



**NEWARK &
SHERWOOD**
DISTRICT COUNCIL

**Kings Clipstone Submitted Neighbourhood Plan
The Environmental Assessment of Plans and Programmes
Regulations 2004
SEA Re-screening Statement**

August 2018

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1.0 Introduction

- 1.1 The requirement for a Strategic Environmental Assessment (SEA) to be undertaken on development plans and programmes that may have a significant environmental effect is outlined in European Union Directive 2001/42/EC. The Environmental Assessment of Plans and Programmes Regulations 2004 (the Regulations) state that this is determined by a screening process, utilising a specified set of criteria which is outlined in Schedule 1 of the Regulations. The results of this process must be set out in an SEA Screening Statement, which must be publicly available. Newark & Sherwood District Council are the responsible authority under Regulation 9 of the SEA Regulations 2004 to carry out this screening.
- 1.2 Newark & Sherwood District Council has produced this Draft Re-screening Assessment to seek the views of the Environment Agency, Historic England and Natural England on our initial conclusion that the Submission Version Kings Clipstone Neighbourhood Plan (NP) will not have any significant negative effects on the environment and therefore that a full environmental assessment is not necessary. This determination has been reached by assessing the contents of the submission Version NP against criteria provided in Schedule 1 of the 2004 Regulations.
- 1.3 The Planning and Compulsory Purchase Act 2004 also requires that a Sustainability Appraisal (SA) is prepared for all spatial plans. It is considered best practice to incorporate requirements of the SEA Directive into an SA. The Government has stated that Sustainability Appraisal is not needed for NPs, but has said that it must be demonstrated how the NP contributes to the achievement of sustainable development in the area.
- 1.4 Schedule 2 of the Neighbourhood Planning (General) Regulations 2012 refers to the Habitats Directive. The Directive requires that any plan or project likely to have a significant effect on a European site must be subject to an appropriate assessment. Paragraphs 2 – 5 of Schedule 2 amend the Conservation of Habitats and Species Regulations 2010 so that its provisions apply to NPs. The regulations do state that the making of an NP is not likely to have a significant effect on a site designated at European level for its biodiversity, however, this needs to be ascertained and this can be done at the time the screening opinion is being sought.
- 1.5 The HRA re-screening of the Submission version Kings Clipstone NP has also taken into consideration the ruling of the recent European Court judgement *People over Wind, Peter Sweetman v Coillte Teorantal* (12 April 2018). An Appropriate Assessment of the Newark and Sherwood District Council Publication Amended Core

Strategy (PACS) was completed in June 2018, which concluded that *'the PACS satisfies the Habitat Regulations and this appropriate assessment document has helped to ensure that the PACS and its HRA process remain legally compliant in light of recent case law including the Sweetman ruling of April 2018.'* In light of this Appropriate Assessment for the whole of the Newark and Sherwood Plan Area that includes Kings Clipstone, the fact that the NP does not allocate sites for development and any future development is likely to be small scale in-fill development our initial conclusion is that a full assessment is not necessary. Views of the Environment Agency, Historic England and Natural England will however be sought at part of the consultation process of the NP.

2.0 Scope of Kings Clipstone Neighbourhood Plan

- 2.1 The NP sets out the local planning policy framework for the parish of Kings Clipstone. When the plan is 'made' by the Local Planning Authority it will become part of the Development Plan for the area and will be used to help determine planning applications in Kings Clipstone. The plan has the following vision:

'In 15 years' time, Kings Clipstone Parish will continue to be proud of its heritage which will be reflected in its protected landscape and built environment. It will be a tourist destination and both residents and visitors will be able to visit the Palace site and walk and cycle from the village to the attractions in Sherwood Pines and the Sherwood Forest National Nature Reserve and beyond. The Parish will be a welcoming and thriving community for all ages with community facilities providing indoor and outdoor meeting places. The special landscape which defines the Parish will continue to inspire the community.'

- 2.2 In order to deliver this vision the following community objectives have been identified:

Community Objective 1: Environmental Protection and Enhancement

To maximise the village's environmental assets by protecting and enhancing the natural environment especially it's protected wildlife habitats and diverse ecology.

Community Objective 2: Landscape Character

To protect and enhance the quality of King's Clipstone special and valued landscape character, scenic beauty and traditional buildings within the landscape by retaining the rural, open character of the Plan area and the visual connections with the countryside from public areas.

Community Objective 3: Community Facilities

To ensure that opportunities are maximised to improve the provision of community facilities within the Plan area and encourage the building of a village hall (subject to funding)

Community Objective 4: Tourism

Recognising the valuable economic role tourism plays by promoting development that builds upon the distinctive strengths of the local tourist economy.

Community Objective 5: Development Location Principles

To ensure that development is smaller scale and sensitively located to reinforce the existing linear settlement pattern

Community Objective 6: Non-Vehicular Routes

To protect, enhance and where possible extend walking and cycling routes through and out of the Parish.

Community Objective 7: Housing Design

To ensure that all new development respect local materials, colour patterns, scale and style, so that it enhances, rather than diminishes, the existing character of the Plan area and enables homes of high quality and sustainable design to be constructed.

Community Objective 8: Housing Type

To ensure that future housing development meets the needs of the Neighbourhood for a balanced 'all age' community.

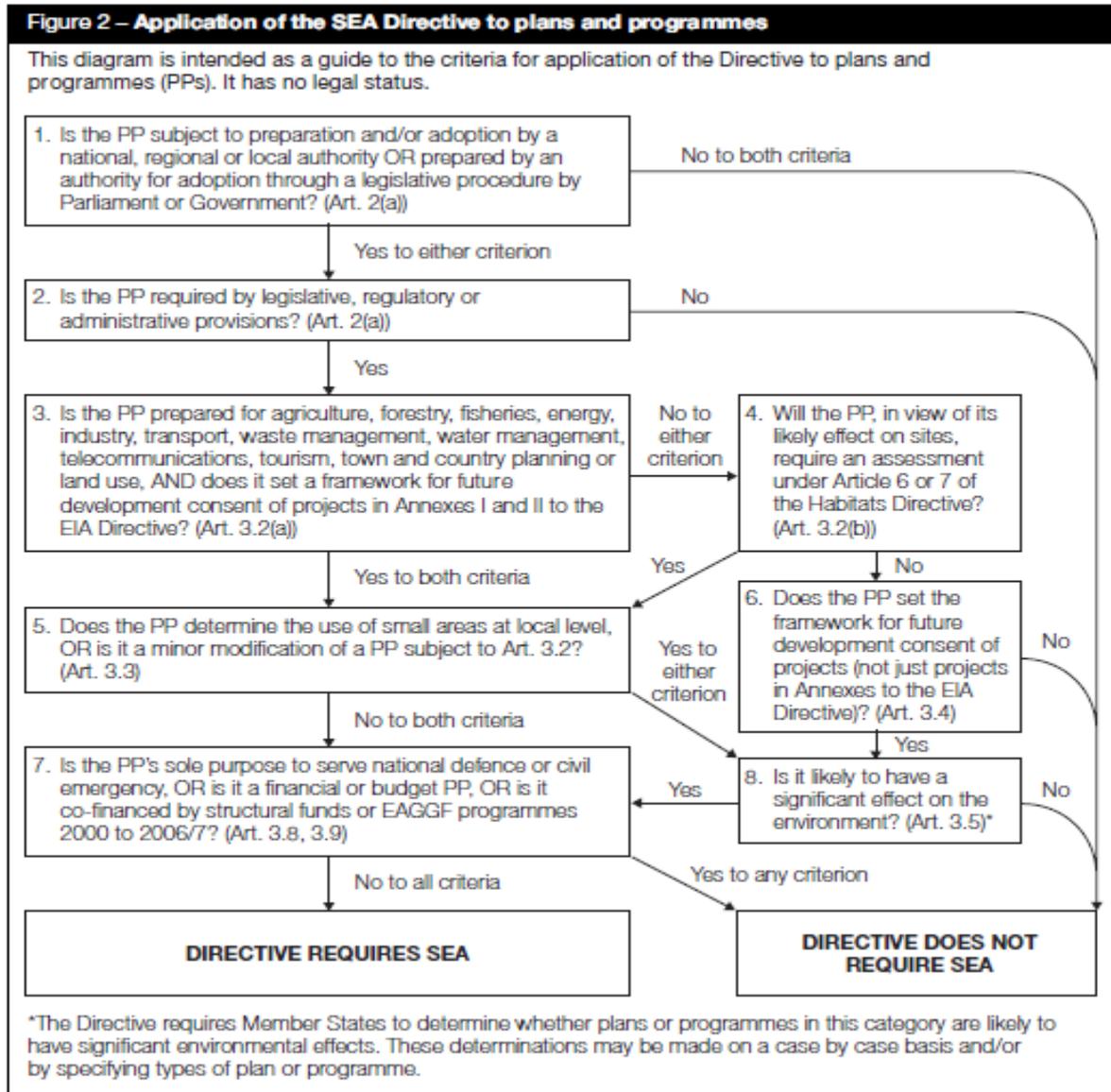
Community Objective 9: Road Safety

To work with Nottinghamshire County Council to seek solutions to the problems of speeding traffic and the lack of a continuous footpath through the village

There are 9 policies in the plan. Although the Plan does not directly allocate sites for development, an area demonstrated at Map 10 of the NP has been flagged as an area where a village hall would be supported. The NP clearly defines the extent of the built up area; there are no sites allocated for development within the Kings Clipstone Parish in the Newark & Sherwood Allocations and Development Management DPD (Adopted July 2013)

3.0 Assessment

3.1 The Government published ‘A Practical Guide to the Strategic Environmental Assessment Directive’ (ODPM 2005), which provides more detailed guidance on how an SEA should be carried out. The diagram below illustrates the process for screening a planning document to ascertain whether a full SEA is required.



3.2 Table 1 below sets out the answer to the question “Does the Kings Clipstone Neighbourhood Plan require a full Strategic Environmental Assessment?” based on following the screening process set out in Figure 1 above.

Table 1: Does the Kings Clipstone Neighbourhood Plan Require a full Strategic Assessment?

Question	Answer
1) Is the plan or programme (PP) subject to preparation and/or adoption by a national, regional or local authority OR prepared by an authority for adoption through a legislative procedure by Parliament or Government? (Art. 2(a))	Yes. The Submission Version Kings Clipstone Neighbourhood Plan is prepared by a qualifying body – namely Kings Clipstone Parish Council with support and advice from the local planning authority. The legislative procedure is set out in ‘The Neighbourhood Planning (General) Regulations 2012’.
2) Is the PP required by legislative, regulatory or administrative provisions? (Art. 2(a))	Communities are encouraged rather than required to develop a Neighbourhood Plan. If a community chooses to develop a neighbourhood plan, there are ‘provisions’ in place that require the neighbourhood plan to be prepared in a formal way.
3) Is the PP prepared for agriculture, forestry, fisheries, energy, industry, transport, waste management, water management, telecommunications, tourism, town and country planning or land use, AND does it set a framework for future development consent of projects in Annexes I and II to the EIA Directive? (Art 3.2 (a))	The PP is prepared for town and country planning or land use, but it does NOT set a framework for future development consent of projects in Annexes I and II of the EIA Directive.
4) Will the PP, in view of its likely effects on sites, require an assessment under Article 6 or 7 of the Habitats Directive? (Art. 3.2(b))	Although the Plan does not directly allocate sites for development, an area demonstrated at Map 10 of the Neighbourhood Plan has been flagged as an area where a village hall would be supported, in addition the NP the area does fall within 15km of Birklands and Bilhaugh SAC and within a 5km buffer from Woodlark and Nightjar breeding areas. (See Appendix 1)
6) Does the PP set the framework for future development consent of projects (not just projects in Annexes to the EIA Directive)? (Art. 3.4)	Yes - The Neighbourhood Plan sets out land use planning policies, and specifically policies which support well designed sustainable development within the village
8) Is it likely to have a significant effect on the environment? (Art. 3.5)	No – See Appendix 2 for details

4.0 Assessment Conclusions for Table 1

4.1 The results of the assessment contained in Table 1 in Section 3 indicate that there are no clear significant negative impacts on the environment resulting from the

policies and proposals contained in the Kings Clipstone Neighbourhood Plan. Therefore it is the opinion of Newark & Sherwood District Council that there is no requirement to conduct an SEA on the NP.

- 4.2 Given that the NP has been prepared within the framework of the existing Development Plans for the District, the Newark & Sherwood Core Strategy, the Allocations & Development Management Development Plan Document (Adopted July 2013) and the emerging Amended Core Strategy (examination in public held 1st and 2nd February 2018), which were subject to Sustainability Appraisal, the District Council does not consider that the NP needs to be subject to the process of Sustainability Appraisal.
- 4.3 The NP area is within 15km distance from a Natura 2000 site and is also within 5km distance from the potential 5km buffer from Woodlark & Nightjar breeding areas. The NP area therefore requires a Habitats Screening Assessment, which can be viewed in Section 5.

5.0 Habitats Regulations Screening Assessment

- 5.1 For the HRA “screening” assessment the Neighbourhood Plan area was checked to see if any Special Protection Areas (SPA), Special Areas of Conservation sites (SAC), or Ramsar sites were located within its area, as well as those considered as potential sites (pSPA, cSAC & pRamsar). The assessment also checked to see if any of these internationally important sites were located within a 15km radius from the Neighbourhood Plan area.
- 5.2 There is one Natura 2000 site covered by the Habitats Regulations in Newark & Sherwood; Birklands and Bilhaugh Special Area of Conservation (SAC). No designated sites were found within the Neighbourhood area; however the southern element of the Birklands & Bilhaugh SAC is located within approximately 3km to the north of the border of the Plan area. This site covers 270.5 hectares, information on its characteristics and designation justification can be viewed using the following link, as well as the information below,

<http://jncc.defra.gov.uk/protectedsites/sacselection/sac.asp?eucode=UK0012740>

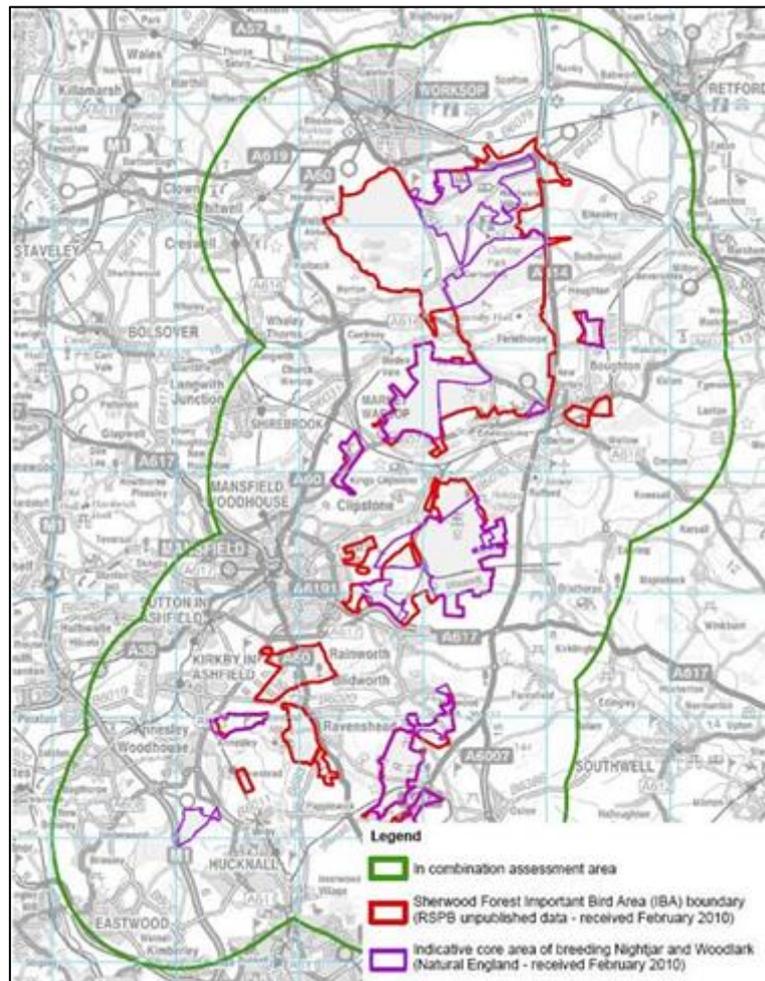
“Annex I habitats that are a primary reason for selection of this site - 9190 Old acidophilous oak woods with Quercus robur on sandy plains

Birklands and Bilhaugh is the most northerly site selected for old acidophilous oak woods and is notable for its rich invertebrate fauna, particularly spiders, and for a diverse fungal assemblage, including Grifoa sulphurea and Fistulina hepatica. Both native oak species, Quercus petraea and Quercus robur, are present, with a mixture

of age-classes, so there is good potential for maintaining the structure and function of the woodland system and a continuity of dead-wood habitats.”

- 5.3 The UK government has identified that the populations of nightjar and woodlark in Sherwood Forest may warrant protection as a SPA. A final decision has not been made and it remains under consideration as part of a UK-wide SPA Review Programme being led by the Joint Nature Conservation Committee.
- 5.4 In 2011, following a Public Inquiry, the Secretary of State decided to refuse to grant planning permission for an Energy Recovery Facility on land at the former Rufford Colliery site at Rainworth. The likely effect on the breeding populations of woodlark and nightjar was a key consideration in the Secretary of State’s decision. The Secretary of State agreed that whilst the application site was not within an area currently identified as a Special Protection Area (SPA), there was merit in following the formal approach required for SPAs.
- 5.5 In their Advice Note dated March 2014 Natural England proposed a risk-based approach to be followed to help futureproof decision-making on plans and projects in case the site is designated in the future. This approach should ideally cover the potential direct, indirect and cumulative impacts which may include, but may not be limited to, the following;
- disturbance to breeding birds from people, their pets and traffic
 - loss, fragmentation and/or damage to breeding and/or feeding habitat
 - bird mortality arising from domestic pets and/or predatory mammals and birds
 - bird mortality arising from road traffic and/or wind turbines
- 5.6 No set boundaries have been defined for the possible potential SPA (ppSPA) however Nottinghamshire Wildlife Trust have produced a map using available evidence to identify current breeding areas and a potential assessment area, this is available to view in the Figure below:

Breeding Areas and Assessment



- 5.7 It is clear that elements of the Plan area may be within close proximity of the borders of the ppSPA. Therefore the assessment at Table 2 has incorporated the risk-based approach proposed by Natural England and considered the impacts of the Policies contained in the Kings Clipstone Neighbourhood Plan on the Sherwood Forest ppSPA.
- 5.8 The Screening Assessment in Table 2 below has considered the main possible sources of effects on the site arising from the Plan, possible pathways to the European site and the effects on possible sensitive receptors in the site. The assessment considers the impacts of the Policies in the Plan directly on the site as these are land use Policies which mostly are expected to have some direct or indirect impact on the local environment.

Table 2: Impact of the Proposed Kings Clipstone Policies on the Birklands and Bilhaugh SAC and the Sherwood ppSPA

Policy of the Kings Clipstone Neighbourhood Plan	Significant effect likely?	Comment
NP1: Sustainable Development	No	<p>This Policy does not directly allocate land for development, its supports sustainable development proposals brought forward within the settlement boundary subject to a number of criteria being met. Although this Policy does support development in the Plan area, which may have some effects on the identified site, these are strongly considered to be small scale local development and will be satisfactorily resolved through the planning application process. It is therefore considered this Policy will have no significant effect on the Birklands & Bilhaugh SAC.</p> <p>It is also considered that this Policy will have no direct effects on the identified breeding areas in relation to the ppSPA.</p>
NP2: Development within the Settlement Boundary		<p>This Policy does not directly allocate land for development but works to support proposals for infill development in Kings Clipstone that are sympathetically designed and subject to a number of criteria being met.</p> <p>Although this Policy does support development in the Plan area, which may have some effects on the identified site, these are strongly considered to be of a local scale and will be satisfactorily resolved through the planning application process. It is therefore considered this Policy will have no significant effect on the Birklands & Bilhaugh SAC.</p> <p>It is also considered that this Policy</p>

		will have no direct effects on the identified breeding areas in relation to the ppSPA.
NP3: Protecting the Landscape Character of Kings Clipstone		<p>This Policy does not allocate land for development in the Plan area. It ensures that the protection and enhancement of the Landscape Character of the area is taken into account when considering development proposals. It is considered to have no effect on the Birklands & Bilhaugh SAC.</p> <p>It is also considered that this Policy will have no direct effects on the identified breeding areas in relation to the ppSPA.</p>
NP4: Design Principles for Residential Development		<p>This Policy does not allocate land for development; it focuses on controlling the design of new housing when it is brought forward within the Plan area. Although this Policy does support development in the Plan area, which may have some effects on the identified sites, these are considered to be of a local scale and will be satisfactorily resolved through the planning application process. It is therefore considered this Policy will have no significant effect on the Birklands & Bilhaugh SAC.</p> <p>It is also considered that this Policy will have no direct effects on the identified breeding areas in relation to the ppSPA.</p>
NP5: Protecting and Enhancing Heritage Assets		<p>This Policy does not allocate land for development in the Plan area. It ensures the protection and enhancement of the heritage assets of the area are taken into account when considering development proposals. It is considered to have no effect on the Birklands & Bilhaugh SAC.</p> <p>It is also considered that this Policy</p>

		<p>will have no direct effects on the identified breeding areas in relation to the ppSPA.</p>
<p>NP6: Conserve and Enhance Cycle, and Walking Routes and Bridleways</p>		<p>This Policy does not directly allocate land for development but works to support proposals in Kings Clipstone to conserve and enhance non-vehicular routes subject to a number of criteria being.</p> <p>Although this Policy does support development in the Plan area, which may have some effects on the identified site, these are strongly considered to be of a local scale and will be satisfactorily resolved through the planning application process. It is therefore considered this Policy will have no significant effect on the Birklands & Bilhaugh SAC.</p> <p>It is also considered that this Policy will have no direct effects on the identified breeding areas in relation to the ppSPA.</p>
<p>NP7: Protect and Enhance the Parish's Biodiversity</p>		<p>This Policy does not allocate land for development in the Plan area. It ensures the protection and enhancement of biodiversity within the area is taken into account when considering development proposals. It is considered to have no effect on the Birklands & Bilhaugh SAC.</p> <p>It is also considered that this Policy will have no direct effects on the identified breeding areas in relation to the ppSPA.</p>
<p>NP8: Enhancing the Provision of Community Facilities</p>		<p>This Policy does not directly allocate land for development, its supports the development of a village hall subject to a number of criteria being met.</p> <p>Although this Policy does support development in the Plan area, which may have some effects on the identified site, these are strongly considered to be small scale local</p>

		<p>development and will be satisfactorily resolved through the planning application process. It is therefore considered this Policy will have no significant effect on the Birklands & Bilhaugh SAC.</p> <p>It is also considered that this Policy will have no direct effects on the identified breeding areas in relation to the ppSPA</p>
<p>NP9: Tourism Development</p>		<p>This Policy does not directly allocate land for development, its supports proposals for tourism development subject to a number of criteria being met.</p> <p>Although this Policy does support development in the Plan area, which may have some effects on the identified site, these are strongly considered to be small scale local development and will be satisfactorily resolved through the planning application process. It is therefore considered this Policy will have no significant effect on the Birklands & Bilhaugh SAC.</p> <p>It is also considered that this Policy will have no direct effects on the identified breeding areas in relation to the ppSPA</p>

6 In Combination Effects

6.1 Existing plans and proposals must be considered when assessing new plans or programmes for likely significant effects as they may create ‘in combination’ effects. For the Kings Clipstone Neighbourhood Plan the existing plans to be considered are NSDC Core Strategy (2011) Allocations and Development Management (2013) and the Amended Core Strategy (Examination in Public held 1st and 2nd February 2018), which have both been through rigorous assessment with regards to their impact on the Birklands & Bilhaugh SAC. The Kings Clipstone Neighbourhood Plan has been produced to be in strategic conformity with these documents. In addition to this, no additional sites above those identified by NSDC are directly allocated for development within the

Plan. Therefore it is considered there is likely to be no in combination effects as a result of the Kings Clipstone Neighbourhood Plan.

6.2 The Kings Clipstone Neighbourhood Plan is also required to be in general conformity with existing strategic policies in NSDC Local Development Framework which has been assessed at a higher level to determine effects on the identified Birklands & Bilhaugh SAC, it is concluded that no significant in-combination likely effects will occur due to the Neighbourhood Plans implementation.

6.3 As set out in Section 7 it is concluded as a result of the above, that the Plan will not lead to a significant effect on the integrity of the Birklands & Bilhaugh SAC and therefore does not require a full HRA to be undertaken.

7. Habitats Regulations Screening Conclusion

7.1 The HRA Screening Assessment concludes that no significant effects are likely to occur with regards to the integrity of the Birklands & Bilhaugh SAC to the north of Farnsfield and the identified breeding areas in relation to the Sherwood Forest ppSPA, due to the implementation of the Plan. As such the Plan does not require a full HRA to be undertaken.

7.2 The main reason for these conclusions are:

- The Plan does not directly allocate any sites for development,
- The development that is supported in the Plan which may have some effect on the environment is determined to be local in scale and these local impacts will be addressed and mitigated at the planning application stage.

Next Stages

7.3 This document will now be the subject of a consultation period with relevant stakeholders, should they agree with the findings of the assessments in this report then no further work will be required with regard to SEA and HRA on the Kings Clipstone Neighbourhood Plan.