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Dear Sirs

Planning consultation: Erection of new Sherwood Forest Visitor Centre with associated car parking and environs including diversion of bridleway
Location: Forest Corner, Edwinstowe, NG21 9RN

Thank you for your consultation on the above dated 26 September 2016 which was received by Natural England on 26 September 2016.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

Further information required

There is insufficient information to enable Natural England to provide a substantive response to this consultation as required under the Town and Country Planning (Development Management Procedure) (England) Order 2015. Please provide the information listed below and reconsult Natural England. Please note that you are required to provide a further 21 day period for us to respond.

European/International Sites

Insufficient information has been provided of the potential impacts that the proposal will have on the Birklands and Bilhaugh **Special Area of Conservation**,

<http://jncc.defra.gov.uk/protectedsites/sacselection/sac.asp?EUCode=UK001274>

There is, therefore, currently insufficient information for you to undertake a Habitats Regulation Assessment of the proposed development. We advise you to obtain the following information:

- *An amended, more comprehensive alone and in-combination assessment to include the direct and indirect impact of visitors on the SAC, and the impact of the redevelopment of Thoresby Colliery site;*
- *A survey of trees and their root systems on the application site including any strategy for avoiding or mitigating any identified impacts.*
- *A strategy for avoiding or mitigating any identified impacts such as through the loss of extent*

of interest features through paths and tracks.

Sites of Special Scientific Interest (SSSI)

Insufficient information has been provided of the potential impacts the proposal will have on the Birklands and Bilhaugh and Birklands West and Ollerton Corner SSSIs, <https://designatedsites.naturalengland.org.uk/SiteSearch.aspx>. The further information as listed above will also cover potential impacts on the SSSIs.

The HRA Screening report concludes no direct LSE and on this basis no appropriate assessment is required or so it is claimed.

The permitted demolition of the existing visitor centre is in mitigation for its damage to the SAC caused by this development, and its demolition (and removal) is part of plans to remediate this damage. The new visitor centre is not SAC compensation for the existing visitor centre and locating the development outside of the SAC is principally to avoid the new visitor centre harming the interest features of the SAC.

The new development does not compliment the remedial works that will be part of the demolition of the current visitor centre and for this reason, it cannot be considered as having a significant positive effect on the SAC on the basis that it is replacing the existing visitor centre. Any new development which replaces the existing visitor centre is a separate plan or project and has to be assessed on the basis of its impacts alone as well as in combination with the effects of other plans or projects. Any in-combination assessment needs to also consider the indirect impacts from visitors to the new visitor centre as the number of visitors (to the SAC and new visitor centre) will be similar to the numbers visiting the current visitor facility and SAC along with the redevelopment of the Thoresby Colliery site that lies a short distance from the application site.

The shadow HRA considers that the proposal together with another separate planning application covering the demolition and removal of the existing visitor centre will have a significant positive effect on the SAC and possible SPA. We do not concur with this view as there is insufficient evidence to demonstrate that. The current application for the new visitor centre is a plan or project which is not connected with or necessary for the management of the SAC. It will result in a direct permanent loss of 1490m² (0.15 ha) of land within the designated boundary. This land is situated along the boundary of the SAC and is not very well defined on the ground. However, one of the targets of Natural England's European Site Conservation Objectives: Supplementary Advice on Conserving and Restoring Site Features requires restoration of the total extent of the interest feature to the whole site but this is subject to the following caveat: *There should be no measurable net reduction (excluding any trivial loss) in the extent of this feature.*

Consequently, applying this advice to this particular situation requires the loss to be fully justified because the current habitats are restorable and are also capable to supporting the SAC interest feature and possible SPA features. The fact that the features were not recorded on this land at the time the proposed development site was surveyed is not grounds for dismissing this land as unsuitable for the interest features. We know that habitats supporting nightjar and woodlark (proposed features of the possible pSPA) move around in time and space depending on land management operations within the possible pSPA.

The key components of the interest features of the SAC (i.e. native oak trees and associated species) also move around in time and space as old trees senesce and new trees replace them (in a different place). As a result, there needs to be a stock of replacements trees in a range of age classes to provide continuity of SAC habitat. Placing a permanent development on this land, as opposed to the current casual but informal use by walkers, would prevent the land contributing to the maintenance of the interest features of the designated site. As a result, it cannot be considered a trivial loss even though the area of land affected is comparatively small and is directly adjacent to the boundary of the SAC. Tree roots passing under the proposed development could also be damaged and this could affect trees some distance away and this has not been fully considered. It is on this basis a likely significant effect cannot be ruled out and this matter should be included in an

appropriate assessment if the applicant wishes the development to continue to be included within the SAC.

The impact of visitors using the new visitor centre has not been fully assessed. It is stated that the new visitor centre will attract approximately the same number of visitors as the current visitor centre which is scheduled to close. No information has been provided to corroborate this statement or validate existing impacts from visitors in terms of indirect effects such as air pollution. This needs to be fully assessed both alone and in combination with other plans or projects, not just the current visitor centre. Direct effects from visitors also needs to be assessed as the new visitor centre location currently receives lower visitor numbers and therefore the SAC habitats directly adjacent to the proposal may suffer more interference as a result of increased foot fall. The actual impact on this infrastructure within the adjacent SAC should also be assessed since existing capacity may be insufficient to accommodate increases in pedestrians, their dogs and their horses emanating from the new development. The effects of visitors is quite apparent along the paths leading from the current visitor centre where there are measures to guide visitors and to control their impacts on the adjacent woodland/wood pasture. There are no similar measures along the paths and tracks in the SAC adjacent to the proposed development site. Consequently, an LSE cannot be ruled out and for this reason an appropriate assessment should be undertaken on visitor impacts on the SAC from the new visitor centre to fully assess their effects and to identify mitigation/compensation measures where these cannot be avoided.

The shadow HRA makes no assessment of the possible impacts of the actual location of the new visitor centre buildings, associated facilities and car parking on the root zones of native trees within the SAC during both the construction and operational phase of the proposed development. The arboricultural impact assessment does cover this matter and recommends that *prior to any works being undertaken on site that an Arboricultural Method Statement and Tree Protection Plan should be prepared to be used on site to guide tree protection and retention before, during, and after the construction phase. This must detail tree protection measures to be used during construction but also methodologies for working close to trees especially in the removal, reinstatement, or construction of road and path surfacing – this must be in full accordance with 5837:2012 'Trees in relation to design, demolition and construction – Recommendations'*. These recommendations do go some way to address our concerns, but in terms of the HRA this does not provide sufficient information to rule out an LSE on the basis of the information provided. In particular, Natural England seeks confirmation on whether there are any native trees with a trunk diameter of 1 metre or more (at breast height) with roots potentially within the application site. In these cases, the root protection zone should be calculated using the methodology as advised in the Ancient Tree Guide No. 8: Trees and events, Ancient Tree Forum, Grantham. The applicant should also provide details of their proposed tree protection measures for all native trees within the SAC whose root zones extend into the proposed develop site. This will help us determine or rule out likely significant effects, and this has also been covered in our comments on the proposed new bridleway route.

Lighting provision could also be a concern but this will be largely part of the built development, most of which is some distance from the SAC. As a result, we believe that this matter can be adequately addressed through planning conditions requiring the applicant to ensure adequate control of light pollution on the SAC through appropriate design and siting. This would require the lighting provision to be submitted to, and approved by the LPA prior to the development commencing.

Natural England has had several discussions with the applicant about the visitor centre proposal and overall Natural England supports the principle of the development. However, our support in principle has to be balanced with the requirements of the Conservation of Habitats and Species Regulations 2010 which we have to take into full account as a statutory consultee. It is on this basis, Natural England has to request further information for this planning application because the information provided in support does not fully rule out a likely significant effect. Consequently, an appropriate assessment is required to fully assess the effects of the new visitor centre and to identify mitigation/compensation measures where these cannot be avoided.

Please note that we are not seeking further information on other aspects of the natural environment, although we may make comments on other issues in our final response.

On receipt of the information requested, we will aim to provide a full response within 21 days of receipt. Please be aware that if the information requested is not supplied, Natural England may need to consider objecting to the proposal on the basis of potential harm to the above designated site.

Should the applicant wish to discuss these comments or explore options for avoiding or mitigating effects on the natural environment with Natural England, we recommend that they use our [Discretionary Advice Service](#). Ross Fraser (RSPB) has suggested that the applicant may wish to pursue this option with us.

Please send further correspondence, marked for my attention, to consultations@naturalengland.org.uk quoting our reference 197220.

Yours faithfully

Janet Belfield
Sustainable Development – East Midlands
0208 026 1824