logs. The logs indicate that the rest groundwater levels are approximately 31m below ground level.<sup>11</sup>

4.4.3 In relation to water abstraction, the Sherwood Country Park Management Plan 1998 says:

*The sandstone of the Sherwood Sandstone beds has been used as an aquifer for water abstraction since the nineteenth century. The water table now lies 15-25 metres below ground level. The vegetation of the Country Park must be dependent on intercepted rain, and fluctuations in the water table seem unlikely to have significant effects. This may to some extent always have been the case: though map evidence suggests the presence of several ponds in the Country Park at the beginning of the twentieth century, it is less certain that they are natural. There has been speculation that previous water extraction has been responsible for dieback in mature oaks, but there is no direct evidence for this.*

4.4.4 It is the role of Water Resource Management Plans, which are produced by the water companies (in this case Severn Trent Water), to investigate in far greater detail the impact of water supply and demand on the natural environment. WRMPs are subject to scrutiny under the Habitats Directive.

4.4.5 A draft WRMP was produced by Severn Trent Water in May 2008. The East Midlands is dealt with as one Water Resource Zone. It notes:

*“The East Midlands WRZ is one system, with much of it being on a strategic distribution grid. There is also an area supported by groundwater from the Sherwood sandstone, and group licenses allow flexibility in supplying this area although water quality problems, such as rising nitrates, has reduced the flexibility in recent years. There are some small areas that are not particularly well connected with the remainder of the zone, including Market Harborough, which is partially supported by imports from Anglian Water and the Newark area. As this zone is well connected, we have not sub divided the system to undertake a sub zonal water balance analysis at this time. This system is supported by reservoirs, supported and unsupported river abstraction and a number of groundwater sources. The zone exports water to the Severn WRZ. Provisional analysis shows that we have adequate capacity in peak demand periods in the East Midlands WRZ. We plan to undertake a more detailed analysis, including consideration of any local supply-distribution-demand issues, and to include any significant findings in the final version of WRMP09. We will, specifically, consider the surplus available to export to the Severn WRZ.”*

4.4.6 Although there is adequate headroom in the East Midlands WRZ in the short term there are potentially longer term issues but these are contingent on assumptions made about the impacts of climate change, which seem to impact the East Midlands in particular of all the WRZs in the Severn Trent Water area.

4.4.7 The draft report states:

*“When we apply the climate change impact assessment as prescribed in the Environment Agency’s Water Resources Planning Guideline, the impact in some zones is significant. In particular, the deployable output*

<sup>11</sup> Atkins Ltd Sherwood Living Legend Geo-Environmental Desk Study Report (5048377 Sherwood Living Legend Desk Study v2.doc) January 2007.

*projection for the East Midlands zone deteriorates rapidly with the result that the zone is projected to have a supply / demand shortfall by the end of AMP5.”*

4.4.8 The report makes allowance for 6,000 dwellings in Newark between 2006 and 2016 and notes that this will give rise to an additional demand of between 1.6 and 2 million litres per day.

4.4.9 The report also notes:

*“Newark is a housing growth point area which is currently not well linked with the rest of the zone. Localised resilience and water resources solutions will be put forward in the final version of WRMP09.”*

4.4.10 The Environment Agency (EA) has been reviewing the effects of water abstractions upon aquifers and associated watercourse flows through 'Restoring Sustainable Abstraction (RSA). This work had not been completed when the draft WRMP was published but has since been considered in the company's responses:

*“The EA require us to include in our WRMP the impact of their Restoring Sustainable Abstraction (RSA) programme where it is certain that we will be required to reduce abstractions which may be damaging the environment. The draft and final WRMPs follow the EA's planning guidelines, and as required by the Agency we have included only the impacts of those RSA sites where abstraction reductions have been identified by EA as being certain.”*

*‘In September 2008 we received from the EA confirmation of the sustainability reductions that they require us to include in the final WRMP. In that correspondence, their requirements at the majority of the RSA sites under investigation were still identified as being uncertain. In line with the EA guidance, for the final plan we have only included those sustainability reductions that the EA identified as being definite.’*

*‘...Investigations are ongoing at the majority of the RSA sites, and we are due to complete options appraisal for each affected site by 2010. We will review the potential impacts on the WRMP once options appraisal has been completed. For the final plan we have removed any new water resource investment options that could impact on RSA sites still under investigation. The phasing of any further sustainability reductions is likely to be determined by the Water Framework Directive's River Basin Management Planning process...’*

4.4.11 Both STW and the EA recognise the current pressures upon the Sherwood Sandstone aquifers and the need to husband those resources. Any decision by the EA to revoke or to choose not to renew abstraction licenses when next up for consideration has not yet been confirmed and at present such actions are not explicitly incorporated in STWs forward planning. This aspect will need to be reviewed once the outcome of the RSA process is known and once the water companies have adapted their plans to that outcome.’

#### **Water Abstraction: Implications for the A&DM DPD**

4.4.12 The WRMP is still under development (as of late September 2011) and has identified the need for additional work in relation to the impacts of climate change on water supplies in the East Midlands and the needs of Newark. The EA's RSA programme is also on-going. Both initiatives are critical to future abstraction at this location and will have more influence on this than the Core Strategy. For example abstraction rights could be removed or reduced under the RSA. Policy on abstraction is also subject to assessment under the Habitats Directive.

4.4.13 The Core Strategy includes measures to reduce the demand for water and reduce water consumption in new housing (through adoption of the Code for Sustainable Homes) and other development (through BREEAM). The need for any additional measures will be contingent on finalisation of the WRMP.

4.4.14 The measures to reduce water demand in the Core Strategy may also benefit other European sites within the East Midlands WRZ.

#### **Water Abstraction: Implications for the HRA**



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Shap 1 of the Core Strategy was amended to include a commitment to prevent development that would harm the site, combined with the measures relating to reduction of water consumption that are already in the Core Strategy it can be concluded that there will be no likely significant effect (either alone or in combination) as the result of the A&DM DPD being implemented because the Core Strategy provides sufficient safeguards.

## 5 Recommendations and Conclusions

### 5.1 AIR QUALITY

5.1.1 Poor air quality is an existing problem affecting the SAC. It appears that transport is not a major contributor to poor air quality at this location. The proposals for a new Regional Park and Visitor Centre could contribute to a further reduction in air quality by attracting more visitors and more car-borne journeys. Although the Core Strategy recognises and supports this initiative, it is an initiative that is being promoted across a number of local authorities. From our understanding it also appears that the Regional Park concept is not contingent on the Core Strategy, e.g. it does not rely on any specific land allocations at this stage. It is not possible to say at this stage what impacts the Regional Park will have on the SAC and the Core Strategy (through Policy ShAP 1) now acknowledges the need for no harm to be demonstrated. ShAP 1 also identifies the need for the Regional Park to promote transport choice. This will help provide the decision making framework for any planning applications that are needed and provide a clear signal to the promoters.

5.1.2 The Core Strategy may have a role in helping to promote modal shift; helping to reduce future potential impacts on air quality associated with visitors.

5.1.3 Policy DM13 of the A&DM DPD could highlight the need for assessments relating to potentially polluting development to consider the potential for effects on European sites and the scope for avoiding or mitigating these. This provision should relate to point source polluters and other activities that have potential to lead to increased deposition of nitrogen, e.g. poultry farms. Developments in the vicinity of the SAC that will lead to potential effects associated with increased road transport should also be assessed for potential impacts on the SAC.

5.1.4 If the proposed modifications are incorporated into the A&DM DPD it can reasonably be concluded that there will be no likely significant effect (either alone or in combination) as the result of the A&DM DPD being implemented.

### 5.2 RECREATIONAL PRESSURE

5.2.1 For the purposes of this HRA, new residential development at all settlements within the District have been considered to have the potential for cumulative recreational impact on the Birklands and Bilhaugh SAC, as all major settlements are within or approximately 20km from the site.

5.2.2 The provision of SANGS at 2ha/1,000 population is considered to be the primary means of avoiding such impacts. It is concluded that the 8ha/1,000 population SANGS benchmark established in other parts of the UK (e.g. associated with the Thames Basin Heaths SPA in the south-east) is not appropriate in this instance as the sensitivity is less. However, a conservative catchment for SANGS provision of 20km from the SAC has been identified. The Core Strategy sets the policy context for the provision of SANGS, including securing developer contributions to help deliver sites and provisions for long-term management.

5.2.3 Core Policy 12A 'Biodiversity and Green Infrastructure' references the Green Infrastructure Strategy that was prepared after the previous iteration of the HRA for the Core Strategy was completed. It sets out the commitment to establishing a network and priority areas for action.

5.2.4 The Infrastructure Delivery Plan undertaken as part of the evidence base for the Core Strategy did not identify any shortfalls in Alternative Natural Greenspace provision in the District. The Green Infrastructure Strategy prepared as part of the evidence base for the Core Strategy identifies opportunities for the creation and enhancement of Green Infrastructure, including opportunities for biodiversity enhancement and protection.

5.2.5 The proposals for a Regional Park based on Sherwood Forest should be subjected to Habitats Regulations Assessment – the responsibility for doing that needs to be clarified. The Core Strategy now states that the Regional Park concept will need to demonstrate that there is no significant harm to the SAC. The Regional Park concept provides the opportunity to examine issues around habitat fragmentation and restoration of connectivity.

5.2.6 The Green Flag Award could be another way of ensuring that high quality sites are provided (see Section 4 of this report).



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5.2.7 The re-location of the visitor centre at Sherwood Forest provides the opportunity to include an area of SANGS that will also be attractive to local people. This will help relieve pressure on the SAC. An alternative site for SANGS could be identified at Edwinstowe in the event that the visitor centre does not proceed or if development at Edwinstowe proceeds ahead of the visitor centre. A site of 3ha (or two sites of 2ha) should be identified as a minimum functional area for SANGS. The Core Strategy already identifies the need for additional green infrastructure at Ollerton and Boughton that could also serve as SANGS.

5.2.8 It can therefore be reasonably concluded that – **provided the proposed SANGS is provided** - there will be no likely significant effect (either alone or in combination) as the result of the A&DM DPD being implemented.

### **5.3 WATER ABSTRACTION**

5.3.1 The WRMP is still under development and has identified the need for additional work in relation to Newark. The EAs RSA programme is also on-going. Both initiatives are critical to future abstraction at this location and will have more influence on this issue than the Core Strategy and will be subject to HRA in their own right. The Core Strategy already includes proposals for a new water main to serve Newark and measures aimed at reducing water consumption associated with new development.

5.3.2 Policy ShAP1 in the Core Strategy provides adequate protection in relation to the SAC on this matter – since no development will be allowed that would have an adverse impact on this area.

### **5.4 OVERALL CONCLUSION**

5.4.1 A process has been followed which follows advice provided by Natural England. This process has been termed an ‘assessment under the Habitats Regulations’ (or a ‘Habitats Regulations Assessment’).

5.4.2 The process has examined each policy within the A&DM DPD in turn to identify whether there is a potential for it to give rise to significant effects on European sites. For this part of the process a screening table has been used based on guidance produced by Natural England. Specific issues have been examined in detail and the contribution of the A&DM DPD to these issues and opportunities for avoidance and mitigation measures identified. An important element of completing the matrices has been the consideration of the risk of potential effects occurring, in accordance with the EC’s position statement on the Precautionary Principle<sup>12</sup>. This process has taken account of existing avoidance and mitigation measures including relevant policies in the Core Strategy.

5.4.3 This process has also highlighted that the position of the A&DM DPD within the tiers of documents which make up the LDF (including the Core Strategy), as well as with other plans, programmes and projects is important when assessing the level of risk of significant effects occurring.

5.4.4 The key point is that the A&DM DPD will not in itself result in any change to or effect on any European site. Nothing will happen unless and until there is a planning permission for individual development sites. Whilst the Core Strategy can set a framework for these later decisions (and so to that extent influence them, as found in the Commission v UK decision), provided that framework makes it clear that (i) the requisite requirements of the Directive/Habitats Regulations will have to be satisfied at those later stages; and (ii) that the Core Strategy policies do not provide support for any proposal which would have an adverse effect on the integrity of any European site (and the Core Strategy clearly does not support such development), the A&DM DPD should not impact on any European site.


5.4.5 In addition, the potential for in-combination effects has been considered and as part of this process the results of the HRA work undertaken for the Regional Spatial Strategy on the overall level of growth has been examined and account has been taken of the recommendations contained within that HRA Report.

5.4.6 In this particular instance, a range of potential effects have been considered and discounted for the reasons set out in Section 4 of this report. These comprise potential effects associated with recreational pressure, issues associated with air pollution and water abstraction. These reflect the issues identified at the Regional level, which apply to a broader geographical area.

5.4.7 If the proposed modifications summarised in this report are incorporated into the Development Management DPD it can reasonably be concluded that there will be no likely significant effect (either alone or in combination) as a result of the A&DM DPD being implemented.

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<sup>12</sup> Communication from the Commission on the Precautionary Principle (2000), Commission of the European Communities



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5.4.8 On the basis of the work undertaken it is concluded that an Appropriate Assessment of the A&DM DPD will not be required if the measures outlined in this report are incorporated in the final version of the A&DM DPD. This report will be consulted on with Natural England and other consultees and should be updated in light of their comments and updated as the A&DM DPD develops.


## Appendix A Summary of Visitor Survey Data

Postcode Area	Includes		Distance Between Postcode and NG21 (km)
NG19	Forest Town Mansfield Woodhouse New Houghton	Pleasley Stoney Houghton	6.51
NG21	Blidworth Clipstone Edwinstowe	Haywood Oaks New Clipstone Rainworth	Within 10km
NG22	Askham Bevercotes Bilsthorpe Boughton Budby Darlton Dunham Eakring East Markham Edingley Egmanton Farnsfield Halam Kersall	Kirklington Kirton Kneesall Laxton Maplebeck Milton Ollerton Ompton Perlethorpe Ragnall Thoresby Tuxford Walesby Wellow West Markham Winkburn	9.8
NG18	Mansfield		5.31
NG17	Huthwaite Kirkby in Ashfield Skegby	Stanton Hill Sutton in Ashfield Teversal	10.8
NG1	Nottingham		20.96
NG2	Gamston	West Bridgford	22.95
NG3	Nottingham		19.35
NG4	Carlton Colwick Gedling	Lambley Netherfield	18.96

NG5	Arnold Dorket Head	Redhill Woodthorpe	16.18
NG6	Bulwell Highbury Vale Old Basford		16.95
NG7	Nottingham		20.89
NG8	Bilborough		20.91
NG9	Attenborough Beeston Bramcote	Stapleford Toton	25.46
NG10	Long Eaton, Derbyshire New Sawley, Derbyshire	Sandiacre, Derbyshire Sawley, Derbyshire	29.29
NG11	Barton in Fabis Bradmore Bunny Clifton Gotham	Kingston on Soar Ratcliffe on Soar Ruddington Thrumpton Wilford	27.24
NG12	Bassingfield Clipston-on-the-Wolds Colston Bassett Cotgrave Cropwell Bishop Cropwell Butler Edwalton Holme Pierrepont Keyworth	Kinoulton Normanton-on-the-Wolds Owthorpe Plumtree Radcliffe on Trent Shelford Stanton-on-the-Wolds Tollerton Widmerpool Wysall	25.77
NG13	Alverton Aslockton Barkstone-le-Vale, Leicestershire Barnstone Bingham Bottesford, Leicestershire Car Colston East Bridgford Easthorpe, Leicestershire Elton Flawborough Granby	Kilvington Kneeton Langar Muston, Leicestershire Newton Normanton, Leicestershire Orston Plungar, Leicestershire Redmile, Leicestershire Saxondale Scarrington Screveton	24.75

	Hawksworth	Sutton Thoroton Tithby Whatton	
NG14	Bleasby Burton Joyce Calverton Caythorpe Epperstone Gonalston	Gunthorpe Hoveringham Lowdham Stoke Bardolph Thurgarton Woodborough	14.67
NG15	Annesley Annesley Woodhouse Butler's Hill Hucknall	Linby Newstead Papplewick Ravenshead	12.52
NG16	Awsorth Bagthorpe Brinsley Cossall Eastwood Kimberley	Moorgreen New Brinsley Nuthall Pinxton, Derbyshire Selston Underwood Watnall	17.89
NG20	Church Warsop Cuckney Elmton, Derbyshire Market Warsop Meden Vale	Nether Langwith, Derbyshire Norton Shirebrook, Derbyshire Upper Langwith, Derbyshire Whaley, Derbyshire	9.32
NG23	Averham Bathley Besthorpe Brough Carlton-on-Trent Caunton Claypole, Lincolnshire Flintham Girton Grassthorpe Harby Holme Kelham Langford	Norwell Norwell Woodhouse Ossington Rolleston Shelton Sibthorpe South Clifton South Muskham South Scarle Spalford Staythorpe Stubton, Lincolnshire Sutton on Trent Syerston	20.55

	Little Carlton Long Bennington, Lincolnshire Moorhouse Normanton on Trent North Clifton North Muskham	Thorney Thorpe Upton Westborough, Lincolnshire Weston Wigsley	
NG24	Balderton Barnby in the Willows Coddington	Farndon Hawton Newark-on-Trent Winthorpe	21.96
NG25	Easthorpe Fiskerton Halloughton Morton	Normanton Oxton Southwell	12.52



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## Appendix B Detailed Assessment of the Development Management Policies

### Key to Table One

- Category A1: The policy will not itself lead to development e.g. because it relates to design or other qualitative criteria for development;
- Category A2: The policy is intended to protect the natural environment;
- Category A3: The policy is intended to conserve or enhance the natural, built or historic environment;
- Category A4: The policy would positively steer development away from European sites and associated sensitive areas;
- Category A5: The policy would have no effect because no development could occur through the policy itself, the development being implemented through later policies in the same plan, which are more specific and therefore more appropriate to assess for their effects on European Sites and associated sensitive areas.
- Category B – no significant effect;
- Category C – likely significant effect alone; and
- Category D – Likely significant effects in combination.

Note that categories C and D are not used in this instance.



**Table One: Detailed Assessment of Development Management Policies**

	Policy(s)	Scope	Categorisation in the initial screening	Comments and Recommendations
<b>Policy Area: Agenda for Managing Growth</b>				
DM1.	Development within settlements central to delivering the Spatial Strategy.	<p>This policy will define the types of development that will be acceptable within the Urban Boundaries of the Sub-Regional Centre and Service Centres and the Village Envelopes of the Principal Villages, as defined on the Proposals Map, including:</p> <ul style="list-style-type: none"> <li>● Residential</li> <li>● Employment</li> <li>● Community</li> <li>● Culture, leisure &amp; tourism and;</li> <li>● Retail</li> </ul> <p>The need for assessment by reference by other DM policies where relevant will be set out.</p>	This has the potential to include settlements within close proximity to the SAC. This is judged to fall under category C/D	See analysis in main report. Provision of Suitable Alternative Natural Greenspace (SANGS) associated with the relocated Sherwood Forest Visitor Centre would help avoid such impacts in combination with existing Green Infrastructure provision.
DM2.	Developer Contributions	This policy will set the requirement for developer contributions based on the implementation of standards set out in a Developer Contributions SPD. – This will allow for potential future changes to standards over the life of the plan without having to re-write the LDF Policy.	This relates Developer Contributions and is judged to fall under category A1	
<b>Policy Area: Sustainable Development &amp; Climate Change</b>				
DM3.	Renewable Energy	<p>This policy will provide for the assessment of renewable and low carbon energy proposals and associated infrastructure both as standalone projects and where they form part of other proposals, including the retro-fitting of buildings, by reference to criteria including;</p> <ul style="list-style-type: none"> <li>● Visual impacts, including specific reference to landscape character, heritage assets, and other relevant designations.</li> <li>● Environmental impacts including specific reference to noise, shadow flicker and electro-magnetic</li> </ul>	This policy includes consideration of ecological impact and is therefore considered to fall under category A1/A2	

	Policy(s)	Scope	Categorisation in the initial screening	Comments and Recommendations
		<p>interference.</p> <ul style="list-style-type: none"> <li>● Impact on highway safety through the delivery and installation/construction process and any on-going maintenance requirements.</li> <li>● Impact on aviation.</li> <li>● Ecological impact, through the delivery and installation/construction process and the on-going operation of the project.</li> </ul>		
DM4.	Design	<p>This policy will set out the criteria with which to assess all proposals either individually, or in conjunction with other development management policies and will include:</p> <ul style="list-style-type: none"> <li>● Provision and loss of parking (linked to appendix containing current standards to allow updating)</li> <li>● Standards of private amenity space within residential development.</li> <li>● Separation distances between different types of development.</li> <li>● Access for people with disabilities.</li> <li>● Local distinctiveness.</li> <li>● Impact on amenity of neighbouring land uses.</li> <li>● Construction materials with specific reference to sustainable design.</li> <li>● Sustainability in design, materials and drainage.</li> <li>● Impact on trees and woodlands</li> <li>● Criteria for conversion of traditional rural buildings within settlements</li> <li>● Crime &amp; disorder.</li> <li>● Light, noise and odour.</li> </ul>	<p>This policy relates to criteria with which to assess proposals and is therefore considered to fall under category A1</p>	
<b>Policy Area: Homes for All</b>				
DM5.	Householder Development	<p>This policy will provide for the assessment of all forms of householder development that requiring planning permission including:</p> <ul style="list-style-type: none"> <li>● Extensions.</li> <li>● Alterations.</li> </ul>	<p>This relates to criteria for assessment and will be further defined in a linked SPD. This is considered to fall under category A1/A5</p>	



	Policy(s)	Scope	Categorisation in the initial screening	Comments and Recommendations
		<ul style="list-style-type: none"> <li>Erection and conversion of outbuildings, including formation of annexes.</li> <li>Means of enclosure.</li> </ul> <p>Criteria for assessment will be defined in relation to:</p> <ul style="list-style-type: none"> <li>Impact on neighbouring land uses.</li> <li>Design and materials.</li> <li>Impact on character and appearance of surrounding area including heritage assets, other relevant designations and consideration of local distinctiveness.</li> </ul> <p>Methods of assessment will be defined in a linked SPD</p>		
DM6.	Specialist Accommodation and Community Facilities	<p>This policy will provide for the assessment of all types specialist accommodation and community facilities including:</p> <ul style="list-style-type: none"> <li>Hotels and guest houses</li> <li>Residential and care homes.</li> <li>Sheltered Housing</li> <li>Supported living.</li> <li>Hostels.</li> <li>Rehabilitation centres.</li> <li>Pre-schools.</li> <li>Day nurseries.</li> <li>Community centres and facilities.</li> </ul> <p>The assessment of such proposals will be made by reference to the criteria of Policy DM4 - Design</p>	This policy relates to criteria with which to assess proposals and is therefore considered to fall under category A1	
<b>Policy Area: Natural &amp; Built Environment</b>				
DM7.	Development in the Open Countryside	<p>This policy will identify and protect the most versatile areas of agricultural land and set out the criteria against which proposals resulting in its loss will be assessed.</p> <p>Appropriate development elsewhere in the countryside will be defined as including:</p>	Reference to DM4 means that this policy relates to criteria with which to assess proposals and is therefore considered to fall under category A1	



	Policy(s)	Scope	Categorisation in the initial screening	Comments and Recommendations
		<ul style="list-style-type: none"> <li>● Agricultural development requiring planning permission.</li> <li>● New rural workers dwellings and the removal of occupancy conditions attached to existing dwellings.</li> <li>● Replacement buildings.</li> <li>● Conversion of existing buildings to commercial, community, tourist and residential uses.</li> <li>● Rural diversification.</li> <li>● New domestic and commercial equine uses and establishments and expansion of existing uses.</li> <li>● New commercial, community and tourist uses and expansion of existing uses.</li> <li>● Motor related services.</li> </ul> <p>The assessment of such proposals will be made by reference to national policy and guidance, the criteria of Policy DM4 – Design, and relevant SPD’s.</p>		
DM8-11.	Protecting and Enhancing the Historic Environment	<p>There will be four policies covering the following areas:</p> <ol style="list-style-type: none"> <li>1. <b>Listed Buildings-</b> This policy will provide for the assessment of proposals requiring planning permission that involve the alteration, extension and change of use of listed buildings or affect their setting. Assessment will be made in the interests of encouraging their re-use, protecting and enhancing their architectural and historic interest and setting and, where not covered by other development management policies, by reference to the relevant criteria of Policy DM4 – Design.</li> <li>2. <b>Conservation Areas-</b> This policy will require the impact on the character and appearance of conservation areas to be taken into account in assessing proposals requiring planning permission in conservation areas. Where not covered by other development management policies, proposals will also be assessed by reference to the relevant criteria of Policy DM4 – Design.</li> <li>3. <b>Materials-</b> This policy will promote the use of traditional materials, methods and detailing when assessing proposals</li> </ol>	This policy relates to protecting and enhancing the historic environment and is considered to fall under category A3	



	Policy(s)	Scope	Categorisation in the initial screening	Comments and Recommendations
		<p>requiring planning permission for both new build development and alterations/extensions to existing buildings where they affect heritage assets.</p> <p>4. <b>Sites of Archaeological and Historic landscape Interest-</b> This policy will provide for the assessment of proposals that affect Sites of Archaeological and Historic landscape Interest with the intention of protecting and enhancing their form and setting.</p>		
DM12	Shopfronts and Advertisements	<p>This policy will provide for the assessment of proposals that require planning permission and advertisement consent with specific reference to:</p> <ul style="list-style-type: none"> <li>● Conservation areas.</li> <li>● Listed buildings.</li> <li>● Local distinctiveness.</li> <li>● Promotion of economic prosperity through the provision of attractive and suitable retail facilities.</li> </ul> <p>The need for assessment by reference to the Shopfronts and Advertisements Design guide SPD and where relevant, Policy DM4 - Design will be set out.</p>	This policy relates to criteria with which to assess proposals and is therefore considered to fall under category A1	



	<b>Policy(s)</b>	<b>Scope</b>	<b>Categorisation in the initial screening</b>	<b>Comments and Recommendations</b>
DM13	Pollution & Hazardous Materials	<p>This policy will provide for the assessment of:</p> <ul style="list-style-type: none"> <li>● Proposals for the creation and expansion of hazardous substance installations, and;</li> <li>● Proposals that may be at risk from existing hazardous substance installations.</li> <li>● Applications within and with the potential to impact on the source protection zone.</li> </ul> <p>Criteria for the assessment of such proposals will be defined in relation to:</p> <ul style="list-style-type: none"> <li>● Impact the general population.</li> <li>● Impact on groundwater.</li> <li>● Impact on ecology.</li> <li>● Impact on neighbouring land uses.</li> </ul> <p>The need for assessment of proposals by other policies where relevant will be defined.</p> <p>The source protection zone and protection zones around hazardous installations will be defined on the proposals map.</p>	<p>This policy includes consideration of ecological impact and is therefore considered to fall under category A1/A2</p>	<p>The policy could highlight the need for sources of point source pollution that will require planning permission to consider the impact on the SAC.</p>
	<b>Policy Area: Economic Growth</b>			
DM14	Retail	<p>This policy will define, and identify on the proposals map, retail centre boundaries and frontages for all centres in the retail hierarchy. Retail proposals will be assessed by reference to the criteria of Policies DM8 – Shopfronts, DM4 - Design and the Shopfronts and Advertisements Design guide SPD</p>	<p>Reference to DM4 means that this policy relates to criteria with which to assess proposals and is therefore considered to fall under category A1</p>	



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# Appendix C Implications of a Prospective SPA