

## Mansfield District Council Risk-Based Approach to Determining Likely Significant Effects on Nightjar and Woodlark Populations in the Sherwood Forest Area



The Sherwood Forest area is currently being considered as a possible future Special Protection Area (SPA), a Natura2000 site of European importance. It is being assessed along-side a UK-wide SPA Review Programme led by Defra. If the area is formally proposed as a potential SPA (pSPA) and then classified as a full SPA, planning applications within the vicinity (including those approved but not yet commenced or implemented), would be subject to provisions under the Conservation of Habitats and Species Regulations 2010 (2010 Habitat Regulations). SPAs are classified under Article 4 of the 1979 Birds Directive (79/409/EEC), designated to protect rare and vulnerable bird populations and their habitats; in this case it is Nightjar and Woodlark.

Although the area is currently neither a pSPA or SPA designation, Natural England (NE) still advises that in order to reduce future risks, Local Authorities should satisfy themselves that current planning applications contain *'sufficient objective information to ensure that all potential impacts on the breeding nightjar and woodlark populations have been adequately avoided or minimised'*. In doing so, NE advises that this should be done *'using appropriate measures and safeguards'*, in order to *'ensure that any future need to review outstanding permissions under the 2010 Regulations is met with a robust set of measures in place'* (letter dated 28 June 2010 / updated July 2011).

In addressing the above, NE advises that Local Authorities take a *'risk-based approach'* to forward planning and decision making, such that, development plans and proposals are accompanied by an *'additional and robust assessment of the likely impacts arising from the proposals on any breeding Nightjar and Woodlark in the Sherwood Forest area.'*

In response, the following Decision Tree and associated Appendices have been developed to address the above and thus, highlight and monitor proposals/developments which may pose a likely significant effect(s) on Nightjar and Woodlark and their habitats in the Sherwood Forest area, including direct, indirect and cumulative impacts. It has been produced in consultation with Natural England, Nottinghamshire Wildlife Trust, RSPB and Nottinghamshire County Council.

The Decision Tree is meant to compliment but NOT substitute any requirements for an Environmental Impact Assessment (EIA) or Development Control's Scheme of Validation (e.g. site or desktop survey work required to address biodiversity considerations, etc.). If, by following this flowchart, it is deemed necessary for avoidance, mitigation and/or compensation measures to be addressed, consultation should be sought with Natural England and other relevant bodies.

In the event that a pSPA/SPA is designated, approved (but not yet implemented) planning applications may be subject to an Appropriate Assessment and the need for planning permission to be revoked, modified or alternative locations sought. Please refer to paragraph 63 (review of existing decisions and consents) of the 2010 Regulations ([www.legislation.gov.uk](http://www.legislation.gov.uk)). Failure to apply this Risk-based Assessment may result in the Council (MDC) refusing applications, as MDC cannot ensure that possible impacts on woodlark/nightjar have been adequately addressed.

It is up for the applicant to provide all necessary information, so that Mansfield District Council is confident the Risk-based Assessment can be adequately applied. It is important to note that permission should be avoided for any development located within the combined indicative core areas (ICA) and RSPB important bird areas (IBA) as it is likely to be difficult to avoid or mitigate any likely significant effects.

**Please note:** The Decision Tree and its Appendices (February 2012) are subject to change; the full risk-based approach includes supplement information. Please contact Kira Besh, Sustainable Planning Officer for more information: [kbesh@mansfield.gov.uk](mailto:kbesh@mansfield.gov.uk) or 01623 463195.



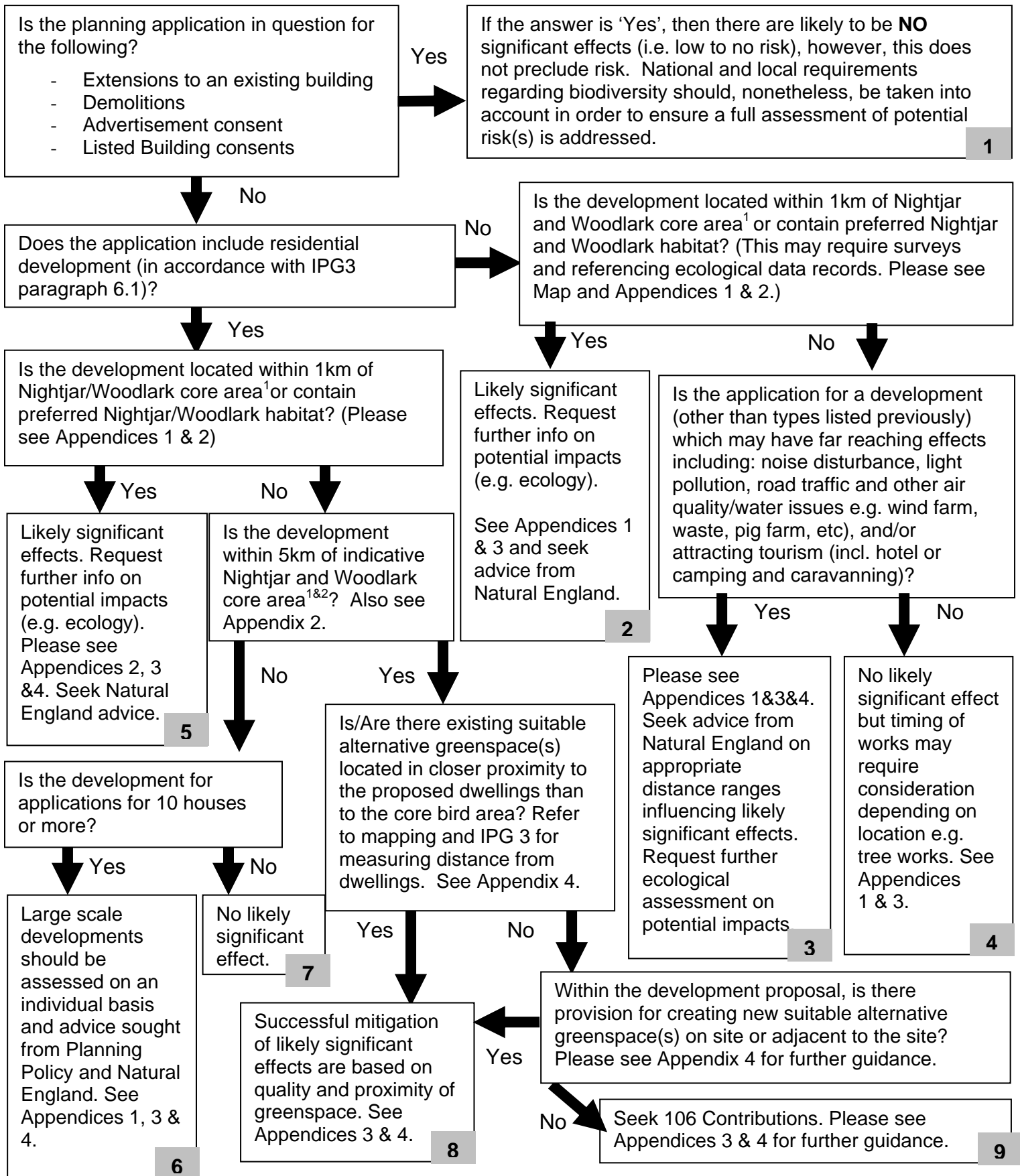
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## STEP 1 - Decision Tree

### **Assessing the risk of development in Mansfield District on Nightjar and Woodlark**

This Decision Tree is to be used when evaluating planning applications. Where a significant effect is likely to occur, potential cumulative effects will also need to be addressed. If a possible likely significant effect is highlighted, relevant information (e.g. surveys) and adequate measures should be sought as part of the planning application process. Appendix 3 is designed to evaluate possible impacts and record actions taken.



For Reference 1, please refer to associated maps. For references on distance thresholds, please refer to Appendix 3.

