

**Southwell Neighbourhood Plan Review – Consultation Edition
June 2023 (Regulation 14 Stage)**

Habitat Regulations Assessment (HRA) Report

1.0 Introduction

1.1 Changes made by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019 (the 2019 Regulations) updated the Conservation of Habitats and Species Regulations 2017 (as amended) (the 2017 Regulations). Most of these changes involved transferring functions from the European Commission to the appropriate authorities in England and Wales because of the UK leaving the EU. All other processes or terms in the 2017 Regulations remain unchanged and existing guidance is still relevant. The obligations of a competent authority in the 2017 Regulations for the protection of sites or species did not change. A competent authority is a public body, statutory undertaker, minister or department of government, or anyone holding public office. The main changes to the 2017 Regulations are:

- the creation of a national site network within the UK territory comprising the protected sites already designated under the Nature Directives, and any further sites designated under these Regulations
- the establishment of management objectives for the national site network (the 'network objectives')
- a duty for appropriate authorities to manage and where necessary adapt the national site network as a whole to achieve the network objectives
- an amended process for the designation of Special Areas of Conservation (SACs)
- arrangements for reporting on the implementation of the Regulations, given that the UK no longer provides reports to the European Commission
- arrangements replacing the European Commission's functions with regard to the imperative reasons of overriding public interest (IROPI) test where a plan or project affects a priority habitat or species
- arrangements for amending the schedules to the Regulations and the annexes to the Nature Directives that apply to the UK.

1.2 SACs and Special Protection Areas (SPAs) in the UK no longer form part of the EU's Natura 2000 ecological network. The 2019 Regulations have created a national site network on land and at sea, including both the inshore and offshore marine areas in the UK. The national site network includes:

- existing SACs and SPAs;
- new SACs and SPAs designated under these Regulations;

Any references to Natura 2000 in the 2017 Regulations and in guidance now refers to the new national site network.

Maintaining a coherent network of protected sites with overarching conservation objectives is still required in order to:

- fulfil the commitment made by government to maintain environmental protections;
- continue to meet our international legal obligations, such as the Bern Convention, the Oslo and Paris Conventions (OSPAR), Bonn and Ramsar Conventions.

1.3 The screening process is used to establish whether any elements of the Plan may have a significant effect on these sites. Regulation 32 of the Regulations 2015 further emphasises the importance of carrying out this assessment by stating that one of the basic conditions that must be met before the

Plan may be 'made' is that "the making of the Neighbourhood Plan is not likely to have a significant effect on a European site (as defined in the Conservation of Habitats and Species Regulations 2012) or a European offshore marine site (as defined in the Offshore Marine Conservation (Natural Habitats, &c.) Regulations 2007 (either alone or in combination with other plans or projects)".

- 1.4 The existing Southwell Neighbourhood Plan was 'made' in May 2016, and the need to monitor the Neighbourhood Plan's effectiveness and keep it under review was outlined in the document. With the intention that Southwell Town Council (the 'Qualifying Body') would consider undertaking a partial review of the Neighbourhood Plan in 5 – 6 years (around 2020) and then a full review [beginning] no later than 2025. Since Autumn 2020 work on its review has been going, and the 'Consultation Edition June 2023' screened here was published as part of the Regulation 14 stage of the process.

2.0 Process

- 2.1 The approach taken for this report takes account of the process and conclusions reached through the [HRA report](#) (September 2023), for the Second Publication Amended Allocations & Development Management DPD (SPAADM) (November 2023). This provided a HRA screening of the proposed DPD, identifying a number of likely significant effects associated with it. Taking no account of mitigation measures these had the potential to affect the following Habitats sites:

- Birklands and Bilhaugh SAC – air pollution and public access and disturbance (recreation);
- Humber Estuary SPA – water quality;
- Humber Estuary SAC - water quality; and
- Humber Estuary Ramsar - water quality

- 2.2 In addition, to ensure a risk-based approach to the HRA was adopted, consideration was also given to the following potential proposed SPA.

- Sherwood Forest ppSPA – air pollution, public access and disturbance

- 2.3 The HRA report for therefore progressed to an Appropriate Assessment which looked at the impacts of a change in air quality, water quality, public access and disturbance effects (recreational pressure and urbanisation effects) and impacts upon functionally linked land upon the qualifying features and conservation objectives of each Habitats site and the ppSPA. Further information on the location and characteristics of the habitat sites can be seen through the link above.

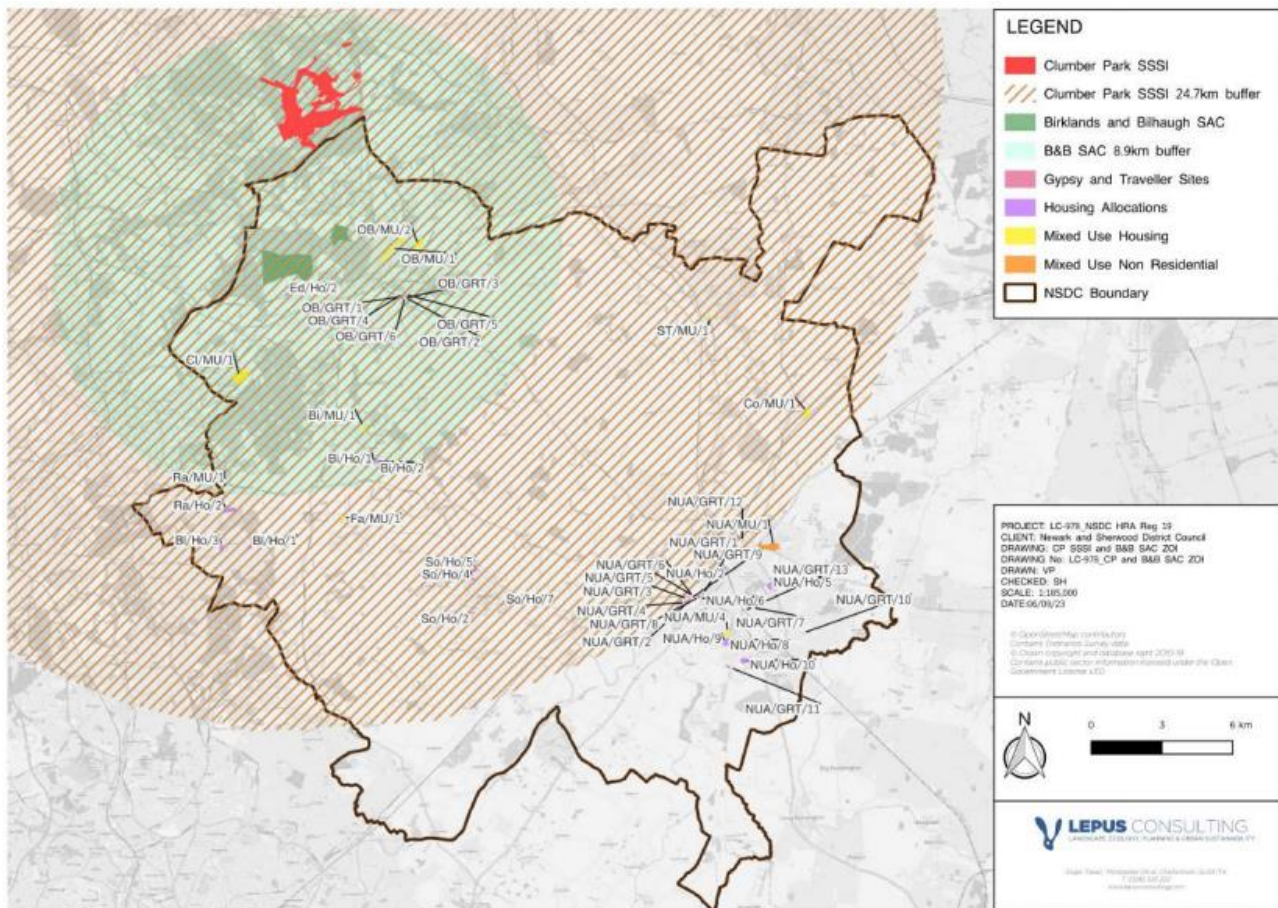
3.0 Assessment of the 'Consultation Edition Southwell Neighbourhood Plan

- 3.1 The proposed Amended Southwell Neighbourhood Plan will determine the use of a small area at local level and is effectively a minor modification to the District-wide Development Plan for Newark & Sherwood. The Plan carries over some existing site allocations from the adopted Development Plan (inclusive of the existing 'made' Neighbourhood Plan). The HRA screening process carried out for the SPAADM indicated that all allocations had the potential for Significant Effects (LSEs) at the Sherwood Forest ppSPA. Potential Significant Effects on the remaining Habitats Sites from the Amended Southwell Neighbourhood Plan, as proposed, are extremely unlikely given the location of the Neighbourhood Area and its modest proposals.

Sherwood Forest ppSPA

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

designations, including seven SSSIs and a number of LNRs. Given the size, extent and distribution of the ppSPA, recreational access varies across the site. The northern section of the ppSPA (outside the NSDC administrative boundary) contains Clumber Park Country Park which includes the whole of the smaller Clumber Park SSSI designation and the National Trusts Clumber Park site. Supporting the Bassetlaw Local Plan Review a [Recreation Impact Assessment](#) was carried out for the SAC. This work confirmed the Birklands & Bilhaugh SAC/Sherwood Forest NNR and Clumber Park SSSI have a large visitor draw. The most frequently recorded activities were shown to be walking and dog walking, with bird/wildlife watching undertaken at the SAC and cycling / mountain biking undertaken at the SSSI. Provisional Zones of influence suggested for the designations are shown below.



3.3 Sitting within the provisional ZOI for the Clumber Park SSSI are the following allocations, proposed to be carried over into the Amended Southwell Neighbourhood Plan.

- Southwell - Housing Site 4 (Policy So/Ho/4) Land East of Kirklington Road; Policy SS1 under the proposed amended Neighbourhood Plan, allocated for around 45 dwellings;
- Southwell - Housing Site 5 (Policy So/Ho/5) Lower Kirklington Road; Policy SS2 under the proposed amended Neighbourhood Plan, allocated for around 60 dwellings;
- Southwell - Housing Site 7 (Policy So/Ho/7) Southwell Depot; Policy SS3 under the proposed amended Neighbourhood Plan, allocated for around 15 dwellings;

3.4 These allocations have been considered through the Appropriate Assessment for the SPAADM. This concluded that individually, they are unlikely to have an adverse impact upon the ppSPA due to increased recreational pressure. However, when taken together cumulatively, and in-combination with other allocations in Newark & Sherwood District (also within the Zone of Influence) and growth planned in neighbouring LPA areas (including Bassetlaw, Mansfield, Bolsover, Gedling, Ashfield, North East Derbyshire, Chesterfield, Sheffield, Rotherham, Doncaster, West Lindsey and North

Kesteven District), then there is the potential for adverse direct and indirect impacts upon nightjar and woodlark populations and their habitat.

- 3.5 Recreational impacts are likely to comprise damage to habitats with indirect impacts upon birds and also disturbance to the birds themselves. Disturbance has the potential to adversely impact upon these species through a change in feeding or roosting behaviour, increases in energy expenditure due to increased flight, abandonment of nest sites, increased predation of eggs and chicks and desertion of supporting habitat. Effects may occur on habitat both within and outside of the ppSPA boundary. Such impacts may have a knock-on effect upon the successful nesting, rearing, feeding and/or roosting of these bird species. Sources of disturbance may also reduce the availability of suitable habitat through displacement and contraction of habitats.
- 3.6 In terms of mitigation a strategic recreational approach to mitigation has not been developed for the ppSPA and it is noted that recreational accessibility and visitor data has not been collated for all parts of the ppSPA. Commonly applied approaches across the UK to recreational mitigation comprise a mixture of SAMM at the Habitats site in questions and also provision of alternative SANG away from the effected Habitats site.
- 3.7 The Neighbourhood Plan will form part of the Development Plan, and there is existing adopted planning policy which will have a positive impact and contribute towards the mitigation of recreational impacts from population growth at the SAC. The Appropriate Assessment for the SPAADM therefore took this into account.
- 3.8 Through Core Policy 12 of the adopted Amended Core Strategy, there is an expectation that proposals will take into account the need for continued protection of the District's ecological, biological and geological assets. With particular regard to sites of international, national and local significance, Ancient Woodlands and species and habitats of principal importance identified in Section 41 of the Natural Environment and Rural Communities Act 2006 and in the Nottinghamshire Local Biodiversity Action Plan. The policy then carries the strategic objective of creating an improved and enhanced network of Green Infrastructure. Policy ShAP1, also within the Amended Core Strategy, carries the objective – of ensuring the continued delivery of the conservation aims and objectives of the Birklands & Billhaugh Special Area of Conservation and preventing development which would have an adverse impact on this area.
- 3.9 Policy DM7 of the existing Allocations & Development Management DPD (adopted 2013) outlines that Planning permission will not be granted for development proposals on, or affecting, Special Areas of Conservation or Special Protection Areas (European Sites) unless it is directly related to the management of the site for nature conservation and public access and does not significantly harm the integrity of the site. Through amendments proposed as part of the Amended Allocations & Development Management DPD, DM7 would be updated to include a requirement that public open space provided in connection within new residential development (including allocations) in settlements within a 5.8.9km radius of Birklands & Billhaugh Special Area of Conservation, (provided in accordance with the Planning Obligations & Developer Contributions SPD) shall be designed to reflect the need to provide SANGS in perpetuity to relieve pressure on the SAC. Where SANGS are proposed, their quantity and quality shall be developed and agreed in conjunction with the District Council and Natural England. Whilst this proposed approach is yet to be examined, submission to the Secretary of State is anticipated towards the end of 2023 – and a clear future direction of travel is established on a similar timeline to that involved with the Neighbourhood Plan.
- 3.10 Through the Appropriate Assessment for the SPAADM a review of Natural England SSSI Impact Risk Zone data was undertaken on allocations within the suggested ZOI. Identifying the circumstances where Natural England must be consulted as part of a development proposals – and provides an indication over the sensitivity of each site. The Southwell sites either fall below the relevant threshold (50 dwellings), and or are located at sufficient distance away as to not require consultation of the body. Subsequent to the publication of the RIAs supporting the Bassetlaw Plan Review, Natural England updated their advice and IRZs in February 2023 in relation to Clumber Park SSSI. This advice

relates to additional recreational pressure resulting from proposed new residential development (of 50 dwellings or more) within 10km of the SSSI.

- 3.11 There is currently no requirement for SANG provision for new development which may increase recreational pressures upon areas of the ppSPA. However, Policy DM7 will ensure that a precautionary risk-based approach is taken to any development as per Natural England's guidance. This will reflect the nature, scale and proximity of development to the ppSPA and levels of accessibility at the ppSPA itself. Should there be the need for such provision to be made within the Neighbourhood Area, then the approach towards Green Infrastructure provision within Core Policy 12, and the proposed Amended Southwell Neighbourhood Plan, will ensure that recreational impacts are directed away from the ppSPA and instead to an appropriate provision.
- 3.12 Proposed minor amendments to the Urban Boundary for Southwell, through the Neighbourhood Plan, may indirectly result in future development – however this would be of a modest scale and its implications consistent with how the site allocations have been assessed above.

4.0 Conclusion

- 4.1 The amended Southwell Neighbourhood Plan would carry over a small number of existing Site Allocations from the Development Plan (inclusive of the 'made' Neighbourhood Plan), there would also be minor amendments to the Urban Boundary which could indirectly facilitate a small amount of development. However, taking into consideration existing policy wording within the Amended Core Strategy and Allocations & Development Management DPDs, the new policy content emerging through the Amended Allocations & Development Management DPD and that proposed through the updates to the Southwell Neighbourhood Plan, the modest scale of development proposed and an analysis of Natural England's IRZ thresholds then it can be concluded that there will be no adverse impact on the integrity of the Sherwood Forest ppSPA from increased recreational pressure alone or in-combination through the amended Southwell Neighbourhood Plan.